



City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

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Regular City Council Meeting

January 22, 2013

6:30 P.M.

Council Chambers; Bethel, Alaska



City Council Meeting Agenda

Regularly Scheduled Meeting

January 22, 2013-6:30 pm

City Hall 300 State Highway, Bethel, AK

City of Bethel Council Chambers

Joseph Klejka
Mayor
Term Expires 2014
543-2984
jklejka@cityofbethel.net

Gene Peltola Jr.
Vice-Mayor
Term Expires 2013
543-3151
gpeltola@cityofbethel.net

Rick Robb
Council Member
Term Expires 2013
543-1879
rrobb@cityofbethel.net

Mary Sattler
Council Member
Term Expires 2013
545-4954
msattler@cityofbethel.net

Mark Springer
Council Member
Term Expires 2013
545-1450
mspringer@cityofbethel.net

Eric Whitney
Council Member
Term Expires 2014
545-1309
ewhitney@cityofbethel.net

Sharon Sigmon
Council Member
Term Expires 2014
543-3452
ssigmon@cityofbethel.net

Lee Foley
City Manager
543-2047
lfoley@cityofbethel.net

Lori Strickler
City Clerk
543-1384
lstrickler@cityofbethel.net

Patty Burley
City Attorney
543-2047
pburley@cityofbethel.net

Paul Richards
Lobbyist
paul_richards@gci.net

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PEOPLE TO BE HEARD – Five minutes per person
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA
- VI. APPROVAL OF MEETING MINUTES
 - a) **P3** *01-08-2013 Regular City Council Meeting Minutes
 - b) **P11** *01-14-2013 Special City Council Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEES
 - a) Port Commission
 - b) Planning Commission
 - c) Finance Committee
 - d) Public Works Committee
 - e) Energy Committee
 - f) Parks And Recreation Committee
 - g) Public Safety And Transportation Commission
- VIII. SPECIAL ORDER OF BUSINESS
- IX. UNFINISHED BUSINESS
 - a) **P19** Public Hearing Motion To Amend Something Previously Adopted: Amendment To Ordinance 12-09: An Ordinance By the Bethel City Council Amending The Bethel Municipal Code to Enact Section 4.17 Excise Tax on Cigarettes and Tobacco Products (Mayor Klejka)
 - b) **P37** Public Hearing Of Ordinance 12-10: An Ordinance Amending Sections 4.20.030M, and 4.20.100 E Under Revenue And Finance, Purchasing Of The Bethel Municipal Code To Amend Local Preference (Finance Committee)
 - c) **P43** Public Hearing Of Ordinance 13-03: Amending Bethel Municipal Code 4.16.040 F, Sales And Use Tax Exemptions (City Manager Foley)
 - d) **P47** Introduction of Ordinance 13-02: Establishing Title 12 In The Bethel Municipal Code, Complete Streets (Public Safety and Transportation Commission)
- X. NEW BUSINESS
 - a) **P59** *Resolution 13-02: Preparation And Submission Of A Fiscal Year 2013 Land And Water Conservation Fund Grant Application (City Manager Foley)
 - b) **P63** *Resolution 13-03: Designation Of Additional Land To Pinky's Park In Conjunction With The Land And Water Conservation Fund Grant Application (City Manager Foley)
 - c) **P65** *AM 13-01: Appointment Of Furlong To Public Safety & Transportation Commission (Mayor Klejka)

Agenda posted on January 16, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

(Items on the agenda noted with an asterisk (*) are considered the consent agenda.

All Resolutions noted with an asterisk (*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council.

Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing February 12, 2013**



**City Council Meeting Agenda
Regularly Scheduled Meeting
January 22, 2013-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

- d) **P69** *AM 13-02: Appointment Of Dewey To Public Safety & Transportation Commission (Mayor Klejka)
- e) **P73** *AM 13-03: Appointment Of Jennifer Dobson To Public Safety & Transportation Commission (Mayor Klejka)
- f) **P77** *AM 13-04: Appointment Of Martin Leonard To The Energy Committee (Mayor Klejka)
- g) *Personal Leave Request For City Manager Foley January 28 Through January 31 (City Manager Foley)
- h) *Personal Leave Request For City Attorney Burley February 11th Through February 14th (City Manager Foley)

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. ADJOURNMENT

Agenda posted on January 16, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

(Items on the agenda noted with an asterisk (*) are considered the consent agenda.

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Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing February 12, 2013**)

Approval of the Minutes

City of Bethel City Council Meeting Minutes

January 8, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on January 8, 2013 at 6:30pm, at the City Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT:

Council Member Gene Jr. Peltola
Council Member Joseph Klejka
Council Member Rick Robb
Council Member Eric Whitney
Council Member Sharon Sigmon (participated telephonically)
Council Member Springer- *Joined at 6:33pm*
Council Member Mary Sattler- *Joined at 6:36pm*

STAFF:

Acting City Clerk KaJena Baty
City Manager Lee Foley
City Attorney Patty Burley- *Joined at 6:40pm*

IV. PEOPLE TO BE HEARD

Johnny Furlong- *In opposition of the Sugar Sweetened Beverages Tax, protested rejection of Public Safety and Transportation Commission Member Application.*

David Trantham Jr.- *Spoke on the addition of iqmik into the tobacco tax ordinance. In opposition of the cigarette and tobacco product tax.*

Craig Rogers- *Spoke against the tobacco tax and sugar sweetened beverages tax.*

Raymond Pete- *Spoke on the topic of homeless people.*

Bob Herron- *Saturday will be travelling to Juneau for his 13th session, looks forward to working with administration and the council on the needs of the people of the city of Bethel.*

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

| | | |
|----------------------------|--------------|--|
| MOVED: | Robb | Motion to approve the consent and regular agendas. |
| SECONDED: | Whitney | |
| MOVED: | Robb | Motion to remove the introduction of Ordinances 13-01, 13-02, 13-03 from the consent agenda. |
| | | |
| MOVED: | Peltola | Motion to remove the second item under executive session from the agenda completely. |
| SECONDED: | Springer | |
| VOTE ON MAIN MOTION | All in favor | |
| VOTE ON MAIN MOTION | All in favor | |

VI. APPROVAL OF THE MEETING MINUTES

Item A -11-27-2012 Special City Council Meeting Minutes
Passed on the consent agenda.

Item B -12-11-2012 Regular City Council Meeting Minutes
Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A- Public Safety & Transportation Commission: Sigmon- *does not have anything to report yet.*

Item B- Port Commission: Springer- *no meeting held since the last council meeting.*

Item C- Planning Commission: Peltola- *there is one opening and two alternates next meeting cancelled due to lack of quorum.*

Item D- Parks and Recreation Committee: Sattler- *no quorum, yesterday, will try to meet next week.*

Item E- Finance Committee: Robb- *meetings are scheduled every 4th Thursday of the month.*

Item F- Public Works Committee: Klejka- *minutes are in the packet.*

Item G- Energy Committee: Whitney- *there was no quorum at the last meeting. The next meeting is scheduled for February 4th.*

VIII. SPECIAL ORDER OF BUSINESS

Item A - Presentation From Todd O'Hara From University Of Alaska Fairbanks Veterinary Medicine.

IX. UNFINISHED BUSINESS

Item A - Public Hearing Of Ordinance 12-06(b): Budget Modification For FY 2013.

Public Hearing:
No one wished to be heard

| | | |
|----------------------------|---|--|
| MOVED: | Springer | Motion to adopt Budget Ordinance 12-06 (b). |
| SECONDED: | Robb | |
| MOVED: | Robb | Motion to remove 40k on line 107 2754 for the armory after hours recreation expense. |
| SECONDED: | Springer | |
| VOTE ON MOTION | 1-6 Motion fails Jr. Peltola, Klejka, Sattler, Springer, Whitney and Sigmon opposed | |
| VOTE ON MAIN MOTION | All in favor | |

Item B- Public Hearing Of Ordinance 12-10: An Ordinance Amending Sections 4.20.030 M, 4.20.90 E, and 4.20.100 E Under Revenue And Finance, Purchasing Of The Bethel Municipal Code To Amend Local Preference.

Mayor Klejka opened the public hearing.

Read letter from Ana Hoffman

Mayor Klejka closed the public hearing.

| | | |
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| MOVED: | Springer | Motion to adopt Ordinance 12-10 was made at the December 11 th Council Meeting. |
| SECONDED: | Whitney | |
| MOVED: | Sigmon | Motion to postpone this ordinance until the next meeting when the correct copy of the ordinance can be put into the packet. (There should be another public hearing at that time) |
| SECONDED: | Sattler | |
| VOTE ON MAIN MOTION | All in favor | |

Item C- Motion To Amend Something Previously Adopted:
 Amendment To Ordinance 12-09: An Ordinance By the Bethel City Council Amending The Bethel Municipal Code to Enact Section 4.17 Excise Tax on Cigarettes and Tobacco Products.

| | | |
|---|--|---|
| MOVED: | Whitney | Motion to amend the ordinance to reflect the changes suggested by the attorney. |
| SECONDED: | Sigmon | |
| MOVED: | Springer | Motion to amend to strike iqmik from the suggested amendment. |
| SECONDED: | Sattler | |
| <i>Council Member Robb departed the meeting at 8:15p.</i> | | |
| VOTE ON MAIN MOTION | All in favor | |
| MOVED: | Sattler | Motion to amend to change the effective date to March 1 st , 2013. |
| SECONDED: | Whitney | |
| VOTE ON MAIN MOTION | Motion fails, all opposed | |
| VOTE ON MAIN MOTION | 3-3 Motion fails Jr. Peltola, Sattler and Springer opposed | |

Council Member Robb returned to the meeting at 8:17p.

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| MOVED: | Springer | Motion for a 10 minute break |
| SECONDED: | Robb | |
| VOTE ON MAIN MOTION | 6-1, Whitney opposed | |

X. NEW BUSINESS

Item A - Resolution 13-01: Supporting City Of Akiak's Efforts To Secure Technical Assistance And Funding To Address Severe River Erosion.

Passed on the consent agenda.

Item B- Introduction Of Ordinance 13-01: An Ordinance Limiting The Amount Of Time Proposed Revisions To The Bethel Municipal Code May Remain In Committee/Commission For Consideration And/Or Review.

Removed from the consent agenda.

| | | |
|----------------------------|---|--------------------------------------|
| MOVED: | Springer | Motion to introduce Ordinance 13-01. |
| SECONDED: | Whitney | |
| VOTE ON MAIN MOTION | 1-6 Motion fails Jr. Peltola, Klejka, Sattler, Springer, Whitney and Sigmon opposed | |

Item C- Introduction Of Ordinance 13-02: Establishing Title 12 Complete Streets Ordinance.

Removed from the consent agenda.

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|----------------------------|---------------------------------|---|
| MOVED: | Sigmon | Motion to postpone the Introduction of Ordinance 13-02, until the next regular meeting. |
| SECONDED: | Whitney | |
| VOTE ON MAIN MOTION | 6-1 Motion passes, Robb opposed | |

Item D- Introduction Of Ordinance 13-03: Amending Bethel Municipal Code 4.16.040 F, Sales And Use Tax Exemptions.

Removed from the consent agenda.

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|----------------------------|--------------|--|
| MOVED: | Sigmon | Motion to introduce Ordinance 13-03. |
| SECONDED: | Whitney | |
| MOVED: | Robb | Motion to replace Item F with alternative language in Option 2 |
| SECONDED: | Whitney | |
| VOTE ON MAIN MOTION | All in favor | |
| VOTE ON MAIN MOTION | All in favor | |

XI. MAYOR'S REPORT

XI. MANAGERS REPORT

XII. CITY CLERK'S REPORT

XIII. COUNCIL MEMBER COMMENTS

Council Member Sattler – Slaaviq carolers. Shooting took place across the slough, investigation is not done internally by choice, is done by ASI. Thanks to people volunteering for k300.

