



# City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

Fax: 907-543-3781

**Regular City Council Meeting**

**Tuesday, April 14, 2015**

**6:30 P.M.**

**Council Chambers; Bethel, Alaska**



**City Council Meeting Agenda  
Regularly Scheduled Meeting  
April 14, 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](mailto:rrobb@cityofbethel.net)

Leif Albertson  
Vice-Mayor  
Term Expires 2015  
543-2819  
[labertson@cityofbethel.net](mailto:labertson@cityofbethel.net)

Mark Springer  
Council Member  
Term Expires 2015  
545-1450  
[mspringer@cityofbethel.net](mailto:mspringer@cityofbethel.net)

Heather Pike  
Council Member  
Term Expires 2015  
444-7211  
[hpike@cityofbethel.net](mailto:hpike@cityofbethel.net)

Chuck Herman  
Council Member  
Term Expires 2016  
545-5394  
[cherman@cityofbethel.net](mailto:cherman@cityofbethel.net)

Zach Fansler  
Council Member  
Term Expires 2016  
545-3300  
[zfansler@cityofbethel.net](mailto:zfansler@cityofbethel.net)

Byron Maczynski  
Council Member  
Term Expires 2016  
545-0970  
[bmaczynski@cityofbethel.net](mailto:bmaczynski@cityofbethel.net)

Ann Capela  
City Manager  
543-2047  
[acapela@cityofbethel.net](mailto:acapela@cityofbethel.net)

Lori Strickler  
City Clerk  
543-1384  
[lstrickler@cityofbethel.net](mailto: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** \*3-24-2015 Regular Meeting Minutes
- 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) **P37** Proclamation Recognizing Local Musher Pete Kaiser And His Team In Their 2015 K-300 Victory (Council Member Fansler)
  - b) **P39** Proclamation For Alcohol Awareness Month (Mayor Robb)
  - c) **P41** Proclamation For Child Abuse Prevention And Awareness Month (Mayor Robb)
  - d) **P43** USA Pool Update On The YK Regional Aquatic Training And Health Center (Mayor Robb)
- IX. UNFINISHED BUSINESS**
- X. NEW BUSINESS**
  - a) **P49** \*Introduction Of Ordinance 15-06: Providing For The Submission To The Qualified Voters Advisory Questions On Potential Alcohol Sales In Bethel (Mayor Robb)
  - b) **P51** \*Introduction Of Ordinance 15-07: Acquisition Of Laundromat Building And Property (City Manager Capela)
  - c) **P55** \*Introduction Of Ordinance 15-08: Ballot Proposition Establishing A 12% Tax On Alcohol Sales In Bethel (Council Member Fansler)
  - d) **P57** \*Introduction Of Ordinance 15-09: Disposition Of City Property Through Request For Proposal - Old Laundromat Building (City Manager Capela)
  - e) **P59** \*Introduction Of Ordinance 15-10: Establishing Chapter 16.10 Of The Bethel Municipal Code, Tall Towers (Vice-Mayor Albertson)

Agenda posted on April 8, 2015, at City Hall, AC Co., Corina's Caselot, and the Post Office.

Lori Strickler, City Clerk

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

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

Ordinances introduced with an asterisk (\*) on the consent agenda will automatically be introduced and set for **Public Hearing April 28, 2015**)



**City Council Meeting Agenda  
Regularly Scheduled Meeting  
April 14, 2015-6:30 pm  
City Hall 300 State Highway, Bethel, AK  
City of Bethel Council Chambers**

- f) **P91** \*Resolution 15-06: The Bethel City Council In Support Of Senate Bill 46 And House Bill 101 Allowing Regional Health Organizations Access To The Alaska Municipal Bond Bank (Mayor Robb)
- g) **P111** \*Resolution 15-07: Requesting FY16 Payment In Lieu Of Taxes (PILT) Funding From The Department Of Commerce, Community And Economic Development (City Manager Capela)
- h) **P113** AM 15-13: Purchase Agreement With O'Brien Construction For The Purchase And Delivery Of Arctic Pipe For The Institutional Corridor Project (City Manager Capela)
- i) **P123** AM 15-14: Directing Administration To Submit To The Council An Action Plan For Sales Tax Audits, Procedures For Collection On Delinquent Sales Tax, Procedures For Collection On Other Outstanding Debts Owed To The City (Council Member Springer)
- j) **P125** AM 15-15: Approval Of Purchase Of Self Contained Breathing Apparatuses And Related Equipment (City Manager Capela)
- k) **P129** Contract Options For Council To Consider For Rehabilitation Of Ridgecrest Drive (Council Member Fansler)

**XI. MAYOR'S REPORT**

**XII. MANAGER'S REPORT**

**XIII. CLERK'S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

**XV. EXECUTIVE SESSION**

- a) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Threatened Litigation – Wassillie Gregory
- b) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Threatened Litigation – Troy DeLoach
- c) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Omni Enterprises Leased Properties and Financial Delinquencies (City Manager Capela)

**XVI. ADJOURNMENT**

Agenda posted on April 8, 2015, at City Hall, AC Co., Corina's Caselot, and the Post Office.

Lori Stickler, City Clerk

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

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Ordinances introduced with an asterisk (\*) on the consent agenda will automatically be introduced and set for **Public Hearing April 28, 2015**)

# **Approval of the Minutes**

**I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on March 24, 2015 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Richard 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, Vice-Mayor Leif Albertson, Council Member Chuck Herman, Council Member Byron Maczynski, Council Member Zach Fansler, Council Member Mark Springer and Council Member Heather Pike

Members Absent:

*List all members absent.*

Also in attendance were the following:

City Attorney Patty Burley, City Manager Ann Capela and City Clerk Lori Strickler

**IV. PEOPLE TO BE HEARD**

Wesley Russell – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Gloria Simeon – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Ray Watson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Merrill Lake – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Olinka E. Nicholai – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

John Wallace – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Mike Williams – A resident of Akiak, spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Ana Hoffman – Spoke on behalf of the Bethel Native Corporation requesting the Council to support the issuance of an alcohol license for Bethel Spirits LLC.

*Byron Maczynski arrived at 7:05p.*

Bonnie Bradbury – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Hugh Dyment – Suggested the Council hold an advisory vote on the issue of alcohol before taking action on the license issuance.

Fred Broerman – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Beverly Hoffman – Thanked the Police Department and Fire Department for assisting in putting out the fire at her house over the weekend.  
Spoke in favor of the issuance of a liquor license within the community of Bethel.

Darlene Mojin – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Ron Boerman – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Daniel Picazo – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Myron Nanning – President of Alaska Village Council Presidents, spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Dorothy Chase – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Nikki Hoffman – Spoke in favor of the issuance of liquor licenses.

Sharon Chakuchin – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Silas Vougsamath – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Alice Nicholai – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Laurinda O'Brien – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

John Andrew – A resident of Kwethluk, spoke in opposition to the issuance of liquor licenses within the community of Bethel.

**Main Motion:** Take a ten minute break

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Moved by:	Pike
Seconded by:	Albertson
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Fansler, Springer, Maczynski, Pike, Albertson and Robb
Opposed:	None

Bethel Hessler – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Martha Larson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Mike Walter – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Debra Samson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Anthony Nelson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Agarfrina Baugh – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Josie Typpo – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Eric Middlebrook – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Bob White – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Eli Jacobson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Minnie Sallison-Fritts – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Tiffany Zulkosky – Suggested the City Council hold another advisory vote on the potential issuance of alcohol licenses in the community of Bethel.

Paul P. Jenkins – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Elisabeth Jacobson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Emma Evon – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Earl Samuelson – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Eva Malvich – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

## V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

**Main Motion:** To approve the Consent and Regular Agenda.

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Moved by: Springer

Seconded by: Maczynski

Action: Motion carries by a vote of 7-0

In favor: Herman, Fansler, Springer, Maczynski, Pike, Albertson and Robb

Opposed: None

Amend the Agenda to remove Special Order of Business Items B and D, Unfinished Business Item A and Item VII, Reports of Standing Committees.

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**Main Motion:**

Moved by: Springer

Seconded by: Fansler

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Action:	Motion carries by a vote of 7-0
In favor:	Herman, Fansler, Springer, Maczynski, Pike, Albertson and Robb
Opposed:	None

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**Main Motion:** Amend the Agenda to move New Business Item A to follow People To Be Heard.

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Moved by:	Herman
Seconded by:	Albertson
Action:	Motion does not carry by a vote of 2-5
In favor:	Herman and Albertson
Opposed:	Fansler, Springer, Robb, Pike and Maczynski

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**Main Motion:** Amend the Agenda to move New Business Item A to fall after the Special Order Of Business.

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Moved by:	Albertson
Seconded by:	Fansler
Action:	Does not carry by a vote of 3-4
In favor:	Herman, Fansler and Albertson
Opposed:	Springer, Robb, Pike and Maczynski

## VI. APPROVAL OF THE MEETING MINUTES

**Item A** – Regular City Council Meeting March 10, 2015.  
*Passed on the consent agenda.*

## VII. UNFINISHED BUSINESS

**Item A-** KYUK Appeal Hearing On The Denial Of A Public Request For Information.  
*Postponed until the attorneys working on this issue have provided a response to the City.*

## VIII. NEW BUSINESS

**Item A-** Public Hearing – Inviting The Public To Speak On The Potential Package Store Application To The Alcoholic Beverage Control Board From Bethel Spirits' LLC.  
*Mayor Robb opened the public hearing.*

Susan Murphy – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Will Updegrave – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Wesley Russell – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Laurinda O’Brien – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Dave Trantham Jr. – Spoke in favor of the issuance of a liquor licenses within the community of Bethel.

Daniel Picazo – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Fred Broerman – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

Mary Hessler – Spoke in opposition to the issuance of liquor licenses within the community of Bethel.

*Mayor Robb closed the public hearing.*

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**Main Motion:** Extend the meeting past 11:00pm.

Moved by:	Albertson
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Fansler, Springer, Maczynski, Pike, Albertson and Robb
Opposed:	None

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**Main Motion :** Take a five minute break

Moved by:	Pike
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Fansler, Springer, Maczynski, Pike, Albertson and Robb
Opposed:	None

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**Motion:** Direct the City Clerk to schedule a public forum outside of a council meeting for people to speak on the potential issuance of alcohol licensing.

Moved by:	Zack
Seconded by:	Herman
Action:	Motion carries by a vote of 5-2
In favor:	Herman, Fansler, Springer, Maczynski and Robb
Opposed:	Pike and Albertson

**Item B- AM 15-12: Approve The Agreement Between The City Of Bethel And HCC Life Insurance Company For Health Care Stop Loss Insurance.**

**Main Motion:** Approve AM 15-12.

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Moved by: Fansler  
Seconded by: Maczynski  
Action: Motion carries by a vote of 6-1  
In favor: Herman, Fansler, Springer, Albertson, Maczynski and Robb  
Opposed: Pike

**Main Motion :** Extend the meeting to 12:00p.

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Moved by: Springer  
Seconded by: Pike  
Action: Motion carries by a vote of 7-0  
In favor: Herman, Fansler, Springer, Maczynski, Robb, Pike and Albertson  
Opposed: None

- IX. MAYOR'S REPORT**
- X. MANAGER'S REPORT**
- XI. CLERK'S REPORT**
- XII. COUNCIL MEMBER COMMENTS**

Council Member Zach Fansler –  
Thanked Tim Oosterman (City of Bethel Retiree) for his many years of service to the City of Bethel.

Thanked the community members who came out to speak tonight.  
Expressed appreciation to the members of the community who contacted him personally to discuss the alcohol issue.

Council Member Chuck Herman – No comment.

Council Member Mark Springer –  
48 degrees felt really good today.  
Thanked the community members who came out to speak tonight.  
Concerned we are going to see a rush of alcohol licenses.

Mayor Richard Robb –  
Thanked Tim Oosterman (City of Bethel Retiree) for his many years of service to the City of Bethel.  
Thanked Earl Samuelson for his many years of service to our community and the Region.

Council Member Heather Pike –  
Thanked Tim Oosterman (City of Bethel Retiree) for his many years of service to the City of Bethel.

Thanked the community members who came out to speak tonight.  
Council Member Byron Maczynski –  
Thanked the community members who came out to speak tonight.  
Looking forward to the public forum on the alcohol issue.  
Be safe on the river.

Vice-Mayor Albertson –  
Thanked the community members who came out to speak tonight.  
Thanked Tim Oosterman (City of Bethel Retiree) for his many years of service to the City of Bethel.

### **XIII. EXECUTIVE SESSION**

**Item A** - Alaska Statutes 44.62.310 (c) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity - City of Bethel, Collective Bargaining Agreement And Discussion Of Negotiation Actions.

**Item B** - AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Potential Litigation: Against Bethel Packing.

Move into Executive Session to discuss Alaska Statutes 44.62.310 (c) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity - City of Bethel, Collective Bargaining Agreement And Discussion Of Negotiation Actions.

AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Potential Litigation: Against Bethel Packing.

Those participating in the Executive Session aside from the Council will be the City Manager City Attorney, and City Clerk.

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**Main Motion:**

Moved by:	Springer
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Fansler, Springer, Maczynski, Robb, Pike and Albertson
Opposed:	None

#### **XIV. ADJOURNMENT**

**Main Motion:** Adjourn

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Moved by:	Springer
Seconded by:	Maczynski
Action:	Motion carries by a vote of 7-0
In favor:	Herman, Fansler, Springer, Maczynski, Robb, Pike and Albertson
Opposed:	None

*Council adjourned at 12:27 a.m.*

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Richard Robb, Mayor

ATTEST:

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Lori Strickler, City Clerk

# **Reports of Standing Committees**



# City of Bethel Police Dept.

PO Box 809  
Bethel, AK 99559  
Office| 543-3781 Fax| 543-5086

**PUBLIC NOTICE**  
REGULAR MEETING OF THE  
PUBLIC SAFETY & TRANSPORTATION COMMISSION  
**Tuesday, April 7, 2015 -7:00 p.m.**  
**300 STATE HIGHWAY – CITY COUNCIL CHAMBERS**  
**AGENDA**

**Members**

Vacant  
*Chair*

Vacant  
*Vice Chair*

Chuck Herman  
*Council Representative*

Joan Dewey

Naim Shabani

Alisha Welch

**Ex-Officio Members**

Andre Achee  
*Chief of Police*

William Howell III  
*Fire Chief*

Christina Him  
*Recorder*

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF  
09/02/2014, 10/07/2014, 11/04/2014, 12/02/2014, 01/06/2015, 02/03/2015  
and 03/03/2015
- VI. SPECIAL ITEM OF BUSINESS
  - A. Annual Election of Chair and Vice Chair
  - B. Annual Commission Training
- VII. CHIEFS' COMMENTS
  - Fire Chief
  - Police Chief
- VIII. TRANSPORTATION INSPECTOR'S REPORT
- IX. COUNCIL REPRESENTATIVE'S COMMENTS
- X. UNFINISHED BUSINESS
- XI. NEW BUSINESS
  - A. Drug Screening Policy for Chauffeurs
  - B. Punch-in clocks for Public Safety Personnel
  - C. Taxi Permit Numbers and Vehicle Numbers
  - D. Revocation of Vehicle Permit (BMC 5.20.110)
- XII. COMMISSION MEMBER'S COMMENTS
- XIII. ADJOURNMENT

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Christina Him, *Recorder*

POSTED on April 1, 2015  
POST OFFICE, AC Quickstop, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.

Next Public Safety and Transportation Commission Meeting will be May 5, 2015.

*"Deep Sea Port and Transportation Center of the Kuskokwim"*

>>>>DRAFT<<<<  
**City of Bethel, Alaska**  
**Planning Commission Meeting**

March 12, 2015

Regular Meeting

Bethel, Alaska

**I. CALL TO ORDER**

A regular meeting of the Planning Commission was held on Thursday, March 12, 2015, at 6:30 PM in the City of Bethel Council Chambers room, in Bethel, Alaska. Vice-Chair Guinn called the meeting to order at 6:30 pm.

**II. ROLL CALL**

Compromising a quorum of the Committee, the following members were present for roll call: John Guinn, Joy Shantz, Kathy Hanson, and Cliff Linderoth. Also present was Recorder Betsy Jumper.

**III. PEOPLE TO BE HEARD:** Nobody wished to be heard.

**IV. APPROVAL OF THE MINUTES OF JANUARY 8, 2015 REGULAR MEETING**

<b>MOVED:</b>	Joy Shantz	To approve the minutes for Jan. 8, 2015 meeting.
<b>SECONDED:</b>	Cliff Linderoth	
<b>VOTE ON MOTION</b>	All in favor 4 yes and 0 opposed. Motion carries	

**APPROVAL OF THE MINUTES OF FEBRUARY 12, 2015 REGULAR MEETING**

<b>MOVED:</b>	Joy Shantz	To approve the minutes for Feb. 12, 2015 meeting.
<b>SECONDED:</b>	Cliff Linderoth	
<b>VOTE ON MOTION</b>	All in favor 4 yes and 0 opposed. Motion carries	

**APPROVAL OF THE MINUTES OF FEBRUARY 24, 2015 SPECIAL MEETING**

<b>MOVED:</b>	Joy Shantz	To approve the minutes for the Feb. 24, 2015 special meeting.
<b>SECONDED:</b>	Cliff Linderoth	
<b>VOTE ON MOTION</b>	All in favor 4 yes and 0 opposed. Motion carries	

**V. APPROVAL OF AGENDA**

**MOTION TO APPROVE THE AGENDA OF March 12, 2015**

<b>MOVED:</b>	Kathy Hanson	To approve the agenda for the meeting of March 12, 2015.
<b>SECONDED:</b>	John Guinn	
<b>VOTE ON MOTION</b>	All in favor 4 yes and 0 opposed. Motion carries	

**VI. NEW BUSINESS: None**

**VII. UNFINISHED BUSINESS: None**

**VIII. COMMISSIONER'S COMMENTS:** Cliff: apologized for missing the last two meetings; John: had a wonderful time in Hawaii; Kathy: we have got to find more Planning Commissioner's; Joy: wondered why the agenda is so blank, and also wondered about the status of the Hoffman Sub. Development, as well as the status of the BMC rewrites.

