City of Bethel

P.O. BOX 1388
Bethel, Alaska 99559
Phone: 907- 543-2047
Fax: 907-543-3781

Regular City Council Meeting
February 10, 2015
6:30 P.M.
Council Chambers; Bethel, Alaska

City Council Meeting Agenda
Regularly Scheduled Meeting
February 10, 2015-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers

Rick Robb
Mayor
Term Expires 2015
543-1879
rrobb@cityofbethel.net

Leif Albertson
Vice-Mayor
Term Expires 2015
543-2819
lalbertson@cityofbethel.net

Mark Springer
Council Member
Term Expires 2015
545-1450
mspringer@cityofbethel.net

Heather Pike
Council Member
Term Expires 2015
444-7211
hpike@cityofbethel.net

Chuck Herman
Council Member
Term Expires 2016
545-5394
cherman@cityofbethel.net

Zach Fansler
Council Member
Term Expires 2016
545-3300
zfansler@cityofbethel.net

Byron Maczynski
Council Member
Term Expires 2016
545-0970
bmaczynski@cityofbethel.net

Ann Capela
City Manager
543-2047
acapela@cityofbethel.net

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

Patty Burley
City Attorney

Mary Sattler
Lobbyist

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **PEOPLE TO BE HEARD** – Five minutes per person

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

VI. **APPROVAL OF MEETING MINUTES**

a) ***P3** Regular City Council Meeting January 27, 2015

VII. **REPORTS OF STANDING COMMITTEE**

a) Public Safety and Transportation Commission
b) Port Commission
c) Planning Commission
d) Parks and Recreation Committee
e) Finance Committee
f) Public Works Committee
g) Energy Committee
h) Non Standing Committee Reports

VIII. **SPECIAL ORDER OF BUSINESS**

a) USA Pool Update On The YK Regional Aquatic Training and Health Center (Mayor Robb)
b) **P25** A Proclamation Recognizing The LKSD School Board During The Month Of February (Mayor Robb)

IX. **UNFINISHED BUSINESS**

a) **P29** *Public Hearing Of Ordinance 15-01: Establishing Chapter 12.10 Utility Permits (City Manager Capela)
b) **P35** *Public Hearing Of Ordinance 15-02: Amending Bethel Municipal Code 13.12.290 Landfill Use (City Manager Capela)

X. **NEW BUSINESS**

a) **P39** *Resolution 15-03: Supporting The Funding Of Community Revenue Sharing In The State's Fiscal Year 2016 Budget (Council Member Springer)
b) **P25** A Proclamation Recognizing The LKSD School Board During The Month Of February (Mayor Robb)
c) **P41** *Resolution 15-04: A Resolution Certifying the Municipality of Bethel did Suffer Significant Effects During the Program Base Year from Fisheries Business Activities (City Manager Capela)
d) **P45** *Introduction Of Ordinance 15-03: Prohibiting The Consumption, Use, Possession, Transfer, Display, Transportation, Sale Or Growing Of Marijuana In a Public Place
e) **P47** *Introduction of Ordinance 15-04: Prohibiting the Consumption, Use, Possession, Transfer, Display, Transportation, Sale or Growing of Marijuana on all City owned Property (Vice Mayor Albertson)

Agenda posted on February 4, 2015, at City Hall, AC Co., Swansons, and the Post Office.

BM

Bernard Mael, City Clerk's Office

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Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing February 24, 2015**)

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Regularly Scheduled Meeting
February 10, 2015-6:30 pm
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rrobb@cityofbethel.net

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Term Expires 2016
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Patty Burley
City Attorney

Mary Sattler
Lobbyist

f) **P49** KYUK Appeal of Denial of Record Request

X. MAYOR'S REPORT

XI. MANAGER'S REPORT

XII. CLERK'S REPORT

XIII. COUNCIL MEMBER COMMENTS

XIV. ADJOURNMENT

Agenda posted on February 4, 2015, at City Hall, AC Co., Swansons, and the Post Office.

BM

Bernard Mael, City Clerk's Office

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Approval of the Minutes

City Council Meeting
City of Bethel, Alaska
Regular Meeting
January 27, 2015

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on January 27, 2015 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Robb called the meeting to order at 6:30 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:

Mayor Rick Robb, Council Member Chuck Herman, Council Member Byron Maczynski, Council Member Zach Fansler and Council Member Mark Springer (participated telephonically)

Members Absent were:
Vice-Mayor Leif Albertson and Council Member Heather Pike

Also in attendance were the following:
City Attorney Patty Burley, City Manager Ann Capela and City Clerk Lori Strickler

IV. PEOPLE TO BE HEARD

Norman Ayagarlia – Stated the traffic outside of the school areas has significant traffic issues. Requested the Council to consider options to improve the traffic flow in the area during school openings.

Beverly Hoffman –
Thanked Zach Fansler for his hard work during the K300 and stated her appreciation to those who volunteered and provided such a successful event.
Thanked the City for the continued support of the swimming pool.
Thanked the VFW post for their contribution to help support the swim programs for low income families.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion:	To approve the Consent and Regular Agenda.
Moved by:	Maczynski
Seconded by:	Herman
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Maczynski, Springer, Fansler, Herman and Robb
Opposed:	None

Main Motion:	Remove meeting minutes from January 13, 2014 and Administrative Leave Request for the City Manager.
Moved by:	Herman

Main Motion:	Resolution 15-01 and 15-02 and Ordinance 15-01, 15-02 and 14-14 (g).
Moved by:	Robb

Main Motion:	Amend the agenda to move New Business Item F, Strategies to improve Federal Relations to Unfinished Business Item A.
Moved by:	Fansler
Seconded by:	Maczynski
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Maczynski, Springer, Fansler, Herman and Robb
Opposed:	None

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting January 13, 2015.

Main Motion:	Approve the Meeting Minutes from January 13, 2015
Moved by:	Herman
Seconded by:	Maczynski
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Maczynski, Springer, Fansler, Herman and Robb
Opposed:	None

Main Motion:	To strike the action listed under the amendment of AM 15-08 and have the action state "Postponed."
Moved by:	Herman
Seconded by:	Maczynski
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Maczynski, Springer, Fansler, Herman and Robb
Opposed:	None

Item B- Special City Council Meeting January 14, 2015.

Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A - Port Commission –
Pete Williams, Port Director-
A meeting was not held due to a lack of a quorum.

Item B - Planning Commission –
No one available to provide a report.

Item C - Public Safety and Transportation Commission-
Council Representative Chuck Herman-
A meeting has not been held due to a lack of a quorum.

Item D - Energy Committee –
Zach Fansler, Council Representative
The next meeting will be held on Monday.

Item E - Public Works Committee-
Byron Maczynski, Council Representative
A meeting was not held.

Item F - Finance Committee-
Hansel Mathlaw, Finance Director-
Discussed the FY2014 Audit, which will be published on January 28, 2015. There were two findings in the audit.

Item G - Parks and Recreations Committee-
Richard Robb, Council Representative –
A meeting has not been held since the last City Council Meeting.

Item H – Non Standing Committee

VIII. SPECIAL ORDER OF BUSINESS

Item A- USA Pool Update On The YK Regional Aquatic Training and Health Center.
Raunika Ray, USA Pool Representative -
Provided a summary of the revenue received so far for the month of January the total being $37,614.
Added Biggest Looser program will be renting space at the facility.
The School District will be implementing swim programs throughout the week.

IX. UNFINISHED BUSINESS

NEW BUSINESS

Item F- Strategies To Improve Federal Relations.

UNFINISHED BUSINESS

Item A- AM 15-08: Designating And Approving Two Council Members To Attend The National League of Cities Conference, March 9-12, 2015.

Main Motion:	Motion to approve AM 15-08 was made at the January 13, Regular Meeting.
Moved by:	Maczynski
Seconded by:	Albertson
Action:	Does not carry by a vote of 1-4
In favor:	Fansler
Opposed:	Springer, Maczynski, Herman and Robb

Main Motion:	Motion to amend AM 15-08 to strike two members and insert one member throughout the document.
Moved by:	Springer
Seconded by:	Pike
Action:	Does not carry by a vote of 3-2
In favor:	Herman, Springer and Maczynski
Opposed:	Robb and Fansler

Item B- Administrative Leave Request For The City Manager To Attend The National League Of Cities Conference, March 7 Through March 11, 2015.

X. NEW BUSINESS

Item A – Resolution 15-01: Supporting The Funding Of Harbor Facility Grant Programs In The States FY 2016 Capital Budget.

Main Motion:	Approve Resolution 15-01.
Moved by:	Fansler
Seconded by:	Springer
Action:	Motion carried by a vote of 4-1
In favor:	Maczynski, Springer, Fansler and Herman
Opposed:	Robb

Item B – Resolution 15-02: Supporting A Modification To Alaska Statutes Title 12.55.135 To Include Port Personnel.

Main Motion:	Approve Resolution 15-02.
Moved by:	Maczynski
Seconded by:	Herman
Action:	Motion does not carry by a vote of 3-2
In favor:	Springer, Maczynski and Fansler
Opposed:	Herman and Robb

Item C – Introduction Of Ordinance 15-01: Establishing Chapter 12.10 Utility Permits.

Main Motion:	Introduce Ordinance 15-01.
Moved by:	Springer
Seconded by:	Herman
Action:	Motion carries by a vote of 5-0
In favor:	Springer, Maczynski, Herman, Fansler and Robb
Opposed:	None

Item D- Introduction Of Ordinance 15-02: Amending Bethel Municipal Code 13.12.290 Landfill Use.

Council Member Albertson arrived at 7:50p.

Main Motion:	Introduce Ordinance 15-02.
Moved by:	Herman
Seconded by:	Fansler
Action:	Motion carries by a vote of 5-1
In favor:	Springer, Maczynski, Herman, Fansler and Albertson
Opposed:	Robb

Item E- Introduction Of Budget Ordinance 14-14 (g): Amending The FY 2015 Budget- Police Personnel.

Main Motion:	Introduce Budget Ordinance 14-14 (g).
Moved by:	Fansler
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	Springer, Maczynski, Herman, Fansler, Albertson and Robb
Opposed:	None

Item G- Personal Leave Request For City Clerk February 2 – 6, 2015.
Passed on the consent agenda.

XII. MAYOR'S REPORT
XIII. MANAGER'S REPORT
XIV. CLERK'S REPORT
XV. COUNCIL MEMBER COMMENTS

Council Member Zach Fansler-
Welcomed the newly hired Human Resources Director.
Agreed the school access drive needs to be addressed.
Congratulated Pete Kaiser for his K300 win.
Thanked everyone who supported the K300 this year.
Recognition to all of the veterans, specifically our WWII veterans for their service.

Council Member Chuck Herman-
Welcomed the newly hired Human Resources Director.
Encouraged the public to apply for the Public Safety and Transportation Commission.

Council Member Mark Springer-
Hope that everyone is staying warm. Eco the comments made earlier regarding the school access drive.

Council Member Byron Maczynski-
Congratulated Pete Keiser for his win.
Encouraged people to support the projects like the Bethel Winter House.

Vice-Mayor Albertson-
Welcomed the newly hired Human Resources Director and the Assistant City Clerk.

Mayor Richard Robb-
Thanked all of the volunteers that assisted in the K300.
Congratulated Pete Keiser on his win.

XVI. ADJOURNMENT

Main Motion:	Adjourn
Moved by:	Fansler
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	Springer, Maczynski, Herman, Fansler, Albertson and Robb
Opposed:	None

Council adjourned at.

Richard Robb, Mayor

ATTEST:

_____

Lori Strickler, City Clerk

Reports of Standing Committees

Planning Commission Meeting Agenda

Regular Meeting Thursday February 12, 2015
6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

MEMBERS

John Guinn
Vice-Chair
Term Expires
12/2015

Joy Shantz
Chair
Term Expires
12/2015

Heather Pike
Council Rep.
Term Expires
10/2015

Kathy Hanson
Committee Member
Term Expires
12/2016

Cliff Linderoth
Committee Member
Term Expires
12/2017

Vacant

Rachael Pitts
Ex-Officio Member,
Recorder

I. CALL TO ORDER
II. ROLL CALL
III. PEOPLE TO BE HEARD – (5 Minute Limit)
IV. APPROVAL OF THE MINUTES OF JANUARY 8, 2015 MEETING
V. APPROVAL OF AGENDA
VI. NEW BUSINESS
   A. Public Hearing: Application for Vacating an Easement: Lot 38D, Plat 83-36. The applicant is Shawn Ahlo. The address is 1517 Chief Eddie Hoffman Highway, Bethel, Alaska. The request is to vacate an undesignated easement.

VII. UNFINISHED BUSINESS
   A. Public Hearing: Amendments to the Bethel Municipal Code, Title 16 Planning, Land Use, Platting and Development.

VIII. DIRECTOR'S REPORT
IX. COMMISSIONER'S COMMENTS
X. ADJOURNMENT

Posted February 6, 2015, at City Hall, AC Quick Stop, Post Office, and Corina's Case Lot Groceries

City of Bethel
Finance Committee Agenda

Monday, January 26, 2015 – 6:30 p.m. Council Chambers, Bethel, Alaska

Carol Ann Willard
Finance Committee Chair

Mike Shantz
Finance Committee Vice Chair

Leif Albertson
City Council Representative

Milanna Shear
Finance Committee Member

Dave Trantham, Jr.
Finance Committee Member

Jon Cochrane
Finance Committee Member

Delbert Egoak
Finance Committee Member

Emily Russell
Alternate Committee Member

Vacant
Alternate Committee Member

Hansel Mathlaw
Finance Director
543-1376
hmathlaw@cityofbethel.net

Tonya Hendrix
Assistant Finance Director
543-1375
thendrix@cityofbethel.net

Carole Jung
Recorder
543-3150
cjung@cityofbethel.net

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD Five minutes per person

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES of November 24, 2014

VI. NEW BUSINESS

a. **FY14 Audit Draft – Finance Director**

VII. OLD BUSINESS

a. **Sales Tax Re-Write-Finance Director**
b. **Water Assistance Program-Finance Director**

VIII. COUNCIL REP. COMMENTS

IX. FINANCE DIRECTOR'S COMMENT

X. FINANCE COMMITTEE MEMBER COMMENTS

XI. ADJOURNMENT

Posted on January 21, 2015 at City Office, AC Quick Stop, Corina's Case-lot, & Post Office

_____
Tonya Hendrix, Assistant Finance Director for Carole Jung -Recorder

ENERGY COMMITTEE
REGULAR MEETING AGENDA
Monday, February 2, 2015 6:30 pm
City Hall Council Chamber, Bethel, AK

X. **CALL TO ORDER**

XI. **ROLL CALL**

XII. **PEOPLE TO BE HEARD** – Fifteen minutes per person

XIII. **APPROVAL OF AGENDA**

XIV. **APPROVAL OF MEETING MINUTES**

a. Regular Energy Committee Meeting January 5, 2015
b. Regular Energy Committee Meeting December 1, 2014

XV. **UNFINISHED BUSINESS**

a. Alternative Energy Report Update
b. Municipal Solid Waste Gasification Findings
c. Renewable Energy Alaska Project – City membership consideration
d. AVEC Representative

XVI. **NEW BUSINESS**

a. Alternative Energy News & Ideas

XVII. **COUNCIL MEMBER COMMENTS**

XVIII. **ADJOURNMENT**

Agenda posted on January 7, 2015, at City Hall, AC Co., Swansons, and the Post Office.

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Bernard Mael, City Clerk's Office
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City of Bethel
Port Commission Meeting Agenda

Regularly Scheduled Meeting
January 19, 2015 - 7 pm
City Council Chambers, City Hall, Bethel, AK
Amended January 15, 2015

Commissioners
Alan Murphy
Chair
Term Expires 2015
(907)543-2805

Greg Roczicka
Vice-Chair
Term Expires 2017
(907)543-2903
groczicka@hotmail.com

Mark Springer
Council Rep.
Term Expires 2015
(907)543-1297
mspringer@cityofbethel.net

Richard Pope
Port Commissioner
Term Expires 2017
(907)543-1900
bethelalaskapc@gci.net

John Dickens
Port Commissioner
Term Expires 2014
(907)543-0684
mightyjades@gmail.com

Ex-Officio
Peter A. Williams,
Port Director
(907)545-4150
pwilliams@cityofbethel.net

Edward Flores
Port Admin
(907)543-2310
eflores@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**
BMC CHAPTER 14.01-14.03

viii. **NEW BUSINESS**
FY-15 BUDGET
AAHRP Resolutions No. 2014-01 and 2014-02

ix. **COMMISSION MEMBER'S COMMENTS**

x. **ADJOURNMENT**

City of Bethel, Alaska

Parks & Recreation Committee Agenda

Regular Meeting **February 2, 2015 – 6:00p.m.** City Hall

Minnie Sallison Fritts
Committee Chair
Term Expires 12/2016

Barbara Mosier
Committee Co Chair
Term Expires 12/2016

Clarence Daniel
Committee Member
Term Expires 12/2017

Margaret Revet
Committee Member
Term Expires 12/2017

Rick Robb
Council Rep 10/2015

Susan Taylor
Committee Member
Term Expires 12/2017

Amanda Colvin
Committee Member
Term Expires 12/2015

Alternate Committee Member
3 Year Term

Ronda Sargent
Director
543-7711

Matthew Ross
Committee Recorder
543-2088

Rachael Pitts
City Planner
545-0114

John Sargent
Grant Development Manager
543-1386

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – THREE MINUTES PER PERSON

IV. APPROVAL OF AGENDA

V. SPECIAL ORDER OF BUSINESS
- **a.** Election of Chair
- **b.** Training by the City Clerk

VI. APPROVAL OF MINUTES
- **a.** January 12th Minutes

VII. DEPARTMENT HEAD REPORT

VIII. UNFINISHED BUSINESS
- a. Dog Park

IX. NEW BUSINESS
- a. 5 Year Plan
- b. Community Survey draft

X. MEMBER COMMENTS

XI. ADJOURNMENT

Posted at City Offices, AC, Swanson's, Post Office, Bethel 4-H Youth Center, YKHC, Q2, Corina's

_____
Matthew Ross, Committee Recorder

Special Order of Business

PROCLAMATION

WHEREAS, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society and an ever-changing world;

WHEREAS, local school board members are committed to children and believe that all children can be successful learners and that the best education is tailored to the individual needs of the child;

WHEREAS, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our students;

WHEREAS, local school board members are responsible for ensuring the structure that provides a solid foundation for our school system;

WHEREAS, local school board members assure the assessment of students, school staff, and educational programs and are accountable to the community;

NOW, THEREFORE, I Mayor Richard Robb, do hereby, declare my appreciation to the members of the Bethel ASB and proclaim the month of February 2015 as **SCHOOL BOARD RECOGNITION MONTH in Bethel, Alaska**.

IN OFFICIAL RECOGNITION WHEREOF, I hereby affix my signature on this 10th day of February, 2015.