Council Member Robb – A Bethel Homeless Coalition has formed to start a homeless shelter in Bethel. There will be more information coming out so people will be able to report. A little over a year ago the Council worked with Bethel Sportsmans Club to open a shooting range for the public. This last week the range opened, people can use the range if they join and attend a safety orientation, there is a fee. Have a happy and safe Slaaviq.

Council Member Springer – Appreciated Raymond Pete's comments this evening, is happy to hear there is a homeless coalition. Thanks Pete Williams and all city employees who get our water and sewer on time.

Council Member Whitney – Happy new year!

Vice Mayor Peltola – It's good to be back after Christmas and New Years break. Slaaviq is underway. Be careful on rivers if coming from the village. Everyone should make it back to school after tomorrow. Watch out for little kids.

Council Member Sigmon – Successful surgeries, but slow recovery process. Is glad she is able to participate; may have to be away 2-4 more weeks. Appreciates everyone help. Wishes a happy new year to everyone.

Mayor Klejka – Agrees with everyone’s comments. Happy New Year. Be careful on the river. Thank you to community members who have helped on the river. Needs a ringer roller.

XV. EXECUTIVE SESSION

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|----------------------------|--------------|---|
| MOVED: | Springer | Motion to go into Executive Session for: 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) Subjects That Tend To Prejudice The Reputation And Character Of A Person. |
| SECONDED: | Robb | |
| VOTE ON MAIN MOTION | All in favor | |

Item A- 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) Subjects That Tend To Prejudice The Reputation And Character Of A Person.

XVI. ADJOURNMENT

| | | |
|----------------------------|--------------|--------------------|
| MOVED: | Springer | Motion to adjourn. |
| SECONDED: | Peltola | |
| VOTE ON MAIN MOTION | All in favor | |

Council adjourned at 10:29pm.

Joseph Klejka, Mayor

ATTEST:

KaJena Baty, Acting City Clerk

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the specific procedures and protocols that must be followed when recording transactions. It details the steps involved in data collection, verification, and reporting, ensuring that all information is reliable and consistent.

3. Data Collection and Verification

3.1. Data Collection: This section describes the various methods used to gather data, including manual entry, automated systems, and direct observation. It highlights the need for standardized formats and protocols to ensure that data is collected uniformly across all departments and locations.

3.2. Verification: This part discusses the processes in place to verify the accuracy and integrity of the collected data. It includes checks for data entry errors, cross-referencing with source documents, and regular audits to identify and correct any discrepancies.

4. Reporting and Analysis: This section covers the methods used to analyze the collected data and generate reports. It discusses the use of statistical tools, data visualization techniques, and the importance of providing clear and concise summaries of the findings.

5. Conclusion: The document concludes by reiterating the importance of accurate record-keeping and data management. It emphasizes that these practices are essential for making informed decisions, identifying trends, and ensuring the long-term success of the organization.

6. Appendix A: Data Collection Methods

6.1. Manual Entry: This section details the procedures for manually entering data into the system, including the use of standardized forms and the requirement for double-checking entries.

6.2. Automated Systems: This part describes the integration of data collection with automated systems, highlighting the benefits of reduced human error and increased efficiency.

6.3. Direct Observation: This section discusses the use of direct observation for data collection, including the training of observers and the protocols for recording observations.

7. Appendix B: Reporting Procedures

7.1. Report Generation: This section outlines the steps for generating reports, including the selection of data, the use of templates, and the review process.

7.2. Distribution and Archiving: This part discusses the distribution of reports to relevant stakeholders and the procedures for archiving the data and reports for future reference.

City of Bethel City Council Meeting Minutes

January 14, 2013

Special Meeting

Bethel, Alaska

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on January 14, 2013 at 12:00pm in the Council Chambers, Bethel, Alaska.

Mayor Klejka called the meeting to order at 12:00p.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Council Member Gene Jr. Peltola
 Council Member Joseph Klejka
 Council Member Rick Robb
 Council Member Eric Whitney
 Council Member Mary Sattler

ABSENT: Council Member Mark Springer
 Council Member Sharon Sigmon

STAFF: City Clerk Lori Strickler
 City Manager Lee Foley

IV. PEOPLE TO BE HEARD

V. APPROVAL OF THE AGENDA

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| MOVED: | Whitney | Motion to approve the agenda. |
| SECONDED: | Peltola | |
| VOTE ON MAIN MOTION | 4-1 Motion passes Robb opposed+ | |

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| MOVED: | Robb | Motion to amend the agenda to remove Item A. |
| SECONDED: | | |
| VOTE ON MAIN MOTION | Motion does not carry due to a lack of a second. | |

VI. UNFINISHED BUSINESS

Item A- Motion To Amend Something Previously Adopted:
 Amendment To Ordinance 12-09: An Ordinance By the Bethel City Council Amending The Bethel Municipal Code to Enact Section 4.17 Excise Tax on Cigarettes and Tobacco Products.

| | | |
|----------------------------|---------|---|
| MOVED: | Whitney | Motion to amend something previously adopted: Amendment to Ordinance 12-09: An Ordinance By the Bethel City Council Amending The Bethel municipal Code to Enact Section 4.17 Excise Tax on Cigarettes and Tobacco Products. |
| SECONDED: | Peltola | |
| VOTE ON MAIN MOTION | | |

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| MOVED: | Whitney | Motion to postpone to January 22, 2013 at the Regular City Council Meeting at which time a public hearing will be held. |
| SECONDED: | Sattler | |
| VOTE ON MAIN MOTION | | |
| | All in favor | |

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|----------------------------|--------------|--------------------|
| MOVED: | Peltola | Motion to adjourn. |
| SECONDED: | Sattler | |
| VOTE ON MAIN MOTION | | |
| | All in favor | |

VII. ADJOURNMENT

 Joseph Klejka, Mayor

ATTEST:

 Lori Strickler, City Clerk

Reports of Standing Committees

to attract
primary
estimated



Public Works Committee Agenda

Regular Meeting Wednesday January 16, 2013 – 6:30PM
City Shop Conference Room

MEMBERS

Joseph A Klejka
Council Rep.
Term Expires
11/2012

Frank Neitz
Chair
Term Expires
12/2013

Jennifer Dobson
Vice-Chair
Term Expires
12/2014

Bill Schreiner
Committee Member
Term Expires
12/2013

Scott Guinn
Committee Member
Term Expires
12/2014

VACANT
Committee Member
Term Expires

VACANT
Committee Member
Term Expires

Chuck Willert
Ex-Officio Member

Cheryl Roberts
Secretary/Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (15 Minute Limit)
- IV. APPROVAL OF MINUTES
 - A. Minutes from the previous regular meeting - December 19, 2012.
- V. APPROVAL OF AGENDA
- VI. DIRECTOR'S REPORT
- VII. UNFINISHED BUSINESS
 - A. Update - Closeout of 2 Outstanding Grants / ABC Loop
 - B. Update - Sewer Lagoon
 - C. Update - 5 Year Plan/ RFP - Water & Sewer Master Plan
 - D. Update - Recycle Center
 - E. Update - Institutional Corridor - Feasibility Study
 - F. Update - RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities
 - G. Update - City Shop Floor
 - H. Update - New BNC/Swansons Complex Road Access
 - I. Update - Wind Generation 100kw per Public Building
- VIII. NEW BUSINESS
 - A. Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project
 - B. Water and Sewer Utilities Development Priorities
 - C. H-Marker Lake Road
 - D. TDX Avec Power Plant - Update
- IX. MEMBER COMMENTS
- X. ADJOURNMENT

Cheryl Roberts, Recorder, Public Works Department
Posted: January 10, 2013, AC, Post Office, Swanson's, City Hall



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

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Unfinished Business

Business and Society

Business and Society: A Study of the Interrelationships of Business and Society

Business and Society

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
Action: Passed
Vote: 4-2
Amendment Proposed and Postponed January 8, 2013
Amendment Proposed January 14, 2013
Public Hearing January 22, 2013

CITY OF BETHEL, ALASKA

Ordinance #12-09

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE TO ENACT SECTION 4.17 EXCISE TAX ON CIGARETTES AND TOBACCO PRODUCTS

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Enactment. Sections 4.17 of the Bethel Municipal Code Excise Tax on Cigarettes and Tobacco Products, is enacted as follows.

Chapter 4.17 Excise Tax on Cigarettes and Tobacco Products

- 4.17.010 Definitions
- 4.17.020 Tax on Cigarettes
- 4.17.030 Tax on Other Tobacco Products
- 4.17.040 Intent and Purpose of Chapter
- 4.17.050 Exemptions
- 4.17.060 Exemption Cards
- 4.17.070 License Required for ~~Dealers in~~ Sellers of Cigarette or Tobacco Products - Issuance
- 4.17.080 License Fee
- 4.17.090 Expiration and Renewal of Licenses
- 4.17.100 Transfer of License
- 4.17.110 Refund of Tax or License Fee
- 4.17.120 Display of License; Surrender of License; Suspension or Revocation of License
- 4.17.130 Tax Returns

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
Action: Passed
Vote: 4-2
Amendment Proposed and Postponed January 8, 2013
Amendment Proposed January 14, 2013
Public Hearing January 22, 2013

- 4.17.140 Involuntary Returns
- 4.17.150 Amended Tax Returns
- 4.17.160 Application of Payments
- 4.17.170 Prohibited Acts and Penalties
- 4.17.180 Civil Fraud
- 4.17.190 Tax Lien
- 4.17.200 Interest on Unpaid Tax
- 4.17.210 Taxpayer, licensee, cardholder, or other person remedies
- 4.17.220 Reports by ~~Manufacturers~~ Distributors
- 4.17.230 Inspection and Maintenance of Documents and Records
- 4.17.240 Administrative Regulations
- 4.17.250 Confidential and Non-Confidential Tax Information

4.17.010 – Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "Cardholder or Exemption Cardholder" means a person in whose name a valid and current exemption card has been issued by the Finance Director.
- B. "Cigarette" means a roll for smoking of any size or shape, made wholly or partly of tobacco, whether the tobacco is flavored, adulterated, or mixed with another ingredient, if the wrapper or cover of the roll is made of paper or a material other than tobacco.
- C. "Department" means the finance department of the City.
- D. "Distributor" means: (a) a person who brings cigarettes or other tobacco products or causes them to be brought into the city, and who sells or distributes them to others for resale in the city these tobacco products or (b) a person who supplies cigarettes to retailers for sale.
- E. "Exemption Card" means a city cigarette and tobacco products card issued under this chapter.
- F. "Finance Director" means the finance director of the City of Bethel or their designee.
- G. "Other tobacco products" means:
 - o A cigar;
 - o A cheroot;
 - o A stogie;

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
Action: Passed
Vote: 4-2
Amendment January 8, 2013
Proposed and
Postponed
Amendment January 14, 2013
Proposed
Public Hearing January 22, 2013

- o A perique;
 - o Snuff and snuff flour
 - o Smoking tobacco, including granulated, plug cut, crimp-cut, and ready-rubbed tobacco, and any form of tobacco suitable for smoking in a pipe or cigarette;
 - o Chewing tobacco, including Cavendish, twist, plug, or scrap tobacco, and tobacco suitable for chewing; or
 - o An article or product made of tobacco or a tobacco substitute, but not including a cigarette as defined in this section or a tobacco substitute prescribed by a licensed physician.
- H. "Person" includes an individual, company, partnership, joint venture, joint agreement, association (mutual or otherwise), corporation, syndicate, or political subdivision of this State, or combination acting as a unit including individuals who are employees or officers of any of the such entities who are under a duty to perform an act concerning which a violation of this chapter could occur. It is the intent of this chapter that such persons be personally liable for unremitted taxes.
- I. "Place of business" means a place where cigarettes or other tobacco products are sold, or where they are brought or kept for the purpose of sale or consumption, including a vessel, vehicle, airplane or train.
- J. "Retailer" means a person who brings cigarettes or other tobacco products or causes them to be brought into the City and who is engaged in the business of selling cigarettes or other tobacco products at retail.
- K. "Sale" includes a sale, barter, exchange, and every other manner of transferring the ownership of personal property.
- L. "Tax" means the cigarette and other tobacco products excise tax assessed pursuant to this chapter.
- M. "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a distributor or other person, after deduction of a discount or other reduction received by the distributor for quantity or cash.
- 4.17.020 – Tax on Cigarettes
- A. The City hereby levies an excise tax of 100 mills, adjusted annually as provided in subsection B of this section, on each cigarette brought into the City for sale. Cigarettes upon which the tax is imposed are not again subject to the tax when acquired by another person.

