



**City Council Meeting Agenda  
Regularly Scheduled Meeting  
December 11, 2012-6:30 pm  
City Hall 300 State Highway, Bethel, AK  
City of Bethel Council Chambers**

Joseph Klejka  
Mayor  
Term Expires 2014  
543-2984  
[jklejka@cityofbethel.net](mailto:jklejka@cityofbethel.net)

Gene Peltola Jr.  
Vice-Mayor  
Term Expires 2013  
543-3151  
[gpeltola@cityofbethel.net](mailto:gpeltola@cityofbethel.net)

Rick Robb  
Council Member  
Term Expires 2013  
543-1879  
[rrobb@cityofbethel.net](mailto:rrobb@cityofbethel.net)

Mary Sattler  
Council Member  
Term Expires 2013  
545-4954  
[msattler@cityofbethel.net](mailto:msattler@cityofbethel.net)

Mark Springer  
Council Member  
Term Expires 2013  
545-1450  
[mspringer@cityofbethel.net](mailto:mspringer@cityofbethel.net)

Eric Whitney  
Council Member  
Term Expires 2014  
545-1309  
[ewhitney@cityofbethel.net](mailto:ewhitney@cityofbethel.net)

Sharon Sigmon  
Council Member  
Term Expires 2014  
543-3452  
[ssigmon@cityofbethel.net](mailto:ssigmon@cityofbethel.net)

Lee Foley  
City Manager  
543-2047  
[lfoley@cityofbethel.net](mailto:lfoley@cityofbethel.net)

Lori Strickler  
City Clerk  
543-1384  
[lstrickler@cityofbethel.net](mailto:lstrickler@cityofbethel.net)

Patty Burley  
City Attorney  
543-2047  
[pburley@cityofbethel.net](mailto:pburley@cityofbethel.net)

Paul Richards  
Lobbyist  
[paul\\_richards@gci.net](mailto: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) **Pg 4** \*11-06-2012 Special City Council Meeting Minutes
  - b) **Pg 11**\*11-27-2012 Regular City Council Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEES Pg 20**
  - 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**
  - a) **Pg 30** Proclamation: Peter Atchak: Our Appreciation for Years of Service in Search & Rescue Activities in the Community and Area
- IX. UNFINISHED BUSINESS**
  - a) **Pg 32** Public Hearing: Ord. 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) **Pg 47** Public Hearing: Ord. 12-10: An Ordinance amending Sections 4.20.030m, 4.20.090e, 4.20.100e of the Bethel Municipal Code to Amend Local Preference (Mayor Klejka)
  - c) **Pg 53** Public Hearing: Ord. 12-11: Land Disposal Ordinance Authorizing the City Manager to Enter Into a Lease Agreement for Part of Tower Road Property (Mayor Klejka)
  - d) **Pg 55** Funding of City Armory MOU (City Manager Foley)
- X. NEW BUSINESS**
  - a) **Pg 58** \*Introduction Ord. #12-06(b) Budget Modification for FY 2013 (City Manager Foley)

Agenda posted on December 5, 2012, at City Hall, AC Co., Swansons, and the Post Office.

Kajena Baty, 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 January 8, 2013**)



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- b) **Pg 65 \*AM 12-37:** Establishing Council Meeting Dates For Calendar Year 2013 (Mayor Klejka)
- c) Request for Clarification of BMC 04.16.040F (City Manager Foley)
- d) **Pg 66 \*AM 12-38:** Approval of Appointment of Johnny Furlong to the Public Safety & Transportation Committee (Mayor Klejka)

**XI. MAYOR'S REPORT**

**XII. MANAGER'S REPORT**

**XIII. CLERK'S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

**XV. EXECUTIVE SESSION**

- a) **Pg 144** 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) or Subjects That Tend To Prejudice The Reputation And Character Of A Person. (City Manager Foley)

**XVI. ADJOURNMENT**

Agenda posted on December 5, 2012, at City Hall, AC Co., Swansons, and the Post Office.

Kajena Baty, City Clerk's Office

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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 January 8, 2013**)

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*Bethel City Council*

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# **Approval of the Minutes**

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# City of Bethel City Council Meeting Minutes

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November 6, 2012

Special Meeting

Bethel, Alaska

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## **I. CALL TO ORDER**

A Special Meeting of the Bethel City Council was held on November 6, 2012 at 6:32 pm, at the City Council Chambers, Bethel, Alaska.

## **II. PLEDGE OF ALLEGIANCE**

## **III. ROLL CALL**

**PRESENT:** Council Member Gene Jr. Peltola  
Council Member Joseph Klejka  
Council Member Mary Sattler  
Council Member Mark Springer  
Council Member Rick Robb  
Council Member Sharon Sigmon.

**ABSENT:** Council Member Eric Whitney.

**STAFF:** City Clerk KaJena Baty  
City Manager Lee Foley.

## **IV. PEOPLE TO BE HEARD**

David Compton: Spoke in support of the Bethel Roller Derby

Carey Steele: Spoke in support of the Bethel Roller Derby

Mona Whiteside: Spoke in support of the Bethel Roller Derby on behalf of April Blevins

**V. APPROVAL OF THE CONSENT AND REGULAR AGENDA**

<b>MOVED:</b>	Springer	Motion to approve the consent and regular agenda.
<b>SECONDED:</b>	Robb	
Ord. 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, removed from the consent agenda. (Springer)		
<b>MOVED:</b>	Robb	Motion to move Item D under New Business up to the first order of business after Reports of Standing Committees.
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MOTION</b>	All in favor.	
<b>MOVED:</b>	Robb	Motion to move Item E under New Business to the second order of business.
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MOTION</b>	All in favor.	
<b>MOVED:</b>	Springer	Motion to move Unfinished Item D up to the third item to be considered.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MOTION</b>	All in favor.	
<b>MOVED:</b>	Sattler	Motion to move New Business Item C up to the presentation of the Parks and Recreation during the Reports of Standing Committees.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MOTION</b>	All in favor.	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

**VI. APPROVAL OF THE MEETING MINUTES**

**Item A** – 10-23-2012 Regular City Council Meeting Minutes.

*Passed on the consent agenda.*

**VII. REPORTS OF STANDING COMMITTEES**

Public Safety & Transportation Committee- Council Member Sigmon: will report at the next Council meeting.

Port Commission- Council Member Harding and Pete Williams Nov.15 will begin working on the plans for the east timber wall.

Planning Commission- Council Member Robb- will meet this Thursday Nov. 8 at 6:30pm in Council Chambers. Action item to approve plaque for the swimming pool.

Parks and Recreation Committee- Ronda Sargent: Open house set for April 2013, Teen center reunion. 2011 Parks plan.

**New Item C** – Update On The Progress Of The Tundra Ridge Park Provided By Acting Parks And Recreations Director, Ronda Sargent.

Finance Committee- Bobby Sutton: Sugar sweetened beverages tax ordinance review. Change for local bidding preference.

Public Works Committee- Jennifer Dobson: Next meeting the last Wednesday of the month, one opening.

Energy Committee- No one present to be heard.

**VIII. UNFINISHED BUSINESS**

**New Item D** – National Guard Armory Plan For Use Of The Facility And Costs Associated With Operation/Maintenance.

<b>MOVED:</b>	Springer	Motion to go into the Committee of the Whole.
<b>SECONDED:</b>	Peltola	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

**New Item E** - Key Points In Establishing A Memorandum Of Agreement Between The City Of Bethel And The Lower Kuskokwim School District As Well As Between The City Of Bethel And Users Of The Armory Facility For Community Events.

**Unfinished Item D** - Discussion/Direction To City Administration To Include The Bethel Basketball League Under The City's Insurance Policy For The 2012/2013 Season

<b>MOVED:</b>	Springer	Motion to come out of a Committee of the Whole.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

<b>MOVED:</b>	Springer	Motion to take a 5 minute break.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

<b>MOVED:</b>	Sattler	Motion to direct the City Manager to develop a draft MOU and negotiate with the Lower Kuskokwim School District for the use of the National Guard Armory Gym for community activities after the school day is over.
<b>SECONDED:</b>	Sigmon	

<b>MOVED:</b>	Sattler	Motion to amend this motion to set a temporal limit for a draft of MOU of November 27.
<b>SECONDED:</b>	Sigmon	
<b>VOTE ON AMENDMENT</b>	All in favor.	

<b>VOTE ON MAIN MOTION</b>	All in favor.	
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**Unfinished Item A-** Public hearing on Ordinance 12-06(a): Budget Modification For Fiscal Year 2013 –

<b>MOVED:</b>	Robb	Motion to adopt <u>Ordinance 12-06(a)</u> : Budget Modification For Fiscal Year 2013 –Amending the Adopted Annual FY 2013 Budget
<b>SECONDED:</b>	Springer	
<b>VOTE ON MAIN MOTION</b>	Motion passes unanimously- 6 in favor.	

