

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on August 23, 2016 at 6:30 p.m., in the council chambers, Bethel, Alaska.

Vice-Mayor Richard Maczynski called the meeting to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski	<input checked="" type="checkbox"/> Council Member Mary Weiss
<input checked="" type="checkbox"/> Council Member Alisha Welch	<input checked="" type="checkbox"/> Mayor Rick Robb
<input checked="" type="checkbox"/> Council Member Leif Albertson	(arrived at 8:20 p.m., participated telephonically)
<input checked="" type="checkbox"/> Council Member Zach Fansler	
Members Absent:	
<input checked="" type="checkbox"/> Council Member Nikki Hoffman	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Attorney Patty Burley	<input checked="" type="checkbox"/> City Clerk Lori Strickler
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> Assistant To City Clerk Adriane Welch

IV. PEOPLE TO BE HEARD

Beverly Hoffman – Provided a summary of the Parks/Pool Committees Action Memorandum #16-51; additionally, provided support to the Council’s action on Action Memorandum #16-53.

Jody Drew, Chair of the Energy Committee – Provided a summary explanation on the Energy Committee’s Introduction of Ordinance 16-25.

Dave Trantham Jr. – Provided frustration to the Council on the letter he received from the Acting City Manager in 2014 but acknowledges that the current administration releases exonerated the Territorial Guard Board Committee of any wrong doing.

Anthony Nelson – Provided support to Resolution 16-26, Protesting the issuance of a State of Alaska Restaurant and Eating Place Liquor License to Snack Shack.

Mary Nanuwak – Supported the Council for all of their hard work, it isn't an easy job. Provided support to Zach Fansler in his State House win. Stressed to the Council the important that they play their part in reducing drug and alcohol abuse in the community.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion:	Approve the Consent and Regular Agenda.
Moved by:	Welch
Seconded by:	Weiss
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Weiss
Opposed:	-0
Removal from the Consent Agenda:	Remove New Business Item A, B, and C from the Consent Agenda.
Moved by:	<input checked="" type="checkbox"/> Albertson

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting August 9, 2016
Passed on the consent agenda.

Item B – Special City Council Meeting August 12, 2016
Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Public Safety and Transportation Commission –
Council Representative, Mary Weiss–
A meeting has not held since the last City Council Meeting.

Port Commission –
Council Representative, Alisha Welch –
A meeting was not held due to a lack of a quorum.

Planning Commission –
No one available to provide a report.

Parks and Recreation Committee –

No one available to provide the report.

Finance Committee –

Council Representative, Leif Albertson –

Reviewed an amendment to the Sales Tax Code which will be presented to the Council in the near future.

Energy Committee –

Council Representative, Zach Fansler –

A meeting was not held due to a lack of a quorum.

Public Works Committee –

Public Works Director Zef Lakhani –

IC project was discussed as well as the Water Quality Report.

Marijuana Advisory Committee –

Council Representative, Zach Fansler–

A meeting has not been held since the last City Council Meeting.

VIII. UNFINISHED BUSINESS

Item A – Public Hearing of Budget Modification 16-17 (a): A Budget Modification Amending The Fiscal Year 2017 Budget – Sales Tax Audits.

Vice-Mayor Maczynski Opened the Public Hearing.

No one present to be heard.

Vice-Mayor Maczynski Closed the Public Hearing.

Main Motion: Adopt Budget Modification 16-17 (a).

Moved by: Welch

Seconded by: Weiss

Action: Motion carries by a vote of 5-0

In favor: Maczynski Albertson Fansler Welch Weiss

Opposed: -0

Editor’s Note, the Ordinance presented did not reflect the amendment made and approved at the last City Council meeting to strike \$20,000.00 and insert \$15,000.00.

Item B – Public Hearing Of Ordinance 16-22: Amending Bethel Municipal Code 18.36.030 To Add Indoor And Outdoor Marijuana Cultivation Facilities.

Vice-Mayor Maczynski Opened the Public Hearing.

