

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 24, 2015 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Richard Robb 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 Rick Robb, Council Member Chuck Herman, Council Member Byron Maczynski, Council Member Zach Fansler, Council Member Mark Springer, Vice-Mayor Leif Albertson and Council Member Heather Pike

Also in attendance were the following: City Attorney Patty Burley (participated telephonically), City Manager Ann Capela and City Clerk Lori Strickler

IV. PEOPLE TO BE HEARD

David Trantham Jr.-
Stated his distaste to a letter received by the then, acting City Manager, regarding the use of the Territorial Memorial Guard Park funds granted to the ATG Memorial Park Board through the City of Bethel. Requested the Council consider releasing the full investigative report from 2014. Presented to the council an award presented to him as well as the other members of the ATG Memorial Park Board for their outstanding service in the establishment of the park.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: To approve the Consent and Regular Agenda.

Moved by: Pike

Seconded by: Maczynski

Action: Motion carries by a vote of 7-0

In favor: Fansler, Herman, Maczynski, Pike, Albertson, Springer and Robb

Opposed: None

**Removal from
the consent
agenda:**

Resolution 15-05 from the consent agenda.

Moved by: Springer

**Primary
Amendment:**

Postpone Ordinance 15-05.

Moved by: Springer

Seconded by: Pike

Action: Motion carries by a vote of 7-0

In favor: Fansler, Herman, Maczynski, Pike, Albertson, Springer and Robb

Opposed: None

**Removal from
the Consent
agenda:**

Introduction Of Ordinance 14-14 (h).

Moved by: Robb

**Primary
Amendment:**

Postpone the KYUK Appeal Hearing on the Denial of a Public Request for Information.

Moved by: Springer

Seconded by: Herman

Action: Motion carries by a vote of 7-0

In favor: Fansler, Herman, Maczynski, Pike, Albertson, Springer and Robb

Opposed: None

**Primary
Amendment:**

Strike from the agenda Ordinance 15-03 and the corresponding Public Hearing.

Moved by: Herman

Seconded by: Pike

Action: Motion does not carry by a vote of 2-5

In favor: Springer and Maczynski

Opposed: Albertson, Pike, Robb, Fansler, and Herman

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting February 10, 2015.
Passed on the consent agenda.

Item B – Special City Council Meeting February 10, 2015.
Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A – Public Safety and Transportation Commission

Council Representative Chuck Herman –
A meeting was not held due to a lack of a quorum.

Item B – Port Commission

Pete Williams, Port Director –
Working on some title changes to the BMC.
Reviewed the Port budget.

Item C – Planning Commission

Council Representative, Heather Pike –
Next meeting will be March 12.
The Commission is in need of a volunteer to fill the Commission vacancies.

Item D – Parks and Recreations Committee

Richard Robb, Council Representative –
A meeting will be held on Monday. They will consider dog park options, a park development plan and activities for youth.

Item E – Finance Committee

Hansel Mathlaw, Finance Director –
Review of the City’s Audit.
Sales tax collection.

Item F – Public Works Committee

Byron Maczynski, Council Representative –
Discussed landfill policies.
Provided the Council with a recommendation, requesting the City Administration write a letter to the Governor to open H Marker road.
Working on funding options to update the sewer lagoon.

Incidental Motion: Suspend the rules to hear from the Grant Development Manager, John Sargent, on the Sewer Lagoon.

Moved by:	Maczynski
Seconded by:	Pike
Action:	Motion carries by a vote of 7-0
In favor:	Fansler, Herman, Maczynski, Pike, Albertson, Springer and Robb
Opposed:	None

Item G – Energy Committee

Zach Fansler, Council Representative –
A meeting has not been held since the last City Council meeting.

Item H – Non Standing Committee
No report.

VIII. SPECIAL ORDER OF BUSINESS

Item A – USA Pool Update On The YK Regional Aquatic Training and Health Center.
Raunika Ray, USA Pool Representative -
Provided some budget numbers to the Council indicating the budget expectations are remaining steady.
There will be a spring camp at the facility.
LKSD will begin their group agreement in March.

IX. UNFINISHED BUSINESS

Item A – Public Hearing of Ordinance 15-03: Prohibiting The Consumption, Use, Possession, Transfer, Display, Transportation, Sale Or Growth Of Marijuana In A Public Place.

Mayor Robb opened the public hearing.

Eric Middlebrook – Spoke in opposition to the Ordinance, stating the city shouldn't be responsible for rewriting state law.