**Unfinished Item B – Public Hearing Of Ordinance 12-08: Acquiring An Interest In Real Property Alaska Housing Finance Corporation Old Facility; Lot 10, Block 3, Plat 87-6**

<b>MOVED:</b>	Springer	Motion to adopt <u>Ordinance 12-08: Acquiring An Interest In Real Property Alaska Housing Finance Corporation Old Facility; Lot 10, Block 3, Plat 87-6</u>
<b>SECONDED:</b>	Peltola	
<b>VOTE ON MAIN MOTION</b>	Motion passes unanimously- 6 in favor.	

**Unfinished Item C – Council Members’ Financial Disclosure Form Modified In Accordance To The Outcome Of The October 6, 2012 Proposition Passage.**

<b>MOVED:</b>	Robb	Motion to suspend the rules to hear from former Mayor, Hugh Dymont.
<b>SECONDED:</b>	Peltola	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

<b>MOVED:</b>	Springer	Motion to postpone this item until the next meeting where there will be a public hearing regarding this document.
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MAIN MOTION</b>	Motion passes, 5-1 (Robb opposed)	

**IX. NEW BUSINESS**

**Item A \*Introduction Of Ord. 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.**

<b>MOVED:</b>	Springer	Motion to table this item until next regular meeting
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MAIN MOTION</b>	Motion passes, 4-2 (Sigmon & Robb opposed)	

**Item B – Contract Services For City Lobbyist and Consideration of Request for Proposal for Lobbyist Services.**

*No action taken*

**X. MAYOR'S REPORT**

**XI. MANAGER'S REPORT**

**XII. CITY CLERK'S REPORT**

**XIII. COUNCIL MEMBER COMMENTS**

Council Member Peltola- Bethel Search and Rescue would like everyone to know that the normal travel route to the villages is not quite frozen yet, please be careful. Happy there were no accidents from trick or treating.

Council Member Robb- Encourages people to support the Bethel Search and Rescue team. Thanks to the committee members of the Bethel Friends of the NRA Committee Banquet and to everyone that attended. Thank you to the election workers. Congratulations to President Obama. Congratulations to Lori Strickler and Brian Lefferts on their new baby.

Council Member Sattler- Thank you to all the election workers and voters. Thankful that we have been working to find solutions for the armory for the community.

Council Member Sigmon- Weather is getting cold, please check on your neighbors and Elders.

Council Member Springer- Elections in the US have always been locally controlled and have been the purview of the community. Thank you to everyone in Bethel who went to vote today.

Council Member Whitney- Not present to be heard.

Mayor Klejka- Concurs with all other comments. Appreciates those who have joined in on the gallery. Would like to support people coming out and sharing their comments on the Armory. Congratulates Lori Strickler on her new baby. Comments on the recent pedestrian accident, would like pedestrians to wear clothing with reflectors. Would like the City to consider more street lamps.

**XV. ADJOURNMENT**

<b>MOVED:</b>	Springer	Motion to adjourn.
<b>SECONDED:</b>	Peltola	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

*Council adjourned at 9:20pm*

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Joseph A. Klejka, Mayor

ATTEST:

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KaJena Baty, Acting City Clerk

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## City of Bethel City Council Meeting Minutes

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November 27, 2012

Regular Meeting

Bethel, Alaska

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### **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on November 27, 2012 at 6:30 pm, at the City Council Chambers, Bethel, Alaska.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL**

#### **PRESENT:**

Council Member Joseph Klejka  
Council Member Mary Sattler  
Council Member Mark Springer  
Council Member Rick Robb  
Council Member Eric Whitney  
Council Member Sharon Sigmon

#### **ABSENT:**

Council Member Gene Jr. Peltola

#### **STAFF:**

City Clerk KaJena Baty  
City Manager Lee Foley

### **IV. PEOPLE TO BE HEARD**

Hugh Dymont- Wished to speak on the Public Hearing Item  
Laura Ellsworth- Spoke in favor of the Tobacco Tax Ordinance  
Melinda Norwood- Spoke in favor of the Tobacco Tax Ordinance  
Graham Knapp- Spoke in favor of the Tobacco Tax Ordinance  
Brian Knutson- Spoke in favor of the Tobacco Tax Ordinance  
Tiffany Zulkowsky- Spoke in favor of the Tobacco Tax Ordinance  
Casey Donfro- Spoke in favor of the Tobacco Tax Ordinance  
Johnny Furlong- Spoke against the Tobacco Tax Ordinance  
Shane Iverson- On behalf of KYUK, would like council and public to use their mics.  
Mary Weiss- Spoke in favor of the Tobacco Tax Ordinance  
Oluwolemada Hunsu- Spoke in favor of the Tobacco Tax Ordinance  
Bob Ellsworth- Spoke in favor of the Tobacco Tax Ordinance

**V. APPROVAL OF THE CONSENT AND REGULAR AGENDA**

<b>MOVED:</b>	Robb	Motion to approve the consent and regular agenda.
<b>SECONDED:</b>	Whitney	
<b>MOVED:</b>	Sattler	Move Item H <u>AM 12-36</u> Approval of the Construction Contract for the Yukon-Kuskokwim Regional Aquatic Health & Safety Center underneath new business up to Item A of unfinished business
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MOTION</b>	4-2 Motion passes, Robb and Whitney opposed	
<b>MOVED:</b>	Robb	Move Item A Introduction Of Ord. 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 back to first item of New Business.
<b>SECONDED:</b>	Springer	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>MOVED:</b>	Sattler	Motion to remove Special City Council Meeting Minutes of 11-06-2012 off the agenda completely.
<b>SECONDED:</b>	Sigmon	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>MOVED:</b>	Robb	Motion to remove Introduction of Ordinance 12-10 and 12-11 and AM 12-35 from consent agenda.
<b>VOTE ON MAIN MOTION</b>	All in favor. 6-0 All in favor. None opposed	

## **VI. APPROVAL OF THE MEETING MINUTES**

**Item A** – 10-29-2012 Regular City Council Meeting Minutes.  
*Passed on the consent agenda.*

**Item B** – 11-6-2012 Special City Council Meeting Minutes  
*Removed from the agenda completely.*

## **VII. REPORTS OF STANDING COMMITTEES**

Port Commission- Council Member Springer: Next meeting will be on Monday, December 3<sup>rd</sup>, no quorum at the last meeting, one vacancy.

Planning Commission- Council Member Robb: Last meeting was November 8<sup>th</sup>, one vacancy on the Commission, Plat was approved for the YK Aquatic Center, Discussion of Financial Disclosure, Zoning Overlays.

Finance Committee- Bobby Sutton: Meets Thursday night at 6:45 pm. Has not held a meeting since the last council meeting.

Public Works Committee- Mayor Klejka: Meets tomorrow evening.

Energy Committee- Council Member Whitney: Next meeting will be on Monday, December 3<sup>rd</sup>.

Parks & Recreation Committee- Council Member Sattler: Monday, December 3<sup>rd</sup> at 6:00 pm at the Teen Center.

Public Safety & Transportation Committee- Council Member Sigmon:  
Next meeting will be on December 4<sup>th</sup>, 2012 at 7 pm.

## **VIII. SPECIAL ORDER OF BUSINESS**

David Runfola: Alaska Department Of Fish And Game Harvest Study-Support Requested From Governing Body (Mayor Klejka)

**IX. UNFINISHED BUSINESS**

**Item A – \*Introduction Of Ord. 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 (Council Member Whitney)**

<b>MOVED:</b>	Sigmon	Motion to introduce Ordinance 12-09
<b>SECONDED:</b>	Whitney	
<b>MOVED:</b>	Springer	Motion to suspend the rules to hear from the gallery.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>VOTE ON MAIN MOTION</b>	5-1 Motion passes, Robb opposed	

<b>MOVED:</b>	Robb	Motion for a 10 minute break
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item H - AM 12-36 Approval of the Construction Contract for the Yukon-Kuskokwim Regional Aquatic Health & Safety Center**

<b>MOVED:</b>	Whitney	Motion to Approve AM 12-36
<b>SECONDED:</b>	Sattler	
<b>MOVED:</b>	Robb	To add as fiscal impact of \$20,044,750
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item B - Public Hearing: Council Members' Financial Disclosure Form Modified In Accordance To The Outcome Of The October 6, 2012 Proposition Passage (Mayor Klejka)**

*People speaking:*

Hugh Dymont- Would like to see the addition of a real property field on the form and in the format of an ordinance.

