

1. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on March 23, 2021 at 6:30 p.m., in the Council chambers, Bethel, Alaska.

Mayor DeWitt called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Comprising a quorum of the Council, the following members were present:
Vice-Mayor Haley Hanson (telephonically) City Council Member Alyssa Leary (telephonically) City Council Member Rose Henderson (telephonically) City Council Member Conrad McCormick (telephonically) Mayor Michelle DeWitt (telephonically) City Council Member Perry Barr (telephonically) arrived after roll call at 7:01 p.m. City Council Member Mark Springer (telephonically) arrived after roll call at 8:08 p.m.
Members Absent:
Also in attendance were the following:
Interim City Manager Peter Williams (telephonically), City Clerk Lori Strickler (telephonically), City Attorney Libby Bakalar (telephonically)

4. PEOPLE TO BE HEARD – Five minutes per person

Ruth Abigail Miller-Presented concerns related to the handling of a sexual assault. Recapped an excerpt from a KYUK article about the incident. Would like the City Manager to inquire about the veracity of the statements concerning the handling of the case and apologize to the victim if that is the case. Upset with the performance of Chief Simmons in the matter.

Cezary Maczynski- Spoke in opposition to the City's prevention of non vaccinated people into the recreation facility. There are medical reasons why some patrons of the facility cannot receive a vaccination, and they should not be prevented from using the facility or feel as though they should divulge personal medical information. Would like

the City to change the policy.

Juanita Nick-Explained her experience as a sexual assault victim, had to wait for hours for the police department to address it and discovered that it took the Police Department over 30 days to pick up the sexual assault kit. Stated she should not have to disclose personal information to seek justice. Demands changes to the process.

Paige Jones- Encouraged the City of Bethel to direct a third party to review of the handling of the Juanita Nick case. Upset with the time it took to process the case.

Victoria Sosa - Claimed the excuses presented by City Administration for the mishandling of the sexual assault case are not acceptable. Stated deep concerns for the community and urged the City of Bethel Administration to do more to find a solution to the problem of sexual assaults in our community.

Anny Cochrane- Claimed the excuses presented by City Administration for the mishandling of the sexual assault case are not acceptable. The City of Bethel needs to have standards and policies in place that are followed. If a two-week-on two-week-off police officer shift is causing cases to be mishandled, then there needs to be safeguards in place to address those problems. Wants a provision to have sexual assault kits to be picked up within from 48 hours from YKHC and would like the process to be reviewed.

Pamela Conrad- Discussed the frustration of having to go through the Justice system in Bethel with a family member who experienced a sexual assault. There are standards and policies that must be in place to protect the victims. The officers have an obligation to protect the most vulnerable. If the system in place is not working, the system needs to be reevaluated. Council has a responsibility to ensure that the duties the city performs are functioning correctly.

Item 4.1. - Notice: Public Testimony By Email Will Be Accepted.

To Qualify, It Must:

- 1) Be Emailed To cityclerk@cityofbethel.net By 4pm The Day Of The Meeting.
- 2) Specifically Request That It Is To Be Read At People To Be Heard.
- 3) Contain The Full, Real Name Of The Person Sending It.

Note: Depending On The Amount Of Emails Received, The Mayor May Summarize The Content Of The Email.

Two emails were received and read for people to be heard.

Miles Rice- Presented concerns over the handling of the Juanita Nick Case. Believes that a third party should be called in to review it.

Aiden Nathaniel Keller- Concerned with the KYUK article about the sexual assault and inaction by police and prosecutors. Agrees that trauma should not need to be publicly shared to move a case forward. Stated issues need to be dealt with in an appropriate manner. Spoke about the number of sexual assault kits, statewide, that are not processed as a longstanding problem. Hopes that more community members support the Bethel woman.

5. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

Moved by:	Haley Hanson
Seconded by:	Conrad McCormick
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Removal from Consent Agenda-Item 10.6 Budget Ordinance 20-12(k) and Item 10.9 Resolution 21-06, Council Member Henderson.

Council Member Barr joins the meeting at 7:01 p.m.

Removal from the Consent- Agenda Item 10.7 Resolution 21-04, Council Member Barr.

Motion to amend the agenda to move Ordinance 21-11 and Resolution 21-06 to follow Special Orders of Business.

Moved by:	Haley Hanson
Seconded by:	Conrad McCormick
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Removal from Consent Agenda-

6. APPROVAL OF MEETING MINUTES

Item 6.1. - *3-9-2021 Regular City Council Meeting
Passed on the consent agenda.

7. REPORTS OF STANDING COMMITTEES

Item 7.1. - Committee/Commission/Board Agendas And Draft Meeting Minutes

Port Commission- No one present to provide a report.

Planning Commission, Vice-Mayor Hanson- Met on March 18th. Approved a Conditional Use Permit for a triplex on Akiak Drive. Finalized the Junk Vehicle Removal Program. Next meeting will be April 8th.