David Trantham Jr. – Spoke in opposition to the ordinance, it doesn't provide for appeal rights if accused of violating the ordinance. Requested the Council hold a number of public hearings on this issue prior to taking action. Requested the Council add a fiscal not to each of the marijuana ordinances presented to the Council. He believes after some research, the City will have to expend \$50,000 for the enforcement of this ordinance. Pointed out to the Council, the sales tax code is not enforcing the sales tax code; if the City would enforce the sales tax code, they would have a lot more profit.

Mayor Robb closed the public hearing.

Main Motion: Adopt Ordinance 15-03.

Moved by:	Albertson
Seconded by:	Fansler
Action:	Does not carry by a vote of 0-7
In favor:	None
Opposed:	Fansler, Herman, Maczynski, Pike, Albertson, Springer and Robb

Item B – Public Hearing of Ordinance 15-04: Prohibiting The Consumption Of Marijuana On City Owned Property.

Mayor Robb opened the public hearing.

David Trantham Jr. – Requested the Council consider putting a fiscal note in with this ordinance to provide the Police Department and Administration the tools they need to carry out the enforcement of this ordinance. Pointed out the ordinance does not have an appeal process listed for those individuals who are accused of a violation.

Eric Middlebrook – Spoke in opposition to the ordinance as written. The ordinance indicates the worst place to get caught smoking marijuana will be on municipal property. Ultimately, if someone gets caught smoking on City property they would be imposed a fine of \$500 as opposed to \$100 if caught on State property. Believes, if the City doesn't pass this ordinance they will be able to accomplish the same goal through other means.

Mayor Robb closed the public hearing.

Main Motion: Adopt Ordinance 15-04.

Moved by:	Albertson
Seconded by:	Springer
Action:	Does not carry by a vote of 2-5
In favor:	Fansler and Albertson
Opposed:	Springer, Robb, Pike, Maczynski and Herman

Primary Amendment: Amend Section 8.11, Subsection C. to strike "\$500" and insert "\$100."

Moved by:	Pike
Seconded by:	Herman
Action:	Motion carries by a vote of 5-2
In favor:	Herman, Maczynski, Pike, Springer and Robb
Opposed:	Fansler and Albertson

Secondary Amendment: Amend Section 8.11, Subsection C. to strike "up to."

Moved by:	Herman
Seconded by:	Pike
Action:	Motion carries by a vote of 6-1
In favor:	Herman, Maczynski, Pike, Albertson, Springer and Robb
Opposed:	Fansler

Primary Amendment: Amend 8.11 Subsection A, to insert "possess, transfer, transport" and after property add "not otherwise described in"

3AAC 304.990."

Moved by: Springer
Seconded by: Fansler
Action: Does not carry by a vote of 2-5
In favor: Springer and Fansler
Opposed: Albertson, Pike, Robb, Herman and Maczynski

Primary Amendment: Amend the Title of the Ordinance to insert "Use, Display, Distribution, Sales and Growth" after "Consumption."

Moved by: Albertson
Seconded by: Fansler
Action: Carries by a vote of 5-2
In favor: Albertson, Robb, Herman, Fansler and Maczynski
Opposed: Springer and Pike

Item C – KYUK Appeal Hearing On The Denial Of A Public Request For Information.
Postponed until the next meeting.

X. NEW BUSINESS

Item A – Resolution 15-05: Federal Support Requests.

Main Motion: Adopt Resolution 15-05.

Moved by: Springer
Seconded by: Maczynski
Action: Motion carries by a vote of 7-0
In favor: Springer, Robb, Albertson, Herman, Maczynski, Pike and Fansler
Opposed: None

Primary Amendment: Amend the fifth whereas statement to strike "deep" and insert "Alaska's arctic river sea port."

Moved by: Springer
Seconded by: Pike
Action: Motion carries by a vote of 6-1
In favor: Springer, Robb, Albertson, Maczynski, Pike and Fansler
Opposed: Herman

Primary Amendment: Amend to strike the last two whereas statement and the last now therefore be it resolved statement.

Moved by: Springer
Seconded by: Fansler
Action: Motion carries by a vote of 5-2
In favor: Herman, Albertson, Fansler, Springer and Pike
Opposed: Robb and Maczynski

Primary Amendment: Amend to strike the Second to last No therefore be it resolved to strike "fueled by North Slope natural gas."