**IV. ADJOURNMENT**

<b>MOVED:</b>	John Guinn	Motion to adjourn the meeting.
<b>SECONDED:</b>	Kathy Hanson	
<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.	

Next meeting on will be on April 9, 2015

ATTEST: \_\_\_\_\_, Joy Shantz, Chairman  
 \_\_\_\_\_, Betsy Jumper, Recorder



## Planning Commission Meeting Agenda

Regular Meeting Thursday, April 9, 2015 – 6:30PM  
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

### MEMBERS

Joy Shantz  
Chair  
Term Expires  
12/2015

John Guinn  
Vice-Chair  
Term Expires  
12/2015

Heather Pike  
Council Rep.  
Term Expires  
10/2015

Kathy Hanson  
Committee Member  
Term Expires  
12/2016

Vacant

Cliff Linderoth  
Committee Member  
Term Expires  
12/2017

VACANT

Ex-Officio Member

Betsy Jumper  
Recorder

### AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (5 Minute Limit)
- IV. APPROVAL OF THE MINUTES OF THE MARCH 12, 2015 MEETING
- V. APPROVAL OF AGENDA
- VI. SPECIAL ORDER OF BUSINESS:  
City Clerk Planning Commissioner Annual Training
- VII. NEW BUSINESS
- VIII. OLD BUSINESS
- IX. COMMISSIONER'S COMMENTS
- X. ADJOURNMENT



# City of Bethel, Alaska

## Parks & Recreation Committee Agenda

Regular Meeting

April 13, 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
- VI. APPROVAL OF MINUTES**
  - a. January 12, 2015
  - b. February 2, 2015
  - c. March 2, 2015
- VII. DEPARTMENT HEAD REPORT**
- VIII. UNFINISHED BUSINESS**
- IX. NEW BUSINESS**
  - a. 5 Year Plan
  - b. Community Survey draft
- X. MEMBER COMMENTS**
- XI. ADJOURNMENT**



## Public Works Committee Agenda

Regular Meeting Wednesday, April 15, 2015 – 6:30PM  
City Hall, Council Chambers

### MEMBERS

Byron Maczynski  
Council Rep.  
Term Expires  
10/2016

Frank Neitz  
Chair  
Term Expires  
12/2016

Scott Guinn  
Vice-Chair  
Term Expires  
12/2017

Robert Champagne  
Committee Member  
Term Expires  
12/2017

Jennifer Dobson  
Committee Member  
Term Expires  
12/2017

Donna Lindsey  
Committee Member  
Term Expires  
12/2015

Delbert Egoak  
Committee Member  
Term Expires  
12/2015

Wade Ferdig  
Alternate Member  
Term Expires  
12/2017

Joseph Klejka  
Alternate Member  
Term Expires  
12/2017

Muzaffar Lakhani  
Ex-Officio Member

Vacant  
Secretary/Recorder

### AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (5 Minute Limit)
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. Minutes from the previous regular meetings -
    - December 17, 2014 (there was a meeting)
    - January 21, 2015 (there was no meeting)
    - February 18, 2015 (there was a meeting)
    - March 18, 2015 (There was no meeting)
- VI. SPECIAL ORDER OF BUSINESS
  - A. Annual Committee Training will be provided by the City Clerk during this meeting.
- VII. UNFINISHED BUSINESS
  - A. Water & Sewer Master Plan - Frank Neitz
  - B. Institutional Corridor Location of 4<sup>th</sup> Well for City Sub WTP - Frank Neitz
  - C. Sewer Lagoon - Frank Neitz
  - D. Donut Hole options for a shorter route to Tundra Ridge - Frank Neitz
  - E. Ridgecrest Dr. Rehabilitation Project at the school / Traffic Light System at/near the Schools on Ridgecrest - Frank Neitz
  - F. Landfill Rates - Jennifer Dobson
  - G. Proposed Blue Sky Estates (Hoffman Subdivision) ---- Frank Neitz
- VIII. NEW BUSINESS
  - A.
  - B.
- IX. DIRECTOR'S REPORT
- X. MEMBER COMMENTS
- XI. ADJOURNMENT

# City of Bethel, Alaska

## Public Works Committee Minutes

February 18, 2015

Regular Meeting

Bethel, Alaska

### I. CALL TO ORDER

A regular meeting of the Public Works Committee was held on February 18, 2015 at 6:30 p.m. in the Council Chambers of the City Hall, Bethel, Alaska. Called to order by Committee Chair Frank Neitz at 6:30 pm.

### II. ROLL CALL

Present: Byron Maczynski, Frank Neitz, Scott Guinn, Robert Champagne, Jennifer Dobson, Delbert Egoak, Joseph Klejka (Arrived at 6:44 pm)

Excused absence(s): Wade Ferdig

Unexcused absence(s): Donna Lindsey

Also in attendance were the following:

Muzaffar Lakhani, Public Works Director

Ann Capela, City Manager (Introduction with the Committee members)

### III. PEOPLE TO BE HEARD

None.

### IV. APPROVAL OF MOTION

<b>1) MOVED BY:</b>	Scott Guinn	Motioned carried Unanimously to approve the agenda.
<b>SECONDED BY:</b>	Byron Maczynski	
<b>2) MOVED BY:</b>	Joseph Klejka	Motion carried Unanimously to request city Council, to send a letter to Governor's Office to help resolve the Donut Hole Road Issue.
<b>SECONDED BY:</b>	Jennifer Dobson	

--	--

### V. APPROVAL OF MINUTES

<b>MOVED BY:</b>		The minutes of the Dec.17, 2014 and Feb 18, 2015 meetings will be placed on the April 15, 2015 meeting. There was no meeting on Jan 21, 2015. And March 18, 2015
<b>SECONDED BY:</b>		

### VOTE ON MOTION

### VI. SPECIAL ORDER OF BUSINESS

### VII. UNFINISHED BUSINESS

Item A - Water & Sewer Master Plan

Item B - Institutional Corridor Location of 4<sup>th</sup> Well for City Sub WTP

Item C - Sewer Lagoon

Item D - Donut Hole options for a shorter route to Tundra Ridge

Item E - Ridgecrest Dr. Rehabilitation Project for \$3.8m million

Item F - Decrease Landfill Intake

Item G - Some kind of Traffic Light System at/near the Schools on Ridgecrest

#### **VIII. NEW BUSINESS**

Item A - Landfill Rates

Item B- Proposed Blue Sky Estates (Lyman Hoffman) Subdivision

#### **IX. DIRECTOR'S REPORT:**

Field work like survey and geo tech has been completed for the I.C. Piped water supply project.

Copy of the 2015 update to the water/sewer 2005 study was provided to the committee.

Copy of the Ridgecrest Drive Rehabilitation Project Summary was provided to the committee. Copy of Wastewater Treatment Upgrade Plan Re-Evaluation Final Report was provided to the committee.

Public Works Monthly Manager's Report attached.

#### **X. MEMBER COMMENTS**

**Robert Champagne** - I don't have anything.

**Scott Guinn** – New City Manager and new Public Works Director shall attempt to resume the negotiations with the Owners of the land regarding the Donut hole road to finalize the deal. Joseph Klejka introduced a motion, that the city Council shall write a letter to Governor's office to help resolve this issue.

Mr. Guinn said, he will be here next meeting.

**Jennifer Dobson** – Take off item "Landfill Management" from the agenda.

Happy about the news of additional Lagoon funding may be available, we should move forward with the Lagoon Project.

The Minutes of the December 2014 meeting shall be approved in next regular meeting.

**Delbert Egoak** – Will check with the Finance Director about the Budget.

Clarence Daniel at AVCP is a good source for the information about the Winter Trail Marking.

**Joseph Klejka** – Excited about money coming. First thing we should do is, get the dredging of the Lagoon done.

Public Works shall request to DOT to consider adding a traffic light at the School crossing, to the Ridgecrest Rehabilitation Project.

Mr. Klejka asked, which fuel tank was damaged (As reported in the monthly report). Zef: The one at the court house.

Joseph: Are we doing ok budget wise in Public Transit?. Zef: Not really.

Joseph: Are we getting the new Bus? Zef: Yes.

Mr. Klejka introduced a motion, seconded by Ms. Dobson to recommend to the city council to send a letter to the Governor's office to help resolve the Donut Hole Road issue, motion passed unanimously.

**Byron Maczynski** – Love the discussion we had tonight about the additional Lagoon funding and other issues, Hope we get it finalized. I will work hard as I can to support this issue.

**Frank Neitz** – Possibility of buying new dumpsters shall be explored. Thanks all for coming.

Approval of proposed Blue Sky subdivision is supported.

**XI. ADJOURNMENT**

<b>MOVED BY:</b>	Delbert Egoak	Motion to adjourn the meeting.
<b>SECONDED BY:</b>	Jennifer Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

With no further business before the Committee, the meeting adjourned at 8:08 p.m.

APPROVED THIS \_\_\_\_\_ DAY OF -----, 2015.

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

\_\_\_\_\_  
Muzaffar Lakhani  
Recorder of Minutes



# City of Bethel

## Committees and Commissions

### Recommendation to City Council

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

<b>Committee/Commission:</b> Public Works Committee	<b>Chairman:</b> Frank Neitz
<b>Date Recommended:</b> 02/18/2015	<b>Council Rep:</b> Byron Maczynski
<b>Issue:</b> Donut Hole options to Tundra Ridge Subdivision.	
1. To ease traffic congestion.	
2. Overall safety.	
3. Commit to doing the survey.	
<b>Recommendation:</b>	
Request City Council to send a letter to Governor's Office asking to help resolve this issue.	

**Other:**

*Received by:* \_\_\_\_\_  
*Date:* \_\_\_\_\_



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

**Members**

Mary Weiss  
Chair  
mtweiss@uaa.alaska.edu

Shari Neth  
Vice-Chair  
Shari\_neth@lksd.org

Zach Fansler  
Council Representative  
zfansler@cityofbethel.net

Jeff Sanders  
Jeefco2004@yahoo.com

Eddie Stanley  
eddieselectric@gci.net

Wade Ferdig  
wadeferdig@gmail.com

Jody Drew  
Jody\_drew@yahoo.com

Alternative Members:

**Ex-Officio Member**

John Sargent  
Recorder  
543-1386  
[jsargent@cityofbethel.net](mailto:jsargent@cityofbethel.net)

**I. CALL TO ORDER**

**II. ROLL CALL**

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

**IV. APPROVAL OF AGENDA**

**V. APPROVAL OF MEETING MINUTES**

- a. Regular Energy Committee Meeting December 1, 2014
- b. Regular Energy Committee Meeting January 5, 2015
- c. Regular Energy Committee Meeting February 2, 2015
- d. Regular Energy Committee Meeting March 9, 2015

**VI. UNFINISHED BUSINESS**

- a. Alternative Energy Report Update
- b. Municipal Solid Waste Gasification Findings
- c. Renewable Energy Alaska Project – City membership consideration
- d. Update on AVEC Energy Efforts in and for Bethel by AVEC Representative by telephone/in-person

**VII. NEW BUSINESS**

- a. Alternative Energy News & Ideas
- b. AVEC Wind Data Collection Effort in Bethel (Zach)
- d. LNG Project Funding Request
- f. Waste Heat from AVEC to City
- h. Pool wind turbine data collection and display
- i. Permanently change meeting to second Monday of month

**VIII. COUNCIL MEMBER COMMENTS**

**IX. ADJOURNMENT**



**ENERGY COMMITTEE  
SPECIAL MEETING AGENDA  
Monday, April 13, 2015 6:30 pm  
City Hall Council Chamber, Bethel, AK**

**Members**

Mary Weiss  
Chair  
mtweiss@uaa.alaska.edu

Shari Neth  
Vice-Chair  
Shari\_neth@lksd.org

Zach Fansler  
Council Representative  
zfansler@cityofbethel.net

Jeff Sanders  
Jeefco2004@yahoo.com

Eddie Stanley  
eddieselectric@gci.net

Wade Ferdig  
wadeferdig@gmail.com

Jody Drew  
Jody\_drew@yahoo.com

Alternative Members:

**Ex-Officio Member**

John Sargent  
Recorder  
543-1386  
[jsargent@cityofbethel.net](mailto:jsargent@cityofbethel.net)

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**VIII. COUNCIL MEMBER COMMENTS**

**IX. ADJOURNMENT**

# **Special Order of Business**



## *City of Bethel Proclamation*

### **Recognizing Pete Kaiser And His Team For Their 2015 Kuskokwim 300 Victory**

WHEREAS, after following his dream Pete Kaiser, has proven, commitment and hard work towards a goal can pay off;

WHEREAS, Pete won the 2005 Akiak Dash, and then in 2008 Pete won the Bogus Creek 150;

WHEREAS, in 2015 Pete won the Kuskokwim 300, the first local musher in 29 years to take the victory;

WHEREAS, Pete, having placed first in the 2015 Kuskokwim 300, was a regional and State favorite in his sixth Iditarod run and finished in 14<sup>th</sup> place in a race with an unfamiliar trail and racing conditions;

WHEREAS, competing in the Sled Dog Racing is a year-long commitment to which Pete and his family and handlers have proven successful;

WHEREAS, Pete's focus and hard work should be impressed upon all of our youth, encouraging our young people to set goals and work hard to obtain them;

WHEREAS, Pete Kaiser is a hero and a local idol to many and will continue to flourish in the sport he loves and continue to demonstrate the cultural values of Sled Dog Racing;

THEREFORE, the City of Bethel, City Council, does hereby recognize and applaud Peter Kaiser and his team for their diligent efforts in winning the 2015 Kuskokwim 300 and having a successful racing season.

Signed this 14<sup>th</sup> day of April, 2015.

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Richard Robb, Mayor

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Lori Strickler, City Clerk



## *City of Bethel Proclamation*

### **Proclaiming April as Alcohol Awareness Month**

**Whereas,** the Bethel City Council (hereinafter BCC) is the Legislative body of the City of Bethel, Alaska; and

**Whereas,** Bethel City Council is joining the National Council on Alcoholism and Drug Dependence promoting Alcohol Awareness to all the residents, and

**Whereas,** alcohol is the most commonly used addictive substance in the United States;

**Whereas,** more than 7 million children live in a household where at least one parent is dependent on or has abused alcohol;

**Whereas,** one in every 12 adults (17.6 million people) suffers from alcohol abuse or dependence;

**Whereas,** 100,000 persons die each year from alcohol-related homicides and suicides;

**Whereas,** alcohol-related problems cost America \$224 billion (\$746 per person) in lost productivity, absenteeism, healthcare costs, crime and family-related problems,

**NOW, THEREFORE,** the Bethel City Council now joins the National Council on Alcoholism and Drug Dependence and do hereby proclaim that April 2015 is Alcohol Awareness Month in City of Bethel, Alaska.

As the Bethel City Council we call upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools, and colleges in City of Bethel to support the efforts that will provide early education about alcoholism and increase support for individuals and families coping with alcoholism. Through these efforts, together we can provide hope, help, and healing for those in our community who are facing challenges with alcohol use and abuse.

Signed this 14<sup>th</sup> day of April, 2015.

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Richard Robb, Mayor

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Lori Strickler, City Clerk



## *City of Bethel Proclamation*

### **Proclaiming April as**

### **Child Abuse Prevention and Awareness Month**

- Whereas,** The Bethel City Council is the legislative body of the City of Bethel, Alaska;
- Whereas,** Bethel City Council wishes to join the Governor of this Great State of Alaska, Bill Walker, in declaring the month of April 2015 a Child Abuse Prevention and Awareness month;
- Whereas,** Alaska's children have a right to be safe and given the opportunity to thrive, learn and grow to their full potential;
- Whereas,** child abuse and the effect of observing violence in the home can have psychological, emotional and physical effects with lifelong consequences for the victims;
- Whereas,** families and communities can come together to create a strong, healthy support network by, providing safe and nurturing homes free of violence, abuse, and neglect, and extending helping hands to children and families in need, and providing safe child-friendly activities outside the home;
- Whereas,** child abuse and neglect can be prevented by supporting and strengthening Alaska's families, making meaningful connections and partnerships between schools, professional health services, community and faith based organizations, businesses, law enforcement, tribal leadership, and the State of Alaska;

**NOW, THEREFORE, BE IT RESOLVED** the Bethel City Council proclaims April 2015 to be child abuse prevention and awareness month, and encourages all citizens to prioritize a safe and nurturing environment for children, encourage friends and neighbors to value children, and give support to individuals and organizations that provide services to abused children.

Signed this 14<sup>th</sup> day of April, 2015.