Community Action Grant Technical Review Board (CAG), Council Member Barr- Held a meeting on March 10th. Reviewed CAG funding. Resolution 21-04 on this agenda will define guidelines for the board. A seat was declared vacant by the body. If interested, please apply.

Parks, Recreation, Aquatic Health and Safety Center Committee, Mayor DeWitt- No meeting since last meeting. They have a vacant seat. Please join if interested.

Finance Committee, Council Member McCormick- Discussed a Bethel Municipal Code amendment concerning tax exemptions and simplifying overly complex language. The amendment will be presented to council.

Public Works Committee, Council Member Leary- Planning Director Ted Meyer attended the meeting and updated the committee on the Junk Vehicle Removal program. The committee is developing two ordinances concerning Hauled Utility.

Public Safety and Transportation Commission, Council Member Henderson- A meeting has not been held since the last City Council Meeting.

8. SPECIAL ORDER OF BUSINESS

Item 8.1. - Proclamation In Recognition Of 2021 Alaska Suicide Prevention Day At The Capitol (Mayor Dewitt)

Item 8.2. - Proclaiming April Sexual Assault Prevention And Awareness Month (Mayor DeWitt)

9. UNFINISHED BUSINESS

Item 9.1. - Public Hearing Of Ordinance 21-07: Establishing Chapter 9.10. Prohibiting Defacement Of Public Property (Public Works Committee)

Mayor DeWitt opened the Public Hearing.

No one present to be heard.

Mayor Dewitt closed the Public Hearing.

Main Motion: Adopt Ordinance 21-07.

Moved by:	Alyssa Leary
Seconded by:	Haley Hanson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Item 9.2. - Public Hearing Of Budget Ordinance 20-12(j): Amending The City Of Bethel Fiscal Year 2021 Budget-Outsourced Services (Interim City Manager Williams)

Mayor DeWitt opened the Public Hearing.

No one present to be heard.

Mayor DeWitt closed the Public Hearing.

Main Motion: Adopt Budget Ordinance 20-12(j).

Moved by:	Haley Hanson
Seconded by:	Conrad McCormick
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

10. NEW BUSINESS

Item 10.1. - Emergency Ordinance 21-08: Extending The Declaration Of Emergency Issued Through Ordinance #21-02, #20-38, #20-32, 20-29, #20-11, #20-09, And

#20-08 (Mayor DeWitt)

Mayor DeWitt opened the Public Hearing.

If no one present to be heard.

Mayor DeWitt closed the Public Hearing.

Main Motion: Adopt Emergency Ordinance 21-08.

Moved by:	Haley Hanson
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Council Member Springer joins the meeting at 8:08 p.m.

Item 10.2. - Emergency Ordinance 21-09: Exempting 13.04.290 Of The Bethel Municipal Code To Prevent Water Shut Off For Non-Payment For An Additional 60 Days (Mayor DeWitt)

Mayor DeWitt opened the Public Hearing.

No one present to be heard.

Mayor DeWitt closed the Public Hearing.

Main Motion: Adopt Emergency Ordinance 21-09.

Moved by:	Mark Springer
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Item 10.3. - Emergency Ordinance 21-10: Extending Emergency Ordinance 21-03, 20-38, 20-34 And 20-27 Establishing A Mandate Within The City Of Bethel That Masks Or Similar Face-Coverings Be Worn In Public In Indoor And Indoor-Adjacent Spaces, And Under Certain Conditions In Outdoor Spaces, During The COVID-19 Public Health Emergency (Mayor DeWitt)

Mayor DeWitt opened the Public Hearing.

No one present to be heard.

Mayor DeWitt closed the Public Hearing.

Main Motion: Adopt Emergency Ordinance 21-10.

Moved by:	Mark Springer
Seconded by:	Haley Hanson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Item 10.4. - Emergency Ordinance 21-11: Repealing And Replacing Ordinance 21-06 Testing And Quarantine Mandates And Adopting Mandates That Allow For Quarantine And Testing Exemptions If The Traveler Has Received The Recommended COVID-19 Vaccination (Mayor Dewitt)

Mayor DeWitt opened the Public Hearing.

No one present to be heard.

Mayor Dewitt closed the Public Hearing.

Main Motion: Adopt Emergency Ordinance 21-11.

Moved by:	Alyssa Leary
Seconded by:	Haley Hanson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Motion to suspend the rules to hear from Dr. Ellen Hodges from YKHC.

Moved by:	Alyssa Leary
Seconded by:	Haley Hanson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Item 10.5. - *Introduction Of Ordinance 21-12: Authorizing The Acquisition Of Interest In Land For A Utility Easement From Benjamin Kawagley Involving The Bethel Avenues Piped Water And Sewer Project - Phase I (Interim City Manager Williams)

Passed on the consent agenda.

Item 10.6. - *Introduction Of Budget Ordinance 20-12(k): Amending The City Of Bethel Fiscal Year 2021 Budget- Airport Incentive Program- YK Fitness Center Water Usage- Preliminary Engineering Report And Environmental Assessment (Interim City Manager Williams)

Mayor DeWitt declared a conflict of interest as Executive Director of Bethel Community Services Foundation (BCSF) which is involved in CARES fund projects.