<b>MOVED:</b>	Sattler	Motion to postpone this item until the City Clerk has time to draft forms.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	5-1 Motion passes, Robb opposed	

**Item C** - Draft MOU with the Lower Kuskokwim School District for the Use of the National Guard Armory Gym for Community Activities after the School Day is Over

<b>MOVED:</b>	Springer	Motion to approve the Draft MOU with the Lower Kuskokwim School District for the Use of the National Guard Armory Gym for Community Activities after the School Day is Over.
<b>SECONDED:</b>	Sigmon	
<b>MOVED:</b>	Klejka	Motion to approve the City Manager to proceed with the MOU, which will not be effective unless and until Council approves the funds at a future meeting.
<b>SECONDED:</b>		
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed.	

**X. NEW BUSINESS**

**Item A** - \*Introduction Of Ord. 12-10: An Ordinance Amending Sections 4.20.030m, 4.20.090e, 4.20.100e Of The Bethel Municipal Code, To Amend Local Preference

<b>MOVED:</b>	Springer	Motion to introduce Ordinance 12-10.
<b>SECONDED:</b>	Whitney	

<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed
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**Item B – \*Introduction: Ord. 12-11:** Land Disposal Ordinance Authorizing the City Manager to Enter Into a Lease Agreement for Part of Tower Road Property.

<b>MOVED:</b>	Whitney	Motion to introduce Ordinance 12-11
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item C - \*Res. 12-23:** Resolution By The City Of Bethel Certifying That The Municipality Did Suffer Significant Effects During The Program Base Year From Fisheries Business Activities That Occurred Within The Bethel Fisheries Management Area

*Passed on consent agenda*

**Item D - \*Res. 12-24:** Council Approving The Final Plat For Tract B (Ten Acres) Of The City Of Bethel Recreational Center Subdivision, Located In The West Half Of The Southwest Quarter Of Section 8, Township 8 North, Range 71 West, Seward Meridian, Alaska, And In The Akiachak Corridor, Bethel Alaska, 99559

*Passed on consent agenda*

**Item E - \*Res. 12-25:** City of Bethel Support for Institutional Corridor

*Passed on consent agenda*

**Item F - \*AM 12-34:** Appointing Susan Taylor to The Parks & Recreation Committee to December 2015

*Passed on consent agenda*

**Item G - \*AM 12-35** Authorize City Council to Purchase a Baby Gift for City Clerk

*Removed from consent agenda*

<b>MOVED:</b>	Springer	Motion to approve AM 12-35
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**XI. MAYOR’S REPORT**

**XI. MANAGER’S REPORT**

**XII. CITY CLERK’S REPORT**

**XIII. ADDITIONAL INFORMATION**

**XIV. COUNCIL MEMBER COMMENTS**

Council Member Peltola- Not present to be heard.

Council Member Robb- Glad to see people coming to comment at council meetings. Today we passed a milestone in the community with approval of the contract for the BATH project.

Council Member Sattler- Will be calling in for the December 11<sup>th</sup> meeting. Would like Bethel to be safe and wear reflectors.

Council Member Sigmon- Leaving Bethel December 1- December 11<sup>th</sup> may not be back until late Jan. Will not be calling in for the December 11<sup>th</sup> meeting. Will be calling-in while away.

Council Member Springer- Attended the AML conference in Anchorage, saw a good turn out from the YK Delta. Peter Atchak is stepping aside as president of Search and Rescue.

Council Member Whitney- The ice skating is great right now.

Mayor Klejka- Congratulates KaJena Baty on Employee of the Quarter. Excited that we selected a contractor for the BATH project.

**XV. EXECUTIVE SESSION**

<b>MOVED:</b>	Sigmon	a) Motion to go into Executive Session To Discuss Potential Litigation, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The City. AS 44.62.310(c)(1). Discussion and Clarification of BMC 04.16.040F. The Council May Direct The City Attorney To Take Specific Legal Action During Executive Session In Accordance With AS 44.62.310b
<b>SECONDED:</b>	Robb	b) To permit the City Attorney to Advise the Council Regarding Pending Legal Matters Relating to the Armory, the immediate knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the City. The City May Direct the City Attorney to Take Specific Legal Action During Executive Session in accordance with AS 44.62.310b
<b>VOTE ON MAIN MOTION</b>	<u>9:49:12 PM</u> 0-6 All opposed. Klejka, Sattler, Springer, Robb, Whitney and Sigmon opposed	

9:48:32 PM Council Member Sattler left

**XVI. ADJOURNMENT**

<b>MOVED:</b>	Springer	Motion to adjourn.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

*Council adjourned at 9:49:30 PM*

\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

\_\_\_\_\_  
KaJena Baty, Acting City Clerk

**Reports of  
Standing  
Committees**



# City of Bethel

## Port Commission Meeting Agenda

Special Scheduled Meeting

December 3rd - 7 pm

City Council Chambers, City Hall, Bethel, AK

### **Commissioners**

Alan Murphy  
Chair

Term Expires 2011  
(907)543-2805

Greg Roczicka  
Vice-Chair

Term Expires 2013  
(907)543-2903  
[groczicka@hotmail.com](mailto:groczicka@hotmail.com)

Mark Springer  
Council Rep.

Term Expires 2013  
(907)543-1297  
[mspringer@cityofbethel.net](mailto:mspringer@cityofbethel.net)

Richard Pope  
Port Commissioner  
Term Expires 2013

(907)543-1900  
[bethelalaskapc@gci.net](mailto:bethelalaskapc@gci.net)

John Dickens  
Port Commissioner  
Term Expires  
(907)543-0684

Pat Jennings  
Port Commissioner  
Term Expires  
(907)543-3838

### **Ex-Officio**

Peter A. Williams,  
Port Director  
(907)545-4150  
[pwilliams@cityofbethel.net](mailto:pwilliams@cityofbethel.net)

- i. **CALL TO ORDER**
- ii. **ROLL CALL**
- iii. **PEOPLE TO BE HEARD**
- iv. **APPROVAL OF AGENDA**
- v. **APPROVAL OF MINUTES FROM THE REGULAR MEETINGS**
- vi. **DEPARTMENT HEAD COMMENTS**
- vii. **UNFINISHED BUSINESS**
  - Small Boat Harbor
  - 14.03.010 Composition, Term of office and procedures
  - State legislative request & recommendation to council
- viii. **NEW BUSINESS**
  - Terminal Tariff #004
  - BMC TITLE 14
- ix. **COMMISSION MEMBER'S COMMENTS**
- x. **ADJOURNMENT**





# Public Works Committee Agenda

Regular Meeting Wednesday November 28, 2012 – 6:30PM  
City Shop Conference Room

## MEMBERS

Frank Neitz  
Chair  
Term Expires  
12/2013

Jennifer Dobson  
Vice-Chair  
Term Expires  
12/2014

Joseph A Klejka  
Council Rep.  
Term Expires  
11/2012

Bill Schreiner  
Committee Member  
Term Expires  
12/2013

Jeff Sanders  
Committee Member  
Term Expires  
12/2013

Scott Guinn  
Committee Member  
Term Expires  
12/2014

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 meetings - October 17, 2012.
- V. APPROVAL OF AGENDA
- VI. DIRECTOR'S REPORT
- VII. UNFINISHED BUSINESS
  - A. Update - Closeout of 2 Outstanding Grants/ ABC Loop - Update - Bill Arnold
  - B. Update - Sewer Lagoon
  - C. Update - 5 Year Plan/ RFP - Water & Sewer Master Plan - Update
  - D. Update - Recycle Center - John Sargent
  - E. Neptune - Update Rate Study - Meter Housing - Bill Arnold
  - F. Institutional Corridor
  - G. RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities
  - H. Alaska Logistics - Vehicle Removal
  - I. Complete Streets Ordinance
  - J. Parks & Recreation - Softball Field - Update
  - K. City Shop Floor - Chuck Willert
- VIII. NEW BUSINESS
  - A. New BNC/Swansons Complex Road Access
  - B. Wind Generation 100kw per Public Building

## MEMBER COMMENTS

- IX. ADJOURNMENT

Cheryl Roberts, Recorder, Public Works Department  
Posted: November 14, 2012, AC, Post Office, Swanson's, City Hall

# City of Bethel, Alaska

## Public Works Committee Minutes

November 28, 2012

Special Meeting

Bethel, Alaska

### CALL TO ORDER

A special meeting of the Public Works Committee Meeting was held on November 28, 2012 at 6:38 p.m. in the City Shop Conference Room, Bethel, Alaska was called to order by Committee Member Chair Frank Neitz.

### ROLL CALL

Present: Frank Neitz, Bill Schreiner, Jeff Sanders, Scott Guinn  
 Excused absence(s): Jennifer Dobson, Joseph Klejka  
 Unexcused absence(s): None

Also in attendance were the following:

Chuck Willert, Public Works Director  
 Cheryl Roberts, Public Works Admin, Recorder of Minutes

### PEOPLE TO BE HEARD

None.