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Richard Robb, Mayor

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Lori Strickler, City Clerk

# Revenue Code Summary

Run On 04/07/2015 08:06 PM  
 Run By Raunicka Ray  
 From 03/01/2015 12:00 AM  
 To 03/31/2015 11:59 PM

	Rev. Code	Rev. Code Des...	Cash	Check	Credit/Debit	User Credit	Total
1.	Aquatic Pro...	Programming for...	\$0.00	\$0.00	\$4688.40	\$525.00	\$5,213.40
2.	Concessions	Food Items sold...	\$4665.75	\$0.00	\$2760.50	\$1.00	\$7,427.25
3.	Daily Passes	Day Passes sold...	\$7474.84	\$592.00	\$5280.16	\$769.00	\$14,116.00
4.	Fitness Prog...	Programming in...	\$130.00	\$0.00	\$516.00	\$0.00	\$646.00
5.	Membership...	Month to Month...	\$590.00	\$0.00	\$7774.00	\$0.00	\$8,364.00
6.	Membership...	Annual Member...	\$0.00	\$0.00	\$1360.00	\$40.00	\$1,400.00
7.	Pro Shop	Items sold that a...	\$1854.16	\$0.00	\$2637.34	\$2173.00	\$6,664.50
8.	Rentals	Facility Rentals	\$115.00	\$0.00	\$268.00	\$0.00	\$383.00
9.	Unitemized	Unitemized	\$87.00	\$0.00	\$7.50	\$0.00	\$94.50
			<b>\$14,916.75</b>	<b>\$592.00</b>	<b>\$25,291.90</b>	<b>\$3,508.00</b>	<b>\$44,308.65</b>
<b>Totals for Revenue Code Summary</b>			<b>\$14,916.75</b>	<b>\$592.00</b>	<b>\$25,291.90</b>	<b>\$3,508.00</b>	<b>\$44,308.65</b>

# **Unfinished Business**

# **New Business**

Introduced by: Mayor Robb  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-06**

#### **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF BETHEL, ALASKA, AT THE CITY OF BETHEL REGULAR ELECTION, JULY 28, 2015 SIX ADVISORY QUESTIONS PERTAINING TO THE ISSUANCE OF LIQUOR LICENSES IN THE CITY OF BETHEL**

**WHEREAS,** The voters of Bethel rescinded local option in the October 6, 2009 Election;

**WHEREAS,** Anyone can now apply for a liquor license within the City of Bethel;

**WHEREAS,** It is the desire of the Bethel City Council to allow the citizens of Bethel to have the choice of whether or not to support these applications;

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

**SECTION 1. Classification:** This ordinance is not a permanent ordinance and shall not become part of the Bethel City Code.

**SECTION 2. Election:** A Special Election is to be held July 28, 2015, in and for the City of Bethel, for the purpose of submitting an advisory ballot proposition to the qualified voters of the City of Bethel for approval or rejection. The majority vote of the qualified voters in the City of Bethel voting on the questions will make it clear to the Bethel City Council what direction they should take on the matter, until such time another vote is taken by the qualified voters of the City of Bethel with an outcome different than that presented by this vote. The proposition shall be substantially in the following form:

- 1) Should the City of Bethel support a liquor license application for a liquor store within the City of Bethel? (Ordinance No. 15-07)
- 2) Should the City of Bethel support a liquor license application for a bar within the City of Bethel? (Ordinance No. 15-07)

Introduced by: Mayor Robb  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

- 3) Should the City of Bethel support a liquor license application for a restaurant or eating establishment within the City of Bethel? (Ordinance 15-07)
- 4) Should the City of Bethel support a liquor license application for a club license within the City of Bethel? (Ordinance 15-07)
- 5) Should the City of Bethel apply for a liquor license and operate a city owned liquor store? (Ordinance 15-07)
- 6) Should the City of Bethel support a liquor license application for any other types of licenses within the City of Bethel? (Ordinance 15-07)

**SECTION 3. Election:** Each proposition, for paper ballots, shall be printed - and the following words shall be added as appropriate and next to a square provided for marking the ballot for voting.

PROPOSITION NO. \_\_\_\_\_ Yes  No

**SECTION 4. Effective Date:** The ordinance shall become effective upon passage by the Bethel City Council. The propositions listed in Section 2 will become effective upon approval by a majority of the qualified voters voting on the proposition at the City's Regular Election. The remaining sections of this ordinance shall become effective upon passage by the Bethel City Council.

**ENACTED THIS \_\_\_ DAY OF \_\_\_\_\_ 2015, BY A VOTE OF 0 IN FAVOR AND 0 OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

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

Introduced by: City Manager Capela  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-07**

#### **AN ORDINANCE APPROVING THE ACQUISITION OF PROPERTY IN ACCORDANCE WITH 4.08.020, PROPERTY DESCRIBED AS NORTHEAST ¼ SECTION 8, TOWNSHIP, 8 NORTH, RANGE 71 WEST SEWARD MERIDIAN, BETHEL RECORDING DISTRICT, ALASKA OTHERWISE KNOWN AS THE OLD LAUNDROMAT, 832 RIDGECREST DRIVE TO INCLUDE THE LAND AND BUILDING**

**WHEREAS**, in accordance with BMC 4.08.020 the City Council may acquire any interest in real property enacted by ordinance by a majority vote of the City Council;

**WHEREAS**, in 1995, the 15,612 square foot property located at 832 Ridgcrest Drive, was leased to Janet and Larry Athanas (doing business as Circle A Enterprises);

**WHEREAS**, this lease included placement of a 75 foot by 35 foot building which was purchased by Circle A Enterprises from the City of Bethel in 2000, authorized by the City Council through Ordinance 00-15;

**WHEREAS**, in 2006 the ground lease between the City of Bethel and Circle A Enterprises was terminated;

**WHEREAS**, in 2009, then City Manager entered into an \$800 per month payment agreement for said property with Sam Chung (actual legal name Choon Nam Chung), no lease agreement was established;

**WHEREAS**, it can be inferred, Mr. Chung had a separate agreement for the 75 foot by 35 foot building with Circle A Enterprises;

**WHEREAS**, in 2014 the City of Bethel filed an action for eviction and back-rents in the Bethel District Court;

**WHEREAS**, the District Court ordered Mr. Chung to remove the building before the end of February 2015;

Introduced by: City Manager Capela  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

**WHEREAS** Mr. Chung failed to remove the building from the property and failed to pay all past-due rents.

**WHEREAS** the Bethel District Court awarded the City past-due rents and damages;

**WHEREAS**, due to Mr. Chung's failure to remove the building by the specified court date, Mr. Chung legally gave up all rights to the building and such rights transferred to the City of Bethel.

**NOW, THEREFORE BE IT ORDAINED**, the City Council hereby authorizes the Acquisition of property both land and building described as Northeast ¼ Section 8, Township, 8 North, Range 71 West Seward Meridian, Bethel Recording district, otherwise known as the old Laundromat, 832 Ridgecrest Drive.

**SECTION 1. Classification:** This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

**SECTION 2. Authorization.** Pursuant to Bethel Municipal Code 04.08.020 Acquisition of Real Property.

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

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA, THIS \_\_ DAY OF APRIL 2015, BY A VOTE OF \_ IN FAVOR AND \_ OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

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

1 IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
2 FOURTH JUDICIAL DISTRICT AT BETHEL

3 CITY OF BETHEL, a municipal  
4 corporation )

5 Plaintiff, )

6 vs. )

7 CHOON NAM CHUNG, individually )

8 Defendant )

Case No.: 4BE-14-00500-CI

9 JUDGMENT

10 On November 12, 2014, the Court held a Forcible Entry and Detainer  
11 Hearing in this case. At that time all parties were present. After hearing  
12 testimony from the parties, the court found the City had proven, by a  
13 preponderance of the evidence; that it owned the land which defendant  
14 occupied and that proper service had been provided to Mr. Chung requesting he  
15 vacate the land due to lack of rent payments. Mr. Chung was ordered to  
16 remove his building from the City's land by February 27, 2015 at 4:00 pm. A  
17 Writ of Assistance was issued reiterating the Court's ruling. At the  
18 conclusion of the hearing, the court set a trial date for March 4, 2015 on  
19 the issue of damages.

20 On March 4, 2015 the damages portion of the matter was before the  
21 court. The City of Bethel, through their legal counsel, appeared and  
22 presented witnesses. Mr. Chung did not appear. The court waited ten minutes  
23 in case he was late but he never showed during the approximately thirty-five  
24 minutes during which the hearing lasted.

25 After hearing the testimony of the witnesses produced by the City, and  
26 after reviewing the evidence before it, the Court finds, by a preponderance  
of the evidence, that: (1) Mr. Chung had notice of the hearing; (2) the City

LOGGED 3/12/15

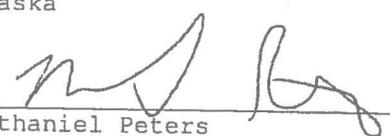
1 has proven damages for back rents; (3) Mr. Chung failed to remove the  
2 building located on the City's land by the date indicated on the Writ of  
3 Assistance; and (4) the City has proven damages for removal of the building.

4 The City of Bethel is therefore granted judgment as follows:  
5 \$18,200 Back-Rents owed  
6 \$30,000 Demolition and Removal Costs for Building  
7 \$48,200 Total Damages to City

8 The City has waived interest in this case

9 IT IS SO ORDERED.

10 DATED March 13, 2015 at Bethel, Alaska

11   
12 Nathaniel Peters  
13 District Court Judge

14 Noted on 4/1/15  
15 This form were sent to CUB  
16 Chung

Introduced by: Council Member, Zack Fansler  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-08**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BETHEL, A BALLOT PROPOSITION AMENDING THE BETHEL MUNICIPAL CODE TO ADOPT AN ALCOHOL BEVERAGE SALES TAX IN THE AMOUNT OF 12% (TWELVE PERCENT)**

**SECTION 1. Amendment** Section 4.13.030 of the Bethel Municipal Code is amended to read (new language is underlined old language is stricken):

4.16.030 Imposition – Rate.

A. There is levied and shall be collected a sales tax on all sales transaction in the City unless specifically exempted under this chapter. The tax is six (6) percent of the selling price.

B. The tax to be added to the sale price, shall be twelve percent (12%) for alcohol and transient lodging.

**SECTION 2. ELECTION** An election is to be held on July 28, 2015 in and for the City of Bethel for the purpose of submitting a ballot proposition to the qualified voters of the City of Bethel for approval or rejection. The proposition must receive a majority vote of the qualified voters in the City of Bethel voting on the question to be approved. The Proposition shall be substantially in the following form:

Shall the City of Bethel establish a 12% alcohol tax on the sales of alcoholic beverages in the City of Bethel? (Ordinance No. 15-08)

**SECTION 3.** The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other ballot propositions, and the following words shall be added as appropriate and next to a square provided for marking the ballot for voting by a machine.

PROPOSITION NO. \_\_\_\_\_

Yes

No

Explanation: A "Yes" vote will establish a tax on alcohol sales at a rate of 12%.  
A "No" vote will maintain a sales tax rate of 6% on alcohol sales.

Introduced by: Council Member, Zack Fansler  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

**SECTION 4. Effective Date.** This Ordinance shall become effective September 1, 2015 after ratification by the qualified voters of the City of Bethel voting on the question at the July 28, 2015 City of Bethel Special Election.

**SECTION 5. Classification.** This ordinance is of permanent nature and shall become a part of the Bethel Municipal Code if the voters in the July 28, 2015 special municipal election approve the proposition.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA,  
THIS \_\_ DAY OF APRIL 2015, BY A VOTE OF \_ IN FAVOR AND \_ OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

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

Introduced by: City Manager Capela  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-09**

#### **AN ORDINANCE APPROVING THE DISPOSAL OF CITY PROPERTY IN ACCORDANCE WITH 4.08.030, DISPOSAL OF PROPERTY**

**WHEREAS**, in accordance with BMC 4.08.030 the City Council may dispose any interest in real property which is no longer necessary for municipal purposes;

**WHEREAS**, BMC 4.08.030(A) requires such disposal be by sealed bid to the highest bidder at a minimum at the current assessed or appraised value unless otherwise determined by ordinance;

**WHEREAS**, the City of Bethel owns land located at 832 Ridgecrest Drive also known as the old Laundromat site;

**WHEREAS**, the site contains a building owned by the City of Bethel;

**WHEREAS**, the City of Bethel acquired the building by default when the previous tenant failed to remove the building after legal notice and a court order to remove said building;

**WHEREAS**, the City of Bethel has no use for the building and desires to dispose of the building rather than incur the costs of demolishing the building;

**WHEREAS**, given the age of the building and the cost to insure the building, the City finds it more appropriate to dispose of the building to the lowest bidder even if that cost is below appraised or assessed valued;

**WHEREAS**, since this will ultimately save the City the cost of demolishing the building;

**NOW, THEREFORE BE IT ORDAINED**, the City Council hereby authorizes the disposal of the building located at 832 Ridgecrest Drive to the highest responsive and responsible bidder provided said bidder removes said building within sixty (60) day.

**SECTION 1. Classification.** This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

Introduced by: City Manager Capela

Date: April 14, 2015

Public Hearing:

Action:

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**SECTION 2. Authorization.** Pursuant to Bethel Municipal Code 04.08.030(A) Disposal of Real Property No Longer Necessary for a Municipal Purpose.

**SECTION 3. Effective Date.** This Ordinance shall become effective upon both the passage by the Bethel City Council and the actual sale and removal of the building.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA,  
THIS \_\_\_ DAY OF APRIL 2015, BY A VOTE OF \_ IN FAVOR AND \_ OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

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

Introduced by: Vice Mayor Albertson  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-10**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING CHAPTER 16.10 TALL TOWERS**

**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 16.10 Tall Towers** Chapter 16.10 is added to the Bethel Municipal Code as follows:

An Ordinance Amending Chapter 16, Land Use Code to Add for the Regulation of Tall Structures

16.10.010	Purpose
16.10.020	Definitions
16.10.030	Application
16.10.040	Exemptions
16.10.050	Location Preferences
16.10.060	Collocation
16.10.070	Permit Required
16.10.080	Types of Permits
16.10.090	Pre-Application Requirements
16.10.100	Permit Application Process
16.10.110	General Standards and Design Requirements
16.10.120	Additional Standards for Wind Energy Conversion Systems
16.10.130	General Application Submittal Requirements
16.10.140	Planning Director's Review
16.10.150	Planning Commission Review
16.10.160	Extent and Parameters of Special Use Permits
16.10.170	Interference with Public Safety Equipment
16.10.180	Transfers and Assignments
16.10.190	Network Improvement Permit

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- 16.10.200 Reconstruction and Replacement
- 16.10.210 Non-Use and Abandonment
- 16.10.220 Removal of Facilities
- 16.10.230 Transfer of a Conditional Use Permit
- 16.10.240 Tall Structures in Existence or Under Construction on the Date of Adoption of this Chapter
- 16.10.250 Conflict with Other Ordinances
- 16.10.260 Violations, Enforcement and Penalties
- 16.10.270 Appeals – In General
- 16.10.280 Appeals to the Planning Director
- 16.10.290 Appeals to the Planning Commission
- 16.10.300 Appeals to the City Manager
- 16.10.310 Appeals to Hearing Officer(s)
- 16.10.320 Determination After Hearing

## **Chapter 16**

### **Section 16.10 Tall Structures**

#### **16.10.010 Purpose**

It is the purpose of this chapter to establish reasonable regulations for the placement, construction and modification of Tall Structures, including wireless communication facilities (WCF) consistent with the Telecommunications Act of 1996 and applicable law and to:

- A. Promote the health, safety, and general welfare of the public and the City;
- B. Provide for adequate fall-zones to protect from falling ice and debris, and potential tower failure;
- C. Enable the orderly build-out of wireless communication infrastructure, wind energy conservation systems (WECS) and other Tall Structures;
- D. Encourage potential applicants for new Tall Structures to involve citizens early in the process so concerns can be mitigated prior to application for permits;
- E. Minimize the overall impacts of Tall Structures by establishing standards for siting, design and screening and by requiring consistency;
- F. Encourage the collocation of antennas on existing structures thereby minimizing new visual impacts and reducing the need for new Tall Structures;
- G. Encourage the placement of Tall Structures in a manner that minimizes the negative effects on the visual and scenic resources of all surrounding properties;
- H. Accommodate the growing need and demand for wireless communications services; and
- I. Promote alternative, affordable energy sources in the City.

#### **16.10.020 Definitions**

- 1. "Adverse Impact" means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on other properties and facilities.
- 2. "Ancillary Structure" means any form of development associated with a telecommunication facility or Tall Structure, including but not limited to: foundations,

Introduced by: Vice Mayor Albertson

Date: April 14, 2015

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concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

3. "Antenna" means communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services or any apparatus designed for the transmitting or receiving of electromagnetic waves. Types of antenna include, but are not limited to, omnidirectional antennas, directional antennas, multi or single bay, yagi, or parabolic antennas.
4. "Antenna Array" means a single or group of antennas or antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the purpose of transmitting or receiving electromagnetic waves.
5. "Appurtenant or Associated Facilities" means an accessory facility or structure serving or being used in conjunction with a Tall Structure and located on the same property or lot as the Tall Structure including, but not limited to, utility or transmission equipment storage shelters or cabinets.
6. "Breakpoint Technology" means the engineering design of a monopole wherein a specified point on the monopole is designed to be at least five percent more susceptible to failure than any other point along the monopole so that in the event of structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.
7. "Broadcast Facilities" means a tower, antennas, or antenna arrays for FM/TV/HDTV broadcasting transmission facilities, and tower(s) utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission.
8. "Collocation" means the installation or placement of antenna or associated equipment for more than one provider on a single structure.
9. "Commercial" means having profit as a chief aim.
10. "Commercially Impracticable" means the inability to perform an act on terms that are reasonable in commerce. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not be considered "commercial impracticability" and shall not render an act or the terms of an agreement commercially impracticable.
11. "Conditional Use" means a use of a structure or land, which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.
12. "Conditional Use Permit (CUP)" means a written document which may specify controls, restrictions and safeguards on the conditional permitted activity to ensure compatibility with permitted uses.
13. "EIA/TIA 222" means the most current structural standards for steel antenna towers and antenna support structures published by the Telecommunication Industry Association and accredited by the American National Standards Institute.
14. "Equipment Cabinet or Shelter" means a small structure shelter, cabinet or vaults used to house and protect the electronic equipment necessary for processing

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wireless communication signals or other Tall Structure signals. Associated equipment may include air conditioning and emergency generators.

