

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on September 22, 2015 at 6:30 p.m., in the council chambers, Bethel, Alaska.

Mayor Richard Robb 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"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Zach Fansler
<input checked="" type="checkbox"/> Vice-Mayor Leif Albertson	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Mark Springer	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> City Attorney Patty Burley
<input checked="" type="checkbox"/> City Clerk Lori Strickler	
Council Members Absent:	
<input checked="" type="checkbox"/> Council Member Byron Maczynski	<input checked="" type="checkbox"/> Council Member Heather Pike

IV. PEOPLE TO BE HEARD

Kathy Hanson –

Provided suggestion to the City Council and the City Manager, a report from the City Manager be provided in the newspaper.

Spoke in favor of the proposed Complete Streets Ordinance 15-28.

As a member of the Planning Commission, spoke in opposition to Ordinance 15-29.

Mary Nanauwaic –

Would like to be reconsidered for a candidate for the 2015 City Election. She stated her Declaration of Candidacy was denied due to residency requirements.

Stated she has applied for the Marijuana Advisory Committee and would like to know when the Council will be considering the appointments to the Committee.

Ana Hoffman –

Provided unfavorable feedback to the Council on a few of the whereas statements in Resolution 15-15.

Stated Ordinance 15-32, is an attempt for the Council to try to further restrict legal sales of alcohol in the community.

Ben Barns –

Spoke in favor of Ordinance 15-31.

Stated there were bootleggers in the past, there are bootleggers now, there will always be bootleggers.

Dave Trantham –

State he believes a lot of effort has been put towards the protesting of legal sales of alcohol and too little time put forth in the efforts of ending illegal sales.

Is sad to learn, the City Council has not put any money into the budget to provide salary increases to the City employees however, there is \$5,000 in the budget for the Council’s travel budget.

Does not feel the utility corridor will be sustaining.

Shelly Andrews –

Provided concerns regarding the maintenance of the City’s roads due to the Administration’s attempt to save money in overtime however, upper level management positions are being provided raises.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

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

Removal from the

Agenda: Ordinance 15-29, 15-30, 15-31, 15-32 and Resolutions 15-14 and 15-15.

Moved by: Springer

VI. APPROVAL OF THE MEETING MINUTES

Item A- 9-08-2015 Regular Meeting Minutes

Item B- 9-10-2015 Special Meeting Minutes

Approved on the consent agenda.

VII. REPORTS ON STANDING COMMITTEES

Public Safety and Transportation Commission

Council Representative, Chuck Herman –

The commission considered the Ordinances referred to them and will be recommending the Council not adopt the suggested modifications to code.

Port Commission

Port Director, Pete Williams –

A quorum of the body was not established.
The small boat harbor will be closing October 1.

Planning Commission

No one available to provide the report.

Parks and Recreation Committee

Council Representative, Richard Robb –

A meeting of the body has not yet been held.

Finance Committee

Council Representative Leif Albertson –

A meeting has not been held since the last city council meeting.

Public Works Committee

No one present to provide a report.

Energy Committee

Council Representative, Zach Fansler –

Thanked Mary Weiss for her service to the Committee.
The Committee is looking for volunteers for the committee.

VIII. SPECIAL ORDER OF BUSINESS

Item A – Proclamation Commemorating The End Of WWII And Recognizing The Alaska Territorial Guard Members For Their Efforts In WWII.

Postponed.

Main Motion: Postpone Proclamation and Resolution 15-14 until the next meeting.

Moved by: Springer

Seconded by: Fansler

Action: Motion carries by a vote of 5-0

In favor: Robb Albertson Springer Fansler Maczynski

Opposed: -0

Item B- United Pools Presentation.

Raunicka Ray provided a report to the City Council. Suggested having a special purchase package for PFD time.

IX. UNFINISHED BUSINESS

Item A - Public Hearing On Ordinance 15-28: Amending The Bethel Municipal Code Title 12 To Include 12.10 Complete Streets.

Mayor Robb opened the public hearing.

No one present to be heard.

Mayor Robb closed the public hearing.

Main Motion: Adopt Ordinance 15-28.