### APPROVAL OF MINUTES

<b>MOVED BY:</b>	S. Guinn	To approve the minutes of the regular meeting of October 17, 2012.
<b>SECONDED BY:</b>	B. Schreiner	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### APPROVAL OF AGENDA

<b>MOVED BY:</b>	B. Schreiner	Motioned carried to approve the agenda.
<b>SECONDED BY:</b>	S. Guinn	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### DIRECTOR'S REPORT

In regards to the New Public Works trucks, we didn't have as much money as we thought we did, but we did have one of the New Trucks flown over. Bill Arnold would like to get one of his trucks out here and he has enough money to pay for one. We're going to charter a Herc, three loads, to get the excess piling for the Pool, the Police Chiefs Generator & possibly one other truck. We also had a Sewer Truck rollover in Kasayuli, which has minimal damage & we are unsure what it will take to repair it. The driver has been reverted to shop duty. The leak we had for Glycol has been found, it was an unfused fitting from either CRW or Osborne. We lost about 10 drums per year in the last two years. We are stilling working on getting the new office/shop on 2<sup>nd</sup> road for our Utility Maintenance crew. H Marker Lake is now thick enough to drive over and Streets & Roads took their lightest grader over it. The thinnest area is 19 inches and the thickest is 24 inches.

### UNFINISHED BUSINESS

#### Item A - Update - Closeout of 2 Outstanding Grants/ABC Loop

The pre-planning grant is to plan for what you're going to be doing with the Construction Grant. The Construction Grant was to fix the manhole, finish up six lift stations, & to change out pumps. The engineers wanted to put in 4hp pumps in the Lift Stations, but Bill Arnold said I think we need

**Item L - Wind Generation 100kw per Public Building**

B.U.C. now has a "Readymade Inter-Connection Agreement", which John Sargent has a copy of. The renewable energy grant, from the state, requires you to sell into the grid for any independent power producer because that's perceived to be the greatest public good. Just because the City benefits from one building, is not John Doe in Blueberry Subdivision benefiting. But if we send into the grid & everybody gets a little cheaper electricity over all, then everybody now gets two cents cheaper, hypothetically, because we're producing it ourselves.

**NEW BUSINESS**

None.

**MEMBER COMMENTS**

Bill - Glad to be back with you, no real comments today.

Scott - Going back to the start of the meeting, with the Lake & the Road, he really appreciates that it's open & the up keep the city is doing on it since he recently bought a house in that area. It's saving him on gas money checking on the place.

Jeff - I want to say Cheryl, the minutes just keep getting better & better, they explain to someone that just got off the jet that's never been here before. They could read these minutes & know what we did. And that's good minutes, that's what they are supposed to do. The December meetings are often cancelled, & that would be my last meeting as I am retiring. So I want to say, that I've enjoyed working with all of you, especially Frank, because you've been here the longest, & everyone else.

Frank - Since the lake crossing is open, H Marker Lake, it has relieved some of the traffic. And rightfully so, it's gonna save our roads. How can we pursue that to get it so it's open? There are safety issues, mostly to take the pressure off the road. How do we keep moving ahead? So if you have any ideas, I'd like to maybe put it on as New Business for next month.

**ADJOURNMENT**

<b>MOVED BY:</b>	S. Guinn	Motion to adjourn the meeting.
<b>SECONDED BY:</b>	J. Sanders	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Committee, the meeting adjourned at 8:00 p.m.

APPROVED THIS \_\_\_\_\_ DAY OF December, 2012

\_\_\_\_\_  
Frank Neitz, Chair

\_\_\_\_\_  
Cheryl Roberts  
Recorder of Minutes

# City of Bethel, Alaska

## Public Works Committee Minutes

October 17, 2012

Regular Meeting

Bethel, Alaska

### CALL TO ORDER

A regular meeting of the Public Works Committee Meeting was held on \_\_ October 17\_\_, 2012 at 6:40p.m. in the City Shop Conference Room, Bethel, Alaska was called to order by Committee Member Chair Frank Neitz.

### ROLL CALL

Present: Frank Neitz, Jennifer Dobson, Jeff Sanders, Scott Guinn

Excused absence(s): None

Unexcused absence(s): Joseph Klejka, Bill Schreiner

Also in attendance were the following:

Chuck Willert, Public Works Director

Cheryl Roberts, Public Works Admin, Recorder of Minutes

### PEOPLE TO BE HEARD

None.

### APPROVAL OF MINUTES

<b>MOVED BY:</b>	S. Guinn	To approve the minutes of the regular meeting of September 19, 2012.
<b>SECONDED BY:</b>	J. Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### APPROVAL OF AGENDA

<b>MOVED BY:</b>	S. Guinn	Motioned carried to approve the agenda.
<b>SECONDED BY:</b>	J. Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### DIRECTOR'S REPORT

Public Works has a New Backhoe. We also Inherited the Old AFHC Office @ 122 Atsaq for the City's Utility Maintenance crew. Building Maintenance fixed helped with some plumbing issues at the Fire Dept. The road by the New Police Station was graded.

### UNFINISHED BUSINESS

#### Item A - Closeout of 2 Outstanding Grants

The Construction Grant is closed. For the Planning Grant, we feel we gave Larson Construction adequate information to close it out & are stilling looking into the funding of the ABC Loops.

#### Item B - Update - Sewer Lagoon

This is about 3 feet deep now, which is good.

**Item K - City Shop Floor**

Chuck, we're getting closer to getting an RFP out for it. He's thinking just the middle part of the floor needs replaced.

**NEW BUSINESS**

**Item A - New BNC/Swansons Complex Road Access**

Is there a way everyone can use the back access (BNC) ground? Also, possibly open up 1<sup>st</sup> Ave/Standard Oil Road.

**Planning for Road Access on the New BNC/Swansons Complex**

<b>MOVED BY:</b>	J. Dobson	To open up more roads to access the BNC/Swansons Complex for safety issues, alternate access & mitigate congestion.
<b>SECONDED BY:</b>	S. Guinn	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Item B - Wind Generation 100kw per Public Building**

It's an agreement between BUC and is on a first come first serve basis. Chuck would like to get one on our two Pump Houses and one for Public Works Building. Jeff was wondering why it's limited to a 100kw unit? Could a 200kw or 300kw be put up? Chuck referred Jeff's questions to Lenny.

**MEMBER COMMENTS**

Frank - He thanks everyone for coming. Still no luck on getting new members.

Scott - He will be out of town from Nov. 1<sup>st</sup> - Nov. 13<sup>th</sup>, 2012.

Jennifer - No comments.

Jeff - Talked about the house that had sewage back splashed into their house. The tenant is concerned about the timeframe that it's taking to get the repairs done.

**ADJOURNMENT**

<b>MOVED BY:</b>	J. Sanders	Motion to adjourn the meeting.
<b>SECONDED BY:</b>	J. Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business before the Committee, the meeting adjourned at 8:15 p.m.

APPROVED THIS 28 DAY OF November, 2012.

  
 Cheryl Roberts  
 Recorder of Minutes

  
 Frank Neitz, Chair  
 Nov. 28, 2012

**City of Bethel, Alaska  
Parks and Recreation Committee Minutes**

November 5, 2012

Regular Meeting

Bethel, Alaska

**I. CALL TO ORDER**

The meeting was called to order by Barb Mosier at 6:15 PM.