Moved by: Fansler
Seconded by:
Action: Does not carry due to a lack of a second.
In favor:
Opposed:

Item B – Introduction Of Budget Ordinance 14-14 (h): Amending The FY15 Budget – Water Treatment Equipment And Ladders Of Opportunity Grant.

Main Motion: Introduce Ordinance 14-14 (h).

Moved by: Springer
Seconded by: Fansler
Action: Motion carries by a vote of 7-0
In favor: Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed: None

Main Motion: Suspend the rules to hear from the Public Works Director.

Moved by: Springer
Seconded by: Herman
Action: Motion carries by a vote of 7-0
In favor: Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed: None

Main Motion: Strike 10-72-693, Transfer to Grant Match in the amount of \$10,624.

Moved by: Albertson
Seconded by: Pike
Action: Motion does not carry by a vote of 1-6
In favor: Albertson
Opposed: Herman, Robb, Maczynski, Fansler, Springer and Pike

Main Motion: Suspend the rules to hear from the Finance Director, Hansel Mathlaw.

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 7-0
In favor: Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed: None

Item C – Introduction Of Ordinance 15-05: Amending The City Of Bethel Terminal Tariff.

Postponed until the next meeting.

Item D – AM 15-09: Approving The Special City Council Meeting Date For Budget Preparation.

Main Motion: Approve AM 15-09.

Moved by:	Springer
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed:	None

Item E – AM 15-09: Appointing Thomas Oosterman To The Port Commission.

Main Motion: Approve AM 15-09.

Moved by:	Fansler
Seconded by:	Pike
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed:	None

Item F – Contract Amendment Between The City Of Bethel And Sattler Strategies.

Main Motion: Approve the proposed amendment to the Contract between the City of Bethel and Sattler Strategies.

Moved by:	Springer
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed:	None

Item G – Personal Time Off For The City Attorney, March 5, 6 and 9, 2015.
Passed on the consent agenda.

- XI. MAYOR'S REPORT**
- XII. MANAGER'S REPORT**
- XIII. CLERK'S REPORT**
- XIV. COUNCIL MEMBER COMMENTS**

Council Member Zach Fansler-

Thanked everyone who came out to speak under people to be heard.
It is crazy weather, enjoy it while it's warm and enjoy it when it gets cold.

Council Member Chuck Herman-

If you are interested in public safety and or transportation, the Commission has vacancies.

Council Member Mark Springer –
Good wrap up on the trip to Juneau. One of the representatives suggested there is going to be between 6,000 and 10,000 state jobs cut in the budget.
Thanked the public works department for their work on the roads.

Council Member Byron Maczynski –
No comment.

Council Member Pike –
It's a good day to be in Alaska, glad to see some of the laws have been simplified.
Hoped the community and state will become a little more understanding to medicinal patients.
Provided condolences to the families of the girl found deceased today.
Wear your reflective gear, it is still dark outside.

Vice-Mayor Albertson –
No comment.

Mayor Richard Robb –
There were good meaningful discussions on marijuana laws. Today is the day that marijuana becomes legal in the state of Alaska. The City will be struggling through regulations as we move forward but we will work hard to do what is right for our community.

XV. EXECUTIVE SESSION

- a. AS 44.62.310 (c) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity-Potential Litigation: Real-estate Taxes.
OR WRITE OUT AS PER AGENDA WORDAGE:
- b. Alaska Statutes 44.62.310 (c) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity-City Of Bethel, Collective Bargaining Agreement And Discussion Of Negotiation Actions

Main Motion: Go into executive session City Attorney and City Manager.

Moved by:	Springer
Seconded by:	Herman
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed:	None

Council Member Maczynski departed the meeting at 9:55p.

XVI. ADJOURNMENT

Main Motion: Adjourn

Moved by: Springer
Seconded by: Albertson
Action: Motion carries by a vote of 7-0
In favor: Herman, Albertson, Robb, Maczynski, Fansler, Springer and Pike
Opposed: None

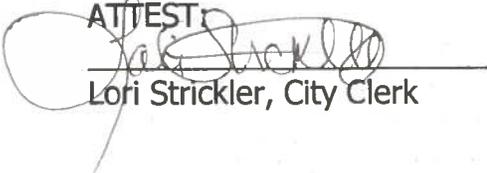
Council adjourned at 10:35 p.m.



Richard Robb, Mayor

6-27-13

ATTEST:



Lori Strickler, City Clerk