Moved by:	Albertson
Seconded by:	Herman
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	—0

Amend to insert under 12.10.020 Application
"The provisions of this chapter do not apply to the ordinary maintenance activities designed to keep assets in serviceable condition (e.g., spot repair and surface treatments or interim measures on detour or haul routes.)" at the end of the section.
 Amend to strike out under 12.10.040 Exemptions number 6 ~~"Ordinary maintenance activities designed to keep assets in serviceable condition (e.g., spot repair and surface treatments or interim measures on detour or haul routes).~~

Main Motion: ~~Amend to strike out under 12.10.040 Exemptions number 6 "Ordinary maintenance activities designed to keep assets in serviceable condition (e.g., spot repair and surface treatments or interim measures on detour or haul routes).~~

Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	—0

X. NEW BUSINESS

Item A – Introduction Of Ordinance 15-29: Amending Bethel Municipal Code Chapter 4.08, Acquisition And Disposal Of Land.

Main Motion: Introduce Ordinance 15-29.

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: —0

Main Motion: Postpone until October 13.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: —0

Primary Amendment: Refer to the Planning Commission for consideration.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: —0

Item B – Introduction Of Ordinance 15-30: Amending Bethel Municipal Code 5.20.110, Denial, Suspension Or Revocation Of License Or Permit-Taxicab.

Main Motion: Introduce Ordinance 15-30.

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: —0

Item C – Introduction Of Ordinance 15-31: Adding Bethel Municipal Code Section 10.02.465, Operation Of Low Speed Vehicles.

Main Motion: Introduction of Ordinance 15-31.

Moved by: Springer
Seconded by: Albertson
Action: Postponed

Main Motion: Postpone until the Next regular meeting.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Primary

Amendment: Refer to the Public Safety and Transportation Commission.

Moved by: Herman
Seconded by: Albertson
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Subsidiary

Motion: Ten minute break.

Moved by: Albertson
Seconded by: Springer
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Main Motion: Suspend the rules to move New Business Item J, AM 15-39 to the next item of business.

Moved by: Springer
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Item J – AM 15-39: Approving The Agreement Between The University Of Alaska, Fairbanks, School Of Natural Science And Extension.

Main Motion: Approve AM 15-39.

Moved by: Albertson
Seconded by: Springer
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Main Motion: Postpone until the next regular meeting.

Moved by: Fansler
Seconded by: Springer
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Item D - Introduction Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages.

Main Motion: Introduce Ordinance 15-32.

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Refer to the Public Safety and Transportation Commission, the Finance Committee and the Planning Commission.

Main Motion:

Moved by: Springer
Seconded by:
Action: Motion does not carry due to a lack of a second.
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Refer to the Public Safety and Transportation Commission, the Finance Committee and the Planning Commission at their next regular meeting.

Main Motion:

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Item E- Resolution 15-14: Requesting Small Flight Passenger Carriers To Begin Conducting Baggage Checks On Flights To Bethel.

Postponed until the next regular meeting.

Item F – Resolution 15-15: Protesting The Issuance Of A Package Store License To North West Company, AC Quickstore - License #5418, Located At 131 Akakeek Street, Bethel.

Main Motion: Adopt Resolution 15-15.

Moved by:	Herman
Seconded by:	Fansler
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	—0

Amend to insert in the 12th Whereas:

Whereas, “the sobering center intake numbers for 2014 totaled 1,686 and...”

Insert after the 12th Whereas statement:

Whereas, a review of the statistics kept by the Alaska Court System revealed that Driving While Intoxicated (DUI's) has remained steady both before and after going wet, however, bootlegging appears to have increased significantly;

Whereas, determining just how much bootlegging goes on in Bethel is a figure that cannot be ascertained to any degree of certainty, all that can be stated with any certainty is that bootlegging does occur both in Bethel and more greatly impacts the villages surrounding Bethel;

Whereas, the Bethel WAANT unit indicates that since going wet, rates of bootlegging in Bethel appear to have remained steady while bootlegging to the surrounding communities appears to have increased, this is supported by the statistics obtained from the Bethel courthouse;

Whereas, in 2009, the year Bethel went wet, there were 53 importation (bootlegging) convictions, these offenses are typically attempts to take alcohol from Bethel to the surrounding dry communities, the 2009 figure was a stark increase from the damp years of 2007 (1 conviction) and 2008 (12 convictions), following 2009, the figures remained high: 91 in 2010, 93 in 2011, 52 in 2012 and 67 in 2013, these figures would appear to support the City Council’s concerns that the more readily available alcohol is in Bethel, the more of it that will flow to the surrounding villages to feed its bootlegging/importation businesses;

Primary Amendment:

Moved by:	Herman
Seconded by:	Albertson
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	—0

Primary Amendment: Amend the 12th Whereas statement by inserting "residents of"...Bethel, and striking "~~the other half from surrounding villages.~~"

Moved by: Springer
Seconded by: Albertson
Action: Motion carries by a vote of 2-3
In favor: Springer Fansler
Opposed: Robb Albertson Herman

Primary Amendment: Amend the 14th Whereas statement to insert "two elementary schools and the high school" and strike "~~the school~~" and strike "~~teenagers~~" and insert "children."