**II. ROLL CALL**

Comprising a quorum of the Committee, the following were present:  
Barbara Mosier, Susan Taylor, Amanda Colvin, Margaret Revet

Excused absence(s): Minnie Sallison Fritts, Mary Sattler

Unexcused absence(s): Erica Neck

Also in attendance were the following:

Ronda Sargent, Acting Director

**III. PEOPLE TO BE HEARD**

None

**IV. APPROVAL OF MINUTES**

MOVED BY:	S. Taylor	To approve the minutes of the regular meeting for September 17, 2012.
SECONDED BY:	M. Revet	
VOTE ON MOTION	Unanimously approved	

MOVED BY:	S. Taylor	To approve the minutes of the regular meeting for October 1, 2012.
SECONDED BY:	A. Colvin	
VOTE ON MOTION	Unanimously approved	

MOVED BY:	S. Taylor	To approve the minutes of the special meeting for October 15, 2012.
SECONDED BY:	A. Colvin	
VOTE ON MOTION	Unanimously approved	

**V. APPROVAL OF AGENDA**

MOVED BY:	S. Taylor	To approve the agenda.
SECONDED BY:	A. Colvin	
VOTE ON MOTION	Unanimously approved	

**VI. DEPARTMENT HEAD REPORT**

**VII. UNFINISHED BUSINESS**

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*Bethel City Council*

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# **Special Order of Business**



## *City of Bethel Proclamation*

### *Recognizing Peter Atchak for His Many Years of Dedication to the Search & Rescue Efforts in the Community & Area*

WHEREAS, For many years, and today, all Search & Rescue efforts are voluntary activities by all individuals who are concerned for those who have become lost while traveling away from town; and

WHEREAS, the Bethel Search And Rescue (BSAR) was established in decades past to help find loved ones lost while traveling; and

WHEREAS, recognizing the importance of human life, the group began fundraising and donation gathering from organizations and businesses which have and continue to provide financial and other support to all search and rescue activities; and

WHEREAS, Search & Rescue group efforts was important in acquiring a designated building in the community at which to hold the SAR meetings and be a command post for activities; and

WHEREAS, thru Peter Atchak's outreach to many businesses and organizations in the community and in the southwest Alaska region, and with the help of many other SAR volunteers, he has brought the entire Search & Rescue efforts to the forefront of everyone's minds upon hearing the words "Search & Rescue;" and

WHEREAS, Peter Atchak's years-long involvement with Bethel Search & Rescue and with his guidance, the BSAR and SAR has brought many individuals safely home;

THEREFORE, on behalf of the City of Bethel, the Bethel City Council, does hereby recognize and thank Peter Atchak for his service to the community and communities in the area.

Signed this 11th day in December, 2012.

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Joseph A. Klejka, Mayor

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Kajena Baty, City Clerk

# **Unfinished Business**

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

## *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 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
- 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

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

- 4.17.200 Interest on Unpaid Tax
- 4.17.210 Taxpayer, licensee, cardholder, or other person remedies
- 4.17.220 Reports by Manufacturers
- 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 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.
- 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;
  - 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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
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Vote:

- H. "Sale" includes a sale, barter, exchange, and every other manner of transferring the ownership of personal property.
- I. "Tax" means the cigarette and other tobacco products excise tax assessed pursuant to this chapter.
- J. "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. Cigarettes upon which the tax is imposed are not again subject to the tax when acquired by another person.
- 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. 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 who brings cigarettes or other tobacco products into the City. The excise tax is levied when a distributor:
  - 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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
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Vote:

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.
- 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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
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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 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 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;

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
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Action:  
Vote:

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 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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

#### 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:
  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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

#### 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.
  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

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

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 (5<sup>th</sup>) 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 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

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

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.

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

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

- 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.
- 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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

#### 4.17.200 – Interest on Unpaid Tax

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 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.
- 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

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

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

No later than the end of each calendar month, a manufacturer 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 during the preceding month;
2. The names and address of those persons bringing cigarettes and tobacco products into the city from the manufacturer 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 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.

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.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

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 tax due under this chapter, and the number of returns not filed; and
  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;

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

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.

**ENACTED THIS \_\_\_ DAY OF \_\_\_ 2012, BY A VOTE OF \_\_ IN FAVOR AND \_\_ OPPOSED.**

ATTEST:

\_\_\_\_\_  
Joseph A. Klejka, Mayor

\_\_\_\_\_  
Lori Strickler, City Clerk

Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
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  
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  
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

Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
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 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.

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

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.

**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~~):

**4.20.090E 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. 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 ~~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, 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;

City Attorney's Version

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

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.

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:

\_\_\_\_\_  
Kajena Baty, City Clerk

Introduced by: City Manager Foley  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #12-11**

#### **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR PART OF PROPERTY LOCATED ON TOWER ROAD**

**WHEREAS,** Faulker Walsh has indicated its desire to lease real property located on Tower Road commonly known as "the old asphalt plant site" in Bethel Alaska. (A formal legal description is not available as the property has not been surveyed.)

**WHEREAS,** the land has been vacant for a number of years with no other interested parties and the City desires to derive some revenue from the land;

**WHEREAS,** it is the intent of this LEASE to transfer from CITY to LESSEE the entire burden of compliance with present or future environmental regulations or controls with respect to LESSEE's operations on the leased land and facilities during the lease term;

**WHEREAS,** The Lease Term shall be from January 1, 2013 to December 31, 2013. The Lease Term shall commence on the date this LEASE is signed by CITY and that date shall be the effective date of this LEASE (the "Effective Date").

**WHEREAS,** The Leased Land commonly known as the "old asphalt plant site" is located on Tower Road in the City of Bethel, Alaska. Total land available = 294,030 square feet. However, the LESSEE will lease only a portion of the land currently defined as Two-Hundred Fifty (250) feet by Two-Hundred Fifty (250) feet and properly indicated on Exhibit A attached to the Lease.

**WHEREAS,** LESSEE shall pay, from January 1, 2013 until the end of the lease term, rent of \$450.00 per month for 250 feet by 250 feet equal to 62,500 square feet of 294,030 available land. Rent shall be paid according to the following schedule: On or before the first day of each month, in advance for the ensuing month.

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

**SECTION 1. Classification.** This ordinance is not permanent in nature and shall not be placed in the Bethel Municipal Code.

Introduced by: City Manager Foley  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action:  
Vote:

**SECTION 2. Authorization of Acquisition.** In accordance with Section 4.08.020(A) of the Bethel Municipal Code, the City Council hereby authorizes the City Manager to enter into a lease agreement for the portion of the land on Tower Road to be leased by Lessee.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon the adoption by the Bethel City Council.

**ENACTED THIS \_\_\_ DAY OF DECEMBER 2012, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

\_\_\_\_\_  
Lori Strickler, City Clerk

MEMORANDUM OF UNDERSTANDING

DRAFT

REGARDING ARMORY USE

This agreement is made this \_\_\_ day of \_\_\_\_\_, 2012, between and among the City of Bethel ("City") and the Lower Kuskokwim School District ("LKSD").

The City and LKSD agree to the joint use of the Armory building currently located in Bethel, Alaska.

WHEREAS both parties desire to enter into separate leases with the National Guard for use of the Armory. However, if the National Guard does not allow for two separate leases, then both parties agree that the Lessee of the Lease will have the right of a sublease to the other party.

WHEREAS LKSD and the City agree to share in the use of the Armory building and its costs to allow for the mutual benefits and enjoyment of the Armory building.

WHEREAS both LKSD and the City will each designate one point of contact for scheduling purposes for use of the building. All scheduling will be coordinated through the point of contact who will maintain a master calendar. Each party will provide written approval to the other of events or activities scheduled outside the agreed upon annual original master calendar.

WHEREAS it is acknowledged that there are costs to operate the facility, the parties agree to equally share such costs to the extent that such costs exceed any grants which may be received expressly for such purpose.

WHEREAS both the City and LKSD agree to each be separately responsible for the security of the building. Each agrees to lock and unlock the facility as needed and to inspect the facility to ensure there are no persons left inside.

WHEREAS both the City and LKSD agree to keep the premises clean. The City will be the only entity operating the bathrooms thus the City alone will be responsible for cleaning the bathrooms. All other cleaning will be done by each party respectively after each use of the Armory building facility.

WHEREAS the City agrees to indemnify and hold LKSD harmless against any and all acts and use that is non-LKSD related. During those times when the City alone is using the building, the City alone will be responsible for its occupants and any acts which occur during that time.

WHEREAS LKSD agrees to indemnify and hold the City harmless against any and all acts and use that is non-City related. During those times when LKSD alone is using the building, LKSD alone will be responsible for its occupants and any acts which occur during that time.

WHEREAS "Non-LKSD related" shall mean any activity or event scheduled at the Armory building for which the City has given its written approval, and "Non-City related" means

any activity or event scheduled at the Armory building for which the LKSD has given its written approval. Each party shall be solely responsible for risk management and liability during its events or activities.

WHEREAS both parties agree that they are merely tenants to the Armory and by using the space neither party is accepting ownership of the Armory and neither party is accepting responsibility for the demolition of the Armory.

WHEREAS both parties agree to work in good faith to resolve any maintenance issues to the Armory which the anticipated Armory Lease does not cover.

WHEREAS, both parties agree that this MOU, if adopted, will become effective upon signed by both parties and will remain in effect until June 30, 2013.

\_\_\_\_\_  
Lee M. Foley, City Manager  
City of Bethel  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Gary Baldwin, School Superintendent  
Lower Kuskokwim School District  
Dated: \_\_\_\_\_

**NOTE: The City will not, however, effectuate this MOU unless and until funds are authorized at a future City Council meeting.**

# **New Business**

Action:  
 Vote:

**CITY OF BETHEL, ALASKA**  
**ORDINANCE #12-06(b) PROPOSED**

**An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2013 Budget**

Be it Enacted by the Bethel City Council that the FY 2013 Annual Budget be amended as follows:

**Section 1.** That the following sums of money as may be needed or deemed necessary to provide for increased expenses and liabilities of the City of Bethel are hereby appropriated for the corporate purposes and objects of the City hereinafter specified for Fiscal Year 2013, July 1, 2012 to June 30, 2013.