I urge all citizens to join me in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

Richard Robb, Mayor

Lori Strickler, City Clerk

Unfinished Business

Introduced by: City Manager Capela
Date: January 27, 2015
Public Hearing: February 10, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-01

AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING CHAPTER 12.10 UTILITY PERMITS

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. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

SECTION 3. Establishing BMC Chapter 12.10 Utility Permit Chapter 12.10 is added to the Bethel Municipal Code as follows:

12.10.010 Definitions.

A. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "As-built" means a drawing indicating the utility facility with reference to legal property lines.
2. "Public way" means any public right-of-way, street, road, alley, section line easement (that is not maintained by the state of Alaska), public easement, public use easements, drainage easements, public utility easement (not to include private utility easements or easements dedicated to a certain utility), public traveled way, prescriptive right-of-way, and includes those areas used for road maintenance and snow storage or any other public right-of-way over which the borough exercises its jurisdiction.
3. "Utility" means either a person or corporation providing utility services, the utility service provided, or the physical utility or other facilities.

12.10.020 Use of public ways.

Public utilities may obtain a permit to reasonably use public ways in the City of Bethel. Utilities shall be installed in utility easements to the extent practical.

12.10.030 Permit required.

A. A utility may not place, install or maintain a utility within a public way without a city issued utility permit.

B. Annual permits can be issued for:

1. Service connections, except where road crossings are to be open cut or trenched; and
2. Construction in public utility easements.

C. Temporary Permits can be issued for:

1. Removal, modification, or replacement of any City-owned facilities.
2. Relocation or modification of the existing facilities.
3. Closing a lane of traffic or requires traffic control.
4. Excavating of existing material or placement of fill materials or aggregate in the right of way.
5. The installation of facilities above or below ground for the purpose of expansion or upgrade.
6. Installing facilities, cable, wire, or lines in an existing conduit installed by another utility.

D. Emergency permit can be issued for:

1. Emergency repairs outside the normal business hours of the city of Bethel, when there is a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, but not limited to, damage to persons or property from natural or manmade consequences.

12.10.040 Application.

A. An application for a permit to use a public way for a utility use shall be submitted in writing to the Public Works Director on forms provided by the City.

B. The application shall contain the following information:

1. Name and location of the public way or ways for the permit being sought;

2. Type of utility use intended;
3. Nature of any utility to be installed under the permit;
4. Length and location of any utility line to be installed;
5. Plans sufficient to show the applicant's existing utilities, property lines, approximate traveled roadways (except for service connect permits), proposed location, and design. Other utilities and terrain features must be shown where the applicant requests a non-standard utility location.

C. The City may annually require as-built drawings of the utility installations to assure compatibility of the utility locations.

D. The Public Works Director, or Designee, shall grant or deny the permit within 20 calendar days of receipt of the application. Permits issued may include reasonable conditions to protect the property and interests of the city, and the public's health, safety and welfare.

E. Utilities shall make reasonable effort to notify affected property owners prior to application.

12.10.050 Bond or indemnity deposit.

If the Public Works Director determines that there is a possibility of injury, damage or expense to the city, the easement or the public way, arising from an applicant's proposed use of any public way, the applicant for a permit under this chapter shall furnish to the city a surety bond, cash or certified check, payable to the city, to be in an amount not less than $500.00. The deposit shall be in an amount determined by the public works director at the time of approving the application and shall be used to pay the cost plus overhead charges such as materials, labor or other costs of inspectors, surveys or other services performed by the city above those included within the permit fee, of restoring the street and removing any earth or other debris from the street, of the replacement of any utility interrupted or damaged, and of the completion of any work left unfinished, and any other expense the city may sustain in conjunction with the permitted work. In the case of a cash indemnity deposit, the balance, if any, after the deductions listed in this subsection, shall be returned to the applicant. If the deposit is insufficient the applicant will be liable for the deficiency.

12.10.060 Appeal.

A. Denial of a permit application by the Public Works Director may be appealed in writing to the City Manager within ten business days of written notice of the denial.

B. All appeals must include the following information:

1. The name, address, telephone number and fax number (if available) of the interested party filing the appeal;
2. The signature of the person authorized to file the appeal;
3. Identification of the permit denial being appealed;
4. A detailed statement of the legal or factual grounds for the appeal;
5. Copies of any relevant documents;
6. A clear and concise statement indicating the form of relief being requested;
7. Certification under oath that the appeal is made in good faith and that any supporting information is accurate and complete to the best of the person's knowledge and belief; and
8. An appeal fee in the amount listed in the most current City of Bethel Schedule of Rates. Charges and Fees shall be paid to the City and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the City Manager.

C. Untimely or incomplete appeals will be automatically denied.

D. The City Manager shall respond, in writing, within twenty (20) business days. The decision of the manager shall be final.

12.10.070 Standards.

A. Utilities shall be located so as to assure compatibility with all present and anticipated future uses of the public way in which the utility is located. The following general standards shall apply:

1. Utilities shall be located outside of the traveled surface and maintenance area of the public way and shall be placed according to the standard utility location diagram established by the public works department, unless an alternate location is authorized by the permit.

2. Location of the utility shall allow for maintenance of the public way and the utility.
3. Underground utilities shall be installed at the permitted depth to avoid hazards to the public and to allow for maintenance and improvements of the public way.
4. Surface utility fixtures shall be set back from existing or planned traveled surfaces and shall not be located so as to impair sight distance or create a physical obstacle or hazard.

B. Constructed utilities shall meet the most current standard published codes or regulations set forth below:

1. The National Electric Safety Code;
2. The Alaska Administrative Code, Title 17, Chapter 15, Utility Permits;
3. The Alaska Statutes, Chapters 2.15 and 2.25;
4. The Rural Utilities Service Construction Specifications;
5. The American Water Works Association Standards;
6. The Federal Department of Transportation Regulations, CFR 49; and
7. Any other applicable law, statute or regulation.

12.10.080 Existing Utilities.

A. Those utilities in existence as of January 1, 2015, constructed and installed in accordance with all statutes, codes and regulations applicable at the time of construction, may continue to exist and be maintained in public ways in the City subject to this section.

B. The release from compliance granted under this section does not create the presumption that the existing utility was properly installed. This release allows maintenance of existing utilities for their useful life, but does not authorize any change, upgrade or relocation of the utilities without obtaining a permit in accordance with this chapter.

C. This chapter does not affect permits issued prior to the effective date of the ordinance codified in this chapter.

Introduced by: City Manager Capela
Date: January 27, 2015
Public Hearing: February 10, 2015
Action:
Vote:

12.10.090 Relocation expenses.

A. The cost of relocation of any utility located pursuant of a valid permit as required by the City for a public purpose shall be borne by the city, unless listed in subsection below.

B. A utility shall bear the cost of relocation in the following circumstances:

1. Any relocation required as a result of a violation of permit conditions at the time of the original construction; or
2. Installed by a utility without a valid permit; or
3. Installed at a location other than the location authorized in the permit; or
4. Because the utility does not otherwise meet the requirements of this chapter.

SECTION 5. Effective Date. This section shall become effective March 1, 2015.

ENACTED THIS __ DAY OF _____ 2015, BY A VOTE OF __ IN FAVOR AND ___ OPPOSED.

_____
Richard Robb, Mayor

ATTEST:

_____
Lori Strickler, City Clerk

Introduced by: City Manager Capela
Date: January 27, 2015
Public Hearing: February 10, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-02

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE 13.12.290, INCREASING THE COMMERCIAL PERMIT FEES FOR LANDFILL USE

WHEREAS, Bethel Municipal Code Section 13.12.290 requires commercial entities to purchase commercial permits before using the City-owned landfill;

WHEREAS, the commercial permit fees specified in BMC Section 13.12.290 have not been changed since they became effective September 1, 1980;

WHEREAS, the solid waste deposited in the landfill from commercial entities typically requires special handling, treatment and placement, resulting in a higher cost to the City;

WHEREAS, the City of Bethel intends to raise the rates for commercial landfill use permits and provide a new effective date;

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

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

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken):

Introduced by: City Manager Capela
Date: January 27, 2015
Public Hearing: February 10, 2015
Action:
Vote:

Chapter 13.12.290 Landfill use.

A. After ~~September 1, 1980~~ February 11, 2015, no commercial entity shall be allowed to use the City-owned ~~sanitary~~ landfill ~~except upon acquiring a permit from the city~~ unless a commercial landfill use permit has been purchased from the City. Commercial entities must present permits to the landfill operator at the landfill gate prior to landfill use. The cost of such permit shall be:

1. Commercial single-use permit	~~$43.80~~	$50.00
2. Commercial monthly use permit	~~$131.40~~	$150.00
3. Commercial yearly use permit	~~$1,393.20~~	$1,500.00

B. In no event shall any person, except for the city's fire department, burn garbage, rubbish or waste material at any city-owned sanitary landfill site.

C. ~~Residential and~~ Commercial permits issued by the City may be immediately revoked by the Public Works Department if any person who has acquired such permit violates any section of this chapter.

D. City Council may permit free use of the City's sanitary landfill by all persons.

SECTION 3.Effective Date. This Ordinance shall become effective upon the passage by the Bethel City Council.

BE IT ENACTED BY THE BETHEL CITY COUNCIL THIS __DAY OF _____ 2015, BY A VOTE OF __ IN FAVOR AND ___ OPPOSED.

_____
Richard Robb, Mayor

ATTEST:

_____
Lori Strickler, City Clerk

New Business

Introduced by: Council Member Springer
Date: February 10, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

RESOLUTION #15-03

SUPPORT FOR FUNDING OF COMMUNITY REVENUE SHARING PROGRAM

WHEREAS, the sharing of State revenues corresponds with the Owner State concept, whereby natural resources owned by the State belong to all Alaskan residents and should be routinely shared;

WHEREAS, the Community Revenue Sharing Program is used to distribute a portion of State revenues as a way to share its wealth with residence statewide;

WHEREAS, the Community Revenue Sharing Program is an essential source of revenue for Alaska's communities, both large and small;

WHEREAS, the City of Bethel received $387,340 in Community Revenue Sharing contributions in FY2014, an amount representing 3.8% of the City's budget;

WHEREAS, defunding the Community Revenue Sharing Program will have a significant negative effect on the City's ability to provide essential services, potentially forcing the City to eliminate critical positions, reduce essential services to help make up for the economic hardship;

WHEREAS, the citizens of Bethel currently pay 6% in sales tax, one of the highest sales tax rates in Alaska, which generated $7,876,756 in FY14;

NOW, THEREFORE, BE IT RESOLVED that the City of Bethel supports the continued funding for the Community Revenue Sharing program.

PASSED AND APPROVED THIS __ DAY OF FEBRUARY 2015, BY A VOTE OF __ IN FAVOR AND __ OPPOSED.

ATTEST:

_____
Lori Strickler, City Clerk

_____
Richard Robb, Mayor

Introduced by: City Manager Capela
Date: February 10, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 15-04

A 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 FMA 6: LOWER KUSKOKWIM FISHERIES MANAGEMENT AREA

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 2015 Alaska Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant affects during calendar year 2013 from fisheries business activities;

WHEREAS, 3 AAC 134.060 provides that if the allocation available for a fisheries management area is less than the long-form threshold value, a municipality may demonstrate that it suffered significant effects during the program base year from fisheries business activities that occurred within that fisheries management area through a resolution of the municipality's governing body;

WHEREAS, the City of Bethel is located within a fisheries management area with an allocation less than the long-from threshold value;

WHEREAS, 3AAC 134.120 provides that this resolution satisfies the Short-Form Application resolution requirements under the FY 2015 Shared Fisheries Business Tax Program;

NOW, THEREFORE, BE IT RESOLVED by the Bethel City Council, by this resolution certifies that the City of Bethel did suffer significant effects during calendar year 2013 from fisheries business activities that occurred within the within the FMA 6: Lower Kuskokwim fisheries management area and wishes to apply for funding under the FY 15 Shared Fisheries Business Tax Program.

ENACTED THIS ____DAY OF FEBRUARY, 2015

BY A VOTE OF ___IN FAVOR **AND _____ OPPOSED.**

ATTEST:

_____ _____

Lori Stickler, City Clerk Richard Robb, Mayor

SHARED FISHERIES BUSINESS TAX / FISHERY RESOURCE LANDING TAX
AS 29.60.450
3 AAC 134.010 – 134.160

The Department's Shared Fisheries Business Tax Program was created in 1990 to help municipalities impacted by the effects of the rapidly expanding offshore fish processing industry. A previously existing fish tax sharing program (commonly referred to as the Raw Fish Tax Program), administered by the Department of Revenue, shares back to municipalities half of the state fisheries business tax collected from fish processors operating inside municipal boundaries. The Department's program extends tax sharing to include a sharing of fish taxes collected outside of municipal boundaries, primarily from floating processors.

Program funding is allocated in two stages:

1st Stage:
Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The annual available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the preceding calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during a calendar year, then that area would receive 10% of the available funding.

2nd Stage:
The funding available within each FMA is then allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

If the total funding available for a FMA is less than the *long-form threshold value* (the value determined by multiplying the number of municipalities in an area by $4,000), one half of the allocation is divided equally among the eligible applicants in that area. The other half of the area allocation is distributed among the eligible applicants proportionate to the populations of all the eligible applicants in the area. This is known as the *short-form method.*

If the total funding available for a FMA is greater than the *long-form threshold value*, municipalities must then choose either the Standard Method or Alternative Method for determining the allocation of funds.

Under the Standard Method, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in the previous calendar year. These impacts are submitted by each municipality in their applications. The department reviews the applications and determines if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department calculates the allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

Under the Alternative Method, municipalities within the FMA agree on a distribution formula. The department only approves the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

The Department's Fishery Resource Landing Tax Program distributes 50% of the taxes collected for fishery resources which were landed in the unorganized borough but not processed. The law provides that the Department apportion the taxes to each FMA based on the ratio of the management area's fishery resource landing tax production value (the unprocessed value of the fishery resource based on the statewide average price paid for the fisheries resource as reported during the calendar year to the Alaska Department of Fish and Game) to the total fishery resource landing tax production value for all of the management areas. The taxes are then distributed to the eligible municipalities located within each fisheries management area on the same basis as the Department's Shared Fisheries Business Tax Program.

Shared Fisheries Business Tax and Fishery Resource Landing Tax payments are issued in March or April of each fiscal year.

Introduced by: Vice Mayor Leif Albertson
Introduction Date February 10, 2015
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-03

AN ORDINANCE AMENDING SECTION 9.01 OF THE BETHEL MUNICIPAL CODE TO ADD A PROHIBITION AGAINST THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE

WHEREAS, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and use of Marijuana, as codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

WHEREAS, newly enacted AS 17.38.040 states:

> **Public consumption banned, penalty.**
>
> It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to $100.

; and

WHEREAS, the State statute does not define "public"; and

WHEREAS, the state statute does not discuss or mandate any enforcement mechanism; and

WHEREAS, the effective date of the state marijuana statute is February 24, 2015; and

WHEREAS, the City of Bethel previously passed an Ordinance adopting any minor offenses as they presently existed or as they may be revised [or added] in the future;

WHEREAS, with the enactment of AS 17.38.040, the City automatically adopts this new minor offense; and

WHEREAS, the City would like to clarify what is a "public place" for purposes of enforcing this new minor offense

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

Bethel Municipal code chapter 9.01, Minor Offenses, is hereby amended by adding a new section to read as follows:

9.02 Consuming Marijuana in a Public Place

A. It is unlawful for any person to consume marijuana when the person is:
   1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or

   2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:
   1. *Consume:* shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
   2. *Marijuana:* shall have the meaning set forth in AS 17.38.900.
   3. *Public Place:* means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, sports fields, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons or detention centers, and hallways, lobbies, doorways and other portions of apartment houses and lodging facilities not constituting apartments designed for actual residence.

C. Violation of this section is a minor offense punishable as set forth in the minor offenses fine schedule.

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

SECTION 2. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS _____ DAY OF FEBRUARY 2015, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

_____ _____

Lori Strickler, City Clerk Richard Robb, Mayor

Introduced by: Vice Mayor Leif Albertson
Introduction Date February 10, 2015
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-04
AN ORDINANCE ADDING SECTION 8.11 TO THE BETHEL MUNICIPAL CODE TO ADD A PROHIBITION AGAINST THE CONSUMPTION OF MARIJUANA ON CITY OWNED PROPERTY

WHEREAS, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and use of Marijuana, as codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

WHEREAS, newly enacted AS 17.38.120 states, in pertinent part:

Employers, Driving, Minors and Control of Property

(d) Nothing in this chapter shall prohibit a person, employer, corporation or other entity who occupies, owns or controls private property from prohibiting or otherwise regulating the possession, consumption, use display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property

; and

WHEREAS, the City of Bethel currently prohibits smoking in all of its buildings; and

WHEREAS, the City of Bethel employs several individuals who hold Commercial Driver's Licenses (CDL) or are involved with the public as part of their official duties; and

WHEREAS, the City of Bethel currently prohibits the use of alcohol and drugs on all of its premises as required by many of the City's grants;

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

Bethel Municipal code chapter 8, Health and Safety, is hereby amended by adding a new section to read as follows:

<u>8.11 Prohibition of Marijuana on City owned Properties</u>

A. <u>It is unlawful to possess, consume, use, display, transfer, distribute, sell, transport or grown marijuana on any city owned property.</u>

B. For purposes of this section, the definitions of the words and phrases below shall apply:
   1. *Consume:* shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
   2. *Marijuana:* shall have the meaning set forth in AS 17.38.900.

C. Violation of this section is a minor offense punishable by a fine of up to five hundred ($500) dollars.

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

SECTION 2. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS _____ DAY OF FEBRUARY 2015, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

_____
Richard Robb, Mayor

_____
Lori Strickler, City Clerk

CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559
907-543-2047
FAX # 543-3817

January 26, 2015

Ben Matheson
KYUK
PO Box 468
Bethel, Alaska 99559

Dear Mr. Matheson:

The City Clerk's Office received a Public Request for Information on January 21, 2015. The request, a police narrative and call for service related to Juan Sosa, Beatrice Sosa, at the AC Store parking lot, on November 17, 2012, is being denied. The denial is based on Alaska Statutes 40.25.120 (a) (6) (B), (C).

> Public records; exceptions; certified copies.
> (a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except
> (6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information
> (B) would deprive a person of a right to a fair trial or an impartial adjudication;
> (C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;

The information requested is related to a criminal case and is the bases of the civil suit, therefore the release of this information could deprive Mr. Sosa and the City of a fair and impartial trial.

You have the right to appeal this decision to the City Council at a regular council meeting, within 60 working days of this denial. The Council's next few regular meetings are February 10, February 24, March 10, and March 24, 2015. The deadlines for each of the Council's agendas are seven days prior to the meeting. If appealing this decision, please provide notice to the City Clerk's Office for placement of the appeal on the Council's next regular meeting agenda.