15. "Equipment Compound" means the area occupied by a tower including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, ancillary structures such as equipment necessary to operate the antenna on the tower including: cabinets, shelters, pedestals, and other similar structures, and access ways.
16. "FAA" means the Federal Aviation Administration or its duly designated and authorized successor agency.
17. "Fall Radius" means the circular area measured from the base of the tower outward in a circular pattern (radius) for a distance of 100 percent of the proposed or existing tower's height including appurtenances.
18. "FCC" means the Federal Communications Administration or its duly designated and authorized successor agency.
19. "Feasible" means consistent with sound engineering practice and not causing environmental, social, or economic costs that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."
20. "Feed Lines" means cables used as the interconnecting media between the transmission/receiving base station and the antenna.
21. "Fence" means a fence other than one made of chain link, chicken wire, or similar materials.
22. "Flush-Mounted" means any antenna or antenna array attached directly to the face of the support structure or building in a manner that permits mechanical beam tilting if necessary but such that no portion of the antenna extends above the height of the support structure or building.
23. "Geographic Search Area" means an area designated by a wireless provider or operator for a new base station or WCF, produced in accordance with generally accepted principles of wireless engineering.
24. "Guy Wire" means any wire or cable that provides structural support between a tower and the ground.
25. "Height (tall structure)" means the vertical distance measured from finished grade to the highest point of the tall structure, not including appurtenances or equipment affixed thereto.
26. "Landscape" means:
  - a) An expanse of natural scenery;
  - b) To add lawns, trees, plants, and other natural and decorative features to land.
27. "Monopole" means a style of freestanding WCF consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of WCF is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.
28. "Non-Concealed" means a Tall Structure that has not been treated, camouflaged, or disguised to blend with its surroundings and is readily identifiable.

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29. "Propagation Study" means a computer generated study estimating the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure.
30. "Radio Frequency Emissions" means any electro-magnetic radiation or other communication signal emitted from an antenna that is regulated by the FCC.
31. "Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
32. "Setback" means the required distance between the tall structure and the property line or right-of-way line to allow for a fall radius.
33. "Structure" means anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground, including the following:
  - a) A building, regardless of size, purpose, or permanence;
  - b) A tower, sign, antenna, pole or similar structure;
  - c) A basement, foundation, or mobile home pad;
  - d) A fence;
  - e) A sign;
  - f) A street, road, sidewalk, driveway, parking area, or storage area.
34. "Tall Structure or Tall Tower" means a structure that is over one hundred (100') feet above grade. The term includes, but is not limited to, tethered balloons, flag poles, sculptures, buildings, water tanks, derricks, cranes, signs, chimneys, area illumination poles, towers, broadcast facilities, and supports for communication.
35. "Telecommunication" means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
36. "Telecommunication Tower" means a tower contained within a telecommunication facility.
37. "Tower" means a vertical projection composed of metal or other material designed for the purpose of accommodating antennas, wind turbine equipment, or other equipment. Examples of tower types include guyed, lattice, monopole, concealed, and other similar type facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20') feet.
38. "Tower Base" means the foundation, usually concrete, on which the tower and other support equipment is situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.
39. "Tower Height" means the vertical distance measured from the natural lay of the land or ground to the upper most point of a freestanding or guyed telecommunication tower or other type of tall tower and includes any antenna, beacon, light or other structure(s) attached to the tall tower.
40. "Tower Site" means the land area that contains, or will contain, a proposed tower, support structures, and other related buildings and improvements

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41. "Wind Energy Conversion System (WECS)" means any device such as a wind charger, windmill, turbine, energy ball, wind tower, or another similar device, which is typically mounted to a tower or pole, and its associated mechanical and electrical equipment, which is designed to convert wind energy to a form of usable energy.
42. "Wireless Communication Facility (WCF)" means any manned or unmanned location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be considered a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities.

#### **16.10.030 Application**

- A. This chapter shall apply to
  1. All private and public lands within the City of Bethel;
  2. All tall Structures taller than one hundred (100') feet including, but not limited to:
    - a) Broadcast Facilities,
    - b) Telecommunication Towers, and
    - c) Wind Energy Conversion Systems.
  3. Development activities including installation, construction, or modification of all Tall Structures including, but not limited to:
    - (i) Existing Structures,
    - (ii) Proposed Structures and
    - (iii) Collocated facilities on existing structures.
- B. The number of Tall Structures authorized by the Planning Commission shall be the minimum reasonably required to provide services.
- C. Permits are required prior to construction, modification, replacement or removal of all Tall Structures.
- D. To the greatest extent feasible, location of Tall Structures shall be in compatible areas where the adverse impact of the use is minimized.
- E. Permits under this chapter will not be approved unless the applicant has provided evidence demonstrating that the proposal conforms to the applicable provisions of this chapter as well as all applicable zoning requirements.

#### **16.10.40 Exemptions**

- A. A government-owned or temporary tall tower installed upon the declaration of a state of emergency by federal, state or local government, or a written determination of public necessity by the city manager; except that such facility must comply with all federal and state requirements. The tall tower shall be exempt from the provisions of this chapter for up to four (4) months after the duration of the state of emergency. An additional extension, no longer than three (3) months, may be granted by the city council upon

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written request and determination that the tall tower facilities continue to be necessary for post-emergency operations; and

- B. Temporary tall structures, including but not limited to, drilling derricks and construction cranes which are utilized on active construction projects or are on site less than one hundred eighty (180) calendar days total within a consecutive six (6) month period and are not intended to routinely reoccur on the same site;
- C. The following items are also exempt from the provisions of this chapter:
  - 1. Church spires, religious icons, and flag poles displaying official government or religious flags;
  - 2. Lighting support structures less than one hundred (100') feet in height that are constructed for the Alaska Department of Transportation, are located within a right of way, and are used exclusively for illuminating main arterials and highways;
  - 3. Routine maintenance and repair of tall structures and their components

#### **16.10.050 Location Preferences**

- A. Tall Structure locations must be approved in accordance with the following location preferences, one being the highest priority and six being the lowest priority:
  - 1. Collocated antenna on existing Tall Structure;
  - 2. Concealed attached structures;
  - 3. Non-concealed attached structures;
  - 4. New concealed freestanding Structures;
  - 5. New non-concealed freestanding Structures;
  - 6. Any lighted Tall Structure or any Tall Structure requiring air navigation lighting.
- B. If the proposed location is not the highest priority listed above, then a detailed explanation justifying why a site of a higher priority was not selected must be submitted with the Tall Tower application. Any application seeking approval to locate a Tall Tower in a lower-ranked location may be denied unless the applicant demonstrates to the satisfaction planning commission the following:
  - 1. That despite diligent efforts to adhere to the established hierarchy, doing so is technically infeasible or commercially impractical; and
  - 2. The reason or reasons why the application should be approved for the proposed location.

#### **16.10.060 Collocation**

- A. In all applications for construction of a new Tall Tower, the applicant must prove by substantial evidence that a bona fide need exists for the facility and that no reasonable combination of locations, techniques or technologies will obviate the need. The applicant must further prove that it has made all reasonable efforts to procure space on existing facilities and that the cost of collocation exceeds the cost of a new facility by at least fifty (50%) percent.
- B. Prior to the issuance of a permit for a new Tall Tower, the applicant shall demonstrate commitment to joint use as follows:
  - 1. The applicant requesting the permit shall submit evidence to the City demonstrating that a genuine effort has been made to solicit additional users for the proposed new

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tower. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to other potential users in the city, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within thirty (30) calendar days. The applicant's letter(s) as well as response(s) must be presented to the Planning Commission as a means of demonstrating the need for a new tower.

2. The applicant shall sign an instrument, maintained by the City, agreeing to encourage and promote the joint use of the Tall Tower within the city and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.

#### **16.10.070 Permit Required**

No person shall be permitted to place, build, construct, modify, prepare, replace or remove any Tall Structure or appurtenant equipment without having first obtained the appropriate permit from the city. All applicants for a permit and any modification of such must comply with the requirements set forth in this chapter.

#### **16.10.080 Types of Permits**

- A. *Special Use Permit* – Required for all new Tall Structures regardless of height or zoning location. Receipt of a Special Use Permit does not alleviate any zoning requirement for a Conditional Use Permit.
- B. *Network Improvement Permit* – Required before any legally constructed Tall Structure's height may be increased pursuant to BMC 16.10.190.
- C. *Modification Permit* – Required before any legally constructed Tall Structure may be modified.
- D. *Reconstruction and Replacement Permit* – Required before any legally constructed Tall Structure can be reconstructed or replaced.
- E. *Removal Permit* – Required prior to the demolition, relocation or removal of any Tall Structure.

#### **16.10.090 Pre-Application Requirements**

- A. Prior to submission of an application, the applicant shall meet with the planning director for the purpose of discussing the site and development proposal, and to address any issues that will help to expedite the review and permitting process, including the scope of the visual assessment the applicant will be required to provide as part of the permit process. The pre-application process may also include a site visit, as determined by the planning director. No statement by either the applicant or the planning director shall be regarded as binding or authoritative for purposes of this section.
- B. *Visual Impact Assessment*: The scope of the required assessment will be reviewed at the pre-application meeting, but the planning commission may require submission of a more detailed visual analysis after submittal of the actual permit application. The visual impact assessment must include:

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1. A "zone of visibility map" sufficient in detail to allow for a determination of where the Tall Structure may be seen;
  2. Current maps at appropriate scale, showing: the location of the proposed use, the locations of other Tall Structure facilities operated by the applicant and those within two (2) miles of the proposed Tall Structure;
  3. An analysis demonstrating that the Tall Structure will be sited so as to have the least adverse visual impact on the environment and its character, on existing vegetation, and on the properties in the area, while still meeting the applicant's objectives;
  4. A "before" pictorial representation of the proposed Tall Structure site together with photo-simulated post-construction renderings of the completed proposed support structures, equipment cabinets, and ancillary structures which must, at a minimum, include renderings from multiple vantage points of any adjacent roadways and occupied or proposed non-residential or residential structures, and other locations as determined by the planning director. The "before" representations and photo-simulations shall be from the same locations. The applicant shall also provide simulated photographic evidence of the proposed Tall Structure's appearance from any and all residential zones (as identified in the City of Bethel's latest Comprehensive Plan) that are within one thousand five hundred (1500') feet of the proposed site, from vantage points approved by the planning director. The photo-simulated renderings must represent, at a minimum, the proposed Tall Structure's overall height, configuration, physical location, mass and scale, materials and color, illumination and architectural design. The applicant shall also submit proposed exterior paint and stain samples for any items to be painted or stained, and exterior building material and roof samples.
  5. Elevation drawings of the facilities depicting existing and proposed Tall Structures, other structures, landscaping, proposed color(s), method of camouflage and illumination.
  6. A description of the visual impact of the tower base and accessory buildings from abutting properties and streets;
  7. The applicant shall demonstrate, in writing and by drawing, how it will effectively screen from view the base of its proposed Tall Structure tower and all appurtenant facilities and structures; and
  8. If the tower is to be lit, a description of the specific type of lighting applicant proposes using and a description of how the applicant will comply with a directive in BMC 16.10.200, requiring the lighting be oriented, shielded or otherwise designed so as to not project directly on to surrounding property.
  9. When the proposed Tall Structure facility is to include a new tower, a plot plan at a scale of not less than one (1") inch is equal to one hundred (100') feet must be submitted. This plot plan must indicate all building uses within three hundred (300') feet of the proposed new facility. Aerial photos and/or renderings may augment the plot plan.
- C. The applicant shall provide evidence that the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the tower's intended use.

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- D. A site plan, drawn to scale under the seal of a qualified Alaska registered surveyor, clearly indicating all site boundaries, location of existing and proposed Tall Structures, antennas, other structures and other development on site, means of access, screening and fencing, topography, landscaping, drainage management, adjacent public easements and rights-of-way.
- E. The applicant shall provide evidence that the proposed Tall Structure will not interfere with the approaches to any existing airport or airfield, including water bodies supporting aircraft use.
- F. The applicant shall provide the results of a propagation study for the proposed Tall Structure which must have been conducted within the previous twelve (12) months.
- G. *Community Meeting* Prior to applying for a Special Use Permit for a new Tall Structure, the potential applicant shall hold at least one (1) community meeting.
  - 1. The meeting must be held at a centrally located public location capable of seating a minimum of forty (40) people;
  - 2. Notice of the meeting must be published in a newspaper of local circulation a minimum of two (2) times prior to the meeting;
  - 3. Notice of the meeting must be announced on the local radio a minimum of five (5) times during the week prior to the meeting;
  - 4. Notice of the meeting must be posted on at least three (3) bulletin boards within the City limits which are generally accessible to the public;
  - 5. Notice of the meeting must also be mailed by the applicant to all property owners within twelve hundred (1200') feet of the parcel(s) under consideration for the proposed Tall Structure;
  - 6. The meeting must be held at least fifteen (15) calendar days after all notifications are completed;
  - 7. The meeting may not start prior to 5:30 p.m. or later than 7:00 p.m.;
  - 8. Notification of the meeting must, at a minimum, include the following:
    - a) A legal description and map of the general parcel, or parcels, within the coverage area under consideration for the Tall Structure and upon which the Tall Structure is intended to be placed;
    - b) A description of the proposed development including height, design, lighting, potential access to the site and proposed service;
    - c) The date, time, and location of the informational meeting; and
    - d) The contact name, telephone number, and address of applicant;
  - 9. A written report summarizing the results of the community meeting must be prepared and submitted to the planning director prior to submitting an application for a new Tall Structure permit. At a minimum, the written report must include the following information:
    - a) The date(s) and location(s) of all meetings where citizens were invited to discuss the potential applicant's proposal;
    - b) The content, dates mailed, and number(s) of mailings, including letters, meeting notices, newsletters and other publications;

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- c) Sign-in sheet(s) used at the meeting, that includes places for names, addresses, phone numbers and other contact information such as e-mail addresses for the meeting participants;
- d) A list of residents, property owners, and interested parties who have requested, in writing, that they be kept informed of the proposed development through notices, newsletters, or other written materials;
- e) The number of people who attended meeting(s);
- f) Copies of written comments received at the meeting;
- g) A certificate of mailing identifying all who were notified of the meeting; and
- h) A written summary that addresses the following:
  - (i) The substance of the public's written concerns, issues, and problems;
  - (ii) How the applicant has addressed, or intends to address, concerns, issues and problems expressed during the process; and concerns, issues, and problems the applicant has not addressed or does not intend to address and why.

#### **16.10.100 Permit Application Process**

- A. Applicants shall submit to the Planning Department:
  - 1. Applications on a form specified by the Planning Department, and
  - 2. Site Plans for all Tall Structures.
- B. At the time that a person submits an application for a permit for any type of Tall Structure, such person shall pay a nonrefundable application fee to the city, as set forth in the city's Fee and Rate Schedule.
- C. In addition to the application fee, the planning director may require a technical review by a third party expert, the actual costs of which shall be borne by the applicant.
- D. Based on the results of the technical review, the planning director may require changes or additional documentation before the application will be considered complete. The technical expert review may address some or all of the following, at the discretion of the director:
  - 1. The accuracy and completeness of the items submitted with the application;
  - 2. The applicability of analysis, techniques and methodologies proposed by the applicant;
  - 3. The validity of conclusions reached by the applicant;
  - 4. Whether the proposed Tall Structure complies with applicable approval criteria set forth in this chapter, the Bethel Municipal Code and the Bethel Comprehensive Plan as applicable; and
  - 5. Other matters deemed to be relevant to determining whether a proposed Tall Structure complies with the provisions of this chapter.

#### **16.10.110 General Standards and Design Requirements**

- A. *Concealed and non-concealed antenna.*
  - 1. Antennas must be mounted on Tall Structures so as to present the smallest possible silhouette, profile, or cross-section, unless applicant provides sufficient evidence that doing so would prohibit the applicant from properly deploying the network. New antenna mounts must be flush-mounted onto existing Tall Structures, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

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2. Attached, concealed feed lines and antennas must be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing design, color, and texture of the structure.
- B. *Security of Tall Structures.* All Tall Structures must be located, fenced and secured in a manner that prevents unauthorized access.
1. All antennas, towers and other supporting structures must be constructed or shielded to reasonably prevent unauthorized access.
  2. Transmitters and telecommunications control points must be installed in a manner to be readily accessible only to persons authorized to operate or service them.
  3. A fence or wall not less than eight feet (8') in height with a secured gate must be maintained around the base of the tower, the equipment shelter and any guy wires, either completely or individually as determined by the planning director. The security fence must be locked when the facility is unattended.
- C. *Height Restrictions.*
1. Support structures must be designed to be the minimum height needed to meet the service objectives of the applicant and anticipated collocators.
  2. No new Tall Structures shall exceed two hundred fifty (250') feet in height. However, in the event of dense vegetation or other substantial obstacles to the intended purpose of the Tall Structure, facility height can be extended to no more than three hundred fifty (350') feet by special permission of the Planning Commission.
  3. Tall Structures that simulate objects that typically occur in landscapes similar to the proposed location (except electrical transmissions or telecommunication towers) may exceed two-hundred fifty (250') feet in height if, based on the judgment of the Planning Commission, it would appear in context to the landscape, is aesthetically acceptable, and would be a preferable alternative to an undisguised facility.
  4. Tall Structures located atop or within existing buildings or structures may result in an overall increase in height of the structure of no more than ten (10%) percent of the structure's height without the facility or the maximum height allowed in the zoning district in which the structure is located, whichever is less.
- D. *Signage.*
1. Tall Structures must contain a sign no larger than four square feet with text in a sufficient font size to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain:
    - a) The name(s) of the owner(s) and operator(s) of the facility;
    - b) An emergency phone number(s), and FCC registration number, if applicable;
    - c) Information for the purpose of identifying the tower such as the antenna structure registration number required by the FCC;
    - d) The party responsible for the operation and maintenance of the facility; and
    - e) A twenty-four (24) hour emergency contact number.
  2. The sign must be on the equipment shelter or cabinet and be visible from the access point of the site. The sign must not be lighted unless authorized by the city or unless applicable provisions of law require such lighting.

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3. No other signage is permitted on any Tall Structure unless required by law.
4. No advertising is permitted on any facility with the exception of identification signage.
5. If more than 220 volts are necessary for the operation of the facility, warning signs must be located at the base of the facility and must display in large, bold, high contract letters the following: "HIGH VOLTAGE – DANGER";
6. Signs other than warning signs and those specifically required by this Chapter are not allowed on Tall Structures.