Moved by: Springer
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Primary Amendment: Amend the 17th Whereas to strike "~~install~~" and insert "offer."

Moved by: Fansler
Seconded by: Springer
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Secondary Amendment: Amend the 17th Whereas to insert "often times."

Moved by: Herman
Seconded by: Springer
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Primary Amendment: Amend the 18th Whereas statement to strike "~~if alcohol were easily accessible at a lower cost than that provided by bootleggers, there will be an~~" and insert "the more easily accessible alcohol is in Bethel the more..."

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Springer Fansler Herman
Opposed: -0

Council Member Springer departed the meeting at 10:30 p.m.

Item G – AM 15-36: Appointing Mary Weiss To The Parks, Recreation, Aquatic Health And Safety Center Committee.

Passed on the consent agenda.

Item H – AM 15-37: Appointing Kathy Hanson To The Parks, Recreation, Aquatic Health And Safety Center Committee .

Passed on the consent agenda.

Item I – AM 15-38: Appointing Michelle DeWitt To The Parks, Recreation, Aquatic Health And Safety Center Committee.

Passed on the consent agenda.

Item K – AM 15-40: Approval Of The Purchase Of City Sand Shed Insulation From T&H Leveling, Inc.

Main Motion: Approve AM 15-40

Moved by:	Albertson
Seconded by:	Fansler
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	—0

Item L – AM 15-41: Approving The Appointment Of Deborah White To The Public Safety And Transportation Commission.

Passed on the consent agenda.

Item M – AM 15-42: Approval Of The City Of Bethel Employee Handbook.

Main Motion: Approve AM 15-40

Moved by:	Herman
Seconded by:	Albertson
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	—0

Subsidiary

Motion: Extend the meeting to 11:30 p.m.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 4-0
In favor: Robb Albertson Fansler Herman
Opposed: -0

Main Motion: Postpone to the November 23, Regular Meeting.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 4-0
In favor: Robb Albertson Fansler Herman
Opposed: -0

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

Council Member Zach Fansler –

This is the last meeting before the election, hope that there is a large turnout for this election, now is the time to exercise your right to be heard. The more information you have the more informed you will be when voting.

Traveled to Kotzebue to defend the City's position in the Dimitri's Restaurant liquor license application. While in Kotzebue, was also able to tour the Kotzebue liquor establishments. Hope to have some type of public forum to provide feedback on the information obtained while in Kotzebue.

The Energy Committee is looking for volunteers.

Council Member Chuck Herman –

No comment.

Vice-Mayor Albertson –

Two years on Council is coming to a close, believe it is time well spent. On the 26th and the 29th there will be council candidate forums. Be sure to get out and vote on October 6. It is getting dark outside, now is the time to get the reflectors out and clean the chimneys.

Mayor Robb –

City Council forum is this Thursday at noon, all six candidates have confirm attendance. Next Tuesday will be the candidate forum for KYUK.

October 6, is Election Day, encourage everyone to vote. This is the last time this body in this formation will sit together. For the past few years, it has been an honor and privilege to work with the Council, City Staff and the public. Honored and humbled to be elected Mayor for the last year.

XV. EXECUTIVE SESSION

Item A- 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.

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 City Attorney and the Council.

Main Motion:

Moved by: Fansler
 Seconded by: Herman
 Action: Motion carries by a vote of 4-0
 In favor: Robb Albertson Fansler Herman
 Opposed: -0

Subsidiary

Motion: Extend the meeting to 10:45 p.m.

Moved by: Fansler
 Seconded by: Herman
 Action: Motion carries by a vote of 4-0
 In favor: Robb Albertson Fansler Herman
 Opposed: -0

XVI. ADJOURNMENT

Provide the City Attorney with a 3% raise per her contractual agreement with the City of Bethel.

Main Motion:

Moved by: Albertson
 Seconded by: Fansler
 Action: Motion carries by a vote of 4-0
 In favor: Robb Albertson Fansler Herman
 Opposed: -0

Main Motion: Adjourn.

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 4-0
In favor: Robb Albertson Fansler Herman
Opposed: -0

Council adjourned due to lack of a quorum at 12:15 a.m.

ATTEST:


Richard Robb, Mayor


Lori Strickler, City Clerk