

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 11, 2014 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Klejka called the meeting to order at 6:30 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present: Mayor Joseph Klejka, Council Member Eric Whitney, Council Member Leif Albertson, Council Member Heather Pike, Council Member Sharon Sigmon (participated telephonically, connected at 6:40p), Council Member Mark Springer (participated telephonically, connected at 8:37p then arrived in person at 8:55p)

Members Absent were:
Vice-Mayor Rick Robb

Also in attendance were the following:
City Clerk Lori Strickler, City Manager Lee Foley, City Attorney Patty Burley

IV. PEOPLE TO BE HEARD

Beverly Hoffman- Stated the City of Bethel seemed decisive and upset due to some recent activities regarding employment of relatives; feels, there is a lot of frustration surrounding this issue. Agrees there should be a policy in place to allow for the employment of relatives that would allow a situation similar to the one the City is currently facing. Requested the City Council to take a look at other municipal codes to see what would work for Bethel.

George Young, Fire Chief- Having worked for the City for 34 years, has never come to a council meeting to support a standing boss. There are a lot of concerns within the City organization right now, the employees need answers. The City Manager and the Finance Director have brought the Council a balanced budget as well as five good audits.

Stan Corb- Supported of Lee Foley, as the City Manager. Hopes the City Council can find a way to resolve the issue of employment of relatives to keep the City Manager employed.

Harry Faulkner- This Council has pressured the Chief of Police to a point of resignation; the Council is doing the same with the City Manager. The City of Bethel is a partner with his seven businesses in town; if the City of Bethel isn't functioning, then his businesses can't function.

Bill Howell- Agreed with many of the statements made by the others that have spoken before the Council. Good leadership is very hard to find in the City; cautioned the Council that finding a good City Manager is very difficult in the community. Going into this year's budget is going to be hard; we are looking at least a one million dollar short fall. Lee Foley has presented the Council with a balanced budget every year he has worked in the City Manager role.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: To approve the Consent and Regular Agenda.

Moved by:	Pike
Seconded by:	Whitney
Action:	Motion carried unanimously by a vote of 4-0
In favor:	Klejka, Whitney, Albertson and Pike
Opposed:	None

VI. APPROVAL OF THE MEETING MINUTES

Item A- 1-28-2014 Regular City Council Meeting.
Passed on the consent agenda.

Item B- 2-1-2014 Special City Council Meeting
Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A- Port Commission –
Port Director, Pete Williams-
The north side ramp is ready for inspection.

Item B- Planning Commission –
Planning Director, Rachael Pitts –
A meeting was not held due to a lack of a quorum.

Item C-Public Safety and Transportation Commission-
George Young, Fire Chief-
A meeting was not held due to a lack of a quorum.

Item D-Energy Committee –
Sharri Salyers, Energy Recorder-
A meeting was not held, the Committee does not have enough members
to meet a quorum.

Item E-Public Works Committee-
Council Representative, Mayor Joseph Klejka
No update available.

Item F- Finance Committee-
Finance Director, Hansel Mathlaw –
A meeting has not been held since the last City Council meeting.

Item G-Parks and Receptions Committee-
Council Representative, Eric Whitney-
Working on a recommendation to the Council for tobacco free parks.

VIII. SPECIAL ORDER OF BUSINESS

Item A- Proclamation Distinguished Service Award Recognizing Gene
Peltola Sr.

IX. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 14-04: Amending The Bethel
Municipal Code Section 8.10 Smoking Pollution Control, Violations And
Penalties.

Mayor Klejka opened the public hearing.

No one wished to be heard.

Mayor Klejka closed the public hearing.

Main Motion: A motion to adopt Ordinance 14-04.

Moved by:	Whitney
Seconded by:	Albertson
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

Item B- Public Hearing Of Ordinance 14-05: Amending Bethel Municipal Code Section 6.04 Licensing And Impoundment, Penalties.

*Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.*

Main Motion: Motion to adopt Ordinance 14-05.

Moved by:	Whitney
Seconded by:	Albertson
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

Item C- Public Hearing Of Ordinance 14-06: Amending Bethel Municipal Code Section 5.20 General Provisions, Penalties.

*Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.*

Main Motion: A motion to adopt Ordinance 14-06.