Introduced by: Council Member Eric Whitney
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Public Hearing: December 11, 2012
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Vote: 4-2
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- B. The annual Consumer Price Index adjustment shall be based on the August release date of the semiannual report for the Municipality of Anchorage from the United States Department of Labor statistics and determined to be the percent change to the current year from the average of the first and second half of the prior year, and will be effective January 1 of each year following the August release date. The first such adjustment date shall be January 1, 2014.

4.17.030 – Tax on Other Tobacco Products

An excise tax of forty-five (45%) percent of the wholesale price is levied on tobacco products, other than cigarettes, brought into the City for sale. Tobacco products upon which this tax is imposed are not again subject to this tax when acquired by another person.

4.17.040 – Intent and Purpose of this Chapter

- A. It is the intent and purpose of this chapter to provide for the collection of the excise tax from the ~~distributor~~ retailer who brings cigarettes or other tobacco products into the City for sale. The excise tax is levied when a ~~distributor~~ retailer:
1. First acquires the cigarettes or other tobacco products within the city;
 2. Brings or causes cigarettes or other tobacco products to be brought into the city;
 3. Makes, manufactures, or fabricates cigarettes or other tobacco products in the city; or
 4. Ships or transports cigarettes or tobacco products into the city.
- B. Notwithstanding anything to the contrary contained in this chapter, the taxpayer shall be those persons described in this section and no others.

4.17.050 – Exemptions

- A. Military. Cigarettes and other tobacco products brought into or acquired in the City by a military exchange, commissary, or ship's store operated by one of the uniformed services of the United States as defined in 5 USC section 2101 are exempt from tax under this chapter if the cigarettes and other tobacco products are sold to and for the sole use of authorized personnel according to current military regulations.

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- B. The tax imposed under this chapter does not apply to cigarettes and other tobacco products if the United States Constitution or other federal laws prohibit the levying of this tax on such products by the city.

4.17.60 – Exemption Cards

- A. Except as otherwise provided herein, no person may acquire cigarettes or other tobacco products in the City exempt of the tax unless that person has been issued an exemption card in accordance with this chapter. No licensee shall claim any exemption under this chapter unless cigarettes or other tobacco products for which exemption is claimed have been sold or transferred to a person presenting a valid and current exemption card issued by the department in accordance with this chapter prior to such sale or transfer.
1. Any person with a current City of Bethel business license may apply for an exemption card under this section as an agent for merchants whose principal places of business are located outside of the City and who acquire from an agent cigarettes or other tobacco products exempt from the tax imposed under this chapter, provided each merchant has a valid State of Alaska business license with a tobacco endorsement and the line of business (LOB) code or equivalent thereon.
 2. A merchant acquiring cigarettes and other tobacco products through an agent under this section shall be considered an exemption cardholder for all purposes under this chapter.
 3. A person or licensee issued an exemption card as an agent under this section shall comply will all provisions of this chapter except the agent shall not be required to maintain records to prove that cigarettes and other tobacco products for which an exemption is claimed under the agent's exemption card have been resold outside of the City by the merchant. Violation of any provision of this chapter relating to exemption cardholders by a licensee as agent for a merchant shall be grounds for revocation of the licensee's license issued under this chapter.
 4. Notwithstanding anything to the contrary contained in or implied by other provisions of this chapter, the licensee shall be and remain the taxpayer liable for the payment of taxes due under this chapter.
- B. Application for an exemption card is restricted to person with an active physical business presence in the City of Bethel acting as an agent for merchants whose principal places of business are located outside of the City, shall be on a form

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provided by the department, and shall include the following information and such other information as the department may require:

1. The applicant's name and address;
 2. A copy of the applicant's current State of Alaska business license, including a tobacco endorsement and the line of business (LOB) code or equivalent;
 3. The merchant names and locations where cigarettes and tobacco products will be sold;
 4. Each application for an exemption card shall be accompanied by a fee of \$50.
- C. All exemption cardholders must maintain a valid, current business license, with a tobacco endorsement and line of business (LOB) code or equivalent, issued by the State of Alaska.
- D. Each exemption card, unless suspended or revoked by the Finance Director, is valid from its date of issue until the end of that calendar year and may be renewed each year upon application and payment of the fee to the department.
- E. The Finance Director may suspend, revoke or refuse to issue an exemption card under this section for any violation of or failure to comply with the requirements of this chapter by agent or cardholder, including any act or omission by such person which withholds, misstates or provides false or misleading information required by the department.

4.17.70 – License Required for Dealers in Cigarettes or Tobacco Products

- A. No person may sell, purchase, possess or acquire cigarettes or tobacco products in the City as a manufacturer, distributor, direct-buying retailer, vending machine operator or buyer without a license issued under this chapter.
- B. The department, upon application and payment of the fee, shall issue a license to each manufacturer, distributor, direct-buying retailer, vending machine operator or buyer. A copy of the applicant's State of Alaska business license required under AS 43.50.010 – AS 43.50.390 must accompany the application. The application must include the following information:
1. The applicant's name and address;
 2. The name under which the cigarette or tobacco products business will be conducted;

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3. The applicant's cigarette or tobacco products business categories as a manufacturer, distributor, direct-buying retailer, vending machine operator or buyer;
 4. In the case of vending machine operator, the number of vending machines which will be operated;
 5. Proof of a valid State of Alaska Business license with a tobacco endorsement ; and
 6. Other information required on the department's application form.
- C. The department may refuse to issue a license if there is reasonable cause to believe that the applicant has willfully withheld information requested to determine the applicant's eligibility to receive a license, or if there is reasonable cause to believe that information submitted in the application is false or misleading and is not made in good faith.
- D. The department shall refuse to issue a license if the applicant is delinquent on their city sale's tax at the time of their application. If the applicant has been delinquent for more than thirty (30) days in the twelve (12) months preceding the license application, the City shall have the discretion to issue a provisional license subject to monthly review and subject to on-time remittance of City sales taxes.
- E. A license required by this chapter is in addition to any other license required by law or City code.
- F. A license issued under this chapter shall include:
1. The name and address of the licensee;
 2. The type of business to be conducted;
 3. The address at which the business is conducted; and
 4. The years for which the license is issued.

4.17.080 – License Fee

For each license issued under this chapter, and for each renewal, the fee is One Hundred (\$100) per calendar year. This license shall be in addition to the business license required by Bethel Municipal Code (BMC).

4.17.090 – Expiration and Renewal of Licenses.

A license issued under section 4.21.070 expires on December 31. A licensee, on application to the department accompanied by the renewal fee, may, before the expiration of the license, renew the license for two years from the expiration date of the

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license. If the licensee moves the business to another location within the City, the license shall, upon application to the department, be reissued a license for the new location for the balance of the unexpired term. A person whose license is lost, stolen or defaced shall immediately file an application with the department for reissuance of the license for the balance of the unexpired term.

4.17.100 – Transfer of License

A license issued under this chapter is not assignable or transferable. However, in the case of death, bankruptcy, receivership or incompetency of the licensee, or if the business of the licensee is transferred to another person by operation of law, the department may in its discretion extend the license for a limited time to the executor, administrator, trustee or receiver, or the transferee of the licensee.

4.17.110 – Refund of Tax or License Fee

- A. The department shall not refund the license fee paid pursuant to this chapter upon the surrender or revocation of a license after the beginning of the license year. Upon application, the department may refund a license fee that is paid or collected in error.
- B. If a remittance by a licensee exceeds the amount due, and the department, on audit of the account in question, is satisfied that this is the case, the department shall, upon written request of the licensee, refund the excess to the licensee without interest.
- C. Any claim for refund filed more than one year after the due date of the tax is forever barred.

4.17.120 – Display of License; Surrender of License; Suspension or Revocation of License.

- A. A license issued under this chapter must be prominently displayed at the licensee's place of business.
- B. A licensee shall surrender a license within ten (10) days after:
 - 1. A revocation of a license;
 - 2. A cessation of business;
 - 3. A change of ownership of; or
 - 4. A change of a place of business.
- C. The Finance Director may suspend or revoke a license issued under this chapter:

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1. For violation of this chapter or a regulation of the City adopted pursuant to this chapter; or
2. If a licensee ceases to act in the capacity for which the license was issued; or
3. If the licensee fails to submit their taxes due in a timely manner as required by City Code.

No person whose license is suspended or revoked shall sell cigarettes or tobacco products or permit cigarettes or tobacco products to be sold during the period of the suspension or revocation on the premises occupied or controlled by that person. No disciplinary proceedings or action is barred or abated by the expiration, transfer or surrender, renewal or extension of a license issued under section 4.21.060.

4.17.130 – Tax Returns

On or before the last day of the month following the period for which the return is required to be submitted a licensee shall submit to the office of the finance director all taxes required to be collected, as well as any interest, penalty, costs and charges due. In addition, licensees shall submit a tax return, upon forms provided by the department, for each license.

A. The return shall be signed under penalty of perjury by the licensee or his agent and must include:

1. The name and address of the licensee.
2. The name and address of the person filing the return, if different from the licensee.
3. The number of licenses issued under section 4.17.070
4. The name under which the cigarette or tobacco business is being conducted.
5. The number of cigarettes manufactured, brought into or acquired in the City during the preceding month from any source whatsoever.
6. The wholesale price of all tobacco products brought into or acquired in the City during the preceding month from any source whatsoever
7. The names of persons from whom cigarettes or other tobacco products were brought into or acquired in the City during the preceding month from any source whatsoever.
8. The number of cigarettes brought into or acquired in the City from each person named in subsection A.7. of this section.

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9. Deductions claimed for the number of cigarettes and the wholesale price of other tobacco products for which exemptions are claimed under this chapter.
 10. Deductions claimed for the number of cigarettes and the wholesale price of other tobacco products, specified in the return in response to subsections A.5. and A.6. of this section, for which the tax has been paid previously by another person.
 11. The amount of tax due on the nonexempt cigarettes manufactured, brought into or acquired in the City during the preceding month; and the amount of tax due based on the wholesale price of nonexempt other tobacco products manufactured, brought into or acquired in the City during the preceding month.
 12. Other information and supporting documentation which may be required by the department with the return.
- B. Each licensee shall report the cigarette and other tobacco product sales for which an exemption is claimed under 4.17.050C as deduction on its monthly tax return to the department and shall provide a copy of an invoice or other document satisfactory to the department supporting each sale to a cardholder.
- C. A tax return must be filed even if there were no cigarettes or tobacco products manufactured, brought into or acquired in the City during the preceding month.
- D. The taxes imposed under this chapter and the return required by this section must be received by the department or postmarked on or before the last day of each calendar month following the month covered by the return.

4.17.140 – Estimated Tax

- A. On or after the fifth (5th) day of delinquency in the filing of the required tobacco tax return or the failure to remit all taxes, interest and penalty due, or upon a determination of a delinquency based upon an audit, the Finance Director shall assess against the delinquent seller a tobacco tax for the delinquent periods based on a reasonable estimate of the gross taxable tobacco sales computed from an audit or the tax returns submitted by the delinquent seller. If the finance director determines that information from prior tax returns is not adequate for computing a reasonable estimate of the gross taxable tobacco sales, other sources of information, including but not limited to information derived from similar businesses, may be used. Notice of the estimated assessment shall be provided to the seller by certified mail. Such assessment

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shall be due and owing retroactively from the first (1st) day of delinquency and shall be subject to the interest, penalty and other costs and charges as provided in this chapter.