**Section 2.** The following is a summary of the changes by fund and department:

**GENERAL FUND (10)**

**Budget Modification 13-2(A)**

Changes to General Fund Revenues

<b>Increases</b>		
1040405	Fish Tax	2,436
1042414	Community Dividend	168,960
1042418	PILT Program	7,351
1043422	Ambulance Revenue	8,644
1049495	Miscellaneous Revenue	34,475
	<b>Total Increases</b>	<b>221,866</b>
<b>Decreases</b>		
	<b>Total Decreases</b>	<b>0</b>
<b>TOTAL</b>	<b>Net Change to General Fund Revenues</b>	<b>221,866</b>

**Budget Modification 13-2(B)**

Changes to Administration Department line items

<b>Increases</b>		
1051642	Legal Fees	25,000
	<b>Total Increases</b>	<b>25,000</b>
<b>Decreases</b>		
	<b>Total Decreases</b>	<b>0</b>
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>	<b>25,000</b>

**Budget Modification 13-2(C)**

Changes to City Attorney's Office Budget

<b>Increases</b>		
1056501	Salaries	55,000
1056508	Leave Cashout	4,950
1056511	FICA Medicare	798
1056515	Unemployment	440
1056516	Workers Comp	475
1056518	PERS	12,100
1056519	Utility Benefit	2,452
1056545	Training and Travel	6,250
1056561	Supplies	1,000
1056622	Telephone	500
1056683	Minor Equipment	500
1056724	Dues and Subscriptions	1,250
	<b>Total Increases</b>	<b>85,715</b>
<b>Decreases</b>		
1056520	Relocation Expense	(7,216)

1056602	Gasoline		(1,200)
1056721	Insurance		(750)
		Total Decreases	<b>(9,166)</b>
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>		<b>76,549</b>

**Budget Modification 13-2(D)**

Changes to Community Services Line Items

	<b>Increases</b>		
1072754	Armory After-Hours Recreational Expense		40,000
		Total Increases	<b>40,000</b>
	<b>Decreases</b>		
		Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>		<b>40,000</b>

**Budget Modification 13-2(E)**

Changes to In-Kind and Transfers Line Items

	<b>Increases</b>		
1072660	Transfer to Water & Sewer Capital Project Fund		80,317
		Total Increases	<b>80,317</b>
	<b>Decreases</b>		
		Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>		<b>80,317</b>

	<b>TOTAL CHANGE TO GENERAL FUND REVENUES</b>		
		Total Increases	221,866
		Total Decreases	0
	<b>Cumulative Change to General Fund Revenues</b>		<b>221,866</b>

	<b>TOTAL CHANGE TO GENERAL FUND APPROPRIATIONS</b>		
		Total Increases	231,032
		Total Decreases	(9,166)
	<b>Cumulative Change to General Fund Revenues</b>		<b>221,866</b>

	<b>TOTAL CHANGE TO GF FUND BALANCE</b>		
		Change to General Fund Revenues	221,866
		Change to General Fund Appropriations	221,866
	<b>Cumulative Increase/Decrease to GF Fund Balance</b>		<b>0</b>

**YUKON KUSKOKWIM REGIONAL AQUATIC HEALTH AND SAFETY CENTER CAPITAL PROJECT FUND (40)**

**Budget Modification 13-2(F)**

Changes to YK Regional Aquatic Health & Safety Center Revenues

	<b>Increases</b>		
4042411	State of Alaska Designated Legislative Grant		23,075,000
		Total Increases	<b>23,075,000</b>
	<b>Decreases</b>		
		Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to YK Regional Aquatic Health &amp; Safety Center Revenues</b>		<b>23,075,000</b>

**Budget Modification 13-2(G)**

Changes to YK Regional Aquatic Health & Safety Center Appropriations

	<b>Increases</b>		
4051562	Materials		927,810
4051643	Engineering Fees		52,500
4051646	Contractor Fees		20,000,000

4051646	Project Manager Fees	791,600
4051669	Other Professional Services	1,253,090
5355621	Electricity	50,000
	Total Increases	<b>23,075,000</b>
	<b>Decreases</b>	
	Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to YK Regional Aquatic Health &amp; Safety Center Appropriations</b>	<b>23,075,000</b>

	<b>TOTAL CHANGE TO YK REG AQUATIC HEALTH &amp; SAFETY CTR REVENUES</b>	
	Total Increases	23,075,000
	Total Decreases	0
	<b>Cumulative Change to YK Reg Aquatic Health &amp; Safety Ctr Revenues</b>	<b>23,075,000</b>

	<b>TOTAL CHANGE TO YK REG AQUATIC HEALTH &amp; SAFETY CTR APPROPRIATIONS</b>	
	Total Increases	23,075,000
	Total Decreases	0
	<b>Cumulative Change to YK Reg Aquatic Health &amp; Safety Ctr Appropriations</b>	<b>23,075,000</b>

	<b>TOTAL CHANGE TO YK REG AQUATIC HEALTH &amp; SAFETY CENTER FUND</b>	
	Change to YK Regional Aquatic Health & Safety Center Revenues	23,075,000
	Change to YK Regional Aquatic Health & Safety Center Appropriations	23,075,000
	<b>Cumulative Increase/Decrease to YK Reg Aquatic Hlth &amp; Safety Ctr Fund</b>	<b>0</b>

**WATER & SEWER CAPITAL PROJECT FUND (43)**

**Budget Modification 13-2(H)**

Changes to Water & Sewer Capital Project Fund Revenue Line Items

	<b>Increases</b>	
4346490	Transfer in from General Fund	80,317
	Total Increases	<b>80,317</b>
	<b>Decreases</b>	
	Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to W/S Capital Project Fund Revenues</b>	<b>80,317</b>

**Budget Modification 13-2(I)**

Changes to Water & Sewer Capital Project Fund Appropriations

	<b>Increases</b>	
4353669	Other Purchased Services (Master Plan Update and Cost Analysis)	80,317
	Total Increases	<b>80,317</b>
	<b>Decreases</b>	
	Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to W/S Capital Project Fund Appropriations</b>	<b>80,317</b>

	<b>TOTAL CHANGE TO WATER AND SEWER CAPITAL PROJECT FUND BALANCE</b>	
	Change to Water and Sewer Capital Project Fund Revenues	80,317
	Change to Water and Sewer Capital Project Fund Appropriations	80,317
	<b>Cumulative Increase/Decrease to W/S Capital Project Fund Balance</b>	<b>0</b>

**TOTAL CHANGE TO OVERALL CITY BUDGET**

	Change to Revenues Increase/(Decrease)	<b>23,377,183</b>
	Change to Appropriations Increase/(Decrease)	<b>23,377,183</b>
	<b>These changes INCREASE ↑ the overall expenditures/expenses of the City by</b>	<b>0</b>

**Section 3.** Effective Date. This ordinance becomes effective immediately upon adoption.

**PASSED AND APPROVED THIS \_\_\_ DAY OF JANUARY 2013 BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

City Attorney's Office (10-56)		FY 2013 Current Budget	FY 2013 Proposed Additional Budget	FY 2013 Total Budgetary Appropriation
<b>PERSONNEL:</b>				
	Salaries, Benefits & Taxes minus EGHB	76,215	76,215	152,430
	Overtime	-	-	-
	Employee Group Health Benefits	14,400	-	14,400
	<b>Total Personnel</b>	<b>90,615</b>	<b>76,215</b>	<b>166,830</b>
<b>MATERIALS, SUPPLIES AND SERVICES:</b>				
520	Relocation Expense	7,216	(7,216)	-
545	Training/Travel	3,750	6,250	10,000
561	Supplies	1,000	1,000	2,000
602	Gasoline	1,200	(1,200)	-
622	Telephone	500	1,000	1,500
661	Vehicle Maint/Repair (Int. Svc. Fund 57)	897	897	1,794
669	Other Purchased Services	1,250	-	1,250
683	Minor Equipment	2,500	500	3,000
721	Insurance	750	(750)	-
724	Dues/Subscriptions	1,284	1,250	2,534
799	Miscellaneous	250	-	250
	<b>Total MS&amp;S</b>	<b>20,597</b>	<b>1,731</b>	<b>22,328</b>
	<b>Total Operating Expenditures</b>	<b>111,211</b>	<b>77,946</b>	<b>189,157</b>
<b>DEBT PAYMENTS:</b>				
	<b>Total Debt Payments</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>PROJECT EXPENDITURES (10-51-77X)</b>				
	<b>Total Project Expenditures</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>CAPITAL EXPENDITURES (10-51-69X)</b>				
	<b>Total Capital Expenditures</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Total Operating, Debt, Project &amp; Capital</b>	<b>111,211</b>	<b>77,946</b>	<b>189,157</b>
875	<i>Indirect Cost Recovery</i>	-	-	-
	<b>NET Operating, Debt, Project &amp; Capital</b>	<b>111,211</b>	<b>77,946</b>	<b>189,157</b>