Sincerely,

[redacted]rickler
City Clerk

2 Alaska Administrative Code 96.335 – 96.350

2 AAC 96.335. Denial of request (a) A request for a public record that complies with this chapter may be denied only if (1) the record is not known to exist after the public agency makes a diligent search for it; (2) the record is not in the public agency's possession, and after a diligent search the public agency does not know where the record is to be found; (3) the record has been destroyed in accordance with an applicable record-retention schedule; (4) nondisclosure of the record is authorized by a federal law or regulation, or by state law; or (5) the record is believed to be in the agency's possession but has not yet been located, in which case the public agency shall proceed under (f) of this section. (b) A request may be denied by the public agency head or by an agency employee to whom denial authority has been delegated by the public agency head. (c) An initial denial of a written request must be in writing; must state the reasons for the denial, including any specific legal grounds for the denial; and must be dated and signed by the person issuing the denial. If a request is denied by a public agency employee to whom denial authority has been delegated, the notice of denial must reflect this delegation. A copy of 2 AAC 96.335 - 2 AAC 96.350 must be enclosed with the denial. (d) A denial of a written request, in whole or in part, must state that (1) the requester may administratively appeal the denial by complying with the procedures in 2 AAC 96.340; (2) the requester may obtain immediate judicial review of the denial by seeking an injunction from the superior court under AS 40.25.125; (3) an election not to pursue injunctive remedies in superior court shall have no adverse effects on the rights of the requester before the public agency; and (4) an administrative appeal from a denial of a request for public records requires no appeal bond. (e) A denial of a written request is considered to be issued at the time the denial is either delivered to the United States Postal Service for mailing, or hand-delivered to the requester by an employee or agent of the public agency. (f) If a written request is denied because a record has not yet been located and the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record shall continue to

search until the record is located or until it appears that the record does not exist or is not in the public agency's possession. The public agency shall periodically inform the requester of its progress in searching for the requested record. (g) A record that is the subject of a public records request that has been denied shall not be destroyed or transferred from the public agency's custody, except that records may be transferred to state archives and records management services as provided by AS 40.21 and regulations adopted under AS 40.21. A public agency may not destroy or transfer custody of a record to which access has been denied or restricted until at least 60 working days after the requester is notified in writing that the request has been denied, or if there is an administrative or judicial appeal or other legal action pending at the end of the 60-working-day period, until the requester has exhausted those actions.

2 AAC 96.340. Appeal from denial; manner of making (a) A requester whose written request for a public record has been denied, in whole or in part, may ask for reconsideration of the denial by submitting a written appeal to the agency head. (b) An appeal under (a) of this section must be mailed or hand-delivered to the agency head within 60 working days after the denial is issued and must include the date of the denial and the name and address of the person issuing the denial. The appeal must also identify the records to which access was denied and which are the subject of the appeal. If an appeal is from the failure of the agency to respond to the records request within the appropriate time limit under 2 AAC 96.325, the appeal must so state, must identify the records sought, and must identify the public agency to which the request was directed and the date of the request. (c) The 60 working days within which an appeal must be filed begins to run upon the issuance of the denial or, if no denial is issued, upon the expiration of the time period within which the public agency should have responded.

2 AAC 96.345. Appeal determinations; time allowed; by whom made (a) As soon as practicable, but not later than the 10th working day after the close of the record on appeal, the agency head shall issue a written determination stating which of the records that are the subject of the appeal will be disclosed and which records will not be disclosed. The written determination must comply with 2 AAC 96.350. (b) The agency head may extend the 10-working-day period for a period not to exceed 30 working days upon written request from the requester, or by sending a written notice to the requester within the basic 10-working-day period. (c) The agency head may delegate authority and duties under (a)

and (b) of this section to a full-time employee of the public agency not involved in the denial and not subordinate to the employee responsible for the denial. The employee delegated this authority may not subdelegate to another employee.

2 AAC 96.350. Contents of determination denying appeal A determination under 2 AAC 96.345 responding to an appeal must be in writing, must specify the specific statute, regulation, or court decision that is the basis for the denial, and must state briefly the reason for the denial. A denial under this section is the final agency decision. A denial must further state that, as provided by AS 40.25.124, the requester may obtain judicial review of the denial by appealing the denial to the superior court.

Mayor's Report

Manager's Report

CITY OF BETHEL

P.O. Box 1388
Bethel, Alaska 99559
Voice: 907-543-1373
Email: acapela@cityofbethel.net

Date: February 4, 2015
From: Ann K. Capela, City Manager
To: Bethel City Council
Cc: Lori Strickler, City Clerk
Patty Burley, City Attorney

Re: City Manager's Report

CITY ADMINISTRATION ACTION ITEMS AND ACTIVITIES

Special Reports (2)

Ridgecrest Drive Road Rehabilitation Project

At the last City Council meeting, during the Public Comment period, it was brought to City Council's attention that there is a need to address the traffic related issues in and around Ridgecrest Road. Indeed, the City of Bethel, LKSD and the DOT have been working on this project since 2009. ***Attached** is a report* on the chronology of this project and where it stands as of January 2015. This report was forwarded to Jacob Jensen, LKSD who is familiar with this project. Interim City Manager, Peter Williams and Mr. Jensen met earlier in 2014 with DOT to review the proposed plans and the State indicated that the project is proceeding with some programmed changes. The last proposed MOU has not been executed as the State has changed the MOU several times trying to get additional funding to lower the cost to the City.

State Marijuana Legalization – Local government

While the State legislators are still working on the implementation of the State Ballot passed November 2, 2014, the local governments are in more or less of a holding pattern waiting to see what the State ABC will do. Attached is a chronological summary, actual ballot language and what other local governments are enacting in anticipation of the State regulations.

- **YK Aquatic Center**

  Last week I had an opportunity to meet with Sean Legg, the owner of USA Pools, during his visit to Bethel. We discussed a wide range of operational issues with the pool facility:
  (a) The hours of operation at the pool are as stipulated in the contract.

(b) USA Pools has retained a company for the purposed of maintaining the pool facility.
(c) The City has offered any on-site assistance for emergency or non emergency operations given that the City staff will need to become familiar with the operations of the pool. The main contact will be PW Director for maintenance issues with Police Chief and the Fire Chief respectively. The City's IT Director also has 24/7 access due to his oversight of the wind turbine.
(d) USA Pools is willing to extend the number of days the pool is open and they will submit the cost for each day to the City for the FY 2015/16 given the higher cost of the operation has to be approved through the City's budget process. The extra days are before or after a school holidays.
(e) USA Pools has hired a new program manager.
(f) ProDev – the project management firm that was retained to manage the project during construction has completed their work and has turned over to the City a complete set of documentation (11 banker boxes and several CD's). I have assigned the responsibility of the pool "maintenance" for the administration purposes to the PW Director.
(g) Stationary bikes – 10 bikes will be added to the current equipment.
(h) Art – Rasmussen Foundation funds, with current plans to engage the services of an art coordinator that Rasmussen is comfortable with. The coordinator will be coming to Bethel and coordinate with local artist with a goal to acquire art that will reflect the local community.
(i) To the extent possible, I communicate with Kuimarvik Board, trough Bev Hoffman, to keep the membership appraised about various activities and clarify issues or any 'rumors'.

Labor Negotiations – APEA submitted their original offer from last year and the City made a counter offer. The counter offer is based on the financial audit and anticipated FY2015/16 budget. The City's offer is based in the anticipated financial shift from supporting the water fund by the general fund. This shift also assumes that the increased water rates will cover the expenses of the water production and delivery system.

USDA "lagoon grant" – As noted in the Grant Manager's report, this USDA grant in combination with DEC and other entities, is being developed. It appears that there may have been statements made by some of the funding agencies during a recent conference that the City of Bethel is going to receive between $10 to $15 million dollars in funding for the lagoon. None of the aforementioned funds have been committed to the City of Bethel in writing.

The key to accepting the USDA funds to improve the lagoon for the City is that any improvements made must result in the City's ability to obtain the NPDES permit (discharge permit). The last standard NPDES permit issued to the City was in 2002 with one year extensions. Just recently the City received an invoice for an NPDES permit for the operations of the lagoon which I will be looking into.

Institutional Corridor – DOWL Engineering was in Bethel surveying (you may have seen survey teams on the main highway) to develop engineering plans to develop the institutional corridor. The City received a $7 million dollar grant for this project of which quite a bit has been spent on studies.

General City staffing – HR Manger, Laura Cloward, has signed an employment agreement with a start date of March 2, 2015.

City Planner has given a notice of departure to the CM at the end of March 2015. It is hoped that the Planner will be hired in time to have a transition period between the planning staff. I am also assessing the possibility of moving the Planning staff to City Hall if space can be made.

FY 2015/16 Budget – Finance Director is actively working with the Department Heads to prepare draft budgets to meet with the City Manager to ensure the Revenue estimates go to Council by April, 2015. The goal is also to develop a budget calendar meeting dates for City Council public sessions.

Financial savings to the City of Bethel – Recently, the City Administration (credit to Pete Williams and Muzaffar Lakhani) implemented a "lunch hour" policy option, under the current labor agreement at the Public Works Department. The estimated ***savings*** in direct and indirect costs in strict adherence to this policy at the PW department is close to $300,000 annually while increasing efficiencies in the department.

The most recent RFP and a contract for fuel awarded beginning 2015, will realize a slightly higher than a $200,000 annual ***savings*** to the City.

The City is preparing an ***RFP for air freight services***. The City is examining its business practices to gain some savings and build efficiencies into its business process.

The City staff is preparing a list of equipment that is broken, unusable, and can be declared surplus, will be disposed of as soon as practicable. Any item under $5,000 can be disposed of through a public sale by the City Manager and any items valued over this amount will be brought to Council for declaration as a surplus and will be sold in a public sale. Spring is on the way!

Former ***Senior Center*** facility – A local corporation has shown interest in leasing the former SC facility. Their staff and City Manager toured the facility but there have been no offers made. Any suggestions from some of the City's current committees would be welcomed for the use of this facility. To keep this facility heated and running is an expense to the City that should be examined. This facility is located in a great residential neighborhood with city and water services. Not to mention the view from the second story window is the best in the city.

Ridgecrest Drive Rehabilitation Project

Overview and Update

by John Sargent

History

In Brief
City Planner Daniel Shay prepared and submitted the Ridgecrest Drive Rehabilitation Project to the Alaska State Department of Transportation and Public Facilities in 2009 for inclusion in the 2008-2011 Statewide Transportation Improvement Plan (STIP). The purpose of the project was to make the area in front of the schools safer for all concerned, especially in the dark of winter when there are students on foot, parents dropping kids off in the early morning hours, snowmachines, four-wheelers, school buses, and City vehicles moving around in the same narrow area. The project scored high enough to be included in the 2008-2011 STIP and funded by the State with federal funds. The project was carried over to the 2012-2015 STIP.

Council Actions
AM 10-70 (approved by City Council on 11/23/10) – Accept and approve MOA between State of Alaska and City of Bethel for State DOT&PF work on Ridgecrest Drive Rehabilitation Project and to encumber $381,495 from City's State Designated Legislative Grant for road maintenance and repairs.

Progress to Date
The State DOT&PF held its first meeting in Bethel for public and stakeholder input on September 29, 2011. Since that time, the State's engineers have been out to Bethel a couple of times and spoken to City Public Works personnel and school district personnel. The State completed the planning and design phase and preparing to move to the right-of-way phase.

On December 18, 2014, the State submitted a Plans-in-Hand assembly to the City for review, including Plans, Special Provisions, Engineer's Estimate, Cross Sections, Traffic Control Plan, Design Study Report, Utility Conflict Report, and Erosion Sediment Control Report. City comments were due January 15, 2015, but will be accepted until February 27, 2015.

Funding

Funding Sources

City of Bethel

The City of Bethel began the Ridgecrest Drive Rehabilitation Project with the intention of using the balance of its $1.5 million federal earmark for "dust control" as match for this project. The AKDOT&PF had control of the use of the FHWA-funded dust control funds and applied about $800,000 toward the project at the City's direction. This federal contribution could not and did not reduce the City's match requirement.

Per City Council Action Memorandum #10-70, the City intended to use $381,495 in total from its 2009 State Designated Legislative Grant as the City's match toward the project. The City provided $49,439 from the grant as match for this project and expended the rest of the grant amount on road improvements. The City must now use another source for the remainder of its match because the Designated Legislative Grant for Streets and Roads is closed (fully expended).

AKDOT&PF
The State of Alaska Department of Transportation and Public Facilities receives its federal funding from two primary sources: the Federal Highway Administration and Federal Transit Administration. The state receives several categories of funding from each of these agencies. Each category (often referred to as fund codes) has distinct rules for project eligibility, match ratios, and other programming factors.

Project Funding

Pre-Planning
The City of Bethel spent $11,210.20 from its 2009 State Designated Legislative Grant for Streets and Roads to pay LCG, Inc. to survey and document a 100 ft. right of way on the school side of Ridgecrest Drive. The Right of Way document generated from this expenditure may be useful to AK DOT&PF.

Phase 1 & 2 – Planning and Design
The City provided $49,439 as match from its State Designated Legislative Grant for Streets and Roads to AKDOT&PF to initiate the project. The State expended $32,364.58 of that money for staff engineer services as of February 2, 2015.

Phase 3 – Right-of-Way
The City must pay $4,919 to initiate Phase 3 – Right of Way. The deadline was January 15, 2015, but the funding can be provided anytime soon.

Phase 4 – Construction

The City must pay $219,920 in August 2015 to initiate the Phase 4 – Construction. The construction bid documents will be issued in summer 2015 and construction will take place in summer 2016.

Attachments

1. 2012-2015 Alaska Statewide Transportation Improvement Project Amendment 11 Incorporated; approved September 16, 2014.
2. City of Bethel Action Memorandum #10-70 dated November 23, 2010.

2012-2015 Alaska Statewide Transportation Improvement Program
Amendment 11 Incorporated; approved September 16, 2014

Need ID: 23335
Title: Ridgecrest Drive Rehabilitation
Region: Central
Place Name: Bethel
Highway:

Project Description:
Rehabilitate Ridgecrest Drive between Akakeek and Ptarmagin Streets. Raise and widen the road, improve drainage and provide middle lane turnouts to reduce congestion and provide marked and lighted pedestrian crossings at the school intersections.

Phase	Funding	FFY14	FFY15	After 2015
Right of Way	3PF	49,800	0	
Right of Way	HPRM	519,545	0	
Right of Way	SM	49,800	0	
Right of Way	STP	483,855	0	
	Totals:	**1,103,000**	**0**	**4,800,000**

Program:	Community Transportation Program	**Sponsor:**	City of Bethel
Primary Work:	Reconstruction	**PEB Score:**	
2013 Election District:	38 Lower Kuskokwim	**Criteria:**	
Borough/Census Area:	Bethel	**Functional Class:**	
Municipal Planning Org. (MPO):	non-MPO		

City of Bethel Action Memorandum

Action memorandum No.	10-70		
Date action introduced:	**November 23, 2010**	Introduced by: Lee Foley	
Date action taken:	November 23, 2010	X Approved	Denied
Confirmed by:			

SUBJECT/ACTION:

Subject:
Memorandum of Agreement Between State of Alaska and City of Bethel Regarding Bethel Ridgecrest Drive Rehabilitation Project

Action:
Move to Accept and Approve Memorandum of Agreement Between State of Alaska and City of Bethel Regarding Bethel Ridgecrest Drive Rehabilitation Project and to encumber $381,495 from the City's FY 2009 State Legislative Grant for road maintenance and repairs.

Route to:	Department/Individual:	Initials:	Remarks:

Attachment(s): Memorandum of Agreement Between State of Alaska and City of Bethel Regarding Bethel Ridgecrest Drive Rehabilitation Project.

Amount of fiscal impact		Account information
$254,300	To be taken from City's state legis. Road grant	35-50-669
$127,195	Contingency, to be taken from City's state legis. Road grant, if needed.	35-50-669

Summary statement

This Memorandum of Agreement is the grant agreement for the City to receive $5,633,000 worth of services from DOT&PF to plan, design, and construct improvements to Ridgecrest Drive from Akakeek Street to Ptarmigan Street to include turn channelization, drainage improvements, and pedestrian improvements. The state is providing half of the City's required non-federal match. The City's required match portion will come from its FY 2009 State Legislative Grant for Road Repairs.

Memorandum of Agreement
Between State of Alaska and
City of Bethel

Project Name: **Bethel: Ridgecrest Drive Rehabilitation**
Federal Project No.: _____ ***State Project No.:*** **52452**

The parties to this agreement are the State of Alaska acting through its Department of Transportation and Public Facilities (hereafter DOT&PF) and City of Bethel, an organized city established under Alaska law (hereafter the City).

WHEREAS, the City owns and maintains Ridgecrest Drive from Akakeek Street to Ptarmigan Street;

WHEREAS, DOT&PF has the authority to plan, design, and construct improvements to Ridgecrest Drive from Akakeek Street to Ptarmigan Street to include turn channelization, drainage improvements, and pedestrian improvements identified as Project Bethel Ridgecrest Drive Rehabilitation located within the boundaries of land owned or governed by the City (hereafter the project);

WHEREAS, the City by resolution desires that DOT&PF plan, design and construct the project; and

WHEREAS, the City by resolution agreed to maintain the project upon its completion; and

WHEREAS, Alaska Statute 19.05.040 provides that DOT&PF may enter into agreement with Municipalities relating to highways.

THEREFORE, the parties, in consideration of the mutual promises contained in this agreement, agree to the following:

1. FINANCIAL PARTICIPATION

The City hereby agrees to provide 50% of the non-federal matching funds estimated at $254,300 for the current cost estimate of $5,633,000, plus a required 50% contingency assessment of $127,195.

The City's initial payment is $49,439 for the design phase, and is due by December 31, 2010.

The City's subsequent matching fund contributions shall be lump sum payments due prior to initiation of phase authorizations from the Federal Highway Administration on the following schedule:

$74,700 right of way phase July 15, 2011
$257,355 construction/utility relocation phase April 15, 2013

As the project design develops, estimates of both costs and the schedule for construction will be refined. If additional local match is required, the City's payment of the additional funds shall be due prior to the construction phase. Upon project completion and final project closeout, if the final cost is less than the Agreement cost, the local contribution will be recalculated and excess contribution will be refunded to the City.

2. PROJECT RANKING

DOT&PF shall, while ranking this project with other projects during the preparation of the Statewide Transportation Improvement Program (STIP) and capital budgeting process, recognize that the City has agreed to provide local matching funds and own and maintain the project.