- B. The estimated assessment of tobacco sales tax and other amounts due and owing, as provided in subsection A of this section, shall be deemed to be admitted to be the amount due and owing to the city unless the Finance Director receives, within twenty (20) days of the date of the certified mailing of notice of the estimated assessment, an accurate and complete tobacco tax return for the delinquent periods together with full remittance of all taxes, interest, penalty, costs and other charges due, or the seller remits the amount due under protest under the provisions of BMC 4.17.210.

4.17.150 – Amended Tax Returns

- A. Any tax return filed under 4.17.130 may be amended by the licensee.
B. Any tax return prepared and filed by the department on behalf of the licensee under section 4.17.140 may be amended by the licensee within one year of the date filed by the department.
C. No amendment by the licensee shall be allowed after this one year period.

4.17.160 – Application of Payments

Any payment submitted to the department for any taxes, penalties, interest or costs due under any provision of this chapter or any return or any finding or determination by the department under this chapter shall be credited to the monthly tax period for which remitted first to the payment of costs and then to penalties, interest and taxes in that order.

4.17.170 – Prohibited Acts and Penalties

- A. No distributor may:
1. Import cigarettes or other tobacco products into the City;
 2. Sell, transfer or acquire cigarettes or other tobacco products in the City; or
 3. Participate in the importation into the City or in the sale, transfer or acquisition within the City of cigarettes or other tobacco products in violation of or without complying with the provisions of this chapter.

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- B. A penalty of six (6%) percent of the taxes due shall be incurred automatically when a person fails to pay the full amount of the tax due under this chapter within seven (7) calendar days following its due date. An additional penalty of six (6%) percent of the taxes due shall be incurred automatically when a person fails to file a tax return or report within seven (7) calendar days following its due date under this chapter. If a person fails to pay the full amount of the tax due and/or file a tax return or report required under this chapter with sixteen (16) calendar days after its due date, the six (6%) penalties incurred above shall be increased automatically to fifteen (15%) percent.
1. The penalty shall be computed on the unpaid balance of the tax liability as determined by the department.
 2. Notice of the penalties incurred and to be incurred shall be given to the person responsible for payment of the taxes or filing the return or report when such tax payment or return or report is delinquent for seven (7) calendar days after its due date.
 3. The penalties provided for in this section shall be in addition to all other penalties and interest provided for under this chapter.
- C. If a properly filed, amended return reduces the total tax liability or the tax required to be paid, or the department reduces the tax liability, the related penalty will be reduced accordingly.
- D. All penalties and remedies enumerated in this chapter are cumulative.
- E. Unless otherwise provided in this section, any person who violates or fails to comply with the provisions of this chapter shall be personally liable for all costs, interest, penalties and taxes due under this chapter plus a penalty equal to thirty (30%) of the tax due. For good cause shown, Finance Director may waive or reduce all or part of any penalty imposed under this subsection.

4.17.180 – Civil Fraud

- A. A civil fraud penalty may be assessed against a person in addition to a penalty for failure to file or failure to pay.
- B. If it determined by the Finance Director that a tax deficiency or part of a tax deficiency is due to fraud, then a penalty will be added to the tax. The penalty is fifty (50%) percent of the deficiency due or One Thousand (\$1,000) Dollars, whichever is greater. The penalty is computed on the total amount of the deficiency due.

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- C. Fraud is the intentional misrepresentation of a material fact with the intent to evade payment of tax which the person believed to be owing. The person must have had knowledge of its falsity and intended that it be acted upon or accepted as the truth.
- D. To establish civil fraud, the Finance Director must prove by clear and convincing evidence that:
 - 1. The tax liability reported was understated; and
 - 2. The understatement was the result of an intent to evade tax.
- E. An intent to evade tax may be demonstrated by any relevant evidence, including but not limited to the following:
 - 1. The person has provided false explanations regarding understated or omitted acquisitions of cigarettes or tobacco products;
 - 2. The person has provided falsified or incomplete source documents;
 - 3. The person has not justified an omission or understatement of a significant amount of acquisitions of cigarettes or tobacco products; or
 - 4. The person has substantially overstated a deduction and has failed to justify the overstatement.

4.17.190 – Tax Lien

- A. If any person who is liable to pay a tax or license fee under this chapter neglects or refuses to pay the tax or licensee fee after demand, the amount, including interest, additional amounts, or assessable penalty together with costs, is a lien in favor of the City upon all property and right to property, real or personal, belonging to that person.
- B. The lien imposed by this section arises upon delinquency and continues until the amount is paid or a judgment against the person arising out of the liability is satisfied.
- C. A lien arising out of a tax due under this chapter, including the penalties and interest on the tax, is, subject to AS 29.45.300, a lien prior, paramount and superior to all other liens, mortgages, hypothecation, conveyances and assignments, upon all real and personal property of the person liable for the tax and upon all the real and personal property used with the permission of the owner to carry on the business which is subject to the tax.
- D. The lien and real property may be enforced as provided in AS 29.45.300 – 29.45.480 for enforcement of real and personal property tax liens.

4.17.200 – Interest on Unpaid Tax

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In addition to any penalties imposed by this chapter, interest at the rate of fifteen (15%) percent annum shall be charged on the unpaid balance of delinquent taxes.

4.17.210 – Administrative Hearings - Taxpayer, Licensee, Cardholder or other Person Remedies

- A. Any person aggrieved by any action of the department in issuing, suspending, revoking or refusing to issue any license or exemption card under this chapter or in fixing the amount of taxes, penalties, interest or costs under this chapter may file a written protest to the Finance Director within twenty (20) days from the date the department mails or takes action. Upon timely protest, the Finance Director (~~the hearing officer~~) shall review the protest and issue written findings no more than thirty (30) days after receipt of the protest.
- B. Any person who disagrees with the decision of the Finance Director may file a written request for an appeal within fifteen (15) days of the Finance Director's written decision by filing a written request for appeal and paying the appropriate appeal fee. An application for a hearing (appeal) must notify the City of the specific action complained of and the amount of tax, interest, cost or penalty contested or action contested and the reason it is contested.
- C. Upon timely receipt of a request for appeal, the City Manager shall hold a hearing on the matter to determine whether a correction is warranted. Hearings before the City Manager under this subsection may, at the option of the City Manager, be conducted by an administrative hearing officer designated by the City Manager.
- D. The Hearing Officer shall conduct the hearing and prepare written findings and conclusions.
- E. Within thirty (30) days after receipt of a written decision by the hearing officer, a person may appeal to the Superior Court of the Fourth Judicial District at Bethel. The person shall be given copies of access to the department's file in the matter for preparation of the appeal.
- F. A request for appeal is filed on the date it is personally delivered, or, if delivered to the department by United States mail, the date of the postmark stamped on the properly addressed cover in which the request is mailed. If the due date falls on a Saturday, Sunday or holiday, the due date is the next working day. A current mailing address must be provided to the department with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the department.

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- G. If the notice to the person pursuant to subsection A of this section shows an amount due the department, the uncontested portion of the amount due must be paid within thirty (30) days after the date of the notice. If the uncontested amount is not paid within thirty (30) days, collection action will be taken on that amount even if the person has filed a request for appeal. Payment of the total amount due may be made at any time before the hearing. If the department has reason to believe that collection of the total amount due might be jeopardized by delay, immediate payment of the total amount will be demanded and the department may pursue any collection remedies provided by law. Payment in full does not affect the person's right to a hearing.
- H. If a person requests a hearing and fails to appear at the hearing, the hearing officer may issue a decision without taking additional evidence from that person, unless that person shows good cause for failure to appear within seven (7) days after the date scheduled for the hearing.
- I. Taxes, license fees, penalties and interest declared to be due in the final administrative decision must be paid within thirty (30) days after the date of the decision, or a bond must be filed with the court in accordance with Alaska Court Rules of Appellate Procedures.

4.17.220 – Reports by ~~Manufacturers~~ Distributors

No later than the end of each calendar month, a ~~manufacturer~~ distributor shall submit a report to the department stating:

1. A list of the tobacco products, the quantity and their wholesale price and the number of cigarettes which were brought into the city from the ~~manufacturer~~ distributor during the preceding month;
2. The names and address of those persons bringing cigarettes and tobacco products into the city from the ~~manufacturer~~ distributor during the preceding month; and
3. A list of the quantity of tobacco products, the wholesale price, and the number of cigarettes brought from the ~~manufacturer~~ distributor into the city by each person named in subsection 2 of this section.

4.17.230 – Inspection and Maintenance of Documents

- A. Every person subject to this chapter shall keep a complete and accurate record of all cigarettes and other tobacco products manufactured, purchased, sold, brought into, transported outside of or acquired in the city by such person.

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1. Except in the case of a manufacturer, the records shall include a statement containing the name and address of the person from whom cigarettes or other tobacco products were purchased or acquired, the date of delivery, the quantity of cigarettes and other tobacco products, the trade name and brand, and the price paid for other tobacco products purchased.
 2. Each invoice or other documentation of the sale of cigarettes or other tobacco products within the City shall state whether the tax imposed under this chapter has been paid.
 3. Persons subject to this chapter shall keep such other documents and records as the department prescribes.
 4. All documents and records required by this section shall be preserved by person subject to this chapter for three years. All records and documents required by this chapter to be kept or retained are subject to inspection within the city upon demand by the department.
- B. A licensee transferring or selling cigarettes or other tobacco products to a cardholder must keep a record of cigarettes and other tobacco products transferred or sold to such person, including the serial number of the exemption card.
- C. The Finance Director may, during business hours, enter the business premises of a licensee or cardholder where cigarette or other tobacco products are kept or stored, so far as it may be necessary for the purpose of examining such products and the related business records.

4.17.240 – Administrative Regulations

The Finance Director, or his designee, may adopt regulations providing for the application and interpretation of this chapter and providing methods and forms and collecting the tax imposed in this chapter.

4.17.250 – Confidential and Non-Confidential Tax Information

- A. The following information is publicly available information:
1. Names and addresses of business owners who filed tax returns under this chapter;
 2. Whether a business is registered to collect taxes under this chapter in the City of Bethel;
 3. Whether a business is current in filing tax returns and in remitting taxes due under this chapter, and the number of returns not filed; and

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4. Names and exemption numbers of those entities which have received a tax-exempt number from the City of Bethel relating to taxes due under this chapter.
- B. The City of Bethel may permit any authorized representative of any federal, state or other local government agency to inspect and copy any tax returns filed and reports prepared under this chapter, if the other governmental agency provides substantially similar access to the City of Bethel, files a timely request in accordance with the City's public request for information procedures, and if the City of Bethel determines that the other governmental agency provides adequate safeguards to the confidentiality of the tax returns and reports.
- C. Except as otherwise provided in this section, tax forms and their contents are confidential and shall not be disclosed by the finance department except:
1. In connection with efforts by the City of Bethel to collect the tax;
 2. In response to a subpoena issued by a court, state agency or governmental board or commission;
 3. In connection with legislative inquiry specifically authorized by the assembly;
 4. In connection with the City of Bethel audits for purposes of verifying City of Bethel accounting practices;
 5. In compilation of statistics and studies by the finance department for public distribution, so long as information from individual businesses is not identifiable as to source.

SECTION 3. Effective Date. ~~This ordinance shall become effective immediately, upon passage by the City Council. This Ordinance shall become effective sixty (60) days from the date of passage.~~ This Ordinance shall become effective March 1, 2013.

ENACTED THIS 11 DAY OF DECEMBER 2012, BY A VOTE OF 4 IN FAVOR AND 2 OPPOSED.