## CITY OF BETHEL

Finance Director's Office

P.O. Box 1388

Bethel, Alaska 99559

Ph. (907) 543-1376

Fax (907) 543-5294

# Memorandum

**To:** Bethel City Council  
**Cc:** Lee Foley, City Manager  
**From:** Bobby Sutton, Finance Director  
**Date:** December 5, 2012  
**Re:** Justifications for Budget Modification Request

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Listed below is an explanation for the budget modification requested in Ordinance #12-06(b)

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The enclosed Ordinance 12-06(b), if passed will authorize a modification of the FY 2013 Budget for the City of Bethel to cover certain expenditures in the General Fund, the Yukon Kuskokwim Regional Aquatic Health and Safety Center Capital Project Fund, and the Water and Sewer Capital Project Fund. These expenditures and the proposed funds to be used to cover them are as follows:

- General Fund

- General Fund Revenues

- General Fund revenues were used to balance the cost of this budget modification. While some smaller revenue items were included, the largest share of costs was funded by a higher than budgeted amount which has already been received from the State's revenue sharing program (Community Dividend).

- City Attorney's Office and Legal Fees

- At the passage of the FY 2013 Annual Budget, City Council chose to approve funds to cover six months of City Attorney salary, benefits, and operations costs. Obviously, we are approaching the end of that six month coverage period and additional funds need to be appropriated to cover the remainder of the fiscal year. The City has also expended the budget for outside legal services which was reduced by 50% at the passage of the budget. Funds are being requested in this modification to cover both the City Attorney and an additional appropriation for outside legal counsel due to ongoing cases.

Armory After-hours Recreational Expense

As was requested by City Council, the Administration is proposing to appropriate \$40,000 for the remaining months of FY 2013 to cover expenses for operating the Armory after-hours through June 30, 2013.

Transfer to Water and Sewer Capital Project Fund

The modification includes \$69,395 to cover the cost of the Water and Sewer Cost Analysis which was approved by City Council but no budget modification was approved.

Additionally, the City Council earlier approved \$50,000 for the Water and Sewer Master Plan Update. The contract price was actually \$60,922. A total of \$10,922 is included in this budget modification to fund the additional costs.

The Water and Sewer Cost Analysis and Master Plan Update are accounted for through the Water and Sewer Capital Project Fund with a transfer being made from the General Fund into the Capital Project Fund.

- Yukon Kuskokwim Regional Aquatic Health and Safety Center Capital Project Fund  
Capital Project Fund budgets have traditionally been approved at the City Council level in Bethel. While the revenue funding the Aquatic Center is provided by the State of Alaska, it is still necessary to budget the expenditures for the project in the Capital Project Fund. At this stage, this budget is a projected estimate. You will notice that no budget has been proposed for furnishings for the facility. The City may need to find alternate resources exclusive of the grant budget for these expenditures. ProDev, our Project Management Firm was actively involved in estimation of the project costs.
- Water and Sewer Capital Project Fund  
The budget appropriation proposed in this modification was discussed in the General Fund section regarding the reason for the transfer to the Capital Project Fund.

I will be available at the Council meeting to discuss the details of Ordinance 12-06(b). Should you have any questions regarding any of the information provided, please let me know.

# City of Bethel Action Memorandum

Action memorandum No.	12-37		
Date action introduced:	12-11-2012	Introduced by:	Mayor Klejka
Date action taken:		<input checked="" type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approval of the 2012 City Council Regular Meeting Schedule.

Route to:	Department/Individual:	Initials:	Remarks:
X	City Manager		

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:	

- January: 8<sup>th</sup> and 22<sup>nd</sup>
- February: 12<sup>th</sup> and 26<sup>th</sup>
- March: 12<sup>th</sup> and 25<sup>th</sup>
- April: 9<sup>th</sup> and 23<sup>rd</sup>
- May: 14<sup>th</sup> and 28<sup>th</sup>
- June: 11<sup>th</sup> and 25<sup>th</sup>
- July: 9<sup>th</sup> and 23<sup>rd</sup>
- August: 13<sup>th</sup> and 27<sup>th</sup>
- September: 10<sup>th</sup> and 24<sup>th</sup>
- October: 8<sup>th</sup> and 22<sup>nd</sup>
- November: 12<sup>th</sup> and 26<sup>th</sup>
- December: 10<sup>th</sup>

December 25<sup>th</sup> meeting postponed due to Holiday.

# City of Bethel Action Memorandum

Action memorandum No.	12-38		
Date action introduced:	12-11-2012	Introduced by:	Mayor Klejka
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

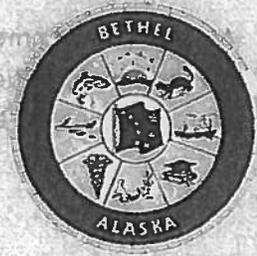
**SUBJECT/ACTION:**

Approval of the Mayor's Appointment of Johnny Furlong to the Public Safety & Transportation Committee for a term ending December 2014.

Route to:	Department/Individual:	Initials:	Remarks:
X	PS&T Committee		

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:	

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 15<sup>th</sup> of March annually.*

NAME: JOHNNY M. FURLONG

MAILING ADDRESS: [REDACTED]

RESIDENCE ADDRESS: [REDACTED]

HOME PHONE: [REDACTED]

WORK PHONE: [REDACTED]

CELL PHONE: 9 [REDACTED]

E-MAIL: [REDACTED]

OCCUPATION: S [REDACTED]

EMPLOYER: [REDACTED]

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 or business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

ELIZABETH FURLONG IS EMPLOYEE OF COB

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

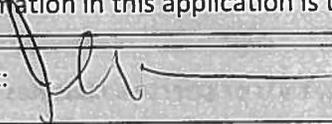
5. Does your schedule permit you to regularly attend required meetings:  Yes  No

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:

12/3/12

**FOR OFFICE USE ONLY**

Date Received:

Date of Council Approval:

Action Memorandum Number:

Date Applicant Notified:

Term Expiration:

Registered voter of the City  Yes  No

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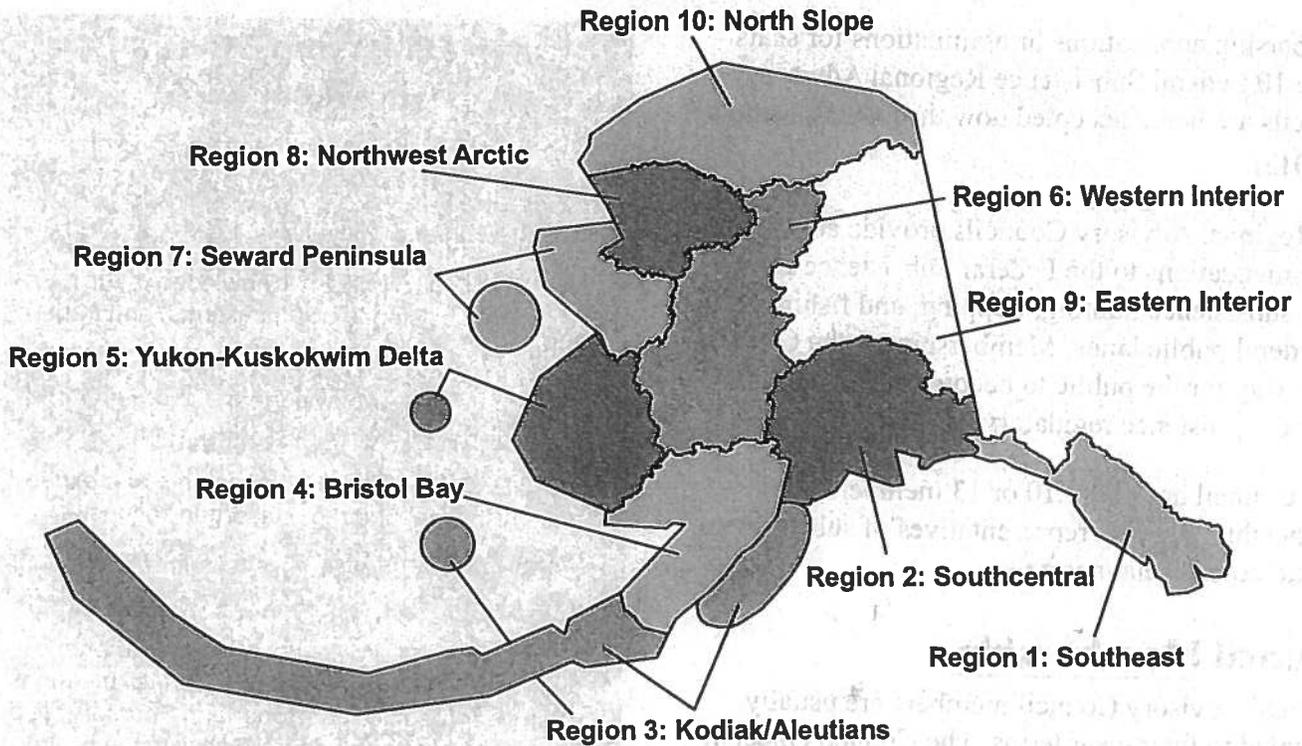
*Bethel City Council*