3. PLANNING, DESIGN, AND CONSTRUCTION

DOT&PF shall plan, design, and construct the project within the approved scope and funding. DOT&PF shall have no claim against the City for cost overruns or if the money available is not adequate to complete the project with the exception of the 50% local match commitment associated with said cost overrun

4. TITLE DOCUMENTS

Upon completion of the project, DOT&PF shall execute a quit claim deed that conveys all of its right, title, and interest in the project to the City, subject to utility permits issued under 17 AAC 15, encroachment permits issued under 17 AAC 10.010-17 AAC 10.015, and driveway permits issued under 17 AAC 10.020-17 AAC 10.990.

5. PROPERTY MANAGEMENT

The City agrees to manage the right-of-way in accordance with the requirements of federal regulation, specifically 23 CFR 710 and the Alaska Right-of-Way Manual [or approved Municipal Right-of-Way Manual].

The City agrees to manage utilities in the right-of-way in accordance with the requirements of federal regulation, specifically 23 CFR 645 and the *Alaska Utility Manual* [or approved Municipal utility manual].

6. MAINTENANCE AND OPERATIONS

a. The City agrees to maintain and operate the project at its own expense consistent with 23 CFR 1.27 and DOT&PF's Alaska Highway Maintenance and Operations Manual (AHMOM). In the event of conflict between 23 CFR 1.27 and AHMOM, the more stringent provisions set the minimum standards.

b. The City shall perform its activities under this agreement at its sole cost and expense and without reimbursement from DOT&PF. These maintenance activities include, but are not limited to:

(1) planning, scheduling, administration, and logistics of maintenance activities,
(2) traffic control and safety;
(3) preservation of drainage in an as-built condition, including maintenance of all culverts, ditches, storm sewers, gutters, dry wells, and under-drains;
(4) embankment protection, including erosion control, to as-built conditions;
(5) roadside management;
(6) guardrails and guardrail end treatments;
(7) snow and ice control, including all plowing, sanding, culvert and storm sewer thawing, snow hauling, winging, opening of shoulders, ice scraping, drift control, snow slide removal, and associated tasks as may be required for the safe and timely passage of the public;
(8) maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
(9) highway marking and repainting as required to maintain performance of their intended function;
(10) repair of street lights as required to ensure a functioning system, including repair/replacement of lenses, light bulbs, photo cells, contacts, relays, and wiring;
(11) removal of debris, rubbish, and dead animals;

(12)signing of seasonal weight restrictions as may be required by local conditions;
(13)pothole repair using asphalt products on an as-needed basis;
(14)annual crack sealing;
(15)repairs of minor rutting, waves, sags, humps, corrugations, raveling, alligator cracks, pitting and bleeding on a basis; and
(16)minor bridge repairs, which includes painting of localized rust areas, re-decking, and repair of guardrail and railing sections.

c. Maintenance staff may be employees of the City, another unit of government, or a contractor under agreement with the City. All maintenance will be performed at regular intervals or as required for efficient operation of the complete project improvements. The City's maintenance responsibilities commence the date of project substantiated completion.

7. INDEMNIFICATION

The City shall hold the DOT&PF, its officers, employees, and agents harmless from and defend and indemnify the DOT&PF for liability, claims, or causes of action arising out of this Agreement.
Notwithstanding the foregoing, the City shall have no obligation to hold harmless and indemnify the DOT&PF to the extent the DOT&PF is determined to be liable for its own act or omissions, except that:

A. To the maximum extent allowed by law, the City shall hold the DOT&PF harmless from and indemnify the DOT&PF for liability, claims, or causes of action arising from an alleged defect in the design or construction of facilities existing on the premises at the date of this Agreement or constructed or improved pursuant to this Agreement, regardless of negligence or other fault, if such liability, claim, or cause of action arises out of an incident that occurs more than two years after the City assumes maintenance duties.
B. The City's duty to defend shall apply regardless of whether it is also alleged that the DOT&PF's acts or omissions contributed to the injury (including injury to personal property, real property or persons, including fatal injury).
C. Neither liability, claims, or causes of action arising from injuries which occurred prior to the date of this transfer nor liabilities imposed by, or claims or causes of action arising from or asserted under AS 46.03.822 shall be governed by the paragraph.

8. DISPUTE RESOLUTION

a. If a dispute arises under this agreement between the City and DOT&PF, and the parties cannot resolve the matter between them within 45 days after the notice is given by the aggrieved party to the other party, the aggrieved party may request that the matter be resolved by arbitration.

b. Each party shall appoint an arbitrator to hear the dispute. The two arbitrators acting together shall select a third arbitrator with all appointments to occur in accordance with State Procurement code, AS 36.50. The three arbitrators shall hear the matter under such rules and procedures, as they deem necessary to conduct the proceedings.

c. Each party shall pay the expenses of the arbitrator it appoints and shall pay half of the cost of the proceedings and the third arbitrator.

d. Except when the provisions of this paragraph provide otherwise, an arbitration under this paragraph is subject to AS 09.43.010 – 09.43.180, the Uniform Arbitration Act.

9. PENALTY FOR BREACH

a. Any withdrawal of the City's promise to maintain and operate the project upon completion, including a withdrawal at any time after construction is completed, shall be considered a breach. If, prior to advertising for construction, the City withdraws its promise to maintain and operate the project upon completion, DOT&PF will reevaluate each project nominated by the City without consideration of Municipal maintenance. If the City withdraws its promise after the advertisement of a project for bid, the DOT&PF may proceed with construction of the project and seek recovery of maintenance costs from the City. In the evaluation of other projects in the City in the succeeding six years after the breach, DOT&PF will not include consideration of Municipal contribution until the City has cured the breach to DOT&PF's satisfaction.

b. If notified by DOT&PF in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the City shall have thirty (30) days from the date of such notification to remedy the default or, if the remedy will take in excess of thirty (30) days to complete, the City shall have thirty (30) days to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the thirty (30) days and failure by the City to remedy, or to satisfactorily commence the remedy of, the default shall result in the termination of this Agreement by DOT&PF. If this Agreement is terminated pursuant to this clause, the City shall be liable to repay to DOT&PF all of the Federal Funds disbursed to it under this Agreement.

c. If the City makes a written request for the cancellation of a federal-aid project, City shall bear 100 percent of all costs as of the date of cancellation. If DOT&PF was the sole cause of the cancellation, DOT&PF shall bear 100% of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of DOT&PF or City, City shall bear all development costs, whether incurred by DOT&PF or City, either directly or through contract services, and DOT&PF shall bear any administrative costs incurred. After settlement of payments, DOT&PF shall deliver surveys, maps, field notes, and all other data to City.

10. CONTACTS

The DOT&PF's contact is Christina Huber, Design Project Manager. The City's contact is Lee M. Foley, City Manager or as may be redesignated in writing from time to time.

11. TERM OF THE AGREEMENT

The City agrees to perform property management and maintain and operate the project in perpetuity.

12. AMENDMENT OF AGREEMENT

This agreement may only be modified or amended by written agreement signed by the original signatories or their successors in office.

13. THE WHOLE AGREEMENT

This agreement constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this agreement. This agreement may not be amended by the parties unless agreed to in writing with both parties signing through their authorized representatives.

SIGNATURES

Dated: 1/22/11

State of Alaska
Department of Transportation and Public Facilities

~~Lance Wilber, MEP~~ ROBERT A. Campbell, P.E.
Regional Director

Dated: 01/06/11

City of Bethel

By: Lee M. Foley
Lee M. Foley
City Manager

Figure 1. Delegation Matrix

Category	Activity/Item	City	DOT&PF	FHWA
Finance	Financial Submittals (PR 37)	Provide Information	Prepare	Approve
	Phase Authority to Proceed		Prepare	Approve
	Memorandum of Agreement	Approve	Prepare/Approve	
Consultant	Authority to Seek Professional Services			
	Consultant Selection			
	Record of Negotiation			
	Notice to Proceed			
Environment	Level of Environmental Document			Approve
	Programmatic Categorical Exclusion		Approve	Concur
	Documented Categorical Exclusion			Approve
	Environmental Assessment			Approve
	Finding of no Significant Impact (FONSI)			Approve
	Draft Environmental Impact Statement			Approve
	Final Environmental Impact Statement			Approve
	Record of Decision (ROD)			Approve
	Reevaluations			Approve
Right-of-Way	Non-Highway use of ROW			
	Disposal of ROW			
	Hardship and Protective Buying			Approve
	Use of Right of Entry to Obtain Possession			
	ROW Plans			
	ROW Certification			
	Value Estimates			
	Just Compensation - Appraisal			
	- Value Estimate			
	Relocation Assistance			
	Administrative Settlements			
Utility	Order to Relocate			
	Utility Authorization			
	Utility Agreements			
	Change Orders			
	Utility Consultant Selection Process			
Design	Design Designation			
	Design Criteria			
	Design Study Report			
	Design Waiver			
	PS&E Assembly			
	FHWA Certification			
	Section 100 Contract Specification - Special Provision			
	Public Interest Findings			
	Waiver of Buy America Steel			
	Geotechnical Reports			

Category	Activity/Item	City	DOT&PF	FHWA
	Utility Agreement			
	Utility Certification			
	DBE Goals			
	Encroachment Permits			
	Disposal of Surplus Property			
	Sign Permits			
Advertise and Award	3-week Advertising Waiver			
	Addenda			
	Certification of Bid Compilation Sheet			
	Subcontract Approvals			
	Letter of Award			
	Notice to Proceed			
	Conformed Contract Certification			
Construction	Testing Frequency			
	Mix Designs			
	Acceptance Testing			
	Assurance Testing			
	Materials Certification			
	Shop Drawing			
	Traffic Control Plan			
	Change Orders			
	Progress Payment			
	Winter Maintenance Acceptance			
	Acceptance, Maintenance and Operations			
	Consultant Billings			
	Project Staffing Plan			
	Supplemental Agreements			
	SWPPP and HMCP			
	Materials Submittals			
	Contractor QC Plan			
	NPDES NOI; NOT			
	Termination of Contract			
	Directive			
	Letter of Project Completion			

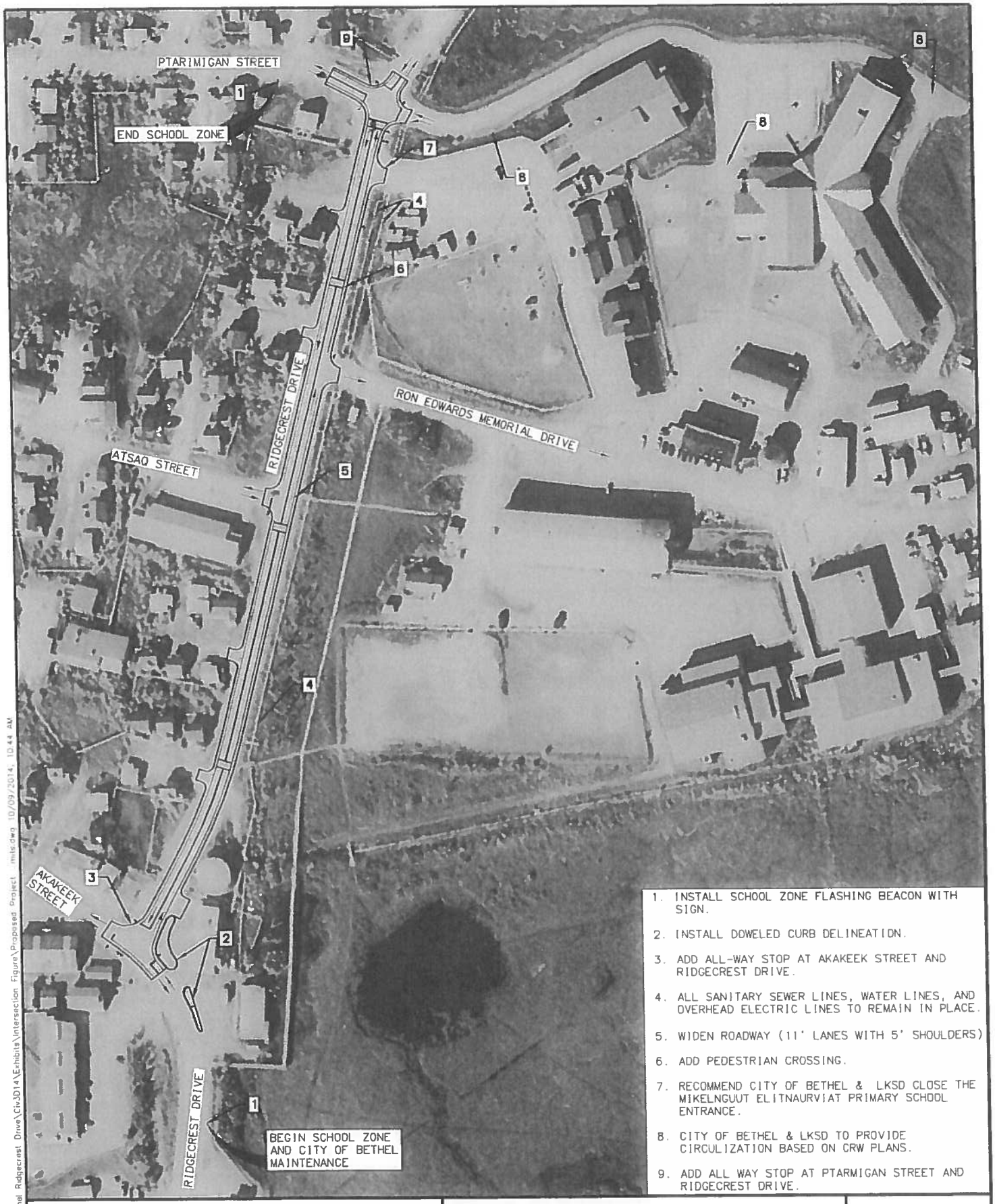
NA: Not appropriately delegated for this project, or not anticipated to be relevant to this project's development. In the event these activities become relevant, this agreement may be amended.

Prepare: Primary responsibility for means, methods, content, and results.

Concur: Agree with content and recommendation for FHWA approval, or otherwise find the preparation acceptable.

Approve: Final approval authority.

Information: Receives a courtesy copy of activity documentation.



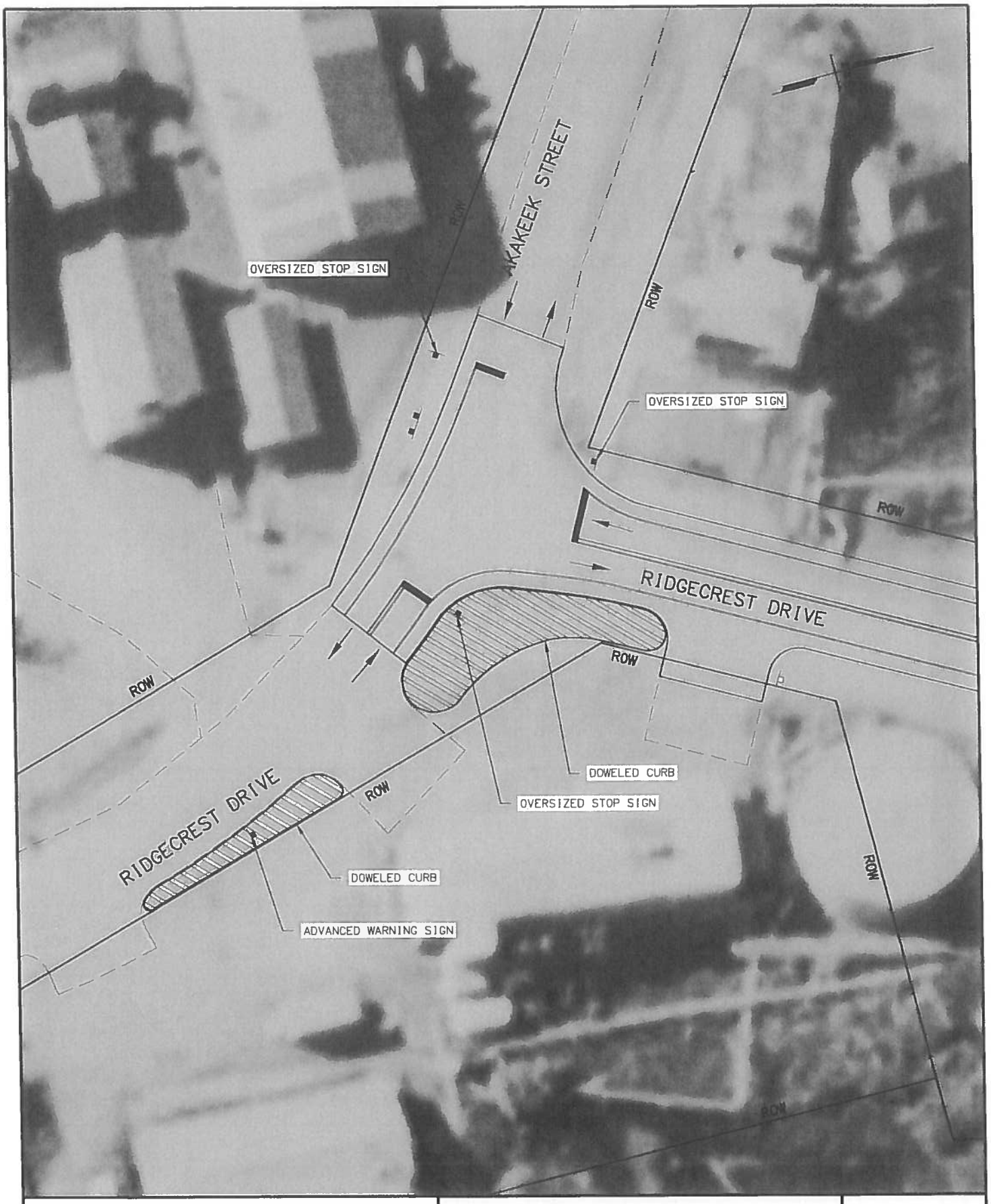
1. INSTALL SCHOOL ZONE FLASHING BEACON WITH SIGN.
2. INSTALL DOWELED CURB DELINEATION.
3. ADD ALL-WAY STOP AT AKAKEEK STREET AND RIDGECREST DRIVE.
4. ALL SANITARY SEWER LINES, WATER LINES, AND OVERHEAD ELECTRIC LINES TO REMAIN IN PLACE.
5. WIDEN ROADWAY (11' LANES WITH 5' SHOULDERS)
6. ADD PEDESTRIAN CROSSING.
7. RECOMMEND CITY OF BETHEL & LKSD CLOSE THE MIKELNGUUT ELITNAURVIAT PRIMARY SCHOOL ENTRANCE.
8. CITY OF BETHEL & LKSD TO PROVIDE CIRCULIZATION BASED ON CRW PLANS.
9. ADD ALL WAY STOP AT PTARMIGAN STREET AND RIDGECREST DRIVE.

0 200 FT 400 FT
APPROX.