ATTEST:

Joseph A. Klejka, Mayor

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
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Lori Strickler, City Clerk

Introduced by: Finance Committee
Date: November 27, 2012
Public Hearing: December 11, 2012
January 8, 2013
January 22, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #12-10

AN ORDINANCE AMENDING SECTIONS 4.20.030M, 4.20.090E, 4.20.100E OF THE BETHEL MUNICIPAL CODE, TO AMEND LOCAL PREFERENCE

WHEREAS, a local bidders preference has been a long standing provision within the Bethel Municipal Code,

WHEREAS, it is imperative to provide to local businesses a bidding preference based on its operation within Bethel, while remaining fair toward businesses that are not primarily based within the City of Bethel but wish to bid on City projects,

WHEREAS, the City of Bethel must balance the need for a local preference with that of rising project costs with limited funds available,

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC 4.20.030M. The Bethel Municipal Code section 4.20.030M, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.030 Definitions (M). Local Business "Local business" means:

1. A business with fixed offices or distribution points located within the boundaries of the city of Bethel for a period of at least six (6) months immediately preceding the date of the bid and intends to permanently maintain such place of business;

2. Who has a current city and state of Alaska business license to provide such goods or services; and submits a bid for goods and services under the name of the business appearing on the current city and state of Alaska business license;

3. Who is at the time of bidding or proposing in compliance with all requirements of the city sales tax ordinance; and is not delinquent in the payments of any taxes, charges or assessments owing to the City of Bethel.

Introduced by: Finance Committee
Date: November 27, 2012
Public Hearing: December 11, 2012
January 8, 2013
January 22, 2013
Action:
Vote:

4. The City Manager may require such documentation or verification by the bidder claiming to be a local business as deemed necessary to establish the requirements of this section.

5. A Bethel post office box number or residential address may not be used solely to establish status as a local business.

SECTION 3. Amending BMC 4.20.090E. The Bethel Municipal Code section 4.20.090E, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.090 Competitive sealed bidding E. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as otherwise authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for awards shall be objectively measurable, such as discounts, transportation costs, and total life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. The criteria shall include a statement that any local business submitting a bid shall be awarded where the bid by such local bidder is, in all material respects, comparable to the lowest responsible non-local bid if the amount bid by such local bidder does not exceed the lowest non-local bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation or unless the Council, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Non - local bid is: Local bid is not more than:

\$0 - \$ 500,000.00: 5 percent higher than non-local bid

\$0 - \$1,000,000.00: 5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

No additional adjustment for bids above \$1,000,000.00

~~receive a five (5) percent preference in determining the lowest responsible and responsive bidder. No criteria may be used in bid evaluation that is not set forth in the invitation for bids.~~

SECTION 4. Amending BMC 4.20.100E. The Bethel Municipal Code section 4.20.100E, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.100 Competitive sealed proposals. E. Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors. The evaluation factors shall include a statement that any local business submitting a proposal shall receive a five (5) percent preference if Local bid is not more than: \$0 - \$ 500,000.00, 5 percent higher than non-local bid; \$0 - \$1,000,000.00, 5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

No additional adjustment for bids above \$1,000,000.00

in evaluating the proposed price.

Introduced by: Finance Committee
Date: November 27, 2012
Public Hearing: December 11, 2012
January 8, 2013
January 22, 2013
Action:
Vote:

SECTION 5. Effective Date. This section shall become effective immediately upon the passage by the City Council.

ENACTED THIS ____ DAY OF _____ 2012, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document discusses the challenges and limitations of data collection and analysis. It notes that while technology has advanced significantly, there are still many obstacles to overcome, such as data privacy and security concerns.

4. The fourth part of the document provides a summary of the key findings and conclusions. It reiterates the importance of maintaining accurate records and using reliable data sources to ensure the integrity of the information.

5. The fifth part of the document discusses the future of data collection and analysis. It predicts that as technology continues to evolve, there will be new opportunities and challenges in the field.

Amending BMC 4.20.030M

4.20.030 Definitions

~~M. "Local business" means: a business with fixed offices or distribution points located within the boundaries of the city and who has a current city business license and who is at the time of bidding or proposing in compliance with all requirements of the city sales tax ordinance. A Bethel post office box number or residential address may not be used solely to establish status as a local business.~~

1. A business with fixed offices or distribution points located within the boundaries of the city of Bethel for a period of at least six (6) months immediately preceding the date of the bid who intends to permanently maintain such place of business;
2. Who has a current City of Bethel and State of Alaska business license to provide such goods or services; and submits a bid for goods and services under the name of the business appearing on the current city and state of Alaska business license;
3. Who is at the time of bidding or proposing in compliance with all requirements of the city sales tax ordinance; and is not delinquent in the payments of any taxes, charges or assessments owing to the City of Bethel.
4. The City Manager, Request for Proposals or Bid Solicitation may require such documentation or verification by the bidder claiming to be a local business as deemed necessary to establish the requirements of this section.
5. A Bethel post office box number or residential address may not be used solely to establish status as a local business.
6. It is not sufficient that a subsidiary or parent company has local offices and is based locally in Bethel. To be considered local, the business seeking local preference must have a physical presence in the City separate and distinct from that of the parent or subsidiary company.

Amending BMC 4.20.090E

4.20.090E Competitive sealed bidding. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as otherwise authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for awards shall be objectively measurable, such as discounts, transportation

costs, and total life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. ~~The criteria shall include a statement that any local business submitting a bid shall receive a five (5) percent preference in determining the lowest responsible and responsive bidder. Whenever applicable and not disallowed by the funding source, the bid solicitation shall include a statement that any local business submitting a bid shall be awarded a local bidder preference of:~~
5% for the first \$1 to \$500,000 of the price submitted;
2.5% for bid prices within \$501,000 to \$1,000,000 of the price submitted;
No additional adjustments will be made above \$1,000,000 in bid prices submitted
No criteria may be used in bid evaluation that is not set forth in the invitation for bids.

Amending BMC 4.20.100E

4.20.100 Competitive sealed proposals. E. Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors. The evaluation factors shall include a statement that, ~~any local business submitting a proposal shall receive a five (5) percent preference in evaluating the proposed price. whenever granting sources allow, any local business submitting a proposal shall receive a local bidder preference to be applied as follows:~~
5% for the first \$1 to \$500,000 of the price submitted;
2.5% for the next \$501,000 to \$1,000,000 of the price submitted;
No additional adjustments will be made above \$1,000,000 in bid prices submitted.

Introduced by: City Manager Foley
Date: January 8, 2013
Public Hearing: January 22, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-03

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTIONS 4.16.040 F SALES AND USE TAX EXEMPTIONS

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC 4.16.040 F. The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.16.040 Exemptions.

The following sales are exempt from the tax levied under this chapter only in accordance with the limitations provided for in this section:

~~F. A sale the city is prohibited from taxing under the Constitution and laws of the United States or the Constitution and the laws of the state of Alaska is exempt. A sale made directly to the state, its political subdivisions, or the U.S. government is exempt. A sale to a federal, or state or City contractor, or a contractor of a political subdivision of the state, is not exempt even if the government pays directly for the purchase unless the contractor and government cannot be viewed as separate entities if the purchase is solely for the construction on behalf of the federal, state or City government, and applies only to actual construction materials purchased on behalf of the federal, state or City entity and used in the federal, state or City project.~~

F. A sale the city is prohibited from taxing under the Constitution and laws of the United States or the Constitution and the laws of the state of Alaska is exempt. A sale made directly to the state, its political subdivisions, or the U.S. government is exempt. A sale to a federal, or state or City contractor, or a contractor of a political subdivision of the state, is not exempt even if the government pays directly for the purchase. unless the contractor and government cannot be viewed as separate entities.

Comment [1s1]: Language stricken by the Council at the January 8th meeting. Council opted for alternate language as presented in new item F.

Introduced by: City Manager Foley
Date: January 8, 2013
Public Hearing: January 22, 2013
Action:
Vote:

G. A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;

SECTION 5. Effective Date. This section shall become effective immediately upon the passage by the City Council.

ENACTED THIS ____ DAY OF _____ 2013, BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk

Suggested Amendments for: Ordinance 13-03

Submitted by City Attorney Burley

Date: January 22, 2013

Additional Notes: Council amended Ord. 13-03 on the January 8th Meeting to reflect Option 2.

Sales Tax Exemption 4.16.040F

"A sale to a federal or state contractor, or a contractor of a political subdivision of the state, is not exempt even if the government pays directly for the purchase unless the contractor and government cannot be viewed as separate entities. A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;"

Option 1: F. A sale to a federal, ~~or state~~ or City contractor, ~~or a contractor of a political subdivision of the state,~~ is not exempt even if the government pays directly for the purchase unless the contractor and government cannot be viewed as separate entities if the purchase is solely for the construction on behalf of the federal, state or City government, and applies only to actual construction materials purchased on behalf of the federal, state or City entity and used in the federal, state or City project. [Recommend making this next sentence a separate paragraph] A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;

Option 2: F. A sale to a federal, ~~or state~~ or City contractor, ~~or a contractor of a political subdivision of the state,~~ is not exempt even if the government pays directly for the purchase unless the contractor. ~~and government cannot be viewed as separate entities.~~ [Recommend making the next sentence a separate paragraph] A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-02

AN ORDINANCE OF THE BETHEL CITY COUNCIL PROVIDING FOR A COMPLETE STREETS POLICY AND DIRECTING STAFF TO DEVELOP IMPLEMENTATION STRATEGIES TO INCREASE THE USABILITY OF ALL STREETS FOR ALL MODES OF TRAVEL FOR CITIZENS OF ALL AGES AND ABILITIES IN BETHEL

WHEREAS, The City of Bethel wishes to ensure that all users of our transportation system are able to travel safely and conveniently on all streets and roadways within the public right-of-way in Bethel; and

WHEREAS, a complete street is defined as one which provides a safe, convenient, and context-sensitive facility for all modes of travel, for users of all ages and all abilities; and

WHEREAS, complete streets better serve the needs of those who use transit by providing access to transit systems; and

WHEREAS, complete streets have public health benefits, such as encouraging physical activity and improving air quality, by providing the opportunity for more people to bike and walk safely; and

WHEREAS, complete streets improve access and safety for those who cannot or choose not to drive motor vehicles; and

WHEREAS, complete streets are essential in providing safe routes to school for children; and

WHEREAS, complete streets policies have been adopted legislatively by at least five states, and by at least 36 localities – of which 13 are by local law (resolutions or ordinances); and

WHEREAS, the City of Bethel currently has a limited complete streets policy; and

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing:
Action:
Vote:

WHEREAS, it is the desire of the City of Bethel to formalize a commitment to the principles of complete streets for all of our streets;

NOW THEREFORE BE IT ENACTED, by the City Council of Bethel Alaska that the following changes are made to the Bethel Municipal Code Chapter 12.01 to create a Complete Streets Policy.

THEREFORE BE IT ORDAINED by the City Council of Bethel Alaska as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending Section 12.01 of the Bethel Municipal Code is hereby amended as follows (new language is underlined).

Section 12.01 General Provisions

12.01.02 Application

- A. The provisions of this chapter will apply to the scoping, design, and construction of projects involving roadways in the City of Bethel.
- B. Any exception to applying these provisions to a specific roadway project must be approved by the City Council, with documentation of the reason for the exception.

12.01.03 Requirements

- A. Any roadway in the City of Bethel which is to be newly constructed or completely reconstructed must be designed and constructed to:
 1. Provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and
 2. Address the needs of all users both along roadway corridors and crossing the corridors.
- B. Any project in which an existing roadway surface is to be restored or rehabilitated, and any remediation of deficient or non-existent sidewalks, shall be reviewed for the potential of making the roadway a complete street.

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing:
Action:
Vote:

1. Consideration shall particularly include proportionality, the scope of work needed to make a complete street reasonable in relation to the scope of the proposed roadway construction, maintenance or improvement.
 2. The application of design standards will be flexible to permit context-sensitive design fitting the roadway design within the context of the neighborhood recognizing that all streets are different and user needs will be balanced.
- C. The Public Works and Planning Departments will review current designs standards which apply to new roadway construction to assure that they reflect the best available design standards and guidelines, and effectively implement the Complete Streets Policy above stated.
- D. Design standards also serve as guidance for all existing roadway rehabilitation, reconstruction, or resurfacing, to the extent that the work required is reasonably proportional to the scale of the proposed rehabilitation, reconstruction, or resurfacing.

12.01.04 Reporting

An annual report will be made to the City Council by the City Administration showing progress made in implementing this chapter.

SECTION 5. Effective Date. This section shall become effective immediately upon the passage by the City Council.