*Office of the Mayor*

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# **Mayor's Report**

# Ten Federal Subsistence Regions



**Completed applications  
must be received by  
February 18, 2013:**

**Send to:**

Carl Johnson, Chief, Division of Council  
Coordination

U.S. Fish and Wildlife Service  
Office of Subsistence Management  
1011 E. Tudor Road, MS 121  
Anchorage, Alaska 99503

E-mail: [Subsistence@fws.gov](mailto:Subsistence@fws.gov)

Fax: 907-786-3898

**Questions?**

1-800-478-1456 or (907) 786-3676

**Inside:**

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Application/Nomination Form .....	5
Certification ( <b>signature required</b> ).....	7

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*Bethel City Council*

*Office of the City Manager*

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# **Manager's Report**



-A tentative meeting is scheduled to be held in Bethel on December 11, 2012, between ProDev, BSI, BUC, and members of the Administration. Issues to be addressed include the electrical grid that will supply the Aquatic Center, removal/replacement of pool water, and sewage provisions, among others.

-A Construction Kick-Off Meeting will be held in Anchorage later this month led by ProDev and attended by Architects Alaska, BSI and its subordinates. Subsequently a brief overview of the meeting will be furnished to the Council in a written report.

**Miscellaneous:**

- **Old Armory Facility** – A Memorandum of Understanding (MOU) between the City of Bethel and LKSD has been drafted, reviewed by Council, and forwarded to LKSD for consideration at their Board meeting on December 7, 2012. Paralleling this initiative, the Administration sent a letter to the Governor, clarifying the Council's position with respect to demolition of the former Armory building. A copy of that letter is enclosed.
- **USDA/RD Construction Grant** – The requirements for the final report have been completed and accepted by USDA/RD, allowing the grant to be closed out. A copy of the close-out letter is enclosed.
- **Administrative Policies & Procedures** – The Administration is working with the City Attorney to organize, clarify, and rewrite where needed, internal policies and procedures as they apply to employee training, testing, operation of equipment, and work-related issues.
- **Training Seminar** – Hosted training seminar for supervisors with respect to alcohol and drug testing, identification, signs & symptoms and administrative policy implementation. Training was arranged by the City Attorney and provided by Beacon Occupational Health & Safety Services.

Thank you.

Enclosures

# CITY OF BETHEL

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



November 29, 2012

**The Honorable Sean Parnell**  
**Governor of Alaska**  
State Capitol  
Post Office Box 110001  
Juneau, Alaska 99811-0001

Dear Governor Parnell:

I'm writing to you on behalf of Mayor Klejka and the Bethel City Council with respect to the former Armory building that resides on land leased from the City by the State.

In your letter of October 15, 2012, to Mayor Klejka, your response seemed to indicate that the Alaska Department of Military and Veterans Affairs (DMVA) and the State believed that the City of Bethel had a strong interest in assuming ownership of the building.

I apologize if that erroneous impression was created. The only conceivable way in which the City of Bethel would consider accepting a transfer of building ownership is if funding for complete demolition of the facility, to include underground equipment and reclamation of the land for hazardous material, was placed in an escrow account for the City Council to use for this specific purpose.

When General Katkus and Deputy Commissioner of Military and Veteran's Affairs McHugh Pierre met with the City Council, they indicated that the Federal Government had allocated approximately \$500,000.00 for demolition. However, they stated that the window to utilize those Federal funds was limited and that, if they were withdrawn, a request would have to be made to the State of Alaska seeking demolition funds in the Fiscal Year 2014 State Budget.

Informally, the City of Bethel has been told that demolition costs in all likelihood could reach approximately \$6,000,000.00. This is probably a conservative estimate since not all of the demolished material and equipment could enter the City's landfill.

Some of these items would have to be shipped to receiving sources outside Alaska, adding to the overall cost.

In the interim, per General Katkus' request, the City of Bethel and the Lower Kuskokwim School District have entered into a Memorandum of Understanding (MOU) to the effect that the District would continue to use the gymnasium in the facility during the day, excluding the restrooms, and the City of Bethel would use the facility at night for adult recreation including the restrooms. Although the MOU is in place, its execution really depends on whether an equitable lease arrangement can be effected separately by both parties with DMVA that would jointly expire on June 30, 2013. This will allow the building to remain in use while a decision is made as to how to proceed.

In closing, Sir, I again offer my apology if the wrong impression was created at the State level for the disposition of the former Armory facility. The City of Bethel would only consider accepting transfer of the building if complete funding for every aspect of demolition was placed in an escrow account for future use by the Bethel City Council. If appropriate demolition funding cannot be put into escrow, then the City desires that the parties adhere to the contract which requires the land to be returned to its natural condition upon expiration of the lease. The City is willing to accept the outbuildings as agreed to earlier with General Bridges, but given the amount of hazardous materials and the huge costs to maintain and ultimately dispose of the Armory building, the City must decline to accept any offer for that building and instead requires the contract terms be adhered to for restoring the land to its original state.

Respectfully,

Lee M. Foley  
City Manager

Cc: Bethel City Council; Senator Lyman Hoffman; Representative Bob Herron; MG Thomas Katkus, Adjutant General, Commissioner, Alaska DMVA; Mr. McHugh Pierre, Deputy Commissioner, Alaska DMVA



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www.stoel.com

S. LANE TUCKER  
Direct (907) 263-8411  
SLTUCKER@stoel.com

*VIA PDF – lfoley@cityofbethel.net*

November 28, 2012

Mr. Lee Foley, City Manager  
City of Bethel  
P.O. Box 1388  
Bethel, Alaska 99559

**Re: Osborne Construction Company Bid Protest  
Yukon Kuskokwim Regional Aquatic Health and Safety Center**

Dear Mr. Foley:

Thank you for your consideration of this matter. I understand Mr. Jake Jacobson of Osborne Construction spoke with you earlier today to advise you that Osborne was withdrawing its protest. I am writing to confirm that and to formally withdraw Osborne's protest. Osborne appreciates the City's prompt and courteous production and coordination of proposal review and looks forward to future opportunities to work with the City.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Lane Tucker".

S. Lane Tucker

SLT:sac

cc: Osborne Construction Co.



**United States Department of Agriculture  
Rural Development**  
Alaska USDA Service Center

November 28, 2012

Lee Foley, City Manager  
City of Bethel  
PO Box 1388  
Bethel, Alaska 99559

Thank you to the City of Bethel for submitting the project closeout report to Rural Development for the water and wastewater project. The project was intended to provide funding for sewer force main upgrades (Chief Eddie Hoffman Highway, City Subdivision, utility corridor from 7<sup>th</sup> Ave to sewer lagoon), service lift station upgrades (QFC #2, Trailer Court, QFC Store), and Bethel Heights Piped water distribution upgrades. Rural Development approved a grant, in the amount of \$1,147,855, for the project in Federal Fiscal Year 2009.

According to our records, Rural Development processed the final payment request, in the amount of \$12,693.25, on July 3, 2012. The final disbursement was outlined in a July 9, 2012 letter.

The documents indicated above provide the necessary documentation that the project is complete and that Rural Development's remaining funds, in the amount of \$111,258.10, are no longer necessary. Please verify the remaining funds balance (\$111,258.10) with your records. Please follow-up within 30 days regarding any discrepancies. Please be aware that any funds remaining after the 30 day period will be cancelled in accordance with RUS Instruction 1780.44(e).

If you have any questions or need additional information, please don't hesitate to contact me at 907-271-2424 extension 118.

Sincerely,

A handwritten signature in cursive script that reads "Sasha Deardorff".

TASHA DEARDORFF  
RAVG Program Manager

800 West Evergreen • Suite 201 • Palmer, AK 99645  
Phone: (907) 761-7705 • Fax: (907) 761-7783 • TDD: (907) 761-7786

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."  
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W.,  
Washington, DC 20250-9410 or call (800)795-3272 (voice) or (202) 720-6382 (TDD).