BETHEL RIDGECREST DR REHABILITATION
PROJECT NO. 52452
PROPOSED PROJECT SCOPE
BETHEL, ALASKA

FIGURE 1

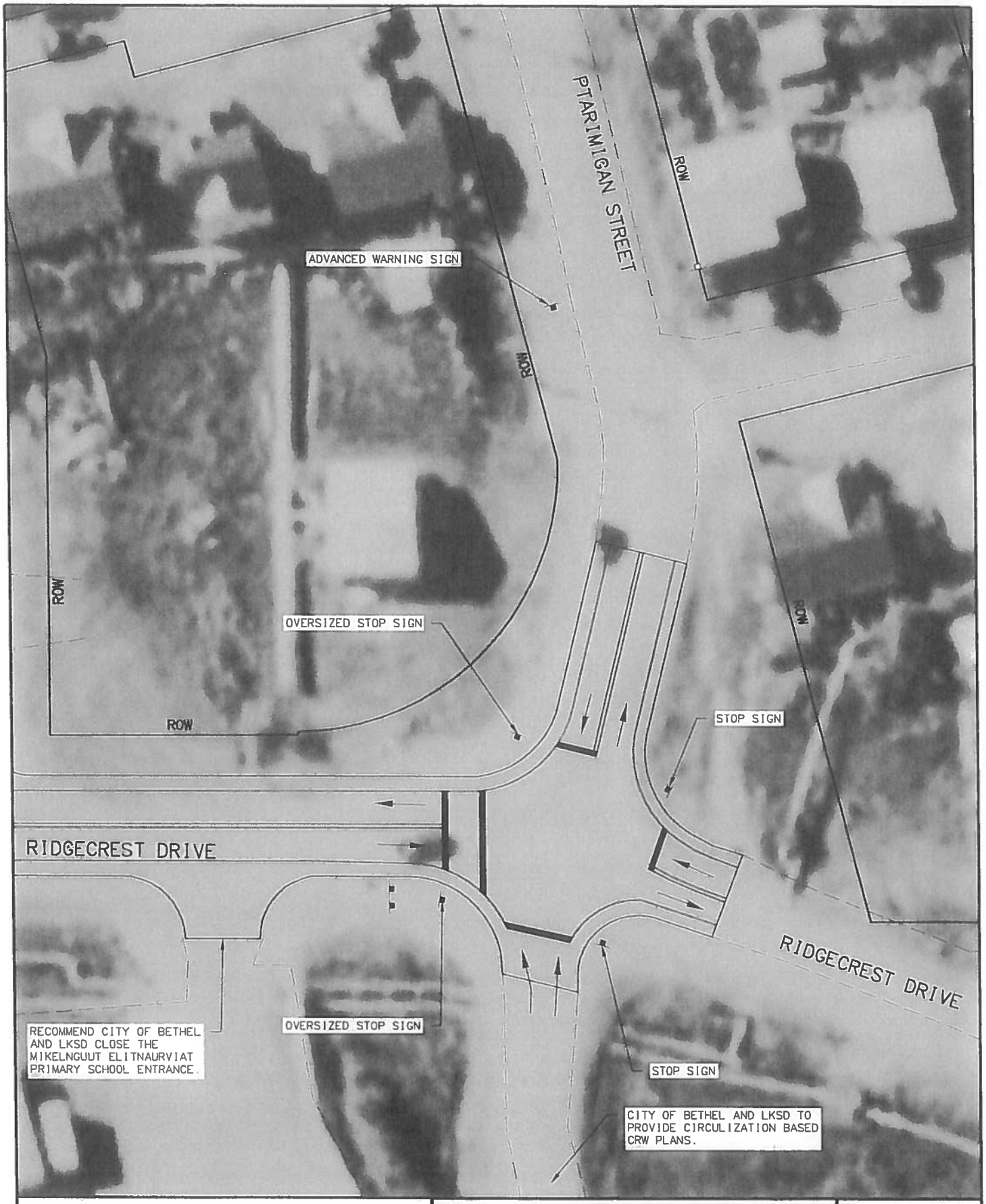
Y:\Projects\52452 Bethel Ridgecrest Drive\Civ3D14\Exhibits\Intersection Figure\Proposed Project .mxd.dwg 10/09/2014, 10:44 AM



40' 20' 0 40'

BETHEL RIDGECREST DR REHABILITATION
PROJECT NO. 52452
PROPOSED ALL-WAY STOP CONCEPT
AKAKEEK STREET AND RIDGECREST DRIVE
BETHEL, ALASKA

FIGURE 2



40' 20' 0 40'

BETHEL RIDGECREST DR REHABILITATION
PROJECT NO. 52452
PROPOSED ALL-WAY STOP CONCEPT
PTARMIGAN STREET AND RIDGECREST DRIVE
BETHEL, ALASKA

FIGURE 3

Memorandum of Agreement

Between the State of Alaska
Department of Transportation and Public Facilities
and the City of Bethel
Regarding the Improvement of portions of
Akakeek Street, Ridgecrest Drive, Atsaq Street, Ron Edwards Memorial Drive, and Ptarmigan Street as part of the
Bethel Ridgecrest Drive Rehabilitation
Project No. 52452

The Parties to this Agreement are the State of Alaska acting through its Department of Transportation and Public Facilities (hereafter DOT&PF) and the City of Bethel, a City established under Alaska law (hereafter the CITY).

WHEREAS, A.S.19.20.060 authorizes DOT&PF and the CITY to enter into agreements for establishing, maintaining, and regulating use of public ways within their respective jurisdictions; and

WHEREAS, the CITY owns all current portions of Akakeek Street, Ridgecrest Drive, Atsaq Street, Ron Edwards Memorial Drive, and Ptarmigan Street that are covered by this Project; and

WHEREAS, the CITY by resolution requests DOT&PF to plan, design, and construct the Bethel Ridgecrest Drive Improvements Project, identified as Project No. 52452 (hereafter known as the Project), located within the boundaries of the CITY; and

WHEREAS, the CITY by resolution agreed it will continue maintenance of all of the rights of way improved as part of the Project and future maintenance of the improvements associated with those facilities; and

WHEREAS, this work will serve the public interest and enhance the quality of life for the residents of, and visitors to, the CITY; and

WHEREAS, the parties hereto wish to memorialize within this document, hereinafter referred to as the "Agreement", their specific agreements related to the improvements made to Akakeek Street, Ridgecrest Drive, Atsaq Street, Ron Edwards Memorial Drive, and Ptarmigan Street as part of the Project; and

IT IS THEREFORE AGREED by the parties, in consideration of the mutual promises contained in this Agreement, as set forth below, regarding the planning, design, construction, maintenance and operation of the Project.

1. FINANCIAL PARTICIPATION

a. The CITY hereby agrees to provide 50% of the non-federal matching funds estimated at $ 176,000 for the current cost estimate of $ 3,757,000 plus a required 50% contingency assessment of $ 88,000.

b. The CITY's initial payment of $ 49,439 for the design phase was received September 2, 2011.

c. The CITY's subsequent matching fund contributions shall be lump sum payments due prior to initiation of phase authorizations from the Federal Highway Administration (FHWA) of the following schedule:

i. $ 4,919 Right of Way phase January 15, 2015
ii. $ 229,920 construction/utility relocation phase August 15, 2015

As the Project design develops, estimates of both costs and the schedule for construction will be refined. If additional local match is required, the CITY's payment of the additional funds shall be due prior to the construction phase. Upon Project completion and final Project close-out, if the final cost is less than the Agreement cost, the local contribution will be recalculated and excess contribution will be refunded to the CITY.

2. PLANNING, DESIGN, AND CONSTRUCTION

a. DOT&PF shall plan, design, and construct the Project within the approved scope and funding. DOT&PF shall have no claim against the CITY for cost overruns or if the money available is not adequate to complete the Project with the exception of the local match commitment associated with said cost overrun.

b. The CITY shall be responsible for permitting all utility relocations necessary for this Project.

3. SCOPE OF WORK

The scope of the improvements to Akakeek Street, Ridgecrest Drive, Atsaq Street, Ron Edwards Memorial Drive, and Ptarmigan Street being implemented under this agreement shall be depicted within the drawings for the Project. The preliminary scope of work is detailed in the attached Figures 1-3. As the project develops, the design will be refined and provided to the CITY thru the Plans In Hand (PIH) Review (75%) and Plans, Specifications, and Estimate (PS&E) Review (95%). Generically, the improvements include, but are not limited to, new foundation gravel, asphalt pavement, signs, flashing beacons, pavement markings, drainage improvements, illumination and load centers.

4. CITY OF BETHEL MAINTENANCE AND OPERATIONS

a. The CITY agrees to maintain and operate the Project as described herein and consistent with DOT&PF's Alaska Highway Maintenance and Operations Manual (AHMOM), commencing upon final inspection and final acceptance by the CITY; and

b. The CITY agrees to assume maintenance responsibilities for Akakeek Street, Ridgecrest Drive, Atsaq Street, Ron Edwards Memorial Drive, and Ptarmigan Street and other local streets affected by the Project, including flashing beacons, lighting, local signage and winter maintenance along these roads and at the intersections of these roads; and

c. The CITY may enter into contracts with third parties to accomplish these responsibilities, including temporary, seasonal, or permanent alterations or improvements, at the discretion of the CITY.

d. The CITY shall perform its activities under this Agreement at its sole cost and expense and without reimbursement from DOT&PF. The CITY's maintenance activities include, but are not limited to:

1) Planning, scheduling, administration, and logistics of maintenance activities;
2) Traffic control and safety;
3) Preservation of drainage in an as-built condition, including maintenance of all culverts, ditches, storm sewers, gutters, dry wells, retention basins and under-drains;
4) Embankment protection, including erosion control, to as-built conditions;
5) Roadside management;
6) Snow and ice removal;
7) Snow and ice control, including all plowing, sanding, culvert and storm drain thawing, snow hauling, winging, opening of shoulders, ice scraping, drift control, snow slide removal, and associated tasks as may be required for the safe and timely passage of the public;
8) Maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
9) Highway marking and repainting as required maintaining performance of their intended function;
10) Repair of street lights, school zones, and beacons as required to ensure a functioning system, including repair/replacement of lenses, light bulbs, photo cells, contacts, relays, and wiring;
11) Removal of debris, rubbish, and dead animals;
12) Signing of seasonal weight restrictions as may be required by local conditions;
13) Pothole repair using asphalt products on an as-needed basis;
14) Annual crack sealing;
15) Repairs of minor rutting, waves, sags, humps, corrugations, raveling, alligator cracks, pitting, and bleeding on an as-needed basis.

5. DISPUTE RESOLUTION

a. If a dispute arises under this Agreement between the CITY and DOT&PF, and the parties cannot resolve the matter between them within 45 days after the aggrieved party gives notice to the other party, the aggrieved party may request that the matter be resolved by arbitration.

b. Each party shall appoint an arbitrator to hear the dispute. The two arbitrators acting together shall select a third arbitrator to join them on an arbitration panel. The three arbitrators shall hear the matter under such rules and procedures as they deem necessary to conduct the proceedings.

c. Each party shall pay the expenses of the arbitrator it appoints and shall pay half the costs of the proceedings and the third arbitrator.

d. Except when the provisions of this paragraph (5) provide otherwise, any arbitration under this paragraph is subject to AS 09.43.010-09.43.180, the Uniform Arbitration Act.

e. A decision by the Federal Government denying, or limiting, federal participation in project costs may not be arbitrated under this Agreement. The CITY may only pursue such claims under federal law and procedure.

6. INDEMNIFICATION

To the maximum extent allowed by law, the CITY shall indemnify, defend, and hold the DOT&PF, its officers, employees, and agents (collectively the "Indemnified Parties") harmless from all liability, claims, causes of action, and costs (including attorney's fees) arising out of this Agreement or relating to the obligations assigned or work performed under this Agreement, including, but not limited to, liability, claims, and causes of action alleging or arising out of a negligent act or omission by one of the Indemnified Parties.

Notwithstanding the forgoing, the CITY shall have no obligation to indemnify, defend, or hold the Indemnified Parties harmless from:

(a) claims for personal injury, death, or property damage arising from incidents occurring prior to Substantial Completion;

(b) claims for personal injury, death, or property damage alleging a negligent act or omission by one of the Indemnified Parties and arising from incidents occurring within three years from the date of Substantial Completion; or

(c) claims arising from or asserted under AS 46.03.822.

As used in this Section, "Substantial Completion" means the time at which the Project (a) can be safely and effectively used by the public without further delays, disruption, or other

impediments, and (b) pavement structure, shoulder, drainage, sidewalk, permanent signing and marking, guardrail and other traffic barrier, safety appurtenances, utilities, lighting, and bridge deck and parapet work is complete.

7. PENALTY FOR BREACH

a. Any withdrawal of the CITY's promise to maintain and operate the project upon completion, including a withdrawal at any time after construction is completed, shall be considered a breach. If, prior to advertising for construction, the CITY withdraws its promise to maintain and operate the project upon completion, DOT&PF will reevaluate each project nominated by the CITY without consideration of CITY maintenance. If the CITY withdraws its promise after the advertisement of a project for bid, the DOT&PF may proceed with construction of the project and seek recovery of maintenance costs from the CITY. In the evaluation of other projects in the CITY in the succeeding six years after the breach, DOT&PF will not include consideration of Municipal contribution until the CITY has cured the breach to DOT&PF's satisfaction.

b. If notified by DOT&PF in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the CITY shall have thirty (30) days from the date of such notification to remedy the default or, if the remedy will take in excess of thirty (30) days to complete, the CITY shall have thirty (30) days to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the thirty (30) days and failure by the CITY to remedy, or to satisfactorily commence the remedy of, the default shall result in the termination of this Agreement by DOT&PF. If this Agreement is terminated pursuant to this clause, the CITY shall be liable to repay to DOT&PF all of the Federal Funds disbursed to it under this Agreement.

c. If the CITY makes a written request for the cancellation of a federal-aid project, CITY shall bear 100 percent of all costs as of the date of cancellation. If DOT&PF was the sole cause of the cancellation, DOT&PF shall bear 100% of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of DOT&PF or CITY, CITY shall bear all development costs, whether incurred by DOT&PF or CITY, either directly or through contract services, and DOT&PF shall bear any administrative costs incurred. After settlement of payments, DOT&PF shall deliver surveys, maps, field notes, and all other data to CITY.

8. AMENDMENT OF AGREEMENT

This Agreement may only be modified or amended by written agreement on the prescribed Supplemental Agreement forms signed by both parties.

9. TERM OF THE AGREEMENT
The CITY agrees to perform property management and maintain and operate the project in perpetuity.

10. THE WHOLE AGREEMENT

This Agreement replaces and supersedes all previous agreements regarding this Project and constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this Agreement. The parties may not amend this Agreement unless agreed to in writing with both parties signing through their authorized representatives.

CITY OF BETHEL

By: _____

Ann Capela Date
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

On this _____ day of _____, 2014, Ann Capela, City Manager acknowledged before me that he executed the foregoing document freely and voluntarily with full authority to do so.

_____
Notary Public, State of Alaska
My commission expires: _____

****

STATE OF ALASKA, DEPARTMENT OF
TRANSPORTATION AND PUBLIC FACILITY

By: _____

Robert A. Campbell, P.E. Date
Regional Director

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

On this _____ day of _____, 2014, Robert Campbell, Regional Director of the Department of Transportation and Public Facilities, acknowledged before me that he executed the foregoing document freely and voluntarily with full authority to do so.

_____
Notary Public, State of Alaska
My commission expires: _____

Ballot Measure 2 Notes
Marijuana Legalization

Important Dates:

11/4/14	Ballot Measure 2 passes (summary below)
02/24/15	Statutes that correspond to Ballot Measure 2 go into effect (summary below) Essentially makes it legal to have a limited amount of marijuana for personal use Makes limited amount of growth of marijuana legal Makes it legal to sell and possess drug paraphernalia
11/24/15	Deadline for Alaska Beverage Control (ABC) Board or specially created Marijuana Board to create regulations [if they fail, it will all fall on the municipalities.
2/24/15	ABC Board must start accepting applications and must act on them within 90 days of receipt of the application. However, if the Board has failed to create regulations, all of this will fall on the municipalities.
5/24/15	Initial marijuana industry licenses expected to be awarded

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Ballot 2:
* Passed November 2, 2014

- Taxes and regulates the production, sale and use of marijuana
- Make's the use of marijuana legal for persons 21 years of age or older
- Prohibits a person under 21 from using false ID to buy marijuana or marijuana accessories
- Allows persons 21+ (in registered marijuana related businesses) to make, possess, buy, distribute, sell, show, store, transport, deliver, transfer, receive, harvest, process and/or package marijuana and marijuana products;
- Requires the ABC board to implement part of the bill and to adopt regulations governing marijuana-related entities;
- Creates procedures for registering a marijuana related entity;
- Procedure to be managed by the ABC board and local governments;
- Allows local governments to prohibit the operation of marijuana related entities by enacting an ordinance or through voter initiative.
- Allows local governments to enact ordinances covering the time, place, manner and registration of marijuana entity's operations.
- Allows persons 21+ to possess, use, show, buy, or transport marijuana accessories (products individuals use to grow or consume marijuana)
- Allows persons 21+ to make marijuana accessories and distribute them to sell to persons 21+
- Schools, Correctional Facilities, Hospitals and private persons or entities may restrict marijuana on their property;

- Does not limit the state's existing medical marijuana laws;
- Imposes a $50/ounce excise tax on the sale or transfer of marijuana from a cultivation facility to a retail store or marijuana product manufacturing facility. Tax to be paid by the marijuana cultivation facility to the State Department of Revenue.

Regulation Amendments (Passed with Ballot Measure 2):

17.38.010
Use of Marijuana legal for persons 21+
Production and Sale of marijuana regulated so that:
^ Individuals will have to show proof of age before purchasing
^ Only legitimate, taxpaying business people and not criminal actors can conduct sales;
^ Marijuana sales is a regulated business and all marijuana sold must be labeled and subject to additional regulations to ensure consumers are informed and protected

17.38.020 - Legal for persons in the State and Municipalities to:
* Possess, use, display, purchase, or transport marijuana accessories of *one ounce* or less of marijuana;
* Possess, grow, process or transport not more than *six marijuana plants with 3 or fewer being mature, flowering plants*, and possession of the marijuana produced by the plants on the premises where the plants were grown;
* Transfer *one ounce* or less of marijuana and up to *six immature marijuana plants* to a person 21+ without remuneration;
* Consume marijuana, except in a public place

17.38.030 Restrictions on Personal Cultivation
17.38.040 Public Consumption
17.38.050 Using Fake ID to obtain Marijuana
Violation of any of these sections is a violation and penalties have been set by the State.
[Because the City automatically adopted all violations as they may later be imposed, the City has automatically adopted these violations]

17.38.060 Marijuana Accessories Authorized
Local Governments and the State now allow persons 21+ to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person 21+

17.38.070 – Lawful Operation of Marijuana Related Facilities
Details what retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities and marijuana testing facilities (with a valid, current registration) as well as their owners and legal employees can do.
** Also allows for leasing of property to be used solely for any of the above activities.