No one present to be heard.

Vice-Mayor Maczynski Closed the Public Hearing.

Main Motion: Adopt Ordinance 16-22.

Moved by: Welch
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Amend to reflect the changes provided by the City Attorney: to insert under 18.20.030 Conditional Uses A 3, Agricultural uses, "to include marijuana cultivation facilities" and "18.20.070 Minimum requirements for marijuana cultivation facilities, A. Indoor cultivation facilities must be fully enclosed and secure. If the facilities will be a greenhouse, in addition to the need to be fully enclosed and secure, the greenhouse must have rigid walls, a roof and doors.

Primary Amendment:

B. Outdoor cultivation facilities must be obscured from public view either by a sight obscuring wall or a fence at least six feet in height".

Moved by: Fansler
Seconded by: Welch
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Item C – Public Hearing Of Ordinance 16-23: Amending Bethel Municipal Code 18.36.030 To Add Indoor Marijuana Cultivation Facilities, Standard Marijuana Product Manufacturing, Marijuana Testing Facilities, And Marijuana Retail Stores.

Vice-Mayor Maczynski Opened the Public Hearing.

No one present to be heard.

Vice-Mayor Maczynski Closed the Public Hearing.

Main Motion: Adopt Ordinance 16-23.

Moved by: Weiss
Seconded by: Welch
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Incidental

Motion: Suspend the rules to hear from the Planning Director, Ted Meyer.

Moved by: Welch
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Amend to reflect the changes provided by the Planning Director:
Under the fourth whereas statement strike "~~standard marijuana product manufacturing facilities;~~" strike under therefore be it Ordained "~~standard marijuana product manufacturing facilities~~" strike under 18.36.030 Conditional Uses, "~~G. Standard Marijuana Product Manufacturing Facilities (manufacture, refine, process, cook, package, label, or store marijuana product. NO production of marijuana concentrate is allowed).~~"

Primary Amendment:

Moved by: Fansler
Seconded by: Welch
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Amend to reflect the changes provided by the City Attorney:
Insert "18.36.070 Minimum Requirements for Marijuana Facilities,
A. Indoor cultivation facilities must be fully enclosed and secure. If the facilities will be a greenhouse, in addition to the need to be fully enclosed and secure, the greenhouse must have rigid walls, a roof and doors.
B. Outdoor cultivation facilities must be obscured from public view either by a sight obscuring wall or a fence at least six feet in height".

Primary Amendment:

Moved by:	Fansler
Seconded by:	Welch
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Weiss
Opposed:	-0

Item D – Public Hearing Of Ordinance 16-24: Amending Bethel Municipal Code 18.36.030 To Add Indoor And Outdoor Marijuana Cultivation Facilities, Standard Marijuana Product Manufacturing, Marijuana Testing Facilities, And Marijuana Concentrate Manufacturing Facilities.

Vice-Mayor Maczynski Opened the Public Hearing.

No one present to be heard.

Vice-Mayor Maczynski Closed the Public Hearing.

Main Motion: Adopt Ordinance 16-24.

Moved by:	Welch
Seconded by:	Weiss
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Weiss
Opposed:	-0

Amend to insert under 18.40.030 Conditional Uses, "B. Marijuana Cultivation Facilities (indoor and outdoor); C. Standard Marijuana Product Manufacturing Facilities; D. Marijuana Concentrate Manufacturing Facilities" and strike "Standard marijuana product manufacturing facilities (manufacture, refine, process, cook, package, label, or store marijuana product.

Marijuana concentrate manufacturing facility (production of marijuana concentrate only)"

And insert "18.40.070 Restrictions on Marijuana Facilities

A. Indoor cultivation facilities must be full enclosed and secure. If the facility will be a greenhouse, in addition the need to be fully enclosed and secure, the greenhouse must have rigid walls, a roof and doors.

B. Outdoor cultivation facilities must be obscured from public view either by a sigh-obscuring wall or a fence at least six feet in height".