E. *Lighting.*

1. Tall Structures may not be lighted or marked unless required by the FCC or FAA.
2. Notice is required to be provided to the FAA, on a form prescribed by the FAA, if the facility falls under notification requirements mentioned in 14 CFR Part 77. The applicant is responsible for determining whether notification is required. Any Tall Structure that is required to have lighting by the FAA will be lighted with the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
3. When lighting is required:
  - a) The lights must be oriented, shielded or otherwise designed so as not to project directly on to surrounding property, consistent with FAA requirements.
  - b) Tall Structures must use nonstrobe type red lights for night air safety illumination unless otherwise required by law.
  - c) The negative impact across lot lines caused by Tall Structure lights and illumination on the site must be minimized
  - d) Scenic and night sky views, traffic safety, enjoyment of residential and other lawful uses must be protected.
4. Additional conditions may be required for lighting: type, wattage, brightness, shrouds, direction, location, height and other buffers.

F. *Design criteria.*

1. All freestanding Tall Structures between eighty (80') and one hundred twenty (120') feet in height must be engineered and constructed to accommodate no fewer than four (4) antenna arrays. All Tall Structures between one hundred twenty one (121') feet and one hundred fifty (150') feet must be engineered and constructed to accommodate no fewer than five (5) antenna arrays. All Tall Structures one hundred fifty one (151') feet and taller must be engineered and constructed to accommodate no fewer than six (6) antenna arrays.
2. All utilities for a Tall Structure site must be installed underground whenever possible and in compliance with all ordinances, rules and regulations of the city, including, but not limited to, the National Electrical Code where appropriate.
3. All appurtenant or associated facilities of a Tall Structure must maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed, or to harmonize with the natural surroundings or built environment, which must include the utilization of concealed or concealment technology for facilities appurtenant to concealed Tall Structures. If located in or abutting a Residential, Commercial or Mixed-Use district, the appurtenant or

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associated facility must be placed inside an enclosed structure, fenced and screened with sight-obscuring foliage, which will be as tall as the appurtenant or associated facility.

- G. *Setbacks.* Freestanding towers and appurtenant structures shall be subject to the setbacks described below:
1. If the tower is not constructed using breakpoint design technology, the minimum setback distance from the nearest property line must be equal to the height of the proposed tower.
  2. If the tower has been constructed using breakpoint design technology, the minimum setback distance must be equal to one hundred ten (110%) percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum yard setback requirements, whichever is greater. For example, on a 100-foot tall freestanding tower with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the tower to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district. Certification by a professional engineer registered in the State of Alaska, of the breakpoint design and the design's fall radius must be provided with the application.
  3. Any appurtenant structure must be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.
  4. Guy, guy anchors, and accessory facilities must meet zoning district setback requirements.
  5. Setbacks will be determined from the dimensions of the entire lot, even though the Tall Structure may be located on lease areas within the lot.
  6. A variance from the setback requirement may be granted by the planning commission upon receipt of signed and duly notarized waivers by all adjoining property owners agreeing to such modification or waiver.
- H. *Parking.* For all Tall Structures regulated under this chapter, vehicle parking must be provided on the subject property, outside of public use easements and rights-of-way to enable emergency vehicle access. No more than two (2) spaces per provider are required.
- I. *Equipment Shelters.* No equipment shelter for a Tall Structure may exceed seven hundred fifty (750') square feet in area or twelve (12') feet in height. All such shelters must be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such shelters must be secured with approved fencing and a locked gate.
- J. *Landscaping.* The Planning Commission has the authority to impose reasonable landscaping requirements surrounding the Tall Structure and all accessory equipment. When landscaping is required, existing mature tree growth and natural land on the site must be preserved to the greatest extent feasible.
- K. *Facility Color.* The Tall Structure, facility and fence must be earth tone or natural colors that blend with the surrounding area, except when specific colors or color patterns are required by state or federal regulations.
- L. *Visibility.*

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1. Tall Structures must be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties and must be maintained in accordance with the requirements of this chapter.
  2. Tall Structures must be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the surrounding, built environment, through matching or complementing existing structures and specific design considerations such as architectural designs, height, scale, color, and texture.
  3. Surrounding topography and development must be used to reduce negative impacts. Height above nearby ridge lines, hills, trees and buildings must be the minimum needed to reasonably conduct the use.
  4. Aerial lines crossing parks, trails and water bodies must be minimized.
- M. *Structural assessment.* The owner of a freestanding Tall Structure shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Alaska if:
1. The Tall Structure is within the distance from the top of the structure to the breakpoint level of the structure from a dwelling, parking lot, playground, or right-of way, or
  2. If the Tall Structure was not constructed using breakpoint design technology and the tower is at a distance equal to the tower's height from a dwelling, parking lot, playground, or right-of way.

The owner shall submit the structural assessment report required by this subsection, signed by the engineer who conducted the assessment, to the director by July 1<sup>st</sup> every fifth year from the date of issuance of the Special Use permit.

- N. *Ice and Wind.* A professional engineer, licensed in the State of Alaska, must provide certification that the proposed Tall Structure, at a minimum, will withstand one hundred (100) year return wind speed for the site and one-half (1/2") inch of solid radial ice.

#### **16.10.120 Additional Operation Standards for Wind Energy Conversion Systems**

In addition to the operation standards for new Tall Structures required by section 16.10.110, the following standards apply to Wind Energy Conversion Systems (WECS):

1. WECS must be equipped with an automatic over speed control device designed to protect the system from sustaining structural failure such as splintered or thrown blades and the overturning or breaking of towers due to an uncontrolled condition brought on by high winds; and
2. WECS must have a manually operable method that assures the WECS can be brought to a safe condition in high winds. Acceptable methods include mechanical or hydraulic brakes or tail vane deflection systems which turn the rotor out of the wind.

#### **16.10.130 General Application Submittal Requirements**

- A. An application for a Tall Structure must be signed by a person having knowledge of the contents of the application.
- B. The landowner, if different than the applicant, must also sign the application.

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- C. All information submitted in an application must be provided by a person qualified and authorized to provide the information.
- D. All applications for the construction or installation of a new Tall Structure must be accompanied by the following documentation:
1. A narrative describing compliance with BMC 16.10.110;
  2. A copy of the deed showing ownership of the property, including book and page number where the deed is recorded with the Bethel Recorder's Office;
  3. A copy of a written instrument (lease, sublease, memorandum, deed, etc.) demonstrating the applicant has secured the property owner's permission to use the property for placement and use of a Tall Structure;
  4. Evidence of legal access to the tower site and ability to maintain this access regardless of other developments that may take place on the site;
  5. Copy of any recorded easements necessary to reach the Tall Structure site. Easements may not be less than twenty (20') feet in width with a road base not less than ten (10') feet in width;
  6. The location of existing streets, buildings, transmission lines, sewers, culverts, drainpipes and easements to the extent that these may be ascertained from a field inspection of the property;
  7. The general geographic information about the site including topography, proximity to surface waters, susceptibility to flooding, soil characteristics and other characteristics which might impose restrictions on the development of the site;
  8. The applicant shall have prepared, by a registered land surveyor registered in the State of Alaska, a boundary survey, which must meet all requirements for recordation in the Bethel Recorder's Office;
  9. A detailed development plan not less than 18"x24" drawn at a scale of sufficient size to accurately and clearly show all required information with a certifying signature, seal and date of a State of Alaska licensed engineer;
  10. For wireless Communication Facilities (WCF), a signed statement from a qualified person, together with a statement of that person's professional qualifications, certifying that radio frequency emissions from the antenna array(s), both individually and cumulatively considering any other WCF located on or immediately adjacent to the proposed WCF, will comply with FCC standards;
  11. Certification from the State of Alaska licensed engineer regarding the proposed Tall Structure's ability to accommodate antennas from wireless communication providers;
  12. The names and addresses of all adjoining property owners;
  13. The name, address, email address, phone number and fax number of all persons preparing the application and any required submittals;
  14. The name, address, phone number and fax number of the property owner, applicant, and facility owner, if applicable;
  15. The name, title and contact numbers for persons in charge of the operation and who will be responsible for compliance with the permit;
  16. An organizational chart or description identifying the lines of responsibility and general function of the organization that will own and operate the facility.

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17. A description of all major types of activities proposed to occur on the site including at a minimum, the purpose, number, type and general performance specifications of all Tall Structures and antennas, on site staffing, accessory structures, equipment (such as generators) and plans for collocation of other Tall Structures, and antennas on the site.
  18. A general description of the security and safety measures proposed to protect the public safety.
  19. The zoning designation of the property on which the proposed Tall Structure will be situated;
  20. The size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
  21. The locations of any dwellings within a radius equal to the height of the proposed tower from its base;
  22. The location, size and height of all structures on the property which are the subject of the application;
  23. The location, size and height of all proposed and existing antennas and all appurtenant structures;
  24. The type, locations and dimensions of all proposed and existing landscaping and fencing;
  25. A detailed description of the proposed Tall Structures and all related fixtures; structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting;
  26. Design drawings for the proposed tall structure, drawn to scale, and certified by a registered engineer licensed in the State of Alaska; and
  27. Certification that the application is in compliance with all applicable laws pertaining to the type of service offered;
- E. In addition to the information required by BMC 16.10.050(B), an affidavit demonstrating compliance with BMC 16.10.050. If a lower ranking alternative is proposed, the applicant shall include a separate affidavit demonstrating why higher ranked options are technically infeasible or commercially impracticable given the proposed location of the Tall Structure. Such narrative must be accompanied by an affidavit by an engineer licensed in the State of Alaska.
- F. Applicant shall disclose in writing the existence of any agreement that would limit or preclude the ability of the applicant to share any new Tall Structure that it constructs;
- G. Applicant shall furnish written certification by a professional engineer, licensed in the State of Alaska, that the Tall Structure, foundation and appurtenant attachments are designed to meet relevant site and subsurface conditions,
- H. For WCF, applicant shall furnish written certification by a professional engineer, licensed in the State of Alaska, that the Tall Structure and will be constructed to meet EIA/TIA 222 G (as amended) and local building code structural requirements for loads, including wind, snow and ice loads for the specified number of collocations.
- I. Applicant shall file a copy of a determination of no hazard to air navigation from the FAA;

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- J. If breakpoint technology is intended to be utilized, a written statement specifying the height at which the engineered structural weakness will be located; and
- K. Proof of compliance with FAA regulations in 14 CFR Part 77, if applicable.
- L. All applications must have an attestation clause requiring the applicant to attest to the truth and completeness of the information provided in the application.

#### **16.10.140 Planning Director's Review.**

- A. The planning director shall review the application for completeness and shall notify the applicant within twenty (20) calendar days of receipt of the initial submission whether the application is deemed complete.
- B. Incomplete applications will be rejected, in writing, within thirty (30) calendar days of receipt of the initial submission. If rejected, the director's decision must identify the deficiencies in the application, which, if cured, would make the application complete.
- C. Once an application is deemed complete, the planning director shall schedule it for a hearing before the Planning Commission and shall give notice to the applicant and the public in accordance with subsection (D) below:
- D. *Public Notice.* Public notice of Planning Commission consideration of a Special Use Permit request for a new Tall Structure, at a minimum, shall be provided as follows:
  - 1. Permit consideration must be included as an item in the posted agenda.
  - 2. Notice of the hearing and the agenda item must be published in a newspaper of general circulation in the city a minimum of ten (10) calendar days prior to the date of the meeting. The cost of publication will be paid by the applicant. Publication will be accomplished by the planning director.
  - 3. The planning director, or their designee, shall post copies of the agenda showing the request for a Special Use Permit, in at least three (3) bulletin boards accessible to the general public. Posting will be completed at least five (5) calendar days prior to the scheduled hearing.
  - 4. The applicant shall post signs on the proposed site at least fourteen (14) calendar days prior to the hearing at locations determined by the planning director. The sign must be between four (4) square feet and thirty two (32) square feet in area, must have a red background, and must indicate in white lettering, 216-point or larger, that a Special Use Permit for a Tall Structure has been sought for the site, the date of the hearing thereon, and that further information is available from the city's planning director. The applicant must maintain the sign and shall remove it within fourteen (14) calendar days after final action on the application.
  - 5. The planning director shall mail notice of the application and the public hearing to the owners of record of all property located within one thousand five hundred (1,500) feet of the site and all individuals who submitted comments at the community meeting. The actual cost of mailing will be paid by the applicant.

#### **16.10.150 Planning Commission Review**

The planning commission is authorized to review, analyze, evaluate and make decisions with respect to reviewing Special Use Permits for Tall Structures.

- A. *Process Timeframe.*

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1. A public hearing must be held by the planning commission within forty-five (45) calendar days of receipt of a complete application;
  2. The commission shall render a written decision within thirty (30) days from the close of the public hearing.
- B. The planning commission may impose conditions on a Tall Structure permit:
1. Required to ensure compliance with the design criteria specified in section 16.10.110; and
  2. That are consistent with the purposes of this chapter, which may include conditions related to the aesthetic effect of the Tall Structure and compatibility with the surrounding area. Factors relevant to aesthetic effects are:
    - a) The protection of the view in sensitive or particularly scenic areas;
    - b) The concentration of Tall Structures in the proposed area; and
    - c) Whether the height, design, placement or other characteristics of the proposed facility could be modified to have a less intrusive visual impact.
  3. Conditions for approval. Conditions set by the Planning Commission for a Special Use Permit may include, but are not limited to, the following:
    - a) Height limitations;
    - b) Increased height or structural capacity of a proposed Tall Structure to accommodate future collocation;
    - c) Mitigation of drainage concerns;
    - d) Tower type (monopole, lattice, guyed);
    - e) Color;
    - f) Landscaping;
    - g) Parking;
    - h) Screening;
    - i) Security
    - j) Signage;
    - k) Visibility and/or camouflaging;
    - l) Lighting;
    - m) Signage;
    - n) Setbacks greater than those required under the applicable zoning regulations; and
    - o) Any other conditions deemed appropriate to protect the public health, safety and general welfare.
- C. The Planning Commission may deny an application for any of the following reasons:
1. Conflict with safety and safety-related codes and requirements;
  2. Conflict with the purpose of a specific zoning, overlay, or land use designation;
  3. Presence of another approved Tall Structure or Tall Structure application within the geographic search area, which is available to the applicant;
  4. The proposed site is on, or eligible to be on, the National Register of Historic Places;
  5. The applicant failure to demonstrate that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of another existing tower or structure or otherwise creating a greater visual impact; or that use of other existing facilities is technically infeasible or commercially impracticable; and

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6. Conflicts with the provisions of this article.
- D. The Planning Commission shall deny any application for a Tall Structure in the following locations:
  1. State or local wildlife refuges; and
  2. In any area designated as a public park, unless screened so as to minimize visual and noise impacts, and as long as public use will not be disrupted.
- E. Any and all representations made by the applicant to the Planning Commission on the record during the application process, whether written or verbal, will be deemed a part of the application and may be relied upon in good faith by the Planning Commission.
- F. In granting or denying a Special Use Permit, the Planning Commission shall make written findings on whether the applicant has demonstrated that:
  1. The location chosen complies with the location preferences set out in subsection 16.10.050;
  2. To the extent that is technically feasible and potentially available, the location of the Tall Structure is such that its negative effects on the visual and scenic resources of all surrounding properties have been minimized;
  3. The Tall Structure will not interfere with the approaches to any existing airport or airfield; and
  4. That granting the permit will not be harmful to the public health, safety, convenience, and welfare.
- G. The Planning Commission's decision shall be in writing must include written findings of fact.
- H. If the Planning Commission denies a request to place, construct or modify a Tall Structure, the applicant may, within fifteen (15) calendar days from the postmarked date of the decision, appeal the planning commission's decision in accordance with section 16.10.270.

#### **16.10.160 Extent and Parameters of Special Use Permits**

- A. A holder of a Special Use Permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the city and other governmental entity or agency having jurisdiction over the applicant.
- B. Within ten (10) calendar days from the issuance of a Special Use Permit, the holder shall file with the planning director a written indemnification of the city and proof of liability insurance or financial ability to respond to claims up to one million (\$1,000,000) dollars in the aggregate which may arise from operation of the facility during its life. The city will not bear any cost for the holder's required insurance. Proof of insurance must be maintained throughout the life of the Tall Structure.
- C. A Special Use Permit will become void six (6) months after its effective date if no substantial construction progress has been made. A new application must be submitted for a voided permit, including new payment of any required fees, and a new permit obtained. No permit may be renewed more than once, the maximum duration of which shall be twelve (12) months.

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- D. Upon an application submitted at least thirty (30) days before the expiration of an existing Special Use Permit, the Planning Commission shall hold a hearing to consider whether the permit should be extended. Notice of said hearing will be provided in accordance with the procedures set out in section 16.10.140(D). At the hearing, the burden of proof for the justification for a permit extension shall rest with the applicant. Upon written findings that such burden has been met, the Planning Commission may grant an extension the maximum duration of which shall not exceed twelve (12) months. The Planning Commission may not delete from, amend or add to the conditions contained in the original permit. Upon written findings that the applicant's burden has not been met, or that the conditions contained in the permit should be changed, or both, the commission shall deny the application whereupon the permit shall be voided.
- E. The property owner and the permittee shall be responsible for maintaining all aspects of the operation, improvements, development, and site in compliance with the terms and conditions of the permit and all applicable local, state and federal requirements.
- F. The holder of a Special Use Permit shall notify the city of any intended modification of a Tall Structure and shall apply to the planning director prior to modifying, relocating or rebuilding any Tall Structure.
- G. Following prior written notice to the applicant and a hearing on the matter, Special Use Permits may be revoked, canceled or terminated for a violation of the conditions and provisions of the special use permit for Tall Structures or for a material violation of this chapter.