17.38.110 – Local Control
Local municipalities may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores
^ Must pass ordinances to do this or do it via voter initiative

^ May regulate the time, place, manner and number of marijuana establishment operations;
^ May establish civil penalties for violation of ordinances
^ May establish a local regulatory authority that is responsible for processing registration applications for operation of marijuana establishments within the boundaries of the municipality and can give the regulatory authority the power to issue registrations ONLY IF the State/ABC Board fails to adopt regulations.
*** *Language in this section is contradictory: in some sections all power is with the local government but in other sections this is contradicted and there is a requirement that before the local government can step in, the State must first fail to act.*

43.61.010 - Marijuana Tax
Imposes an excise tax of $50/ounce on the sale or transfer of marijuana from a cultivation facility to a retail marijuana store or marijuana product manufacturing facility. Paid to the State of Alaska
** Leaves Municipal Governments free to impose an excise tax on sale by retailers of marijuana, marijuana accessories, etc.

House Bill 75

Introduced 1/23/15

Proposes to amend recently passed Alaska Statutes
Basic premise is to give more of the control over regulation (as well as more of the fees) to the local municipalities.

AS 17.38.070 Lawful Operation of Marijuana Related Facilities

- Clarifies that municipal governments can set the penalties for violation of this section or violation of the more stringent or detailed rules set out by the municipalities regulatory board

AS 17.38.100 – Marijuana Establishment Registrations

- When the State receives a new application or a renewal application, the State will forward a copy of it and ½ of the registration fee to the municipality's regulatory authority for processing.
- State will defer to the municipality if it has established numerical limits on the number of marijuana establishments and a greater # of applicants seek registration

AS 17.38.110(a) – Local Control

- Mandates that municipalities set up a regulatory board (unless the municipality has prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores)
- Regulatory Board is separate from the city council and advises the city council on issues related to licensing of marijuana establishments and regulations of marijuana
- Again limits the ability of the regulatory authority to act by only allowing them to act if the State has failed to adopt regulations

- Allows municipalities to set up regulations for the issuance, suspension and revocation of registrations but only if the State has failed
- Allows municipalities to establish own schedule of annual operating, registration, and application fees but again only if the State has failed;
- If the State fails to act and the local municipality steps in, the local municipality (through its regulatory board) is required to notify the State of applications which were denied and the reason for the denial

HB 75 makes it more imperative that municipalities establish a regulatory board to oversee the marijuana industry in the community. Among the functions of the Board:

- Adopt rules
- Review and process applications to operate a marijuana establishment within the city limits; [Fees are expected to be around $2500 per for the City]
- Establish annual operating, registration and application fees for marijuana establishments

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Current Municipal Ordinances

ANCHORAGE:
Ordinance AO 2015-7
Amends Anchorage Ordinance 8.35 by adding a new section prohibiting the consumption of marijuana in a public place. Also amends the minor offense schedule to correspond to the new violation ($100 – same as the State penalty)

JUNEAU:
Ordinance 2014-50
Placing a limited moratorium on the receipt or processing of applications, permits, or pending approvals pertaining to marijuana establishments
** Essentially stops individuals or companies from trying to get a jump start before October in order to give the City time to prepare

Kenai Peninsula Borough:
Ordinance 2015-02 (Introduced 1/20/15) [public hearing set 2/24/15]
Proposes to prohibit the operation of marijuana cultivation facilities in the area of the Kenai Peninsula Borough outside of the Cities (subject to voter approval)

Matanuska-Susitna Borough
Resolution 15-006
Requests Clarification from the State of Alaska on Ballot Measure 2

1. Q – Will the one ounce limit include liquid concentrates?
2. Q – Will the State consider prohibiting non-Alaskan produced marijuana?
3. Q – The regulations on per person rules are unclear? Do they apply to each adult over the age of 21 or is that a maximum limit per household?
4. Request State restricts certain packaging that is enticing to minors

5. Requests State consider differentiation in definition and distinct regulations for: recreational marijuana high in Tetrahydrocannibinol (THC), medicinal cannabis high in Cannibinoids (CBD), and Industrial hemp
6. Requests State set minimum standards and appropriate labeling requirements to include both THC and CBD levels
7. Requests the state clarify by law, whether a passenger vehicle is considered a non-public place and whether "public" includes things such as private baseball fields, smoking clubs or standing at the edge of your private property;
8. Q – Will there be an agricultural farm use tax exemption for locally produced marijuana?
9. Suggests a percentage of the marijuana initiative authorized taxation be put toward prevention, treatment, testing, enforcement and security;
10. Recommends a board other than ABC board be set up to regulate marijuana;
11. What about marijuana production, processing and sales outside municipalities in the unorganized boroughs?
12. Requests the State address very clearly the regulation of infused edible products
13. Recommends that licensing for commercial production, processing, and sales should not disallow or limit the number of small (which needs to be defined) local, vertically integrated operations that are suitable for many other of Alaska's agricultural products;
14. Requests the Alaska Landlord/Tenant Act be clarified with respect to personal marijuana use, production and the right to evict;
15. Requests prohibiting public advertising of marijuana and related products;
16. Recommends the state regulate business hours
17. Recommends the state consider allowing permits for cultivation facilities 3-4 months before retail sales;
18. Recommends the State consider how people would obtain seeds and original cuttings;

Resolution 15-007
Creating an Advisory Committee to advise the Borough Assembly and Administration on any and all aspects, impacts and concerns related to the legalization of marijuana.

Clarified the Advisory Committee has no authority to act on behalf of the Borough or to communicate on the Borough's behalf other than to make recommendations to the Assembly and Administration

Recommended the Advisory Committee:

- Consider input from the public
- Research aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing and retail sales;
- Become aware of legislative developments and those of other Alaska municipalities and state where marijuana is legal
- Offer advice and recommendations to the Assembly and administration on both the upside and downsides of any issues related to or impacted by the legalization of marijuana

- Advise the Borough Assembly and/or Administration on how comment to the state of Alaska regarding the implementation of Alaska Statute 17.38 and report at least quarterly to the Assembly;
- Advise and recommend how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level;
- Advise and recommend how the Assembly and/or Administration should act with regards to any issue or matter affected or impacted or related to marijuana and the implementation of Alaska Statute 17.38

Advisory Commission to be comprised of 17 members drawn from the following broad categories:

1. A potentially interested marijuana grower;
2. A non-marijuana farming operation;
3. A potentially interested marijuana retailer;
4. Financial community
5. A local business organization (i.e., Chamber of Commerce);
6. Law Enforcement
7. Health Community
8. Education Community
9. Planning and Zoning Experience
10. Sales/Marketing/Advertising
11. Citizens of the Borough who do not live in city limits;
12. Members from each member Borough City
13. Member from administration

FAIRBANKS:

No formal action yet but all Borough communities held a special public forum in November about the new marijuana law. No known official action has been taken since the meeting

SITK

Ordinance 2015-06 (introduced 1/27/15 – meetings not yet available so cannot determine what, if any, action was taken)

At this point only tackles public consumption – defines where that is:

1. Public street, alley, sidewalk, municipally operated harbor walkways and floats, restrooms and parking lots, any municipally controlled area open to the general public and public school grounds, whether in a motor vehicle or not;
2. At any public park, recreation area, playground, or ball field, whether or not in a motor vehicle;
3. Any other public or private property, where such area is posted that consumption of marijuana is prohibited; and
4. Upon establishment of a local regulatory authority, or similar body, exemptions may be given for special events by the assembly, upon advice by the local regulatory authority or similar body, with such conditions as the assembly may require for the public good.

"An Act to tax and regulate the production, sale, and use of marijuana."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

***Section 1.** AS 17 is amended by adding a new chapter to read:

Chapter 38. The regulation of marijuana

Sec. 17.38.010. Purpose and findings.
(a) In the interest of allowing law enforcement to focus on violent and property crimes, and to enhance individual freedom, the people of the state of Alaska find and declare that the use of marijuana should be legal for persons 21 years of age or older.
(b) In the interest of the health and public safety of our citizenry, the people of the state of Alaska further find and declare that the production and sale of marijuana should be regulated so that:
(1) Individuals will have to show proof of age before purchasing marijuana;
(2) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and
(3) Marijuana sold by regulated businesses will be labeled and subject to additional regulations to ensure that consumers are informed and protected.
(c) The people of the state of Alaska further declare that the provisions of this Act are not intended to diminish the right to privacy as interpreted by the Alaska Supreme Court in *Ravin v. State of Alaska.*
(d) Nothing in this Act proposes or intends to require any individual or entity to engage in any conduct that violates federal law, or exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.

Sec. 17.38.020. Personal use of marijuana.
Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:
(a) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
(b) Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;
(c) Transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;
(d) Consumption of marijuana, except that nothing in this chapter shall permit the consumption of marijuana in public; and
(e) Assisting another person who is 21 years of age or older in any of the acts described in paragraphs (a) through (d) of this section.

Sec. 17.38.030. Restrictions on personal cultivation, penalty.
(a) The personal cultivation of marijuana described in AS 17.38.020(b) is subject to the following terms:

(1) Marijuana plants shall be cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids.

(2) A person who cultivates marijuana must take reasonable precautions to ensure the plants are secure from unauthorized access.

(3) Marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

(b) A person who violates this section while otherwise acting in compliance with AS 17.38.020(b) is guilty of a violation punishable by a fine of up to $750.

Sec. 17.38.040. Public consumption banned, penalty.

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to $100.

Sec. 17.38.050. False identification, penalty.

(a) A person who is under 21 years of age may not present or offer to a marijuana establishment or the marijuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent or not actually the person's own, for the purpose of:

(1) Purchasing, attempting to purchase or otherwise procuring or attempting to procure marijuana or marijuana products; or

(2) Gaining access to a marijuana establishment.

(b) A person who violates this section is guilty of a violation punishable by a fine of up to $400.

Sec. 17.38.060. Marijuana accessories authorized.

Notwithstanding any other provision of law, it is lawful and shall not be an offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

Sec. 17.38.070. Lawful operation of marijuana-related facilities.

(a) Notwithstanding any other provision of law, the following acts, when performed by a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a retail marijuana store, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;

(2) Delivering or transferring marijuana or marijuana products to a marijuana testing facility;

(3) Receiving marijuana or marijuana products from a marijuana testing facility;

(4) Purchasing marijuana from a marijuana cultivation facility;

(5) Purchasing marijuana or marijuana products from a marijuana product manufacturing facility; and

(6) Delivering, distributing, or selling marijuana or marijuana products to consumers.

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana cultivation

facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;

(2) Delivering or transferring marijuana to a marijuana testing facility;

(3) Receiving marijuana from a marijuana testing facility;

(4) Delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;

(5) Receiving or purchasing marijuana from a marijuana cultivation facility; and

(6) Receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

(c) Notwithstanding any other provision of law, the following acts, when performed by a marijuana product manufacturing facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana product manufacturing facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products;

(2) Delivering or transferring marijuana or marijuana products to a marijuana testing facility;

(3) Receiving marijuana or marijuana products from a marijuana testing facility;

(4) Delivering or selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility;

(5) Purchasing marijuana from a marijuana cultivation facility; and

(6) Purchasing of marijuana or marijuana products from a marijuana product manufacturing facility.

(d) Notwithstanding any other provision of law, the following acts, when performed by a marijuana testing facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana testing facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring or delivering marijuana;

(2) Receiving marijuana or marijuana products from a marijuana cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older; and

(3) Returning marijuana or marijuana products to a marijuana cultivation facility, marijuana retail store, marijuana products manufacturer, or a person 21 years of age or older.

(e) Notwithstanding any other provision of law, it is lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law to lease or otherwise allow the use of property owned, occupied or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) through (d) of this section.

(f) Nothing in this section prevents the imposition of penalties upon marijuana establishments for violating this chapter or rules adopted by the board or local governments pursuant to this chapter.

(g) The provisions of AS 17.30.020 do not apply to marijuana establishments.

Sec. 17.38.080. Marijuana Control Board.

At any time, the legislature may create a Marijuana Control Board in the Department of Commerce, Community, and Economic Development or its successor agency to assume the power, duties, and responsibilities delegated to the Alcoholic Beverage Control Board under this chapter.

Sec. 17.38.090. Rulemaking.

(a) Not later than nine months after the effective date of this act, the board shall adopt regulations necessary for implementation of this chapter. Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include:

(1) Procedures for the issuance, renewal, suspension, and revocation of a registration to operate a marijuana establishment, with such procedures subject to all requirements of AS 44.62, the Administrative Procedure Act;

(2) A schedule of application, registration and renewal fees, provided, application fees shall not exceed $5,000, with this upper limit adjusted annually for inflation, unless the board determines a greater fee is necessary to carry out its responsibilities under this chapter;

(3) Qualifications for registration that are directly and demonstrably related to the operation of a marijuana establishment;

(4) Security requirements for marijuana establishments, including for the transportation of marijuana by marijuana establishments;

(5) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of 21;

(6) Labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;

(7) Health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;

(8) Reasonable restrictions on the advertising and display of marijuana and marijuana products; and

(9) Civil penalties for the failure to comply with regulations made pursuant to this chapter.

(b) In order to ensure that individual privacy is protected, the board shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers.

Sec. 17.38.100. Marijuana establishment registrations.

(a) Each application or renewal application for a registration to operate a marijuana establishment shall be submitted to the board. A renewal application may be submitted up to 90 days prior to the expiration of the marijuana establishment's registration.

(b) The board shall begin accepting and processing applications to operate marijuana establishments one year after the effective date of this act.

(c) Upon receiving an application or renewal application for a marijuana establishment, the board shall immediately forward a copy of each application and half of the registration application fee to the local regulatory authority for the local government in which the applicant desires to operate the marijuana establishment, unless the local government has not designated a local regulatory authority pursuant to AS 17.38.110(c).

(d) Within 45 to 90 days after receiving an application or renewal application, the board shall issue an annual registration to the applicant unless the board finds the applicant is not in compliance with regulations enacted pursuant to AS 17.38.090 or the board is notified by the relevant local government that the applicant is not in compliance with ordinances and regulations made pursuant to AS 17.38.110 and in effect at the time of application.

(e) If a local government has enacted a numerical limit on the number of marijuana establishments and a greater number of applicants seek registrations, the board shall solicit and consider input from the local regulatory authority as to the local government's preference or preferences for registration.

(f) Upon denial of an application, the board shall notify the applicant in writing of the specific reason for its denial.

(g) Every marijuana establishment registration shall specify the location where the marijuana establishment will operate. A separate registration shall be required for each location at which a marijuana establishment operates.

(h) Marijuana establishments and the books and records maintained and created by marijuana establishments are subject to inspection by the board.

Sec. 17.38.110. Local control.

(a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

(b) A local government may enact ordinances or regulations not in conflict with this chapter or with regulations enacted pursuant to this chapter, governing the time, place, manner and number of marijuana establishment operations. A local government may establish civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such local government.

(c) A local government may designate a local regulatory authority that is responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government. The local government may provide that the local regulatory authority may issue such registrations should the issuance by the local government become necessary because of a failure by the board to adopt regulations pursuant to AS 17.38.090 or to accept or process applications in accordance with AS 17.38.100.

(d) A local government may establish procedures for the issuance, suspension, and revocation of a registration issued by the local government in accordance with (f) of this section or (g) of this section. These procedures shall be subject to all requirements of AS 44.62, the Administrative Procedure Act.

(e) A local government may establish a schedule of annual operating, registration, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a local government in accordance with (f) of this section and a registration fee shall only be due if a registration is issued by a local government in accordance with (f) of this section or (g) of this section.

(f) If the board does not issue a registration to an applicant within 90 days of receipt of the application filed in accordance with AS 17.38.100 and does not notify the applicant of the specific, permissible reason for its denial, in writing and within such time period, or if the board has adopted regulations pursuant to AS 17.38.090 and has accepted applications pursuant to AS 17.38.100 but has not issued any registrations by 15 months after the effective date of this act, the applicant may resubmit its application directly to the local regulatory authority, pursuant to (c) of this section, and the local regulatory authority may issue an annual registration to the applicant. If an application is submitted to a local regulatory authority under this paragraph, the board shall forward to the local regulatory authority the application fee paid by the applicant to the board upon request by the local regulatory authority.

(g) If the board does not adopt regulations required by AS 17.38.090, an applicant may submit an application directly to a local regulatory authority after one year after the effective date of this act and the local regulatory authority may issue an annual registration to the applicant.

(h) A local regulatory authority issuing a registration to an applicant shall do so within 90 days of receipt of the submitted or resubmitted application unless the local regulatory authority finds and notifies the applicant that the applicant is not in compliance with ordinances and regulations made pursuant to (b) of this section in effect at the time the application is submitted to the local regulatory authority. The local government shall notify the board if an annual registration has been issued to the applicant.

(i) A registration issued by a local government in accordance with (f) of this section or (g) of this section shall have the same force and effect as a registration issued by the board in accordance with AS 17.38.100. The holder of such registration shall not be subject to regulation or enforcement by the board during the term of that registration.

(j) A subsequent or renewed registration may be issued under (f) of this section on an annual basis only upon resubmission to the local government of a new application submitted to the board pursuant to AS 17.38.100.

(k) A subsequent or renewed registration may be issued under (g) of this section on an annual basis if the board has not adopted regulations required by AS 17.38.090 at least 90 days prior to the date upon which such subsequent or renewed registration would be effective or if the board has adopted regulations pursuant to AS 17.38.090 but has not, at least 90 days after the adoption of such regulations, issued registrations pursuant to AS 17.38.100.

(l) Nothing in this section shall limit such relief as may be available to an aggrieved party under AS 44.62, the Administrative Procedure Act.

Sec. 17.38.120. Employers, driving, minors and control of property.

(a) Nothing in this chapter is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

(b) Nothing in this chapter is intended to allow driving under the influence of marijuana or to supersede laws related to driving under the influence of marijuana.

(c) Nothing in this chapter is intended to permit the transfer of marijuana, with or without remuneration, to a person under the age of 21.

(d) Nothing in this chapter shall prohibit a person, employer, school, hospital, recreation or youth center, correction facility, corporation or any other entity who occupies, owns or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

Sec. 17.38.130. Impact on medical marijuana law.

Nothing in this chapter shall be construed to limit any privileges or rights of a medical marijuana patient or medical marijuana caregiver under AS 17.37.

Sec. 17.38.900. Definitions.

As used in this chapter unless the context otherwise requires:

(1) "Board" means the Alcoholic Beverage Control Board established by AS 04.06.

(2) "Consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others.

(3) "Consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

(4) "Local government" means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities.

(5) "Local regulatory authority" means the office or entity designated to process marijuana establishment applications by a local government.