ENACTED THIS ____ DAY OF ____ 2013, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk

Complete Streets

1 message

Brian Lefferts <Brian_Lefferts@ykhc.org>
To: Lori Strickler <lstrickler@cityofbethel.net>

Wed, Jan 2, 2013 at 12:52 PM

Here's the ordinance. Passed both committees unanimously.

Verify the unanimous vote at your commission – it passed unanimously at mine both times.

-Jenni

To address several concerns voiced by Council at 8/28 meeting about the proposed "complete streets" resolution, we made several changes as follows:

- The proposed ordinance does not require pedestrian access be included on all Bethel roads *no matter what*. The proposed ordinance states that when it is not feasible to include pedestrian access, an explanation will be provided to City Council as to the reasons. Please reference: Section 12.01.02 B.
- The proposed ordinance would not apply to general or minor maintenance (of existing roads. However, it does state that new roads or major road construction projects "shall be reviewed for the potential of making the roadway a complete street." Please reference: 12.01.03 B.
- It was suggested that the proposed resolution should take the form of a proposed ordinance.

After extensive discussion at both the Public Transportation & Safety Commission and the Public Works Committee (including the Public Works Director), it was approved unanimously. We strongly believe that the lack of safe pedestrian and bike access on Bethel streets is an important issue that must be considered for future planning, and we respectfully submit to Council. If the City Council has other objections, we ask the Council to consider amending the ordinance or sending back to the Commission/Committee for further review.

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Comptes Rendus

1911

Comptes Rendus de l'Académie des Sciences et belles-lettres de Paris

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City of Bethel, Alaska

Public Safety and Transportation Commission

December 4, 2012

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on December 4, 2012 in the Bethel City Hall Conference Room.

This meeting was called to order at 7:01PM.

II. ROLL CALL

Present: *Chair, Pat Jennings*
 Vice Chair, Brian Lefferts
 Paul Gregory
 Annette Sutton
 Chief, Larry Elarton

Absent: Chief, George Young

Excused Absent: Council Member Sigmon

III. PEOPLE TO BE HEARD

No one wished to be heard.

IV. APPROVAL OF AGENDA

| | | |
|----------------------------|---------------|-------------------------------|
| MOVED: | Sutton | Motion to approve the agenda. |
| SECONDED: | Lefferts | |
| VOTE ON MAIN MOTION | All in favor. | |

V. APPROVAL OF MINUTES

| | | |
|----------------------------|---------------|--|
| MOVED: | Lefferts | Motion to approve the minutes from July 3, September 4, October 2, and November 6, 2012. |
| SECONDED: | Sutton | |
| VOTE ON MAIN MOTION | All in favor. | |

VI. CHIEFS' COMMENTS

Police Chief Larry Elarton- CSP officers are still in EMT training. A new CSO is being trained by the current CSO, Edward Chase. Two dispatchers are enrolled in the Emergency Medical Dispatching (EMD) courses, after this course they will be trained as instructors in EMD. We have had meetings with the state to try to go regional for the Alaska Land Mobile Radio System (ALMR) we will be able to communicate directly via radio with the villages and surrounding areas. Total calls were down, but number of investigations remained the same. There were 50 arrests and 3 deaths. Police building is moving along, sheet rock is completed and all levels are painted. They are installing the final bit of flooring by the end of the week. It will probably be the 1st of February at the earliest that we can turn on dispatch. Our generator missed the last barge, but we may be able to piggy-back onto the airlift for the pool pilings which are needed this winter. Without the generator we cannot move dispatch.

Fire Chief George Young- Not present to be heard.

VII. TRANSPORTATION INSPECTOR REPORT

Police Chief Larry Elarton- We have had 4 or 5 cars that have driven other cars completely off of the road. One chauffeur has done it 3 times, which needs to be addressed. We had a meeting with all of the cab companies, they all agreed they would support an ordinance that cab drivers cannot use a cell phone while driving. This driver is currently suspended under BMC 5.20.110 for 10 days. We would like to extend his suspension time until a special meeting can be held, and he can appeal if he chooses. If convicted of the citations issued to him his permit will be revoked. There were also a couple of the cab companies that had scannable radios in their cabs.

VIII. COMMISSION MEMBER COMMENTS

Chair, Pat Jennings- Would like to see more headlights on patrol cars during times of low-light.

Vice Chair, Brian Lefferts- Has been noticing a few fox around town. Encourages people to get their dogs vaccinated. Would like someone to speak to city council about the business discussed at this meeting.

Paul Gregory- There are still sewage issues in city sub.

Annette Sutton- Believes there are some good cab drivers out there.

Sharon Sigmon- Not present to be heard.

IX. UNFINISHED BUSINESS

A. COMPLETE STREETS ORDINANCE

| | | |
|----------------------------|---------------|---|
| MOVED: | Lefferts | Motion to introduce the complete streets ordinance, which was redrafted as an ordinance from a resolution and agreed to be forwarded to city council. |
| SECONDED: | Sutton | |
| VOTE ON MAIN MOTION | All in favor. | |

B. RESTAURANT INSPECTION ORDINANCE

| | | |
|----------------------------|---------------|--|
| MOVED: | Lefferts | Motion to introduce the restaurant inspection ordinance. |
| SECONDED: | Sutton | |
| MOVED: | Sutton | Motion to postpone the restaurant inspection ordinance until the next meeting. |
| SECONDED: | Lefferts | |
| VOTE ON MOTION | All in favor. | |
| VOTE ON MAIN MOTION | All in favor. | |

C. SUGAR SWEETENED BEVERAGES ORDINANCE

| | | |
|----------------------------|---------------|--|
| MOVED: | Lefferts | Motion to table the sugar sweetened beverages ordinance until we hear back from the finance committee. |
| SECONDED: | Sutton | |
| VOTE ON MAIN MOTION | All in favor. | |

X. NEW BUSINESS

A. CONSIDERATION TO DECLARE A COMMISSION VACANCY OF CHARLEY CHUNG PER BMC 2.52.070 (9).

| | | |
|----------------------------|---------------|--|
| MOVED: | Lefferts | Motion to introduce the matter of Charley Chung. |
| SECONDED: | Sutton | |
| MOVED: | Sutton | Motion to declare Charley Chung's seat vacant. |
| SECONDED: | | |
| VOTE ON MOTION | All in favor. | |
| VOTE ON MAIN MOTION | All in favor. | |

B. STATIONARY DISPATCH FOR ALL CAB COMPANIES

| | | |
|-----------------------|---------------|---|
| MOVED: | Lefferts | Motion to approve a stationary dispatch for all cab companies. |
| SECONDED: | Sutton | |
| MOVED: | Lefferts | Motion to table the matter of a stationary dispatch until next meeting. |
| SECONDED: | | |
| VOTE ON MOTION | All in favor. | |

C. PUBLIC NUISANCE

| | | |
|----------------------------|---------------|---|
| MOVED: | Lefferts | Motion to open the public nuisance ordinance. |
| SECONDED: | Sutton | |
| MOVED: | Jennings | Motion to forward to city council upon revision by the city attorney. |
| SECONDED: | Lefferts | |
| VOTE ON MOTION | All in favor. | |
| VOTE ON MAIN MOTION | All in favor. | |

D. CHRONIC OR EXCESSIVE NUISANCE PROPERTIES

| | | |
|----------------------------|---------------|--|
| MOVED: | Lefferts | Motion to introduce chronic/excessive nuisance. |
| SECONDED: | Sutton | |
| MOVED: | Sutton | Motion to table and hear from the city attorney on this ordinance at the next regular meeting. |
| SECONDED: | Lefferts | |
| VOTE ON MOTION | All in favor. | |
| VOTE ON MAIN MOTION | All in favor. | |

XI. ADJOURNMENT

| | | |
|----------------------------|---------------|--------------------|
| MOVED: | Lefferts | Motion to adjourn. |
| SECONDED: | | |
| VOTE ON MAIN MOTION | All in favor. | |

Meeting adjourned at 8:40 PM

APPROVED THIS _____ DAY OF _____, 2013.

KaJena Baty, Recorder

Pat Jennings, Chair

New Business

Handwritten text at the top of the page, possibly a title or header.

Handwritten text in the middle of the page, possibly a main heading or section title.

Introduced by: Lee Foley, City Manager
Date: January 22, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 13-02

PREPARE AND SUBMIT 2013 LAND AND WATER CONSERVATION FUND GRANT APPLICATION TO FUND PINKY'S PARK IMPROVEMENTS

WHEREAS, the Land and Water Conservation Fund is a federal grant program administered by the National Park Service through the State of Alaska, Division of Parks and Outdoor Recreation;

WHEREAS, the grant provides 50% matching funds for outdoor recreation projects;

WHEREAS, Pinky's Park is a 21-acre land area in Bethel developed by LWCF funding and designated for outdoor recreation use in perpetuity;

WHEREAS, the LWCF program requires a preliminary application by February 1, 2013 and, if approved, a final application with extensive supporting documentation must be submitted for final approval;

WHEREAS, due to limited funding, the grant portion of Alaska LWCF projects must be \$50,000 to \$125,000 in scope;

WHEREAS, the City of Bethel proposes to use \$125,000 in grant funds to pay for the following improvements in Pinky's Park: construction of wooden boardwalk and decks, application of geoblock trails over tundra, construction of gravel road and multiuse sports field, and construction of sand pad and high tunnel to be part of the community garden;

WHEREAS, the City of Bethel assisted the Yukon Kuskokwim Health Corporation, Diabetes Prevention and Control Program prepare and submit a First National Agriculture Initiative grant application in December 2012 to request \$37,500 to pay for the entire high tunnel garden project except for \$18,938;

WHEREAS, the City intends to use \$18,938 of its \$125,000 LWCF grant amount to complete the high tunnel garden project;

WHEREAS, as part of the 2013 LWCF grant application, the City commits the use of its heavy equipment, personnel, and approximately 67 truckloads of sand to construct a sand pad for the high tunnel (50 ft. by 95 ft.) west of the community garden;

Introduced by: Lee Foley, City Manager
Date: January 22, 2013
Action:
Vote:

WHEREAS, as part of the 2013 LWCF grant application, the City commits the use of its heavy equipment, personnel, and approximately 900 truckloads of sand to construct a sand pad for a multiuse sports field (360 ft. by 225 ft.) and gravel road leading to it;

WHEREAS, the project will also require some Parks and Recreation seasonal staff time and community volunteer time;

WHEREAS, the City of Bethel commits to maintaining improvements made to Pinky's Park with funding from the 2013 LWCF grant;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports and approves the City's preparation and submission of a 2013 Land and Water Conservation Fund Grant application to fund Pinky's Park improvements;

ENACTED THIS 22ND DAY OF JANUARY 2013 BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk



City of Bethel

Committees and Commissions

Recommendation to City Council

Committees and Commissions that wish to make a recommendation to City Council should turn this form in to the City Clerk or to the City Council representative on the committee or commission.

| | |
|--|----------------------------------|
| Committee/Commission: Parks & Recreation | Chairman: Barbara Mosier |
| Date Submitted: 12/4/12 | Council Rep: Mary Sattler |
| Issue: | |
| The City of Bethel has an opportunity to apply for a Land and Water Conservation Fund grant. Grant proposals are due February 1, 2013. | |
| The City could use this grant to fund improvements in Pinky's Park, a 21-acre area designated by the City for outdoor recreation use only. The Park status is officially recorded with the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation. | |
| Incorporate more land into Pinky's Park that will be available for recreational use or to leave in its natural state. | |
| Recommendation: | |
| The Parks & Recreation Acting Director and Grant Manager work together to prepare and submit a Land and Water Conservation Fund grant application by the February 1, 2013 deadline. The application will include the City's designation of more land to become a permanent part of Pinky's Park. Upgrades to the park being considered for inclusion in the application are: skatepark cover, multi-sport field, entertainment amphitheater sound shell, and baseball field improvements. Other upgrade ideas will be sought from from the baseball field volunteers and City Planning Commission members. | |