Primary Amendment:

Moved by:	<u>Welch</u>
Seconded by:	<u>Weiss</u>
Action:	<u>Motion carries by a vote of 5-0</u>
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Weiss

Opposed: | -0

IX. NEW BUSINESS

Item A – Introduction Of Ordinance 16-25: Amending Bethel Municipal Code 13.03.030, Individual Sewer System Concerning The Inclusion Of Composting And Incinerating Toilets.

Main Motion: Introduce Ordinance 16-25

Moved by: Fansler

Seconded by: Weiss

Action: Motion carries by a vote of 5-0

In favor: Maczynski Albertson Fansler Welch Weiss

Opposed: -0

Item B – Introduction Of Ordinance 16-26: Amending Bethel Municipal Code To Insert Chapter 2.45, Administrative Adjunction.

Main Motion: Introduce Ordinance 16-26

Moved by: Fansler

Seconded by: Welch

Action: Motion carries by a vote of 5-0

In favor: Maczynski Albertson Fansler Welch Weiss

Opposed: -0

Item C – Resolution 16-26: Protesting The Issuance Of A Restaurant Eating Place Liquor License To Snack Shack.

Vice-Mayor Maczynski opened the floor to Kwang H. Lee, Owner of Snack Shack Restaurant – Opportunity to Defend.

Main Motion: Adopt Resolution 16-26.

Moved by: Albertson

Seconded by: Fansler

Action: Motion does not carry by a vote of 0-5

In favor: Maczynski Albertson Fansler Welch Weiss

Opposed: -0

Incidental

Motion: Suspend the rules to hear from the Fire Chief, Bill Howell.

Moved by: Albertson

Seconded by: Fansler
 Action: Motion carries by a vote of 5-0
 In favor: Maczynski Albertson Fansler Welch Weiss
 Opposed: -0

Kwang H. Lee, addressed the City Council on the conditions listed in the Conditional Use Permit.

Incidental

Motion: Suspend the rules to hear from the Planning Director, Ted Meyer.

Moved by: Welch
 Seconded by: Fansler
 Action: Motion carries by a vote of 5-0
 In favor: Maczynski Albertson Fansler Welch Weiss
 Opposed: -0

Item D – AM 16-51: Directing Administration To Work AVCP Regional Housing Authority To Make Improvements To The Owl Street Park.

Main Motion:

Moved by: Fansler
 Seconded by: Welch
 Action: Motion carries by a vote of 5-0
 In favor: Maczynski Albertson Fansler Welch Weiss
 Opposed: -0

Mayor Robb arrived at 8:20 p.m. telephonically.

Item E – AM 16-52: Appointment Of Jon Cochrane To The Planning Commission.

Passed on the consent agenda.

Item F – AM 16-53: Directing Administration To Implement An Employee Fitness Program.

Main Motion: Adopt AM 16-53.

Moved by: Welch
 Seconded by: Fansler
 Action: Motion carries by a vote of 6-0
 In favor: Robb Maczynski Albertson Fansler Welch Weiss
 Opposed: -0

**Primary
Amendment:**

Direct Administration to come up with proposals while working with the operator, establishing a price that the city employees pay, which will be approved by the Council.

Moved by: Fansler
Seconded by: Weiss

**Secondary
Amendment:**

Ensure that there is no income tax liability for the employees.

Moved by: Fansler
Seconded by: Weiss

**Subsidiary
Motion:**

Refer to the Committee: requesting they discuss and to present some options for the Administration/Council to consider in implementing a City Employee Wellness Program that doesn't have an income tax liability for the City.

Moved by: Welch
Seconded by: Weiss
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Item G – AM 16-54: Administrative Leave Request For The City Attorney.

Passed on the consent agenda.

Item H – AM 16-55: Direct Administration To Complete And Submit The Intent To Apply For State Fiscal Year 2018 Alaska Community Transit Grant To Fund Bethel Transit System.