Moved by:	Whitney
Seconded by:	Albertson
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

X. NEW BUSINESS

Item A- Introduction Of Ordinance 14-07: Repealing And Replacing Bethel Municipal Code Section 30.64.050 Employment of Relatives.
Passed on the consent agenda.

Item B- Introduction Of Budget Ordinance 13-12 (b): Amending The FY 2014 Budget Moving Funds From The Seawall Maintenance Account To The Port Operating Budget.
Passed on the consent agenda.

Item C- AM 14-12: Directing Administration To Enter Into An Agreement With The State Of Alaska Community And Economic Development To Have A Rural Utility Business Advisor Assessment Performed For The City.

Main Motion: Approve AM 14-12.

Moved by:	Whitney
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Seconded by:	Pike
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

Item D- AM 14-13: Approving Mayor Klejka's Appointment Of Mary Weiss To The Energy Committee.
Passed on the consent agenda.

Item E- AM 14-14: Approving The Transfer By The Alaska Energy Authority Of The Alternative Energy Feasibility Study Grant And Bethel Wind Farm Grant To The Alaska Village Electric Cooperative.

Main Motion: Motion to approve AM 14-14.

Moved by:	Pike
Seconded by:	Whitney
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

Item F- AM 14-15: Appointment Of Naim Sabani To The Public Safety And Transportation Commission.
Passed on the consent agenda.

Item G- AM 14-16: Directing The City Manager To Enter Into A Contract Between The City Of Bethel And DOWL HKM For Project Management For The Small Boat Harbor, Bank Stabilization Project.

Main Motion: Motion to approve AM 14-16.

Moved by:	Whitney
Seconded by:	Pike
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

Item H- AM 14-17: City Clerk's Personal Time Off Request For February 14, 2014.
Passed on the consent agenda.

Item I - AM 14-18: Directing The City Manager To Terminate The Memorandum Of Agreement Between The City Of Bethel And Sutton Business Solutions Dated 12/20/2013, Terminate The Undated Amendment Between The City Of Bethel And Sutton Business Solutions

LLC, And Terminate Any Other Business Agreements Between The City Of Bethel And Mr. Bobby Sutton.

Item J- AM 14-19: Administrative Leave Request For City Attorney To Attend Training May 1 and 2, 2014.
Passed on the consent agenda.

Item K - Presentation Of The Three Options To Connecting The State Highway To Ptarmigan.

Direct the City Manager to determine more detailed financial costs for road option one –Around H-Marker Lake to Tundra Ridge Road.

Main Motion:

Moved by:	Whitney
Seconded by:	Pike
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Whitney, Sigmon, Albertson and Pike
Opposed:	None

Item L - Determination Of The Processes, Cost and Time Frame Of An Independent Auditor Or Investigator To Review City Contracts Personnel Policies And Budgets Associated With Each And Potential Direction To City Clerk And City Attorney To Hiring An Independent Auditor Or Investigator For Said Review.

Hire the auditing firm to do a forensic audit to review the personnel policy and contracts that have been performed over the past year to include the third party attorney firm to work in conjunction with the third party auditing firm.

Main Motion:

Moved by:	Sigmon
Seconded by:	Whitney
Action:	Motion failed by a vote of 1-4
In favor:	Sigmon
Opposed:	Klejka, Whitney, Albertson and Pike

Primary Amendment 1:

Strike "forensic audit" and to insert "personnel policy" and procedures within the City and to make recommendations and to set a maximum limit of \$10,000 for the services.

Moved by:	Whitney
Seconded by:	Sigmon
Action:	Motion failed by a vote of 2-3
In favor:	Whitney and Sigmon
Opposed:	Klejka, Albertson and Pike

Motion: Table the motion.

Moved by:	Albertson
Seconded by:	Whitney
Action:	Motion failed by a vote of 2-3
In favor:	Albertson, Whitney
Opposed:	Klejka, Sigmon and Pike

Council Member Springer connected to the meeting via telephone at 8:37p.

XII. MAYOR'S REPORT

XIII. MANAGERS REPORT

XIV. CITY CLERK'S REPORT

XV. COUNCIL MEMBER COMMENTS

Council Member Springer-
Reiterated the statements made by the rest of the City Council Members have made.