Received by: _____
Date: _____

Introduced by: Lee Foley, City Manager
Date: January 22, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 13-03

DESIGNATION OF FIVE ACRES OF LAND TO PINKY'S PARK FOR OUTDOOR RECREATION

WHEREAS, the Land and Water Conservation Fund is a federal grant program administered by the National Park Service through the State of Alaska, Division of Parks and Outdoor Recreation;

WHEREAS, the grant provides 50% matching funds for outdoor recreation projects;

WHEREAS, property acquired or developed with LWCF funding must be retained and used solely for outdoor recreation purposes in perpetuity;

WHEREAS, Pinky's Park is a 21-acre land area in Bethel developed by LWCF funding and designated for outdoor recreation use in perpetuity;

WHEREAS, the City of Bethel has an opportunity to add five acres of City land to Pinky's Park and use it as match in its grant application due February 1, 2013;

WHEREAS, Affiliated Appraisers of Alaska revealed in December 2012 that the average value per acre for three land sales that occurred in Bethel in 2002 was \$31,070;

WHEREAS, using a value of \$31,070 per acre gives the five acres adjacent to Pinky's Park a value of \$155,550;

WHEREAS, the five-acres of land to be added to Pinky's Park is the land west of the Pinky's Park boundary to the eastern boundary of Yuut Elitnaurviat and north of the ONC multipurpose building;

WHEREAS, the City Planner and Acting Parks and Recreation Director support the addition of the five acres of land to Pinky's Park for the following reasons: land can be better used for Fourth of July activities, vendors, and crowd disbursement; land would be used to construct a gravel road to a multiuse athletic field for soccer, field hockey, and other sports; land is adjacent to Pinky's Park; land is close to an existing parking lot;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports and approves the designation of five acres of additional land to become a part of Pinky's Park and used solely for outdoor recreation in perpetuity;

Introduced by: Lee Foley, City Manager
Date: January 22, 2013
Action:
Vote:

BE IT FURTHER RESOLVED, that the Bethel City Council approves the use of the newly designated five acres of land as match for its FY 2013 LWCF grant application;

ENACTED THIS 22ND DAY OF JANUARY 2013 BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel Action Memorandum

| | | | |
|-------------------------|-----------|--|---------------------------------|
| Action memorandum No. | 13-01 | | |
| Date action introduced: | 1-22-2013 | Introduced by: | Mayor Klejka |
| Date action taken: | | <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Confirmed by: | | | |

SUBJECT/ACTION:

Approve Mayor Klejka's appointment of Johnny M. Furlong to the Public Safety and Transportation Commission for a term of three years.

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| X | Police Chief | | |
| X | Fire Chief | | |

Attachment(s): Application

| Amount of fiscal impact | | Account information: |
|-------------------------|---|----------------------|
| X | No fiscal impact | |
| | Funds are budgeted for. | |
| | Funds are not budgeted. Budget modification is required. Affected account number: | |

Action memorandum 13-01 is sponsored by Mayor Klejka at the request of the City Clerk.

Johnny M. Furlong has applied for appointment to the Public Safety and Transportation Commission. If approved, he will be filling a three year term ending December 2016.

CONFIDENTIAL

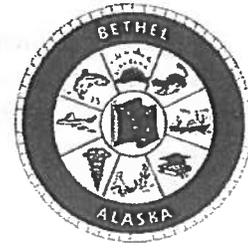
CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide an Alaska Public Offices Commission (APOC) Statement to the City Clerk's Office within 30 days of appointment. Commissioners must continue to provide an updated APOC statement to the clerk's office by the 15th of March annually.

NAME: Johnny Furlong

MAILING ADDRESS: Box Bethel, AK 99559

RESIDENCE ADDRESS:

HOME PHONE: 907 545-

WORK PHONE: 907-543-

CELL PHONE: 907-545-

E-MAIL: jfurlong@hotmail.com

OCCUPATION: Station Manager

EMPLOYER: Ryan Air

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

NO

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

NO

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

NO

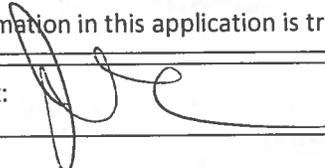
4. Are you a resident of the City of Bethel? Yes ___ No If so, for how long?

5. Does your schedule permit you to regularly attend required meetings: Yes ___ No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant: 

Date: 12/31/12

FOR OFFICE USE ONLY

Date Received: 12-31-2012

Date of Council Approval:

Action Memorandum Number:

Date Applicant Notified:

Term Expiration:

Registered voter of the City ___ Yes ___ No

City of Bethel Action Memorandum

| | | | |
|-------------------------|-----------|--|---------------------------------|
| Action memorandum No. | 13-02 | | |
| Date action introduced: | 1-22-2013 | Introduced by: | Mayor Klejka |
| Date action taken: | | <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Confirmed by: | | | |

SUBJECT/ACTION:

Approve Mayor Klejka's appointment of Joan P Dewey to the Public Safety and Transportation Commission as alternate for a term of three years.

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| X | Police Chief | | |
| X | Fire Chief | | |

Attachment(s): Application

| Amount of fiscal impact | | Account information: |
|-------------------------|---|----------------------|
| X | No fiscal impact | |
| | Funds are budgeted for. | |
| | Funds are not budgeted. Budget modification is required. Affected account number: | |

Action memorandum 13-02 is sponsored by Mayor Klejka at the request of the City Clerk.

Joan P Dewey has applied for appointment to the Public Safety and Transportation Commission. If approved, she will be filling a three year term ending December 2016, as an alternate.

The nervous system is composed of the brain, spinal cord, and peripheral nerves. It is responsible for receiving information from the environment and coordinating the body's response to that information.

The brain is the central processing unit of the nervous system. It is divided into several regions, including the cerebrum, cerebellum, and brainstem. Each region has specific functions related to movement, sensation, and cognition.

The spinal cord is a long, thin, tube-like structure that runs through the center of the back. It is responsible for transmitting signals between the brain and the rest of the body. The spinal cord is divided into several segments, each of which controls a different part of the body.

Peripheral nerves are the network of nerves that extend from the brain and spinal cord to the rest of the body. They are responsible for carrying signals between the central nervous system and the muscles and organs.

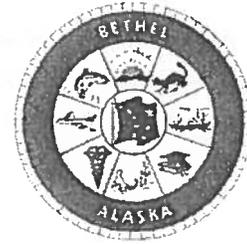
The nervous system is a complex and highly organized system. It is essential for the body's survival and well-being. Understanding the nervous system is crucial for diagnosing and treating neurological disorders.

There are many different types of neurons in the nervous system. Each type has a specific function and is located in a specific part of the nervous system. The neurons work together to transmit signals and coordinate the body's response to the environment.

The nervous system is constantly changing and adapting to the environment. This is done through a process called neuroplasticity. Neuroplasticity allows the nervous system to reorganize itself and form new connections in response to changes in the environment.

There are many different types of neurological disorders. Some are caused by genetic factors, while others are caused by environmental factors. Understanding the causes of these disorders is essential for developing effective treatments.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide an Alaska Public Offices Commission (APOC) Statement to the City Clerk's Office within 30 days of appointment. Commissioners must continue to provide an updated APOC statement to the clerk's office by the 15th of March annually.

NAME: JOAN P. DEWEY

MAILING ADDRESS: P.O. BOX

RESIDENCE ADDRESS:

HOME PHONE: 543

WORK PHONE: 907543

CELL PHONE: 545

E-MAIL: Joanpdewey@gmail.com

OCCUPATION: Social worker

EMPLOYER: STATE OF ALASKA
DEPT of Corrections

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

Joan P. Dewey "Discovery Life Skills"
Individual, family & group counseling or psycho-
educational services

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

* member (president) of Bethel Friends of Canines, expect to be job train non profit status as 501-C3 by March, 2013

3. Do you currently have a direct or indirect financial or business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

n/a

4. Are you a resident of the City of Bethel? Yes No If so, for how long?

5. Does your schedule permit you to regularly attend required meetings: Yes No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:

[Handwritten Signature]

Date:

12-28-12

FOR OFFICE USE ONLY

Date Received:

Dec 28, 2012

Date of Council Approval:

Action Memorandum Number:

13-02

Date Applicant Notified:

Term Expiration:

Registered voter of the City Yes No

City of Bethel Action Memorandum

| | | | |
|-------------------------|-----------|-----------------------------------|---------------------------------|
| Action memorandum No. | 13-03 | | |
| Date action introduced: | 1-22-2013 | Introduced by: | Mayor Klejka |
| Date action taken: | | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Confirmed by: | | | |

SUBJECT/ACTION:

Approve Mayor Klejka's appointment of Jennifer Dobson to the Public Safety and Transportation Commission as alternate for a term of three years.

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| X | Police Chief | | |
| X | Fire Chief | | |

Attachment(s): Application

| Amount of fiscal impact | | Account information: |
|-------------------------|---|----------------------|
| X | No fiscal impact | |
| | Funds are budgeted for. | |
| | Funds are not budgeted. Budget modification is required. Affected account number: | |

Action memorandum 13-03 is sponsored by Mayor Klejka at the request of the City Clerk.

Jennifer Dobson has applied for appointment to the Public Safety and Transportation Commission. If approved, she will be filling a three year term ending December 2016, as an alternate.

Die Ergebnisse der Feldforschung zeigen, dass die Teilnehmerinnen in der Regel eine positive Einstellung gegenüber der Teilnahme an der Studie haben. Sie sind bereit, ihre Erfahrungen zu teilen und an der Entwicklung von Interventionen mitzuwirken.

Die Teilnehmerinnen sind sehr engagiert und zeigen ein hohes Maß an Motivation. Sie sind bereit, ihre Zeit und Energie zu investieren, um an der Studie teilzunehmen und die Ergebnisse zu diskutieren.

Die Teilnehmerinnen sind sehr offen für neue Ideen und Ansätze. Sie sind bereit, ihre eigenen Erfahrungen und Meinungen zu teilen und an der Entwicklung von Interventionen mitzuwirken.

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Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide an Alaska Public Offices Commission (APOC) Statement to the City Clerk's Office within 30 days of appointment. Commissioners must continue to provide an updated APOC statement to the clerk's office by the 15th of March annually.

NAME: Jennifer Dobson

MAILING ADDRESS: PO Box Bethel, AK 99559

RESIDENCE ADDRESS: Bethel, AK 99559

HOME PHONE: 543- WORK PHONE: 543

CELL PHONE: 545- E-MAIL: jennifer_dobson@ykhc.org

OCCUPATION: Public/environmental health EMPLOYER: YKHC

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

Yes. Albatross Rentals - residential rental.
Owned by Leif Albertson.

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

No.

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

No.

4. Are you a resident of the City of Bethel? Yes ___ No If so, for how long? Feb. 2011 to present and Sept. 2005 - Sept 2008

5. Does your schedule permit you to regularly attend required meetings: Yes ___ No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant: *Jennifer Owen* Date: 1-2-2013

FOR OFFICE USE ONLY

Date Received: 1-2-2013.

Date of Council Approval:

Action Memorandum Number:

Date Applicant Notified:

Term Expiration:

Registered voter of the City ___ Yes ___ No

City of Bethel Action Memorandum

| | | | |
|-------------------------|-----------|-----------------------------------|---------------------------------|
| Action memorandum No. | 13-04 | | |
| Date action introduced: | 1-22-2013 | Introduced by: | Mayor Klejka |
| Date action taken: | | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Confirmed by: | | | |

SUBJECT/ACTION:

Approve Mayor Klejka's appointment of Martin Leonard III to the Energy Committee for a term of three years.

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| X | City Manager Foley | | |
| | | | |

Attachment(s): Application

| Amount of fiscal impact | | Account information: |
|-------------------------|---|----------------------|
| X | No fiscal impact | |
| | Funds are budgeted for. | |
| | Funds are not budgeted. Budget modification is required. Affected account number: | |

Action memorandum 13-04 is sponsored by Mayor Klejka at the request of the City Clerk.