Main Motion: Adopt AM 16-55

Moved by: Welch
Seconded by: Fansler
Action: Motion carries by a vote of 4-2
In favor: Maczynski Fansler Welch Weiss
Opposed: Albertson Robb

Item I – AM 16-56: Authorizing The City Manager To Contact With ETrac, Inc. To Conduct A Hydrographic Survey Of The Kuskokwim River Section For The Port Of Bethel.

Adopt AM 16-56.

Main Motion:

Moved by: Welch
Seconded by: Weiss
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Albertson Fansler Welch Weiss
Opposed: -0

Item J – City Manager Recruitment Process – Recommendations From The Review Committee.

Main Motion: Table until after Executive Session.

Moved by: Welch
Seconded by: Robb
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Albertson Fansler Welch Weiss
Opposed:

Item K – Update On The Police Department’s Recruitment Process.

Chief Andre Achee provided information on the Police Department personnel.

Item L – Water Quality Report Clarification From Administration.

X. MAYOR’S REPORT

XI. MANAGER’S REPORT

XII. CLERK’S REPORT

XIII. COUNCIL MEMBER COMMENTS

Mayor Richard Robb –
Provided congratulations to Clair Grifka for his service to the community.
Our district had the highest turn out in the State for this Primary Election.

Vice-Mayor Byron Maczynski –
Thanks Clair Grifka and Sam Blankenship for their work at the City.
Congratulate Zach Fansler, and look forward to him representing this community and Region.

Council Member Albertson –
No comment.

Council Member Mary Weiss –
Congratulated Zach Fansler for his State House win in the Primary.

Council Member Zach Fansler –
Thanked Clair Grifka, it is important to have long term employees with the City.
Commended him for his dedication.
Thanked all of the City Council candidate for submitting their names.
With it getting dark outside, please be careful on the roadways.

Council Member Alisha Welch –
Thanks Clair Grifka and Sam Blankenship for their work at the City.
Thanked Chief Achee for his ATV information and looks forward to the PSAs.

XIV. EXECUTIVE SESSION

Item A – Subjects That Tend To Prejudice The Reputation And Character Of Any Person – City Manager Candidates.

Move into Executive Session to discuss subjects that tend to prejudice the reputation and character of any person- City Manager Candidate. Those participating in the Executive Session will be the Council Members and City Attorney Burley, City Manager and City Clerk.

Move into Executive Session To Discuss The Annual Evaluation Of The City Attorney 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.

Those participating in the Executive Session will be the Council Members and City Attorney Burley.

Main Motion:

Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Mayor Robb, departed the meeting at 12:45 a.m.

Main Motion: Motion to approve a 3% raise for the City Attorney.

Moved by:	Maczynski
Seconded by:	Fansler

Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch
Opposed: -0

Item J – City Manager Recruitment Process – Recommendations From The Review Committee.

Main Motion: Approve the Recommendation from the City Manager Recruitment Team.

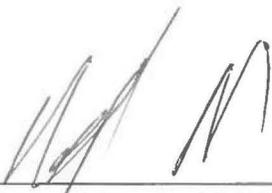
Moved by: Albertson
Seconded by: Welch
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Weiss Fansler Welch
Opposed: -0

XV. ADJOURNMENT

Main Motion: Adjourn.

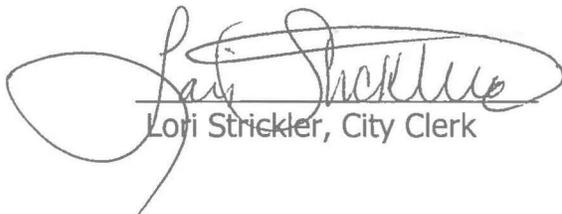
Moved by: Welch
Seconded by: Albertson
Action: Motion carries by a vote of 5-0
In favor: Maczynski Albertson Weiss Fansler Welch
Opposed: -0

Council adjourned at 12:49 a.m.



Byron Maczynski, Vice-Mayor

ATTEST:



Lori Strickler, City Clerk