Council Member Sigmon-
Appreciate every one of the council members; the group is working very hard to make sure the City runs as transparent as possible. There are a number of issues that have come to the attention of the Council and they are working as a group to make sure the City is moving in the best direction.

Council Member Albertson-
A lot of concerned citizens came to speak to the City Council; wanted to assure the public that the Council is moving very cautiously on the many issues that they have been faced with.
Would like to correct a statement made by a member of the public that the council pressured the Chief of Police to resigning. Appreciated the service provided by Chief Larry Elarton.

Council Member Pike-
Reminded the public that as elected officials, there is always the burden of truth. The Council is doing their best to service the public and the Council is working very hard to do what is best for the community.

Mayor Klejka-
It has been turbulent times, thanked Mr. Gene Peltola for his long friendship and mentorship, after the death of his father, would like to

express his sincere appreciation to the many people that provided support to him and his family.

One issue that has been hard but necessary for the City Council to deal with is the employment of the hiring of relatives. It is important for the Council to make the right decisions on these difficult issues.

Appreciates the many people that came to speak to the Council tonight. The Jr. Iditarod is in a week and it has been difficult training without any snow.

Council Member Whitney-

Agreed with Council Member Albertson's comments, the Council is doing what they have to do to insure the City is moving in the right directions.

Commented on an item listed in the Public Works Director's report, if you have an oversize load, please don't place it in the dumpsters.

XVI. EXECUTIVE SESSION

Item A- Executive Session Per Alaska Statutes 44.62.310 C. 1. To Discuss (1) Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity-Contracts And Personnel Management.

Move into Executive Session to discuss:

Per Alaska Statutes 44.62.310 C. 1. To Discuss (1) Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity-Contracts And Personnel Management. Individuals that may be participating in the executive session are City Attorney Burley and City Manager Foley.

Main Motion:

Moved by:	Pike
Seconded by:	Whitney
Action:	Motion carried unanimously by a vote of 6-0
In favor:	Klejka, Whitney, Sigmon, Albertson, Springer and Pike
Opposed:	None

Council Member Springer disconnected from his telephonic participation.

Council entered into executive session at 8:46p.

Council Member Springer arrived in person at 8:55p.

Council exited executive session at 11:08pm.

Item B- Executive Session To Discuss The Annual Evaluation Of The City Manager As Per Alaska Statutes 44.62.310: Personnel Matters (Unless the Person Has Requested To Have The Subjects Discussed In Public) Or Subjects That Tend To Prejudice The Reputation And Character Of A Person.

Direct the City Attorney to employ outside counsel for the City Council, not to exceed a cost of \$40,000 to investigate City contracts and agreements regarding 1) demolition of the old police station 2) agreements with Bobby Sutton up to and including the Personnel Action Request beginning March 2013 through his employment as finance director and his post city employment as a consultant 3) agreements and leases for use of the City airport sandpit by private entities 4) financial accounting of leave use by salaried employees not covered by the collective bargaining agreement for the period of 12 months 5) Investigation of employee complaints regarding inappropriate intimidation of employees by supervisors 6) Hire outside council to review and advise city council on the existing violation with regard to the Bethel Municipal Code section 3.64.050, Employment of Relatives.

Main Motion: The line item to be charged for this will be 10-51-642.

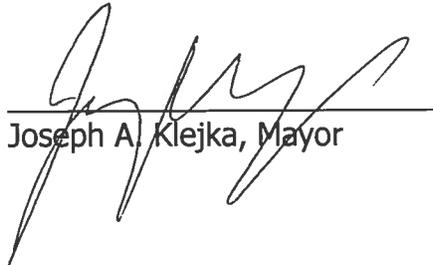
Moved by: Springer
Seconded by: Pike
Action: Motion carried unanimously by a vote of 6-0
In favor: Klejka, Whitney, Sigmon, Albertson, Springer and Pike
Opposed: None

XVII. ADJOURNMENT

Main Motion: Adjourn.

Moved by: Springer
Seconded by: Pike
Action: Motion carried unanimously by a vote of 6-0
In favor: Klejka, Whitney, Sigmon, Albertson, Springer and Pike
Opposed: None

The City Council adjourned at 11:22p.



Joseph A. Klejka, Mayor



Lori Strickler, City Clerk