#### **16.10.170 Interference with Public Safety Equipment**

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each WCF applicant or owner applicant shall agree in a written statement to the following:

1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations;
2. Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);
3. In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the city's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference; and

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4. Whenever the city has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps may be taken:
  - a. The city will provide notification to all wireless service providers operating in the city of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the city among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004 or most recent edition), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.
  - b. If any equipment owner fails to cooperate with the city in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the city's public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the city for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the city to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Enhanced Best Practices Guide" within seventy-two (72) hours of the city's notification.

#### **16.10.180 Transfers and Assignments**

- A. Permits obtained pursuant to this chapter may not be assigned or transferred without providing prior notice to the city, on a form acceptable to the planning director.
- B. In the event a WCF provider or owner transfers ownership of a WCF to a different provider or owner, the previous and new service provider or owner shall notify the planning director no less than ten (10) calendar days from the date of transfer. The new provider or owner shall include the name, address and phone number of the person to be responsible for the WCF.

#### **16.10.190 Network Improvement Permit**

- A. A Network Improvement Permit allows legally constructed Tall Structures to be replaced or modified in a manner that increases the overall height of the existing Tall Structure in accordance with this section.
- B. A Network Improvement Permit does not require notification to surrounding property owners.
- C. The base of a replacement tower may be located no farther than fifty (50') feet from the base of the original tower. The original tower shall be removed within ninety (90) calendar days upon completion of construction of the replacement tower.
- D. More than one Network Improvement Permit may be obtained. However, the cumulative increase in overall height may not exceed the following:

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1. Up to twenty (20') feet for telecommunications towers that are located within a Residential District. If the existing tower exceeds two hundred (200') feet, it can be increased by up to ten percent (10%) of the height of the existing tower;
  2. Within a Residential District, height increase under this section is limited to a cumulative increase of ten (10%) percent of the existing facility unless the applicant demonstrates that the additional height, not to exceed twenty (20') feet, is necessary for installation of one (1) additional antenna array.
- E. Application for a Network Improvement Permit must include the following:
1. Application form signed by the property owner and authorized agent for the Tall Structure;
  2. A description of the proposed modifications to the Tall Structure, including a description of the height, type, and lighting of the new or modified structure and the existing structure; and
  3. Design drawings for the proposed modified or replaced structure, drawn to scale, and certified by a registered engineer licensed in the State of Alaska.
- F. In granting a Network Improvement Permit, the planning director shall make the following findings:
1. That the proposed development conforms to setback requirements of BMC 16.10.110;
  2. That the Tall Structure being extended was lawfully constructed at the time of application for a Network Improvement Permit; and
  3. That the proposed modification does not violate permit conditions of any valid permits that have been issued to the existing facility.
- G. A Network Improvement Permit must be approved within sixty (60) calendar days from the time of application if it meets the requirements of this section.
- H. Replacement or modification of a Tall Tower that is in accordance with this section is not subject to application or pre-application requirements required for a new tower under this chapter.

#### **16.10.200 Reconstruction and Replacement**

- A. This section only applies to Tall Structures that are legally permitted or have obtained pre-existing legal nonconforming status.
- B. The tower operator is responsible for all aspects of the operation, improvements, development, and maintenance of the site in compliance with the terms and conditions of the permit and all applicable local, state, and federal requirements.
- C. Tall structures may be replaced or reconstructed in order to improve the structural integrity of the tall structure or in the case of accidental damage or collapse.
- D. Reconstruction or replacement shall not:
  1. Increase lighting;
  2. Change the type of lighting;
  3. Change the tower type;
  4. Change the location of the Tall Structure; or
  5. Increase the height of a tall structure.

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- E. In the case of accidental damage or collapse, if reconstruction or replacement has not commenced within six (6) months from the date of the damage, the structure is considered to be abandoned and is subject to section 16.10.210.
- F. Reconstruction or replacement must conform to all the requirements and conditions of a previously granted permit or pre-existing legal nonconforming determination.

#### **16.10.210 Non-Use and Abandonment**

- A. Notwithstanding the emergency powers of the City, the planning director may require removal of a Tall Structure under the following circumstances, which are deemed detrimental to the health, safety, and welfare interests of the city:
  - 1. Tall Structures with a permit that has not been used as a Tall Structure for a period exceeding sixty (60) consecutive days or a total of eighty (80) calendar days in any three hundred sixty five (365) day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within ninety (90) calendar days.
  - 2. Permitted Tall Structures that have fallen into such a state of disrepair that they create a public health or safety hazard, which shall be deemed a nuisance per se.
  - 3. Tall Structures that have been located, constructed or modified without first obtaining all permits required by law, or that have been located, constructed or modified in a manner inconsistent with the applicable permit requirements, which shall be deemed a nuisance per se.
- B. If the planning director makes such a determination as noted in subsection (A) of this section, the planning director shall notify the permittee in writing that said Tall Structure is to be removed. Notification shall be deemed completed when notice is mailed, certified mail, return receipt, to the last known address on file.
- C. Within ninety (90) days of the postmarked date of the planning director's notice, the permittee, or its successors or assigns, at its sole expense, shall dismantle and remove such Tall Structure (and all associated structures and facilities) from the site and restore the site as close to its original condition as is possible. Restoration being limited only by physical or commercial impracticability proven to the satisfaction of the planning director.
- D. If the Tall Structure owner cannot be found, the landowner will be notified and will become responsible for removal of the unused structures.
- E. If the Tall Structure is not removed within ninety (90) days after the permit holder and/or landowner have received notice, the City may remove or cause to be removed the Tall Structure at the sole expense of the owner, permit holder and landowner.
- F. Notwithstanding anything in this section to the contrary, the planning director may approve a temporary use permit/agreement for the Tall Structure, for no more than ninety (90) calendar days, during which time a suitable plan for removal, conversion or relocation of the affected Tall Structure shall be developed by permit holder or owner, subject to the approval of the planning director. If such a plan is not developed, approved and executed within the ninety (90) day time-period, then the city may take possession of and dispose of the affected Tall Structure in the manner provided in this section.

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**16.10.220 Removal of Facilities**

- A. The owner of a facility shall establish a ten thousand (\$10,000) dollar cash security fund or provide the city with an irrevocable letter of credit in the same amount to secure the cost of removing the Tall Structure and all appurtenances once abandoned.
- B. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the city of the transfer.
- C. In the event of a transfer of ownership, the city will not refund the security to the initial owner until the new owner of the Tall Structure posts the required ten thousand (\$10,000) dollar security or letter or irrevocable letter of credit.

**16.10.230 Transfer of a Conditional Use Permit**

The privileges and requirements of a permit issued under this chapter shall run with the land.

**16.10.240 Tall Structures in Existence or Under Construction on the Date of Adoption of this Chapter**

- A. All Tall Structures greater than one hundred (100') feet must be registered with the city within ninety (90) calendar days of the adoption of this chapter.
- B. All existing Tall Structures must be brought into compliance with the Signage and Security Fencing requirements of this chapter (section 16.10.110) within one hundred eighty (180) calendar days of the adoption of this chapter.
- C. Tall Structures which have commenced construction or are in existence as of the effective date of this ordinance, but which would otherwise be prohibited, regulated or restricted under this chapter, are allowed to continue subject to the provisions set out in this section.
  - 1. Structures which have commenced construction as of the date of adoption of this chapter are allowed to be constructed. The height of the structures one (1) year after the date of adoption of this chapter shall be considered the final height of the structure. Such structures may only be expanded in accordance with a permit under this chapter.
  - 2. Existing or proposed structures which have been granted a Special Use Permit under 16.10.100 and other related sections of this chapter, are considered to have pre-existing legal nonconforming status and are allowed to continue in accordance with the requirements of the permit but shall not be increased in height except as provided in this chapter.
  - 3. Structures which are existing as of the date of adoption of this chapter are eligible for pre-existing legal nonconforming status under this chapter.
  - 4. All telecommunications towers greater than eighty (80') feet shall comply with operations standards required by 16.10.110.
- D. Alteration or modification of greater than thirty (30%) percent of existing Tall Structure, or an increase in height to an existing Tall Structure will void its "grandfather" status, and all elements of this chapter will apply.

Introduced by: Vice Mayor Albertson  
Date: April 14, 2015  
Public Hearing:  
Action:  
Vote:

- E. Nonconforming Tall Structures which have commenced construction or are in existence as of the date of this chapter are eligible for pre-existing legal nonconforming status upon submittal of the following:
  - 1. Name, title, and contact numbers of the landowner, applicant, and persons in charge of the operation;
  - 2. Height of structure;
  - 3. Legal description of the subject parcel;
  - 4. A certified site plan;
  - 5. Documentation of all signage within the equipment compound;
  - 6. Documentation demonstrating that the structure was in existence or had commenced construction prior to the date of adoption of this chapter; and
  - 7. Certified written assurance by the owner of the Tall Structure that they intend to take responsibility for the safe and proper removal of the Tall Structure when it ceases to be used for its intended purpose.
- F. Within fifteen (15) calendar days of submittal, the planning director shall issue a determination of incompleteness if the application fails to meet the requirements of this chapter. Rejection of the application for pre-existing legal nonconforming status shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted as complete.
- G. Pre-existing legal non-conforming status will be determined based on the following:
  - 1. Whether the applicant has demonstrated that the Tall Structure was constructed or construction had commenced legally under the applicable code provisions at the time, if any.

#### **16.10.250 Conflict with Other Ordinances**

Where any provision of this ordinance differs or conflicts with other ordinances, unless the right to do so is preempted or prohibited by state or federal law, the more restrictive or protective of the city and the public shall apply.

#### **16.10.260 Violations, Enforcement and Penalties**

- A. Any person violating the provisions of this chapter may be guilty of a minor offense punishable by a fine of one thousand (\$1,000) dollars per day.
- B. Additionally, the city may utilize any other provisions of law available to it in order to enforce the provisions of this ordinance, including, but not limited to, injunction and abatement.
- C. Every day there is a violation of this ordinance shall be considered a unique and separate offense.
- D. In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.
- E. Complaints received by the city of violations of state or federal law will be forwarded to the appropriate agency for enforcement.
- F. Authorized representatives of the city are allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

Introduced by: Vice Mayor Albertson

Date: April 14, 2015

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- G. The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the city.

#### **16.10.270 Appeals – In General**

- A. An applicant desiring relief, waiver or exemption from any aspect or requirement of this chapter may request same. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove.
- B. No such relief or exemption will be granted unless the applicant demonstrates that, if granted, the relief, waiver or exemption will have no significant adverse effect on the health, safety and welfare of the city of Bethel, its residents and other service providers.
- C. Denials of relief requested must be appealed as follows:
1. Decisions of the planning director may be appealed to the Planning Commission.
  2. Decisions of the Planning Commission may be appealed to the City Manager.
  3. Decisions of the City Manager may be appealed to a Hearing Officer.
  4. Decisions of the Hearing Officer(s) are final.

#### **16.10.280 Appeals to the Planning Director**

- A. A request for relief or reconsideration to the planning director is a more informal process and should be accomplished by a written letter. The applicant's request for relief must address the following:
1. The type of relief sought;
  2. The basis for granting said relief;
  3. The length of the requested relief (temporary, permanent, partial or complete);
  4. Any other information the applicant feels is relevant for the planning director to review;
  5. The name and contact information for the person seeking relief.
- B. The request for relief to the planning director must be clearly labeled "Request for Relief".
- C. The planning director shall impartially review the request for relief and shall issue a written decision within twenty (20) calendar days after receipt of the request for relief. The request for relief must state: "This is the final decision of the city planner. This decision may be appealed to the Planning Commission. If you appeal, you must file a written notice of appeal with the City Clerk within fourteen (14) calendar days after this final decision is sent."
- D. There is no fee for filing a request for relief to the planning director.

#### **16.10.290 Appeals to the Planning Commission**

- A. An applicant may appeal a final decision of the planning director by filing a written request for appeal with the planning director within fourteen (14) calendar days after notice of the planning director's decision is sent.
- B. When filing the appeal, the appellant shall:
1. Certify under oath that the appeal is made in good faith;

Introduced by: Vice Mayor Albertson

Date: April 14, 2015

Public Hearing:

Action:

Vote:

2. Set forth the pertinent sections of the Bethel Municipal Code and/or state or federal law which the appellant believes were misapplied or misinterpreted by the city;
  3. Set forth the specific relief requested.
- C. The planning director shall forward the request for appeal to the Planning Commission who shall set the appeal for the next regularly scheduled Planning Commission meeting provided such meeting is scheduled sufficiently in the future to allow for proper notification as required under the Bethel Municipal Code. If the request is received too close to a scheduled Planning Commission meeting that proper notice would not be possible, the Planning Commission shall set the matter for the following meeting.
  - D. Written notice of the hearing shall be sent to the applicant and any other interested parties by the planning director.
  - E. Prior to the hearing, the planning director shall make copies of the request for relief submitted by the applicant as well as the planning director's decision.
  - F. Applicants may supplement the information provided to the Planning Commission by providing additional information previously presented to the planning director. Supplemental information must be provided to the planning director at least ten (10) days prior to the hearing.
  - G. During an appeal to the Planning Commission, appellant may not rely on or introduce information that the appellant failed to furnish to the City in support of its initial request.
  - H. Before issuing a written decision, the Planning Commission, shall hear from the parties and shall review the facts and documents relating to the claim.
  - I. Within thirty (30) days of the hearing, the Planning Decision shall issue a written decision. The decision must include the following statement: "This is the final decision of the Planning Commission. This decision may be appealed to the City Manager. If you appeal, you must file a written notice of appeal with the City Clerk within fourteen (14) calendar days after you receive this decision."
  - J. The planning director shall furnish a copy of the Planning Commission's decision to the appellant by certified mail or other method that provides evidence of receipt.
  - K. There is no fee for filing a request for relief to the planning director.

#### **16.10.300 Appeals to the City Manager**

- A. An applicant may appeal a final decision of the Planning Commission by filing a written request for appeal with the City Clerk within fourteen (14) calendar days after the Planning Commission's decision is sent.
- B. When filing the appeal, the appellant shall:
  1. Certify under oath that the appeal is made in good faith;
  2. Set forth the pertinent sections of the Bethel Municipal Code and/or state or federal law which the appellant believes were misapplied or misinterpreted by the city;
  3. Set forth the specific relief requested.
  4. An appeal to the City Manager must be accompanied by a filing fee as set out in the Bethel Fee and Rate Schedule.
- C. If the appeal request does not meet the requirements of subsections (A) and (B) of this section, it shall be denied.

Introduced by: Vice Mayor Albertson

Date: April 14, 2015

Public Hearing:

Action:

Vote:

- D. During an appeal under this chapter, the appellant may not rely on or introduce information that the appellant has failed to furnish to the City in support of its initial request.
- E. Before issuing a written decision, the City Manager, shall review the facts relating to the claim and obtain necessary assistance from legal and other relevant advisors.
- F. The City Manager's decision will be limited to a review of the file and all documents presented and accepted to date. No argument will be heard by the City Manager.
- G. The City Manager shall furnish a copy of their decision to the appellant by certified mail or other method that provides evidence of receipt. The decision must include:
  - 1. A description of the claim;
  - 2. A reference to the pertinent BMC provisions;
  - 3. A statement of the agreed-upon and disputed facts;
  - 4. Findings of fact about the claim;
  - 5. A statement of reasons supporting the decision; and
  - 6. A statement substantially as follows:

"This is the final decision of the City Manager. This decision may be appealed to a Hearing Officer. If you appeal, you must file a written notice of appeal with the City Clerk within fourteen (14) calendar days after you receive this decision."

#### **16.10.310 Appeals to the Hearing Officer(s)**

- A. An applicant may appeal a final decision of the City Manager by filing a written request for appeal with the City Clerk within fourteen (14) calendar days after the City Manager's decision is sent.
- B. When filing the appeal, the appellant shall:
  - 5. Certify under oath that the appeal is made in good faith;
  - 6. Set forth the pertinent sections of the Bethel Municipal Code and/or state or federal law which the appellant believes were misapplied or misinterpreted by the city;
  - 7. Set forth the specific relief requested.
  - 8. An appeal to the Hearing Officer(s) must be accompanied by a filing fee as set out in the Bethel Fee and Rate Schedule.
- C. If the appeal request does not meet the requirements of subsections (A) and (B) of this section, it shall be denied.
- D. During an appeal under this chapter, the appellant may not rely on or introduce information that the appellant has failed to furnish to the City in support of its initial request.
- E. The hearing officer(s) shall arrange for a prompt hearing and notify the parties, in writing, of the time and place of the hearing. The hearing may be conducted in an informal manner.
- F. The hearing officer(s) may:
  - 1. Hold prehearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
  - 2. Require parties to state their positions concerning the various issues in the proceeding;

Introduced by: Vice Mayor Albertson  
Date: April 14, 2015  
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Vote:

3. Require parties to produce for examination those relevant witnesses and documents under their control;
  4. Rule on motions and other procedural matters;
  5. Regulate the course of the hearing and conduct of the participants;
  6. Establish time limits for submission of motions or memoranda;
  7. Impose appropriate sanctions against a person who fails to obey an order of the hearing officer, including:
    - a) Prohibiting the person from asserting or opposing designated claims or defenses or introducing designated matters into evidence;
    - b) Excluding all testimony of an unresponsive or evasive witness; and
    - c) Excluding a person from further participation in the hearing;
  8. Take official notice of a material fact not appearing in evidence, if the fact is among the traditional matters subject to judicial notice;
  9. Administer oaths or affirmations;
  10. Exclude witnesses when not testifying.
- G. The parties shall have the right:
1. To present witnesses and evidence; and
  2. To cross-examine opposing witnesses and rebut evidence.
- H. The hearing will be open to the public.
- I. The hearing shall be recorded. A transcribed record of the hearing shall be made available at cost to the party that requests it.
- J. The hearing officer(s) shall review the City Manager's decision using a preponderance of evidence standard with the burden of proof on the claimant.