Martin Leonard III has applied for appointment to the Energy Committee. If approved, he will be filling a three year term ending December 2016. He will be filling one of two vacant committee seats.

...the ... of ...

2 pages FAX

1 of 2

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide an Alaska Public Offices Commission (APOC) Statement to the City Clerk's Office within 30 days of appointment. Commissioners must continue to provide an updated APOC statement to the clerk's office by the 15th of March annually.

NAME: MARTIN LEONARD III

MAILING ADDRESS: P.O. Box

RESIDENCE ADDRESS:

HOME PHONE: 907 545

WORK PHONE: 907 545

CELL PHONE:

E-MAIL: martin@sustainruralalaska.net

OCCUPATION: Science & Engineering

EMPLOYER: KUSKOKWIM RIVER
WATERSHED COUNCIL

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

No

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

No

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

No

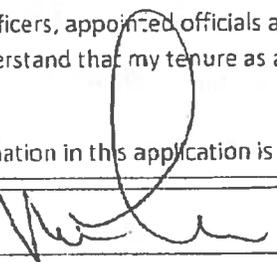
4. Are you a resident of the City of Bethel? Yes No If so, for how long?

5. Does your schedule permit you to regularly attend required meetings: Yes No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:  Date: Jan 9, 13

FOR OFFICE USE ONLY

Date Received: 1-9-2013

Date of Council Approval: _____ Action Memorandum Number: _____

Date Applicant Notified: _____

Term Expiration: _____

Registered voter of the City Yes No

Mayor's Report

Mayor's Report



January 4, 2013

Re: Release of the Public Review Draft of the Determination of Reclassification and Plan Amendment to the 2005 Bristol Bay Area Plan

Dear Alaskan,

The Department of Natural Resources (DNR) has released the Public Review Draft (PRD) of the Determination of Reclassification and Plan Amendment to the 2005 Bristol Bay Area Plan (2005 BBAP). Following a 90-day public review period, which may result in changes to the PRD, DNR intends to adopt the proposed revisions to the 2005 BBAP. Once adopted, this plan, as modified by the adopted plan revisions, will serve as the basis for the management of state lands and waters within the planning area for the next 20 years.

The plan includes a Land Classification Order (SC-04-002A02) that affects 723,811 acres of state land distributed throughout the planning area but concentrated within the Mulchatna and Nushagak River drainages and the drainages emptying into Lake Iliamna. These changes either establish new areas classified Wildlife Habitat or reclassify current areas to the co-classifications of Wildlife Habitat and Public Recreation. Map 3 in the PRD depicts these changes.

These revisions are in response to an agreement between the parties and subsequent court order that dismissed the lawsuit, Nondalton Tribal Council, et. al. v. State of Alaska. In this agreement DNR is to evaluate the causes of action contained in the Third Amended Complaint, prepared by the plaintiffs. In general, this review involved the classifications of Wildlife Habitat Land and Public Recreation Land in the 1984 BBAP plus the classification of Resource Management Land in the 2005 BBAP. Other aspects of this review are identified in the agreement and include, but are not limited to, assessment of the need to classify all anadromous streams as Wildlife Habitat and specifically those streams affected by Mineral Closing Order 393.

The PRD consists of two parts: the first is the Determination of Reclassification which determines whether changes to the current classifications in the 2005 BBAP are warranted, especially related to Wildlife Habitat and Public Recreation. Under this procedure DNR first determines whether a change in classification is warranted and, if justified, recommends changes in classification or to plan text. The second part contains the recommended changes; these are identified in the Plan Amendment and include changes to plan classifications and management intent. (Management intent is identified for each management unit and is an important component to state land management decisions.)

Should you wish to review the 1984 BBAP and current 2005 BBAP, they are both available at the website below. The Third Amended Complaint and Stipulation for Remand and Dismissal are included in the PRD.

The State would like your input on the PRD. Because of the wide ranging nature of these revisions and their importance, a 90-day public review period is provided.

Your written comments are encouraged during this public comment period and must be received, in writing, on or before **April 4, 2013** by mail, email, fax, or through the website provided below. To review and download an electronic version of the PRD, including maps, or submit comments online, please visit our webpage at:

<http://dnr.alaska.gov/mlw/planning/areaplans/bristol/amend>

For additional information or to submit comments contact:

Ray Burger, Land Use Planner
Alaska Department of Natural Resources
550 West 7th Ave. Suite 1050
Anchorage, Alaska 99501-3579
Phone: (907)269-8534 Fax: (907) 269-8915
Email: dnr.bbapamend@alaska.gov

The Department of Natural Resources complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aides, services, or special modifications to participate in this decision process should contact the person indicated above or by TDD 907.269.8411 seven days in advance of the need, to arrange accommodations.

Manager's Report

British City Council

1000 North 1st Street
San Francisco, CA 94107

Management Report

CITY OF BETHEL

Post Office Box 1388
Bethel, Alaska 99559
Voice: 907-543-1373
Fax: 907-543-1394



January 15, 2013

From: Lee M. Foley, City Manager

To: Bethel City Council

-

Info: Lori Strickler, City Clerk

Subj: City Manager's Report

Listed below are some of the action items and activities that I've been working on, and involved in, for the period January 1-15, 2013.

CITY ADMINISTRATION ACTION ITEMS AND ACTIVITIES

Projects:

- **YK Aquatic Center** - Regular weekly teleconference meetings between the Project Management Team and City Administration are held each Friday at 9:00 a.m. The following items are germane:
 1. Mr. Mike Nevenzel has been proposed to the Administration to fill the 40-hour per week on-site project manager position. The City Attorney and I will be meeting with Mr. Nevenzel in Bethel on Wednesday, January 16, 2013, to discuss his background and qualifications.
 2. Doug Cobb (ProDev) and the City Attorney are editing drafts of a Special Inspections RFP. This RFP is necessary to ensure that all required inspections are conducted by professionals certified for this type of work. Such items as insurance coverage, the non-applicability of Davis Bacon prevailing rates, selection criteria and other aspects are being reviewed. Responses will be received in Anchorage, then evaluated and scored by John Conway and Doug Cobb from ProDev, and one City employee yet to be identified.
 3. A site visit has been scheduled for Wednesday, January 16. Attending will be Doug Cobb (ProDev), Jim Cehula and Dave Gage from BSI, Fire Chief George

Young, Public Works Director Chuck Willert, Planning Director Rachael Pitts, City Attorney Patty Burley, and myself. Discussion items for this meeting include piles and structural design, schedules for delivery of the final group of pilings and barge sailings, Fire Department requirements for emergency access, the impact of those requirements, and if there is a need for a Wetlands Permit, a review of the Value Engineering list that addresses design and cost impacts, and lastly, a review of the utilities requirements as they apply to BUC and Public Works.

- **Tundra Ridge Road** – A teleconference was scheduled for January 2, 2013 with the BIA, DOT, Polk family representatives, and the Administration, but was never held. DOT will notify all parties when the teleconference is rescheduled.

Miscellaneous:

- **PERS** – The Alaska Division of Retirement & Benefits is conducting an audit in Bethel and some of the surrounding villages during the week of January 14-18, 2013. Results of the audit will become available sometime later on in this calendar year.
- **USDA/RD Pre-Planning Grant** – Dave Coolidge from Larsen Consulting has stated that he will deliver the PER/ER documentation to Tasha Deardorf at USDA/RD on Thursday, January 17, 2013.
- **Wind Generation for Public Buildings** – The Wind Feasibility Study Grant expires June 30, 2012. This grant currently has a balance of \$78,870.49. The combined AEA/Denali Commission Wind Energy Grant also expires on June 30, 2013 and has a balance of \$3,197,985.00. Dan Rogers, the Principal Engineer with Electric Power Systems, was contacted on January 15, 2013, concerning their old contract with the City to conduct a full penetration wind energy study. This project was 65% complete when it was put on hold due to lack of cooperation from BUC. To get this project jump-started, the City will deal with BUC and keep Electric Power Systems from being caught in the middle. The Administration's current thrust is to re-engage Electric Power Systems and complete the study. Our ability to do this and make significant progress toward completion will greatly enhance our chances to tap into AEAs/Denali Commission's Wind Energy Grant funds. Obviously, a full-blown conceptual design study will cost in the neighborhood of \$200K-\$350K. However, as we move forward in expending the remaining Wind Feasibility Study grant funds, our forward progress will assist in keeping the Wind Energy Grant open for additional funding. Based on AEA recommendations, the feasibility study and project design will point toward the eventual purchase and installation of one large wind turbine like the EWT 900. This turbine can be dialed down to equate to a 250KW, etc., so we can program it to fit into BUC's scheme of a 400KW cap for wind energy. Taking into account the wind turbines at YUUT, and using one (1) 100KW turbine for the Aquatic Center, we could theoretically dial down the EWT 900 to fit within the 400KW parameters. At some point, presumably when the \$78K is expended and we're ready to commence using the \$3M, the City will be expected to contribute \$20K as its

match. To prepare for that eventuality, the Administration will work to identify the matching funds in the forthcoming budget.

Thank you.

THE UNIVERSITY OF CHICAGO

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Management Team Reports

Management Report

MEMORANDUM



DATE: 1/7/13

TO: Lee Foley, City Manager
Deb Jones, 4-H Program Leader

FROM: Ronda Sargent, Acting Director

SUBJECT: DECEMBER 2012 CITY MANAGERS REPORT

Programs/Divisions

- Seasonal Projects
 - We held evening workshops for families including the annual Gingerbread house making workshop. The gingerbread house and stocking events were well attended but not the candle/ornament workshop.
 - We held a community/family New Year's Eve Dinner and celebration. Fun was had by all who attended.
- Foods Programs
 - We are in the new year of the At-Risk Snack program and are doing well. We served over 700 meals during November and December.
- Grants
 - We are in negotiations with AVCP TANF about how to proceed with this year's funding for a staff member.
 - I am working with John Sargent, Grants Manager, the Parks & Recreation Committee and Planning Commission on input for the next LWCF upgrade to Pinky's Park.
- Log Cabin
 - Continues to be rented and used at least 5 days a week.

Staffing Issues/Concerns/Training

- Staffing will be light during the school Christmas vacation. We averaged 20 kids per day open during the break.

Budget/Financial

- We are still on budget for this year and we are getting ready for the next budget cycle.

Kudos/Thanks

- Thank You/Kudos
 - Matt Reed- For doing a great job with the New Year's Eve dinner. Feedback from all attendees on how good the food was. Compliments to the Chef!
 - Jojo, Branden & Matt for getting read and being ready for the New Year's Eve Party. It would not have happened without your work.



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Clerk's Report

City Clerk's Report



City of Bethel, Alaska

City Clerk's Office

To: City Council
From: Lori Strickler
Subject: Clerk's Report

Upcoming Council Events:

February 12, 2013 Regular Meeting
February 26, 2013 Regular Meeting

Projects

Prepared a new Claims Against the City Procedure to include new forms which is being implemented by administration this week.

I am still working on a conflict of interest ordinance. I have decided to modify the ordinance slightly to include a code of ethics for not only council but all city employees and appointed officials.

Records Retention

The department heads have been informed of the upcoming records retention review. At the end of January the City Clerk's Office will begin modification of the retention schedule so allow for easier retention throughout the departments as well as updates to the schedule. The last records retention rewrite was completed in 2010.

Committee and Commission Training

The City Clerk's Office will be putting on Committee and Commission Training for all of the boards the first three months of 2013. As a reminder, the Clerk's Office is on a bi-annual rotation. In 2012 there were two general trainings held for anyone new to the committees/commissions or that wanted a refresher. In 2013 every committee and commission will get a more personalized training focusing on their board specifically. Every committee/commission member as well as council member is encouraged to contact my office with any questions regarding board and council procedure.

Planning Commission – February 16, 2013

Committee and Commission Recorder and Ex-Officio Training

The annual training for the committee/commission recorders and ex-officio members will be conducted this month, tentatively January 25, 2013.

Additional Information

Abdallah noimari