Motion to declare Mayor DeWitt has a conflict of interest on this item.

Moved by:	Alyssa Leary
Seconded by:	Rose Henderson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

*Mayor DeWitt does not take part in discussion or voting on this Item.
Vice-Mayor Hanson presides over the meeting for this item of business.*

Main Motion: Introduce Budget Ordinance 20-12(k).

Moved by:	Haley Hanson
Seconded by:	Mark Springer
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Item 10.7. - *Resolution 21-04 Specifying Standards And Processes For The Community Action Grant Program (Council Member Barr)

Mayor DeWitt rejoins the meeting.

Main Motion: Adopt Resolution 21-04.

Moved by:	Perry Barr
Seconded by:	Haley Hanson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick

Opposed: | None
Results: | Motion Carries

Item 10.8. - *Resolution 20-05: Authorizing Administration To Amend The City Of Bethel Public Employees' Retirement System Participation Agreement To Exempt The Position Of City Manager (Mayor DeWitt)

Passed on the consent agenda.

Council Member Springer is intermittently in and out of the meeting at 8:36 p.m.

Item 10.9. - *Resolution 21-06: Responding To The COVID-19 Public Health Emergency, Repealing And Replacing Resolution 20-17, And Establishing Standards For In-Person Participation For City Meetings (Mayor DeWitt)

Main Motion: Adopt Resolution 21-06.

Moved by: | Rose Henderson
Seconded by: | Conrad McCormick
In favor: | Michelle DeWitt, Conrad McCormick
Opposed: | Perry Barr, Haley Hanson, Alyssa Leary, Rose Henderson
Results: | Motion Fails

Motion to suspend the rules to hear from Dr. Ellen Hodges from YKHC.

Moved by: | Rose Henderson
Seconded by: | Conrad McCormick
In favor: | Perry Barr, Haley Hanson, Alyssa Leary, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed: | None
Results: | Motion Carries

11. REPORTS

Item 11.1. - Mayor's Report

Item 11.2. - City Manager's Report

Item 11.3. - Clerk's Report

12. COUNCIL MEMBER COMMENTS

Mayor DeWitt- Two important proclamations tonight. Thanked the people who drafted the proclamations. Appreciated the members of the public who spoke and reassured them that their voices were heard.

Vice-Mayor Hanson- No comment.

Council Member Barr- Regarding the stormy weather, stay safe and stay indoors. At Akiachak and Tuluksak the ice road is closed. Not safe for car travel.

Council Member Leary- Thanked those who spoke at people to be heard. First step is to admit that a problem exists and hopes to help make solutions moving forward. We can't pass blame.

Council Member Springer- *Not present.*

Council Member Henderson- Thanked those who spoke at people to be heard. Feels sympathy from the testimony and wants to work on a solution. Although the council is continuing to meet virtually, is looking forward to having in person meetings in the future.

Council Member McCormick-Thanked and commended all of those who spoke at people to be heard. As a council member excepted the blame for the problem. Wants to do something to help those who are the most vulnerable. In regard to the weather, stay home, stay safe, and travel responsibly. Encouraged the public to reach out to him if they want to discuss any issue.

13. EXECUTIVE SESSION

Item 13.1. - In Accordance With AS 44.62.310.C(2)- Subjects That Tend To Prejudice The Reputation And Character Of Any Person, Provided The Person May Request A Public Discussion- City Attorney Annual Evaluation (Mayor DeWitt)
Council Member Springer rejoined with full connectivity at 9:08 p.m.

City Attorney Bakalar elected to have her evaluation in open session.

Motion to increase the annual salary of the City Attorney in accordance with the employment agreement at a rate of 3%.

Moved by:	Mark Springer
Seconded by:	Conrad McCormick
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Motion to take a ten minute break.

Moved by:	Rose Henderson
Seconded by:	Haley Hanson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Item 13.2. - In Accordance With AS 44.62.310.C(2)- Subjects That Tend To Prejudice The Reputation And Character Of Any Person, Provided The Person May Request A Public Discussion- City Manager Six Month Evaluation (Mayor DeWitt)
Postpone until the next regular meeting.

Moved by:	Haley Hanson
Seconded by:	Rose Henderson
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

14. ADJOURNMENT

Main Motion: Adjournment.

Moved by:	Haley Hanson
Seconded by:	Mark Springer
In favor:	Perry Barr, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt, Rose Henderson, Conrad McCormick
Opposed:	None
Results:	Motion Carries

Meeting ended at 10:07 p.m.

Michelle DeWitt

Michelle DeWitt (Apr 20, 2021 10:50 AKDT)

Michelle DeWitt, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Lori Strickler", written over a horizontal line.

Lori Strickler, City Clerk

3-23-2021 Regular City Council Meeting Minutes

Final Audit Report

2021-04-20

Created:	2021-04-19
By:	Lori Strickler (lstrickler@cityofbethel.net)
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