(6) "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(7) "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

(8) "Marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

(9) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

(10) "Marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

(11) "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(12) "Marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

(13) "Retail marijuana store" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

(14) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

***Sec. 2.** AS 43 is amended by adding a new chapter to read:

Chapter 61. Excise tax on marijuana

Sec. 43.61.010. Marijuana tax.

(a) An excise tax is imposed on the sale or transfer of marijuana from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility. Every marijuana cultivation facility shall pay an excise tax at the rate of $50 per ounce, or proportionate part thereof, on marijuana that is sold or transferred from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility.

(b) The department may exempt certain parts of the marijuana plant from the excise tax described in (a) of this section or may establish a rate lower than $50 per ounce for certain parts of the marijuana plant.

Sec. 43.61.020. Monthly Statement and Payments.

(a) Each marijuana cultivation facility shall send a statement by mail or electronically to the department on or before the last day of each calendar month. The statement must contain an account of the amount of marijuana sold or transferred to retail marijuana stores and marijuana product manufacturing facilities in the state during the preceding month, setting out

(1) the total number of ounces, including fractional ounces sold or transferred;

(2) the names and Alaska address of each buyer and transferee; and

(3) the weight of marijuana sold or transferred to the respective buyers or transferees.

(b) The marijuana cultivation facility shall pay monthly to the department, all taxes, computed at the rates prescribed in this chapter, on the respective total quantities of the marijuana sold or transferred during the preceding month. The monthly return shall be filed and the tax paid on or before the last day of each month to cover the preceding month.

Sec. 43.61.030. Administration and Enforcement of Tax.

(a) Delinquent payments under this chapter shall subject the marijuana cultivation facility to civil penalties under AS 43.05.220.

(b) If a marijuana cultivation facility fails to pay the tax to the state the marijuana cultivation facility's registration may be revoked in accordance with procedures established under AS 17.38.090(a)(1).

***Sec. 3.** The provisions of this Act are independent and severable, and, except where otherwise indicated in the text, shall supersede conflicting statutes, local charter, ordinance, or resolution, and other state and local provisions. If any provision of this Act, or the application thereof to any person or circumstance, is found to be invalid or unconstitutional, the remainder of this Act shall not be affected and shall be given effect to the fullest extent possible.

HOUSE BILL NO. 75

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Introduced: 1/23/15
Referred: Community and Regional Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation of marijuana by municipalities; and providing for an**
2 **effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 17.38.070(f) is amended to read:
5 (f) Nothing in this section prevents the imposition of penalties **on** [UPON]
6 marijuana establishments for violating this chapter or rules adopted by the board or **a**
7 **municipality under** [LOCAL GOVERNMENTS PURSUANT TO] this chapter.
8 *** Sec. 2.** AS 17.38.100(c) is amended to read:
9 (c) Upon receiving an application or renewal application for a marijuana
10 establishment, the board shall immediately forward a copy of each application and half
11 of the registration application fee to the local regulatory authority for the **municipality**
12 [LOCAL GOVERNMENT] in which the applicant desires to operate the marijuana
13 establishment, unless the **municipality** [LOCAL GOVERNMENT] has not designated
14 a local regulatory authority **under** [PURSUANT TO] AS 17.38.110(c).

1 * **Sec. 3.** AS 17.38.100(e) is amended to read:
2 (e) If a **municipality** [LOCAL GOVERNMENT] has enacted a numerical
3 limit on the number of marijuana establishments and a greater number of applicants
4 seek registrations, the board shall solicit and consider input from the local regulatory
5 authority as to the **municipality's** [LOCAL GOVERNMENT'S] preference [OR
6 PREFERENCES] for registration.
7 * **Sec. 4.** AS 17.38.110(a) is amended to read:
8 (a) A **municipality** [LOCAL GOVERNMENT] may prohibit the operation of
9 marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana
10 testing facilities, or retail marijuana stores through the enactment of an ordinance or
11 by a voter initiative.
12 * **Sec. 5.** AS 17.38.110(b) is amended to read:
13 (b) A **municipality** [LOCAL GOVERNMENT] may **adopt** [ENACT]
14 ordinances or regulations not in conflict with this chapter or with regulations **adopted**
15 **under** [ENACTED PURSUANT TO] this chapter, governing the time, place, manner,
16 and number of marijuana establishment operations. A **municipality** [LOCAL
17 GOVERNMENT] may establish civil penalties for violation of an ordinance or
18 regulation governing the time, place, and manner of a marijuana establishment that
19 may operate in **the municipality** [SUCH LOCAL GOVERNMENT].
20 * **Sec. 6.** AS 17.38.110(c) is amended to read:
21 (c) A **municipality shall** [LOCAL GOVERNMENT MAY] designate a local
22 regulatory authority that is responsible for processing applications submitted for a
23 registration to operate a marijuana establishment within the boundaries of the
24 **municipality** [LOCAL GOVERNMENT]. The **municipality** [LOCAL
25 GOVERNMENT] may provide that the local regulatory authority may issue [SUCH]
26 registrations should the issuance by the **municipality** [LOCAL GOVERNMENT]
27 become necessary because of a failure by the board to adopt regulations **under**
28 [PURSUANT TO] AS 17.38.090 or to accept or process applications in accordance
29 with AS 17.38.100.
30 * **Sec. 7.** AS 17.38.110(d) is amended to read:
31 (d) A **municipality** [LOCAL GOVERNMENT] may establish procedures for

1 the issuance, suspension, and revocation of a registration issued by the **municipality**
2 [LOCAL GOVERNMENT] in accordance with (f) [OF THIS SECTION] or (g) of this
3 section. These procedures shall be subject to all requirements of AS 44.62
4 (Administrative Procedure Act).
5 * **Sec. 8.** AS 17.38.110(e) is amended to read:
6 (e) A **municipality** [LOCAL GOVERNMENT] may establish a schedule of
7 annual operating, registration, and application fees for marijuana establishments,
8 provided, the application fee **is** [SHALL ONLY BE] due **only** if an application is
9 submitted to a **municipality** [LOCAL GOVERNMENT] in accordance with (f) of this
10 section and a registration fee **is** [SHALL ONLY BE] due **only** if a registration is
11 issued by a **municipality** [LOCAL GOVERNMENT] in accordance with (f) [OF
12 THIS SECTION] or (g) of this section.
13 * **Sec. 9.** AS 17.38.110(h) is amended to read:
14 (h) A local regulatory authority issuing a registration to an applicant shall do
15 so within 90 days **after** [OF] receipt of the submitted or resubmitted application unless
16 the local regulatory authority finds and notifies the applicant that the applicant is not
17 in compliance with ordinances and regulations **adopted under** [MADE PURSUANT
18 TO] (b) of this section in effect at the time the application is submitted to the local
19 regulatory authority. The **municipality** [LOCAL GOVERNMENT] shall notify the
20 board if an annual registration has been issued to the applicant.
21 * **Sec. 10.** AS 17.38.110(i) is amended to read:
22 (i) A registration issued by a **municipality** [LOCAL GOVERNMENT] in
23 accordance with (f) [OF THIS SECTION] or (g) of this section shall have the same
24 force and effect as a registration issued by the board in accordance with AS 17.38.100.
25 The holder of **the** [SUCH] registration **is** [SHALL] not [BE] subject to regulation or
26 enforcement by the board during the term of that registration.
27 * **Sec. 11.** AS 17.38.110(j) is amended to read:
28 (j) A subsequent or renewed registration may be issued under (f) of this
29 section on an annual basis only upon resubmission to the **municipality** [LOCAL
30 GOVERNMENT] of a new application submitted to the board **under** [PURSUANT
31 TO] AS 17.38.100.

1 * **Sec. 12.** AS 17.38.110 is amended by adding a new subsection to read:
2 (m) A municipality that has not prohibited the operation of marijuana
3 cultivation facilities, marijuana product manufacturing facilities, marijuana testing
4 facilities, or retail marijuana stores under (a) of this section shall create a local
5 advisory board to advise the municipality on issues related to licensing of marijuana
6 establishments and regulation of marijuana.
7 * **Sec. 13.** AS 17.38.900(4) is repealed.
8 * **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).

Twenty-Ninth Legislature- First Session
Week Two Review February 2, 2015
Sattler Strategies

Week two saw a number of groups visiting the capitol building including the Resource Development Council, the State Chamber of Commerce, and the group Culture, Humanities, Arts and Museum Partners "CHAMP".

While people are standing by in a holding pattern as the Governor's team works on issuing an operating budget, the legislature held overviews of the 12 administrative departments in budget subcommittees and standing committees. During the Governor's State of the Budget speech, he recommended across the board cuts between 2.5 percent and 11 percent for all state departments, with the Governor's Office taking the largest cut at 11 percent. There is broad recognition that no state services or grants are "off the table" to consider for cuts. Rumors had the Walker proposed operating budget hitting the street on Tuesday, February 3rd.

Quotes on our fiscal situation:

Senate Finance Co-Chair Senator Pete Kelly (R, Fairbanks)- "The decisions we're going to have to make are difficult, but in some respects it's probably a time that we'll look back on some time in the future and say, 'that was good for Alaska', because we're going to be forced to get our house in order, and we'll probably have a lot of support from many Alaskans who over the years have seen government grow and grow and grow as their lives probably haven't prospered at the same level as state government has."

House Finance Co-Chair Representative Steve Thompson (R-Fairbanks) - "The capital side is what creates infrastructure and creates jobs... If you laid off every single state employee, that's only about $1.4 billion, and that gets you one-third of the way there, I don't think the public quite understands how big that shortfall really is." "With what we're facing, people seem to be a little paranoid to talk about increasing revenue, I don't think we have any choice. We can do some reduction in the operating budget and capital budget and we're still going to be broke. I'm not in favor of taxes – I don't think anybody is," Thompson said. But he said people also don't want to talk about putting Permanent Fund Dividends at risk either. "That thing was intended to be our rainy-day fund, and it's pouring down rain right now. People have lost elections talking about that."

House Minority Leader Chris Tuck (D- Anchorage) - "I wonder what it has to be before people will label it as a crisis. It's something Legislative Finance has been warning us about for the last few years. We have a compounded problem, we're going to have to ramp down spending, but at the same time revenue generation may have to be ramped up. We have a problem with a lack of vision."

Whether the current budget shortfall is referred to as opportunity, challenge or crisis; spending problem, revenue problem or vision problem, we can expect fewer capital dollars and dramatic belt tightening in state and local government.

Senate President Kevin Meyer (R- Anchorage) said the legislature should look at things like the Renewable Energy Fund and municipal revenue sharing. He said there may be creative ways to tackle issues like that, like tying energy assistance to the price of oil, and exempting very small communities from revenue sharing cuts. "I think it's still a spending problem, we haven't cleaned house yet, as Senator Kelly said, and I would agree with him. So, we've been telling people were going to focus on the spending side this year, because once you start talking about additional revenue then maybe you go, 'Well, maybe we don't have to cut this or that,' but if you can do without I think we should."

In response to President Obama's proposed 'wilderness' designation for the Alaska National Wildlife Refuge (ANWR), the state legislature's reaction was fast and furious. Press releases and floor speeches

were issued by Alaska's congressional delegation, state lawmakers and governor swiftly denouncing the president's request to make the remaining 12 million acres off limits to resource extraction (in addition to the approximately 7 million acres already designated as wilderness).

This week will see tribal health care professionals from around the state come to the capital city for what they refer to as the "mega meeting".

Marijuana:
With legislative budget work on hold, many committee hearings during the second week were devoted to codifying state laws relating to marijuana. There are a little over three weeks to get state laws in place since the passage of the ballot measure that will make marijuana possession and use legal on February 24th. Concerns include:

- Health concerns and workplace issues
- Industry challenges and federal regulations that require certain occupations to have a zero-tolerance policy on drugs
- Department responsibilities (DEC would likely be responsible for the food safety and sanitation side of marijuana operations such as edibles production, but the state commerce department would be responsible for regulating marijuana, such as serving sizes or how potent edibles can be)
- The state's 10 K-9 units will need to be to be traded out. Dogs can't be un-trained to track one of the many drugs they were originally conditioned to sniff out. The troopers 10 Belgian malinois, Dutch shepherds, German shepherds, Czech shepherds and yellow Labrador retrievers trained to track marijuana, heroin, cocaine and methamphetamine will need to be replaced with dogs who can only identify the latter three drugs. The price tag to train one dog is $50,000.

Management Team Reports

MEMORANDUM

DATE: February 3, 2015

TO: Ann Capela, City Manager

FROM: John Sargent, Grant Manager

SUBJECT: Grant Manager's Report – February 10, 2015 Bethel City Council Meeting

Energy Committee

The Energy Committee has a list of renewable/alternative energy projects that have potential to impact the community of Bethel. Each month, these projects are discussed and updated. Projects include the delivery of natural gas to Bethel by pipeline from Donlin Creek, barge shipment of LNG to Bethel and its associated gas plant, and the City securing waste heat from AVEC.

The Energy Committee was apprised of the wind data analysis and wind data collection efforts under way by Electric Power Systems and V3 Energy to benefit AVEC. The Committee will conduct more fact-finding in the next month and consider several recommendations for City Council.

Rural Alaska Village Grant Program

The City of Bethel's sewage lagoon rehabilitation project is on the State's Multiyear list, qualifying the project for full funding ($9 million+). Three funders (USDA, EPA, and Village Safe Water (State) indicated a commitment to fund the City's project subject to all conditions being fulfilled. The process required to secure the funding and complete the project will take two years minimum:

1. VSW prepares pre-development application to USDA on City's behalf.
2. USDA requests additional documents and information from VSW and City.
3. USDA approves pre-planning grant for design of sewage lagoon rehabilitation project.
4. City hires engineer firm to design lagoon project. Completed design qualifies the City for construction funding.
5. VSW prepares construction application to USDA on City's behalf.
6. USDA approves construction grant for lagoon project.
7. City hires contractor to complete project.
8. Project completed. Dire sanitation need eliminated.

Ridgecrest Drive Rehabilitation Project

I prepared a project overview and update for the City Manager. The City has been sent a new Memorandum of Agreement to sign that details the future cash outlays required for the reduced project amount. The City has also been given a set of design plans for review and comment by February 27, 2015. The Alaska Department of Transportation and Public Facilities is moving into the Right-of-Way phase and plans to issue an RFP to

hire a contractor by mid-summer 2015 so that construction can take place in summer 2016.

Homeland Security Program

I completed the City of Bethel Assessment for 2014, per the requirements of the Alaska Division of Homeland Security and Emergency Management. The City's Assessment is used by the State to create a Community Preparedness Report and Threat Hazard Identification Risk Analysis for FEMA. The City expressed its need for training and equipment to better prepare to respond to community emergencies.

City of Bethel
Grant Summary
Calendar Year 2015

Preparing

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	$ Grant $ City Match
State of Alaska, Capital Budget	FY 2016 Capital Budget	Six capital priorities approved by Bethel City Council	Admin.	12/8/14	$22,977,400 None
Alaska Public Entity Insurance	Grant	Playground surface material	Parks & Rec.	Feb. 2015	$10,000
Alaska Public Entity Insurance	Grant	Safety equipment/supplies	Public Works	Feb. 2015	$1,000 0

Submitted in Calendar Year 2014-15 Most recent first

Sponsor	Name	Products/Services	City Depts.	Date	$ Grant $ City Match
Alaska Dept. of Transportation & Public Facilities, Transit Division	FTA Section 5311 Community Transit Grant	Capital, operating, and administrative expenses for transit system.	PW-Transit System	12/16/14	Est. $330,000 $98,892 (City)
Alaska Housing Finance Corporation	SFY 2015 Public Safety Housing Grant Program	Housing for public safety personnel.	Police, Fire	10/13/14	$1,000,000 15% (paid by BCSF)
Federal Transit Administration Approved by FTA	Ladders of Opportunity Grant	Bus shelters for passengers	PW-Transit System	11/14	$82,317 $20,579

Approved in Calendar Year 2015 Most recent first

Sponsor	Name	Products/Services	City Depts.	Date	$ Grant $ Match
				Total	

Memorandum

DATE: February 1, 2015

TO: Ann K. Capela, City Manager

FROM: Hansel L Mathlaw, Finance Director

SUBJECT: Manager's Report – February 2015

Finance Committee

The finance committee is seeking one alternate member. On January 26, 2015, the finance committee meet and discussed the results of the City's FY14 audit. Michelle Drew from BDO will present the FY14 audit to the City Council on February 10, 2015 at 6:00 P.M.

Finance Department

We are seeking a temporary accounting clerk until the return of our permanent accounting clerk.

Budget/Financial

The Finance Department Budget year to date (as of January 30) expenditures totaled $355,452 which represents 49% of the total budget.

The Utility Billing under my supervision had expenditures of $52,209 which represents 38% of the budget.

I have emailed department heads their section of the FY16 Annual Budget. Once I receive all department budgets I will assemble the city wide master budget, which will be hand deliverd to council members on April 1, 2015.

The citizens and council members will realize the new water and sewer rates on their February bill. The utility staff have worked on this project with Caselle for the last three weeks. The rates will be raised again on July 1, 2015.

Planning Department Report

From: Rachael Pitts, Planning Director
Date: February 1, 2015

Title 16 of the BMC is on the Planning Commission agenda for February 12th. Everyone is invited to go over the changes. There are legislative edits on the Planning Department page of the city website. The Chapter includes the Supplemental Regulations.

The subdivision proposed on BIA Road by way of preliminary plat has been conditionally approved. The proposed Development Agreement is under review by city staff, and will be heard at the Planning Commission possibly in March. The subdivision application has been submitted by Lyman Hoffman.

The City continues to seek information about the return of Lot 15 to the City (it was previously given to the state to build the Readiness Center, which was later built at the airport). We hope to have good news in 2015 that it is being returned to us. It is designated in the Comprehensive Plan for recreational uses and traffic circulation.

The Planner wrote draft RFPs for Appraisal and Surveying services for the City.

The Planning Department has been contacted by GCI to add a tower at their facility at Ridgecrest Drive and Third Avenue. The old tower at Main Street near the Moravian Church will be taken down, and staff is meeting with AT&T to review the plan to safely remove the tower. Improvements to structures have already occurred at the site in 2014.

Site Plan Permit Applications and Code Enforcement: The Planning Department received 0 Site Plan Permit applications in 2015 so far.

Construction Projects:

AVCP is proposing to construct two duplexes to serve as student housing. Both are under construction.

The Moravian Church is doing some site improvements that will include an expansion of the seminary.

City of Bethel

IT Department

Post Office Box 1388
Bethel, Alaska 99559
Voice: 907-543-2358
Fax: 907-543-1395

TO: Ann Capela

FROM: Sam Blankenship, Information Technology Director

SUBJECT: January Managers Report-2015

Aquatic Center
- Troubleshoot and correct printing issues with the YKFC main printer. (1.5 hrs)

Bethel Youth Center
- Troubleshoot and correct fax issues in the BYC main printer.
- Replace toners for BYC Main printer.

City Hall Building
- Replace Waste Toner Cartridge, and toners For the City Hall main printer and A trouble ticket was created for Xerox tech support due to documents jamming.
- Replace Waste Toner Cartridge, and toners For the Main Finance printer
- A trouble ticket was created for Xerox tech support due to black lines in the copies of the Finance main Copier.
- Replace Black cartridge in City Manager's office printer.
- Reorganize IT stage room. (This is a monthly event)
- Troubleshoot Attorney printer and come to the conclusion it needs replacing. (there is a standby printer/fax/scanner in stock. No need to purchase a new one. Also updated software (Adobe).
- Re arrange computer equipment in General ledger office due to desk move.
- Synchronize files on the City Clerk office workstation and the chambers workstation and update software.
- Create network and mail profile for cc assistant.
- Program RFP Time Stamp Clock.

Fire Department
- Troubleshoot and correct sound issues in equipment. Parts had to be replaced. Work on issues with FD's online RMS system (Aurora)
Programming profile and replacing a new printer for the new Fire Chief.
- Troubleshoot drives not showing up on FD Classroom Laptop.

Police Department
- There is a file expansion of the SAN Storage Server of the Police Department and City Hall for file space needed. This is ongoing at the moment.
- Delete profiles and create new employee profiles for Police Department.

- Revising security parameters on PD file folders.
- Replace Toners in PD main printer.
- Add ID software to the Admin assistant workstation.
- Install Skype software on LT's workstation.
- Working on a Digital Loggers trouble ticket replacing hardware.
- Update software on all work stations. (Adobe)

Port
- Troubleshoot and correct printer issues on the Port main printer.

Public Works
- Change toners in main PW printer.

VoIP Phone System
- Program extension for police sergeant at PD
-

Transit Building
- Change security credentials for Transit Manager.

Aquatic Center Wind Turbine
- The Northern Power with the wind turbine needed City of Bethel IT assistance (Approximately 25 hours.)

- Working on moving the CCTV cpu to the pool managers office. (not finished)

Trouble Tickets
- There were 134 Trouble tickets throughout the departments and 134 resolved.
56 workstations had preventive maintenance on them..

Samuel Blankenship
Information Technology Director

Clerk's Report

Additional Information

CITY OF BETHEL
FINANCIAL REPORT

Bank & Investment Accounts
As of December 31, 2014

A. Introduction

The City of Bethel operates under a central treasury. A central treasury concentrates cash in order to maximize the return on the investments and to provide adequate liquidity for planned cash flows. Therefore, cash accounts do not correspond to "funds" in the City's financial records. All transactions between funds are accounted for in interfund receivables and payables which are also called "Due To" and "Due From" accounts.

Cash and investments accounts marked with an asterisk are not part of the central treasury. These accounts are legally restricted from being part of the central treasury or segregated because of policy or purpose.

Investments in the Bethel Endowment Fund are physically segregated by ordinance. The assets of this fund are invested in accounts with Piper Jaffray Investments.

All investments are categorized as "Category 1" for credit risk according the categories described in Governmental Accounting Standards Board Statement No. 3, *Deposits with Financial Institutions, Investments [Including Repurchase Agreements], and Reverse Repurchase Agreements*. This means that the City's investments are either insured or registered, or that the securities are held by the City or its agent in the City's name. Category 1 investments contain less credit risk than other categories; therefore, City funds are invested with the lowest reasonable credit risk. The City's investments are earning a competitive yield.

Summary of Cash and Investments as of December 31, 2014

1. *Cash, Deposits, and Certificates of Deposit*

Description	Balance 11/30/2014	Balance 12/31/2014	Year-to-Date Increase (Decrease)
Wells Fargo-General/Sweep Accounts	$8,136,555	$8,026,840	$ (109,715)
Wells Fargo-Payroll Account	(13,906)	(8,583)	
Wells Fargo-Asset Forfeiture Account (Police) *	5,431	5,431	-
Wells Fargo-Evidence Holding Account (Police) *	8,671	8,671	-
First National Bank CD (Lease Revenue Bond Reserve) *	420,157	420,157	-
Petty Cash-Finance	150	150	-
Petty Cash-Police	300	300	-
Petty Cash-Port	100	100	-
Petty Cash-Youth Center	260	260	-
Petty Cash-Recycling	50	50	-
Petty Cash-Public Works	-	-	-
Total	***$8,557,768***	***$8,453,376***	***($109,715)***

* - Restricted Funds

2. *Investments held in the Central Treasury:*
As of December 31, 2014

	Description	Market Value 11/30/2014	Market Value 12/31/2014	Year-to-Date Increase (Decrease)
01-12700	Wells Fargo Investments	$772,102	$772,108	$7
01-12800	Wells Fargo Investments (Lease Revenue Bond Pmt Acct)	$319,168	$319,171	3
01-12900	Time Value Investments	$1,440,966	$1,439,509	(1,458)
01-12500	Alaska Municipal League Investment Pool	$154,785	$154,786	1
	Total	***$2,687,021***	***$2,685,574***	***($1,447)***

3. *Restricted Accounts* *
As of December 31, 2014

	Description	Market Value 11/30/2014	Market Value 12/31/2014	Year-to-Date Increase (Decrease)
90-12600	Piper Jaffray Investments *	$ 1,862,405	$ 1,860,152	$ (2,253)
40-12200	BATH Center Account *	4,321,616	4,321,649	33
52-12300	Deferred Seawall Maintenance Account *	1,615,159	1,613,335	(1,824)
52-12500	Pro Equities - Dock Deferred Maintenance *	480,598	480,515	(84)
	Total	***8,279,778***	***8,275,651***	***(4,127)***

TOTAL BANK AND INVESTMENT FUNDS ON HAND
As of December 31, 2014

Description	Balance 11/30/2014	Balance 12/31/2014	Year-to-Date Increase (Decrease)
Cash, Deposits, and Certificates of Deposit	$8,557,768	$8,453,376	($104,392)
Investments	$2,687,021	$2,685,574	($1,447)
Restricted Accounts	8,279,778	8,275,651	($4,127)
Total	***$19,524,567***	***$19,414,601***	***($109,966)***

Total Central Treasury and Unrestricted Funds as of December 31, 2014:	***$ 10,704,691***
Total Restricted Funds as of December 31, 2014:	***8,709,910***
	$ 19,414,601

* - Restricted Funds

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
TAXES	769,057.72	3,335,022.44	8,132,000.00	4,796,977.56	41.0
STATE & FEDERAL REVENUES	.00	1,267,760.50	1,763,960.00	496,199.50	71.9
CHARGES FOR SERVICES	9,114.31	73,807.15	247,500.00	173,692.85	29.8
RENTAL INCOME	340.00	715.00	10,000.00	9,285.00	7.2
LICENSES, PERMITS & FEES	37,716.09	216,185.68	782,650.00	566,464.32	27.6
OTHER FINANCING SOURCES	.00	.00	62,949.00	62,949.00	.0
MISCELLANEOUS	3,373.52	75,088.40	51,650.00	(23,438.40)	145.4
TOTAL FUND REVENUE	819,601.64	4,968,579.17	11,050,709.00	6,082,129.83	45.0
EXPENDITURES					
ADMINISTRATION	41,556.56	147,648.73	553,979.00	406,330.27	26.7
CITY CLERKS OFFICE	10,333.85	72,777.95	179,792.00	107,014.05	40.5
FINANCE	97,147.15	298,367.07	728,869.00	430,501.93	40.9
PLANNING	18,719.86	107,523.20	276,440.00	168,916.80	38.9
TECHNOLOGY DEPARTMENTS	40,402.11	252,494.94	528,145.00	275,650.06	47.8
CITY ATTORNEY'S OFFICE	14,298.88	83,989.71	241,787.00	157,797.29	34.7
FIRE DEPARTMENT	76,301.02	457,174.26	1,128,079.00	670,904.74	40.5
POLICE	181,170.66	1,084,992.12	2,875,778.00	1,790,785.88	37.7
PUBLIC WORKS-ADMIN	17,192.18	88,611.96	227,989.00	139,377.04	38.9
PW-STREETS & ROADS	192,840.67	654,365.94	1,710,855.00	1,056,489.06	38.3
PROPERTY MAINTENANCE	53,029.74	237,791.87	748,205.00	510,413.13	31.8
PARKS & REC/BYC	32,416.80	183,989.79	606,371.00	422,381.21	30.3
COMMUNITY SERVICE	602.74	2,774.79	112,813.00	110,038.21	2.5
IN KIND MATCH & TRANFERS	.00	.00	1,131,605.00	1,131,605.00	.0
TOTAL FUND EXPENDITURES	776,012.22	3,672,502.33	11,050,707.00	7,378,204.67	33.2
NET REVENUE OVER EXPENDITURES	43,589.42	1,296,076.84	2.00	(1,296,074.84)	64803

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

LAND PLANNING AND DEVELOPMENT

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
TRANSFERS IN	.00	.00	35,000.00	35,000.00	.0
TOTAL FUND REVENUE	.00	.00	35,000.00	35,000.00	.0
EXPENDITURES					
DEPARTMENT 50	2,982.00	7,059.00	35,000.00	27,941.00	20.2
TOTAL FUND EXPENDITURES	2,982.00	7,059.00	35,000.00	27,941.00	20.2
NET REVENUE OVER EXPENDITURES	(2,982.00)	(7,059.00)	.00	7,059.00	.0

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

PARKS DEVELOPMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
EXPENDITURES					
PARKS DEVELOPMENT	.00	.00	73,277.00	73,277.00	.0
TOTAL FUND EXPENDITURES	.00	.00	73,277.00	73,277.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	(73,277.00)	(73,277.00)	.0

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

YK REG AQUA HLTH & SAFETY CTR

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
SOURCE 42	.00	690,409.48	3,123,988.42	2,433,578.94	22.1
SOURCE 43	79,095.70	79,095.70	351,380.00	272,284.30	22.5
TRANSFERS IN	.00	.00	1,330,065.00	1,330,065.00	.0
MISCELLANEOUS	33.03	195.75	1,000.00	804.25	19.6
TOTAL FUND REVENUE	79,128.73	769,700.93	4,806,433.42	4,036,732.49	16.0
EXPENDITURES					
LOCAL FUNDED EXPENDITURES	165,538.79	518,312.75	1,472,091.00	953,778.25	35.2
STATE FUNDED EXPENDITURES	80,607.86	1,721,215.93	3,123,988.42	1,402,772.49	55.1
TOTAL FUND EXPENDITURES	246,146.65	2,239,528.68	4,596,079.42	2,356,550.74	48.7
NET REVENUE OVER EXPENDITURES	(167,017.92)	(1,469,827.75)	210,354.00	1,680,181.75	(698.7)

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

E-911 SYSTEM/SURCHARGE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
E-911 SURCHARGE	21,586.00	84,602.62	218,000.00	133,397.38	38.8
TOTAL FUND REVENUE	21,586.00	84,602.62	218,000.00	133,397.38	38.8
EXPENDITURES					
E-911 SERVICES	3,775.30	42,968.74	168,001.00	125,032.26	25.6
DEPARTMENT 51	1,796.42	10,778.52	.00	(10,778.52)	.0
TOTAL FUND EXPENDITURES	5,571.72	53,747.26	168,001.00	114,253.74	32.0
NET REVENUE OVER EXPENDITURES	16,014.28	30,855.36	49,999.00	19,143.64	61.7

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

SOLID WASTE SERVICES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
STATE AND FEDERAL SOURCES	.00	75.00	59,510.00	59,435.00	.1
SOLID WASTE & RECYLING	95,574.72	626,282.83	1,125,000.00	498,717.17	55.7
TOTAL FUND REVENUE	95,574.72	626,357.83	1,184,510.00	558,152.17	52.9
EXPENDITURES					
HAULED REFUSE	19,477.07	100,865.36	326,910.00	226,044.64	30.9
LANDFILL OPERATIONS	16,588.23	165,013.24	513,581.00	348,567.76	32.1
RECYCLING OPERATIONS	9,723.25	50,199.36	144,463.00	94,263.64	34.8
TOTAL FUND EXPENDITURES	45,788.55	316,077.96	984,954.00	668,876.04	32.1
NET REVENUE OVER EXPENDITURES	49,786.17	310,279.87	199,556.00	(110,723.87)	155.5

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

WATER & SEWER SERVICES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
STATE FUNDING	.00	.00	270,048.00	270,048.00	.0
WATER	257,381.20	1,547,233.30	3,108,300.00	1,561,066.70	49.8
SEWER	192,038.97	1,216,711.98	2,440,000.00	1,223,288.02	49.9
MISCELLANEOUS	26,013.73	103,850.82	192,800.00	88,949.18	53.9
MISCELLANEOUS	179.57	3,201.50	200.00	(3,001.50)	1600.8
TOTAL FUND REVENUE	475,613.47	2,870,997.60	6,011,348.00	3,140,350.40	47.8
EXPENDITURES					
UTILITY BILLING	6,891.04	49,430.37	137,369.00	87,938.63	36.0
HAULED WATER	127,993.77	571,510.86	1,621,970.00	1,050,459.14	35.2
PIPED WATER	30,365.50	152,464.11	463,776.00	311,311.89	32.9
BETHEL HTS WTR TREATMENT	91,056.60	375,033.13	800,867.00	425,833.87	46.8
CITY SUB WTR TREATMENT	63,978.53	325,270.39	731,948.00	406,677.61	44.4
HAULED SEWER	129,446.16	668,687.49	1,681,537.00	1,012,849.51	39.8
PIPED SEWER	48,818.50	243,837.09	756,803.00	512,965.91	32.2
SEWER LAGOON	9,524.17	44,163.91	134,580.00	90,416.09	32.8
TOTAL FUND EXPENDITURES	508,074.27	2,430,397.35	6,328,850.00	3,898,452.65	38.4
NET REVENUE OVER EXPENDITURES	(32,460.80)	440,600.25	(317,502.00)	(758,102.25)	138.8

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

MUNICIPAL DOCK

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
INTEREST & PENALITIES	266.27	6,868.01	.00	(6,868.01)	.0
CHARGES FOR SERVICES	.00	558,761.52	.00	(558,761.52)	.0
LEASE REVENUE	.00	11,050.00	.00	(11,050.00)	.0
MISCELLANEOUS	.00	16,404.04	.00	(16,404.04)	.0
MISCELLANEOUS	(524.54)	7,255.42	.00	(7,255.42)	.0
TOTAL FUND REVENUE	(258.27)	600,338.99	.00	(600,338.99)	.0
EXPENDITURES					
DOCK EXPENDITURES	31,907.67	342,026.07	805,035.00	463,008.93	42.5
TOTAL FUND EXPENDITURES	31,907.67	342,026.07	805,035.00	463,008.93	42.5
NET REVENUE OVER EXPENDITURES	(32,165.94)	258,312.92	(805,035.00)	(1,063,347.92)	32.1

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

LEASED PROPERTIES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
LEASE INCOME	(81,600.35)	370,363.43	734,098.00	363,734.57	50.5
MISCELLANEOUS	.00	9,687.78	14,000.00	4,312.22	69.2
TOTAL FUND REVENUE	(81,600.35)	380,051.21	748,098.00	368,046.79	50.8
EXPENDITURES					
LEASED PROPERTIES-MISC	1,267.61	5,047.20	23,900.00	18,852.80	21.1
LEASED PROP-COURT COMPLEX	45,546.13	233,602.46	569,787.00	336,184.54	41.0
TOTAL FUND EXPENDITURES	46,813.74	238,649.66	593,687.00	355,037.34	40.2
NET REVENUE OVER EXPENDITURES	(128,414.09)	141,401.55	154,411.00	13,009.45	91.6

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

EMPLOYEE GROUP HEALTH BEN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
EMP GROUP BENEFITS REVENUES	102,187.66	831,510.47	1,482,680.00	651,169.53	56.1
TOTAL FUND REVENUE	102,187.66	831,510.47	1,482,680.00	651,169.53	56.1
EXPENDITURES					
EMPLOYEE GROUP HEALTH BENEFITS	254,204.83	1,340,424.57	1,482,680.00	142,255.43	90.4
TOTAL FUND EXPENDITURES	254,204.83	1,340,424.57	1,482,680.00	142,255.43	90.4
NET REVENUE OVER EXPENDITURES	(152,017.17)	(508,914.10)	.00	508,914.10	.0

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

BETHEL PUBLIC TRANSIT SYSTEM

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
LOCAL SOURCES	.00	.00	60,000.00	60,000.00	.0
FEDERAL SOURCES	34 840 52	86,967.85	268,790.00	181,822.15	32.4
SOURCE 42	.00	13,226 24	62,186.00	48,959.76	21.3
CHARGES FOR SERVICES	2,209.00	17,595.00	400.00	(17,195.00)	4398.8
MISC REVENUE	.00	.00	700.00	700.00	.0
TOTAL FUND REVENUE	37,049.52	117,789.09	392,076.00	274,286.91	30.0
EXPENDITURES					
TRANSIT SYSTEM EXPENDITURES	25,902 44	194,497.85	449,998.00	255,500.15	43.2
TOTAL FUND EXPENDITURES	25,902.44	194,497.85	449,998.00	255,500 15	43.2
NET REVENUE OVER EXPENDITURES	11,147 08	(76,708.76)	(57,922.00)	18,786 76	(132.4)

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

VEHICLES & EQUIP MAINTENANCE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
STATE AND FEDERAL FUNDING	.00	.00	58,203.00	58,203.00	.0
CHARGES FOR SERVICES	121,709.39	461,113.89	1,218,238.00	757,124.11	37.9
SOURCE 49	579.82	579.82	.00	(579.82)	.0
TOTAL FUND REVENUE	122,289.21	461,693.71	1,276,441.00	814,747.29	36.2
EXPENDITURES					
VEHICLE & EQUIP MAINT	118,702.92	480,678.86	1,276,440.00	795,761.14	37.7
TOTAL FUND EXPENDITURES	118,702.92	480,678.86	1,276,440.00	795,761.14	37.7
NET REVENUE OVER EXPENDITURES	3,586.29	(18,985.15)	1.00	18,986.15	(18985

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

FLEET REPLACEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
LOCAL SOURCES	.00	.00	105,000.00	105,000.00	.0
TOTAL FUND REVENUE	.00	.00	105,000.00	105,000.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	105,000.00	105,000.00	.0

CITY OF BETHEL
FUND SUMMARY
FOR THE 6 MONTHS ENDING DECEMBER 31, 2014

BETHEL ENDOWMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
REVENUE					
TRANSFERS	.00	.00	8,400.00	8,400.00	.0
MISCELLANEOUS	(2,252.76)	(1,065.22)	12,000.00	13,065.22	(8.9)
TOTAL FUND REVENUE	(2,252.76)	(1,065.22)	20,400.00	21,465.22	(5.2)
NET REVENUE OVER EXPENDITURES	(2,252.76)	(1,065.22)	20,400.00	21,465.22	(5.2)