**16.10.320 Determination after Hearing**

- A. The hearing officer(s) decision will be written findings of fact and conclusions of law and will be made within thirty (30) calendar days of the end of the hearing.
- B. The decision shall include a statement substantially as follows:

"This is the final decision of the hearing officer(s). This decision may be appealed to a court. If you appeal, you must commence your lawsuit in the Superior Court for the State of Alaska at Bethel within thirty (30) calendar days after your receipt of this decision."
- C. The hearing officer(s) shall deliver the written decision to the City Clerk who shall serve the written decision on the parties by fax and by mail.
- D. Appeal to Superior Court. An appeal may be made from the written decision of the hearing officer(s) pursuant to the Alaska Rules of Appellate Procedure to the superior court for the state of Alaska at Bethel only.

**SECTION 4. Effective Date.** This section shall become effective upon passage by the City Council.

Introduced by: Vice Mayor Albertson

Date: April 14, 2015

Public Hearing:

Action:

Vote:

**ENACTED THIS \_\_\_ DAY OF \_\_\_\_\_ 2015, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_  
OPPOSED.**

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Richard Robb, Mayor

ATTEST:

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Lori Strickler, City Clerk

Introduced by: Mayor Richard Robb  
Date: April 14, 2015  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Resolution # 15-06**

#### **A RESOLUTION BY THE CITY OF BETHEL COUNCIL IN SUPPORT OF SENATE BILL 46 AND HOUSE BILL 101 ALLOWING REGIONAL HEALTH ORGANIZATIONS ACCESS TO THE ALASKA MUNICIPAL BOND BANK**

**WHEREAS**, Alaska Municipal Bond Bank is a public corporation of the State of Alaska established to aid Alaska municipalities in financing capital improvement projects;

**WHEREAS**, Senate Bill 46 and House Bill 101 would allow Yukon Kuskokwim Health Corporation (YKHC) access to \$250 million from the Bond Bank;

**WHEREAS**, Yukon Kuskokwim Health Corporation would use these funds to finance new 130,000 square foot primary care clinic and hospital expansion under the IHS-Joint Venture Construction Program;

**WHEREAS**, This program and consequence operations will not cost the State Of Alaska anything;

**WHEREAS**, This expansion would greatly improve medical and health services to the people of Bethel and the YK Delta;

**WHEREAS**, Yukon Kuskokwim Health Corporation is the primary health care facility for Bethel and the people of the region. Services include Inpatient hospital, Primary Health Care, Dental, Optometry, Physical Therapy, Behavioral Health Services, Emergency Room, Diabetes Prevention, Long Term Care Facility, Obstetrics and Delivery, Pre-Maternal Home, and other health services;

**WHEREAS**, There is established need for improved health services for Bethel and the YK Delta;

**WHEREAS**, Yukon Kuskokwim Health Corporation is the largest employer in Bethel;

**WHEREAS**, This project would have a positive economic impact to Bethel and the YK Region;

Introduced by: Mayor Richard Robb  
Date: April 14, 2015  
Action:  
Vote:

**WHEREAS,** This project will add over 100 construction jobs for over 5 years;

**WHEREAS,** This project will add 250 permanent new positions in Bethel and increase of revenue of over \$30 million annually;

**WHEREAS,** These new positions and operations will be federally funded;

**WHEREAS,** All Medicaid expenditures for Alaska Native Beneficiaries seen at YKHC are 100% federally funded, not costing the State any money;

**WHEREAS,** Yukon Kuskokwim Health Corporation is a well established company in existence since 1969, with reliable revenue streams of over \$150 million annually. This establishes a very good risk for the Alaska Municipal Bond Bank;

**WHEREAS,** This project was ranked 1<sup>st</sup> over 37 other national applicants for the 2014 HIS-Joint Venture Program;

**NOW, THEREFORE, BE IT RESOLVED** by the City of Bethel Supports Senate Bill 46 and House Bill 101 to allow Regional Health Corporations access to the Alaska Municipal Bond Bank.

**ENACTED THIS \_\_\_ DAY OF APRIL, 2015 BY A VOTE OF \_ IN FAVOR AND \_ OPPOSED.**

ATTEST:

\_\_\_\_\_  
Richard Robb, Mayor

\_\_\_\_\_  
Lori Stickler, City Clerk

**SENATE BILL NO. 46**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR HOFFMAN

Introduced: 2/9/15

Referred: Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska Municipal Bond Bank Authority; authorizing the Alaska**  
2 **Municipal Bond Bank Authority to issue bonds or notes for a regional health**  
3 **organization; and providing for an effective date."**

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

5 \* **Section 1.** AS 44.85.005 is amended to read:

6 **Sec. 44.85.005. Legislative findings.** The legislature finds that

7 (1) the rapid growth of municipalities in the state and the incorporation  
8 of new municipalities has created a demand for capital improvements that can only be  
9 met by these municipalities borrowing money through the issuance of bonds or notes;

10 (2) many of these municipalities, although creditworthy, either have  
11 not issued bonds or notes or have little outstanding debt;

12 (3) the cost of borrowed money to these municipalities is or may be  
13 unnecessarily high due to lack of investor familiarity with the municipalities;

14 (4) other municipalities in the state pay unnecessarily high borrowing

1 costs because of the distance of the state from capital markets or may find borrowing  
 2 difficult or impossible because of temporary economic dislocation due to loss of  
 3 employment or prospective loss of employment;

4 (5) the University of Alaska has limited debt capacity and may pay  
 5 higher interest rates because of lower credit ratings;

6 **(6) many municipalities provide for or partner with nonprofit**  
 7 **organizations to provide for delivery of health care;**

8 **(7) nonprofit regional health organizations deliver services in**  
 9 **many locations where municipal partners are unavailable.**

10 \* Sec. 2. AS 44.85.010(a) is amended to read:

11 (a) It is the policy of the state to

12 (1) foster and promote by all reasonable means the provision of  
 13 adequate capital markets and facilities for borrowing money by municipalities in the  
 14 state to finance capital improvements or for other authorized purposes, to assist these  
 15 municipalities in fulfilling their capital needs and requirements by use of borrowed  
 16 money within statutory interest rate or cost of borrowing limitations, to the greatest  
 17 extent possible to reduce costs of borrowed money to taxpayers and residents of the  
 18 state, and equally to encourage continued investor interest in the purchase of bonds or  
 19 notes of municipalities as sound and preferred securities for investment;

20 (2) encourage municipalities to continue their independent  
 21 undertakings and financing of capital improvements and other authorized purposes  
 22 and to assist them by making capital funds available at reduced interest costs for  
 23 orderly financing of capital improvements and other purposes especially during  
 24 periods of restricted credit or money supply, particularly for those municipalities not  
 25 otherwise able to borrow for capital needs;

26 (3) assist municipalities to provide for adequate insurance coverage by  
 27 authorizing the Alaska Municipal Bond Bank Authority to issue negotiable or  
 28 nonnegotiable revenue bonds, notes, or certificates of participation either directly or  
 29 through an entity it may create for the purpose of providing a self-insurance program  
 30 for municipalities or municipal joint insurance arrangements organized under  
 31 AS 21.76;

1                   (4) assist governmental employers to prepay all or a portion of their  
2 share of unfunded accrued actuarial liabilities of retirement systems in an effort to  
3 reduce their costs of satisfying their contractual obligations to provide retirement and  
4 other benefits to public employees through the issuance of bonds, notes, commercial  
5 paper, or other obligations by the bond bank authority or by a subsidiary corporation  
6 created by the bond bank authority under AS 44.85.085, but only if the state bond  
7 rating is the equivalent of AA- or better; this assistance is limited as provided in  
8 AS 37.15.903;

9                   (5) assist the University of Alaska to provide heating or energy  
10 projects by providing capital funds through loans that minimize costs and the effects  
11 on the debt capacity of the University of Alaska;

12                   **(6) assist regional health organizations to provide health care**  
13 **facilities by providing capital funds through loans that minimize costs and the**  
14 **effects on the debt capacity of regional health organizations when the**  
15 **commissioner of health and social services anticipates a state financial benefit**  
16 **and an increase in regional quality of care.**

17 \* **Sec. 3.** AS 44.85.090 is amended to read:

18                   **Sec. 44.85.090. Limitations.** Under this chapter, the bond bank authority may  
19 not

20                   (1) make loans of money to a person, firm, or corporation other than a  
21 municipality, [OR] the University of Alaska, **or a regional health organization** or  
22 purchase securities issued by a person, other than a municipality, except for  
23 investment as provided in this chapter;

24                   (2) emit bills of credit, accept deposits of money for time or demand  
25 deposit, administer trusts, or engage in any form or manner in, or in the conduct of, a  
26 private or commercial banking business, or act as a savings bank or savings and loan  
27 association;

28                   (3) be or constitute a bank or trust company within the jurisdiction or  
29 under the control of a regulatory or supervisory board or department of the state, or the  
30 Comptroller of the Currency of the United States, or the Department of the Treasury,  
31 or Federal Reserve Board of the United States; or

1 (4) be or constitute a bank, banker, or dealer in securities within the  
 2 meaning of or subject to the provisions of securities, securities exchange, or securities  
 3 dealers law, of the United States or of this state or of another state.

4 \* **Sec. 4.** AS 44.85.180(e) is amended to read:

5 (e) Notwithstanding (a), (b), and (c) of this section, the bond bank authority  
 6 may issue its bonds or notes

7 (1) in principal amounts not to exceed \$87,500,000 for the purpose of  
 8 making loans to the University of Alaska; and

9 (2) in principal amounts not to exceed \$250,000,000 for the  
 10 purpose of making loans to a regional health organization.

11 \* **Sec. 5.** AS 44.85.410(4) is amended to read:

12 (4) "municipal bond" means a bond or note or evidence of debt that  
 13 constitutes

14 (A) a general obligation bond that is a direct and general  
 15 obligation of a political subdivision of the state, all the taxable property within  
 16 which is subject to taxation to pay the bond, note, or evidence of debt, and the  
 17 interest without limitation, as to rate or amount generally to the extent  
 18 permitted by law or to avoid a default as provided for second class cities under  
 19 AS 29.45.590;

20 (B) a revenue bond issued by a municipality, the University of  
 21 Alaska, a solid waste management authority, or a port authority that pledges  
 22 the revenue of a revenue-producing capital improvement and that is payable  
 23 solely from the revenue of the revenue-producing capital improvement;

24 (C) a general obligation bond or revenue bond combined or  
 25 additionally secured;

26 (D) a bond of a borough issued as a general obligation of a  
 27 service area under AS 29.47.440 or former AS 29.58.340; [OR]

28 (E) an obligation of a municipality secured only by

29 (i) special assessments on benefited property;

30 (ii) tax increments and a letter of credit or equal

31 security; or

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(iii) a lease; or

(F) a bond, note, or other obligation of a regional health organization that is a general obligation of the regional health organization, that is secured by a pledge of a special fund of the regional health organization, or that is a combination of them or additionally secured;

\* **Sec. 6.** AS 44.85.410 is amended by adding a new paragraph to read:

(9) "regional health organization" has the meaning given in AS 18.28.100.

\* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

**HOUSE BILL NO. 101**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HERRON, Edgmon, Kito

Introduced: 2/11/15

Referred: Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska Municipal Bond Bank Authority; authorizing the Alaska**  
2 **Municipal Bond Bank Authority to issue bonds or notes for a regional health**  
3 **organization; and providing for an effective date."**

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

5 \* **Section 1.** AS 44.85.005 is amended to read:

6 **Sec. 44.85.005. Legislative findings.** The legislature finds that

7 (1) the rapid growth of municipalities in the state and the incorporation  
8 of new municipalities has created a demand for capital improvements that can only be  
9 met by these municipalities borrowing money through the issuance of bonds or notes;

10 (2) many of these municipalities, although creditworthy, either have  
11 not issued bonds or notes or have little outstanding debt;

12 (3) the cost of borrowed money to these municipalities is or may be  
13 unnecessarily high due to lack of investor familiarity with the municipalities;

14 (4) other municipalities in the state pay unnecessarily high borrowing

1 costs because of the distance of the state from capital markets or may find borrowing  
 2 difficult or impossible because of temporary economic dislocation due to loss of  
 3 employment or prospective loss of employment;

4 (5) the University of Alaska has limited debt capacity and may pay  
 5 higher interest rates because of lower credit ratings;

6 **(6) many municipalities provide for or partner with nonprofit**  
 7 **organizations to provide for delivery of health care;**

8 **(7) nonprofit regional health organizations deliver services in**  
 9 **many locations where municipal partners are unavailable.**

10 \* **Sec. 2.** AS 44.85.010(a) is amended to read:

11 (a) It is the policy of the state to

12 (1) foster and promote by all reasonable means the provision of  
 13 adequate capital markets and facilities for borrowing money by municipalities in the  
 14 state to finance capital improvements or for other authorized purposes, to assist these  
 15 municipalities in fulfilling their capital needs and requirements by use of borrowed  
 16 money within statutory interest rate or cost of borrowing limitations, to the greatest  
 17 extent possible to reduce costs of borrowed money to taxpayers and residents of the  
 18 state, and equally to encourage continued investor interest in the purchase of bonds or  
 19 notes of municipalities as sound and preferred securities for investment;

20 (2) encourage municipalities to continue their independent  
 21 undertakings and financing of capital improvements and other authorized purposes  
 22 and to assist them by making capital funds available at reduced interest costs for  
 23 orderly financing of capital improvements and other purposes especially during  
 24 periods of restricted credit or money supply, particularly for those municipalities not  
 25 otherwise able to borrow for capital needs;

26 (3) assist municipalities to provide for adequate insurance coverage by  
 27 authorizing the Alaska Municipal Bond Bank Authority to issue negotiable or  
 28 nonnegotiable revenue bonds, notes, or certificates of participation either directly or  
 29 through an entity it may create for the purpose of providing a self-insurance program  
 30 for municipalities or municipal joint insurance arrangements organized under  
 31 AS 21.76;

1 (4) assist governmental employers to prepay all or a portion of their  
 2 share of unfunded accrued actuarial liabilities of retirement systems in an effort to  
 3 reduce their costs of satisfying their contractual obligations to provide retirement and  
 4 other benefits to public employees through the issuance of bonds, notes, commercial  
 5 paper, or other obligations by the bond bank authority or by a subsidiary corporation  
 6 created by the bond bank authority under AS 44.85.085, but only if the state bond  
 7 rating is the equivalent of AA- or better; this assistance is limited as provided in  
 8 AS 37.15.903;

9 (5) assist the University of Alaska to provide heating or energy  
 10 projects by providing capital funds through loans that minimize costs and the effects  
 11 on the debt capacity of the University of Alaska;

12 **(6) assist regional health organizations to provide health care**  
 13 **facilities by providing capital funds through loans that minimize costs and the**  
 14 **effects on the debt capacity of regional health organizations when the**  
 15 **commissioner of health and social services anticipates a state financial benefit**  
 16 **and an increase in regional quality of care.**

17 \* Sec. 3. AS 44.85.090 is amended to read:

18 **Sec. 44.85.090. Limitations.** Under this chapter, the bond bank authority may  
 19 not

20 (1) make loans of money to a person, firm, or corporation other than a  
 21 municipality, [OR] the University of Alaska, **or a regional health organization** or  
 22 purchase securities issued by a person, other than a municipality, except for  
 23 investment as provided in this chapter;

24 (2) emit bills of credit, accept deposits of money for time or demand  
 25 deposit, administer trusts, or engage in any form or manner in, or in the conduct of, a  
 26 private or commercial banking business, or act as a savings bank or savings and loan  
 27 association;

28 (3) be or constitute a bank or trust company within the jurisdiction or  
 29 under the control of a regulatory or supervisory board or department of the state, or the  
 30 Comptroller of the Currency of the United States, or the Department of the Treasury,  
 31 or Federal Reserve Board of the United States; or

1 (4) be or constitute a bank, banker, or dealer in securities within the  
 2 meaning of or subject to the provisions of securities, securities exchange, or securities  
 3 dealers law, of the United States or of this state or of another state.

4 \* **Sec. 4.** AS 44.85.180(e) is amended to read:

5 (e) Notwithstanding (a), (b), and (c) of this section, the bond bank authority  
 6 may issue its bonds or notes

7 (1) in principal amounts not to exceed \$87,500,000 for the purpose of  
 8 making loans to the University of Alaska; and

9 (2) in principal amounts not to exceed \$250,000,000 for the  
 10 purpose of making loans to a regional health organization.

11 \* **Sec. 5.** AS 44.85.410(4) is amended to read:

12 (4) "municipal bond" means a bond or note or evidence of debt that  
 13 constitutes

14 (A) a general obligation bond that is a direct and general  
 15 obligation of a political subdivision of the state, all the taxable property within  
 16 which is subject to taxation to pay the bond, note, or evidence of debt, and the  
 17 interest without limitation, as to rate or amount generally to the extent  
 18 permitted by law or to avoid a default as provided for second class cities under  
 19 AS 29.45.590;

20 (B) a revenue bond issued by a municipality, the University of  
 21 Alaska, a solid waste management authority, or a port authority that pledges  
 22 the revenue of a revenue-producing capital improvement and that is payable  
 23 solely from the revenue of the revenue-producing capital improvement;

24 (C) a general obligation bond or revenue bond combined or  
 25 additionally secured;

26 (D) a bond of a borough issued as a general obligation of a  
 27 service area under AS 29.47.440 or former AS 29.58.340; [OR]

28 (E) an obligation of a municipality secured only by

29 (i) special assessments on benefited property;

30 (ii) tax increments and a letter of credit or equal

31 security; or

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(iii) a lease; or

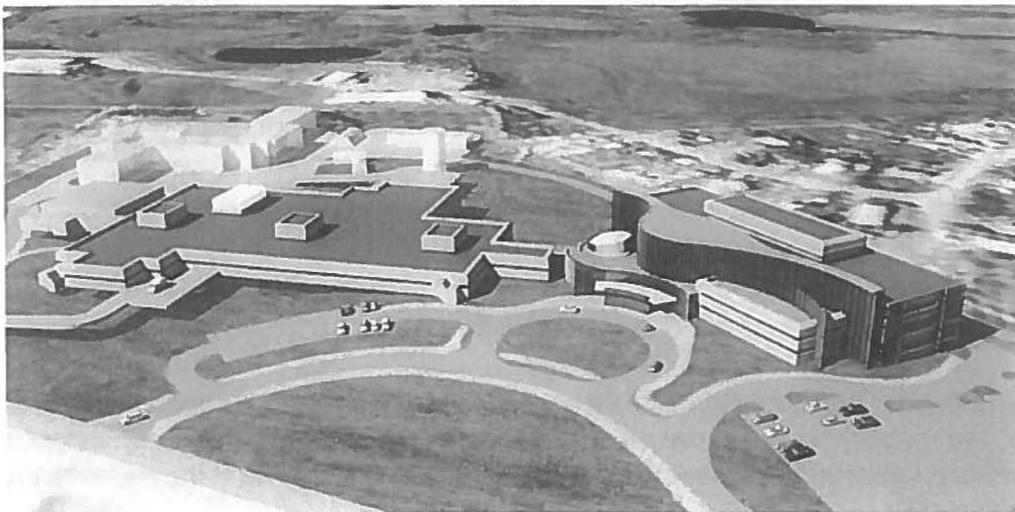
(F) a bond, note, or other obligation of a regional health organization that is a general obligation of the regional health organization, that is secured by a pledge of a special fund of the regional health organization, or that is a combination of them or additionally secured;

\* **Sec. 6.** AS 44.85.410 is amended by adding a new paragraph to read:

(9) "regional health organization" has the meaning given in AS 18.28.100.

\* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

# Briefing Package: YKHC JVCP Proposed New Primary Care Clinic & Hospital Renovation Project



View from east illustrating existing hospital to the left and new clinic to the right

**Summary:**

The Yukon-Kuskokwim Health Corporation (YKHC) proposes to finance and build a 130,000 sf primary care clinic and renovation of its 88,000 acute care hospital in Bethel Alaska under contract with the Indian Health Service (IHS). As proposed, YKHC will finance and build the facility in exchange for IHS 20 year agreement to operate the new/upgraded facilities and will fund approximately 250 new staff.

**Background:**

YKHC is region wide and the only health and social service provider. Services are supported by IHS Compact funds (42%); Medicaid (29%), Commercial insurance (6%); Medicare (3%); Grants (18%) and other (2%). In 2014, YKHC had over 37,543 primary care clinic visits last year. These are projected to increase to 81,217(or over a 200% increase) by 2025. In FY 2014, YKHC has 1200 FTEs. By 2025, we project this number to increase to over 1450 FTEs.

In the Fall 2014, YKHC applied for and was named the top application over 37 other national applicants of the 2014 IHS-Joint Venture Construction Program. Accordingly, YKHC and IHS are working aggressively to complete the full application and get the project underway as soon as possible.



**Need:**

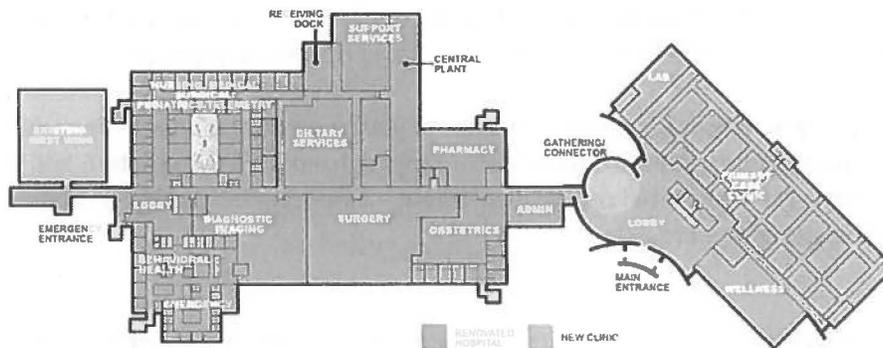
The Wade Hampton Census tract in which the region is situated is one of the poorest census tracts nationally. The region ranks well above national average in documented incidence of: cancer, diabetes, infant mortality; adolescent and youth adult suicide. Over 505 of all homes in the region lack running water and/or sewer.

**Benefits:**

The proposed project promises significant benefits. These include:

- Improved access to care for native and non-native regional residents
  - By 2025, YKHC/IHS project the population will increase to over 29,000 inhabitants in 58 villages.

- Economic growth
  - YKHC projects the project will add over 250 new positions and an annual increase of over \$30M per year to the region.
- Reduced cost
  - It is projected, with additional staff and service capacity, fewer residents will be required to travel for care both within the region to Bethel and from Bethel to Anchorage and beyond for care.



**Costs:**

**JVCP Projected Construction Cash Flow**

		<b>TOTALS</b>
FY 15	\$	14,433,600
FY 16	\$	46,183,750
FY 17	\$	54,697,800
FY 18	\$	71,991,210
FY19	\$	37,916,380
FY 20	\$	26,238,760
	\$	<b>251,461,500</b>

**Projected Cash Flow – Operations (Net Cash) Annual Totals**

FY 15	\$	6,774,100
FY 16	\$	7,271,970
FY 17	\$	7,788,856
FY 18	\$	3,399,868
FY19	\$	12,812,996
FY 20	\$	14,214,325
FY 21	\$	19,088,612

**Financing:**

YKHC projected financing costs vary widely depending on the rate. The differenced in overall financing costs is projected at \$153,745,770 in additional interest between 3% (AMBBA) and 6% (Commercial) over a 30 year term.

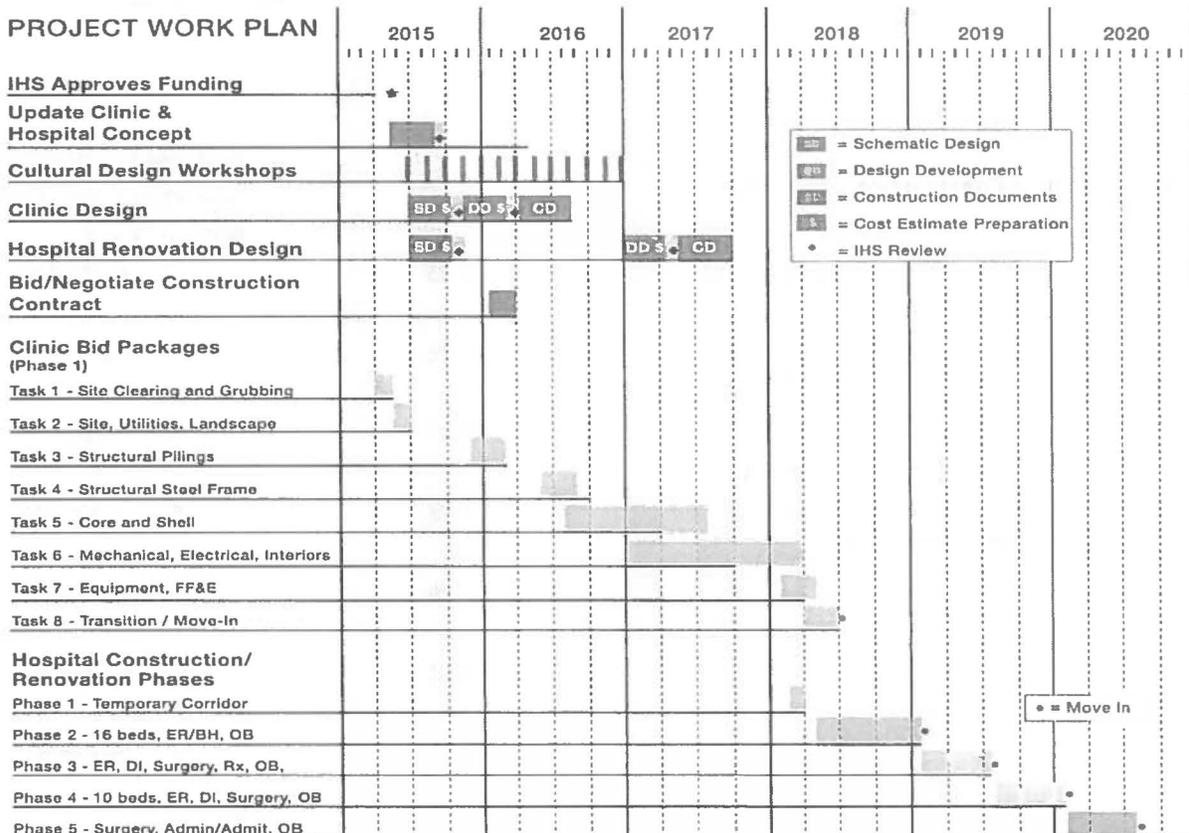
**Implementation:**

To implement, YKHC is taking a number of steps:

- IHS Joint Venture Agreement – YKHC is working closely with IHS to complete all the planning and related assurances to allow IHS and YKHC to sign the overall agreement. (This is expected summer, 2015)
- Land transfer –YKHC is working with IHS and Congress to formally transfer the land and hospital to YKHC. The land will help secure financing. (Land transfer is expected to occur by summer 2015)
- Financing –YKHC has approached a number of government and private financiers. All have expressed keen interest at estimated rates ranging from 3% (AMBBA) to 6 ½% (Wells Fargo) to complement YKHC potential capital investment. Financing from multiple agencies is needed due to the size of the project.

**Timing:**

YKHC is working aggressively to complete its application and secure an agreement with IHS while starting design and engineering to allow piling to be on the last barge in 2015 to allow construction to start winter 2016.



## What We Seek:

- Legislative support for Senate Bill 46 and House Bill 101 to allow The Alaska Municipal Bond Bank Authority to underwrite YKHC's project.
  - Low Risk of Default
    - There is little risk of default to the State of Alaska:
      - YKHC has a long and proven track record of delivering quality services to the YK region since 1969.
      - YKHC has a very reliable revenue stream of over \$150M in current annual revenues excluding this project's increased revenues from the federal government. Third-party collection for 2015 will be approximately \$70 million.
      - One of the purposes of the Bond Bank is to perform due diligence on YKHC and this project to ensure this meets the Bond Bank's high standards for bond repayment. If YKHC and this project do not meet those high standards, then the Bond Bank, as gate keeper, will not Bond this project. In the Bond Bank's history, it has never had a default.
  - Me Too!
    - Why YK? –not others?
      - YKHC is non-profit. YKHC provides basic services that, but for its services would have to be provided by the state or federal government.
      - No other organizations have access to third-party revenue sources to repay for large construction projects.
  - Justification:
    - In these very lean times, support for a project represents no cash from the State of Alaska and still:
      - 1) Secures over \$30M in additional annual federal revenues to the State and to one of the poorest area of the State;
      - 2) Directly supports basic health care need;
      - 3) Adds over 100 construction jobs to the Alaska economy over 5 years;
      - 4) Adds over 250 new long term jobs to the State;
      - 5) Recently 4 other JVCP projects have already been completed in Alaska and are operating with success; and
      - 6) All Medicaid expenditures by the State of Alaska are paid by the federal government at 100% Federal Medical Assistance Percentage (FMAP) for all Alaska Native beneficiaries seen at YKHC's health facility.

**ALL AT NO ADDITIONAL STATE INVESTMENT**

Introduced by: City Manager Capela  
Date: April 14, 2015  
Action:  
Vote:

## *CITY OF BETHEL*

### **Resolution 15-07**

#### **A RESOLUTION REQUESTING FY 16 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**

**WHEREAS**, 3 AAC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program (PILT) for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community and Economic Development;

**WHEREAS**, the City has conducted a regular election during the preceding state fiscal year and has report the results of the election to the commissioner;

**WHEREAS**, regular meetings of the governing body are held by the City and a record of these proceedings is maintained;

**WHEREAS**, ordinances adopted by the City have been codified in accordance with AS 29.25.050;

**NOW, THEREFORE, BE IT RESOLVED:** that the Bethel City Council by this Resolution hereby requests distribution from the FY 16 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law.

**ENACTED THIS \_\_\_ DAY OF APRIL, 2015 BY A VOTE OF\_ IN FAVOR AND \_ OPPOSED.**

---

Richard Robb, Mayor

ATTEST:

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Lori Strickler, City Clerk

City of Bethel, Alaska

Resolution 15-07  
1 of 1

## City of Bethel Action Memorandum

Action memorandum No.	15-13		
Date action introduced:	04-14-2015	Introduced by:	Ann Capela, C. Mgr.
Date action taken:		<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied
Confirmed by:			

**SUBJECT/ACTION:**

*Authorize the City Manager to enter into a Purchase Agreement with O'Brien Construction for the Purchase and Delivery of Arctic Pipe to be used for the Institutional Corridor Water System*

Route to:	Department/Individual:	Initials:	Remarks:
X	Public Works Director		
X	Purchasing Agent		

**Attachment(s):**

- Draft Purchase Agreement for purchase and delivery of Arctic Pipe
- Memorandum by DOWL HKM summarizing proposed cost
- Bid Tabulation Form

Amount of fiscal impact		Account information:
	No fiscal impact	
	Funds are budgeted for.	
Grant supported	<b>\$920,501.40</b>	45-50-646

The City released a Request for sealed Bids for the purchase of Arctic pipe for the Institutional Corridor piped water supply and sewer project. The sealed bids were received and opened publicly at Bethel city hall on March 31<sup>st</sup>, 2015 at 4:00 pm.

In response to the bid request, the city received four responsive sealed bids. After verifying that all bids had complied with all of the required criteria and were timely submitted, the City chose the lowest bidder, O'Brien Construction.

As stated and allowed in the Request for Bids, the value of the contract has changed slightly based on changes to the material list.

PURCHASE AGREEMENT

April 15, 2015

This is a binding agreement between O'Brien Construction and the City of Bethel for the delivery of the materials, listed below, to the City of Bethel.

Material	Base Quote Quantity	Recommended Quantity for Contract	Unit Cost (based on proportional pro-rate)	Prorated Bid
8" x 20" arctic pipe (with all necessary joint appurtenances)	7,500LF	8,700LF	\$95.82/LF	\$833,634
8" x 20" arctic pipe long sweep 90 degree bend	10 each	12 each	\$1,738.95 each	\$20,867.40
3" x 15" arctic pipe (with all necessary joint appurtenances)	2,000LF	1,000LF	\$66.00/LF	\$66,000

TOTAL \$920,501.40

All materials shall meet the specifications set out in the Request for Bids and accompanying bid proposal. All materials must be delivered no later than July 31, 2015.

Materials are to be delivered FOB to the City of Bethel Public Works storage lot. The City will be responsible for unloading the materials from the truck bed. Delivery appointments will be made and the City will have 1 hour free unloading time for each truck load. Unloading time in excess of 1 hour will be charged at \$90/hour.

**PAYMENT TERMS**

- 30% down payment upon signing of Purchase Agreement April 17, 2015\*.
- 40% payment upon delivery to Seattle Dock, July 10<sup>th</sup> or sooner. The City will not be responsible for payment of any material found not to be in compliance with the specifications as set forth in the bid Documents.
- 30% balance of payment due 30 days after receipt of materials at final destination prior to July 31, 2015.

\* Provided proof of insurance has been provided to the City of Bethel as required below. If not provided, then payment will not be due until the proof of insurance has been received by the City.

PURCHASE AGREEMENT

**MATERIAL INSURANCE**

All materials will be insured by O'Brien Construction from the time of purchase until the time the City has inspected the material and taken full ownership at the City of Bethel Public Works storage lot. Any material found to be damaged will be repaired or replaced at O'Brien Construction's sole cost. The City will not be responsible for costs associated with replacement materials. Proof of insurance is to be submitted to the City prior to any payment by the City. The insurance obtained must be sufficient to cover the full cost of the materials and freight and shall name the City of Bethel as additional insured.

**EXTENSION OF TIME OF DELIVERY**

The City retains the sole right to extend the time of delivery if delivery is delayed due to events beyond the reasonable control of the supplier.

**PURCHASE AGREEMENT INTERPRETATION**

Any questions regarding the meaning of this Purchase Agreement shall be answered by looking first to the actual words in the Purchase Agreement. If a question as to interpretation still remains, the parties may look at both the Request for Bids and the actual proposal for additional guidance. Oral agreements shall not be accepted. The Purchase Agreement may only be modified in writing, signed by both parties.

By affixing their signatures below, each party acknowledges it has read the Purchase Agreement and agrees to be bound by its terms.

\_\_\_\_\_ Date \_\_\_\_\_  
Paul O'Brien, O'Brien Construction

\_\_\_\_\_ Date \_\_\_\_\_  
Jeanette O'Brien, O'Brien Construction

\_\_\_\_\_ Date \_\_\_\_\_  
Ann K. Capela, City Manager (City of Bethel)



**MEMORANDUM**

**TO:** Muzaffar Lakhani  
Public Works Director  
City of Bethel

**FROM:** Aaron Christie, P.E. *ARC*

**DATE:** April 2, 2015

**SUBJECT:** Institutional Corridor Water Delivery System Material Procurement Recommendation

Dear Mr. Lakhani

DOWL recommends the City of Bethel enter into contract with O'Brien Construction for the procurement of arctic pipe in support of the Institutional 1 Corridor Water Delivery System.

For Bids, DOWL will provide a final materials quantity list to the City. The City is expected to change and the supplier's bid will be prorated or increased. Quantities and recommended contract value are shown below:

Item	Recommended Quantity for Contract	Unit Cost (based on)	Prorated Bid
8" x 20" arctic pipe (with all necessary joint materials)	8,700LF	\$93.30/LF	\$811,710
8" x 20" arctic pipe long sweep	10 each	\$1,738.95 each	\$20,867.40
90 degree bend	12 each		
3" x 15" arctic pipe (with all necessary joint materials)	2,000LF	\$66.00/LF	\$66,000
<b>TOTAL</b>			<b>\$898,577.40</b>

The draft purchase agreement for Council approval is appended.

## BID TABULATION FOR

PROJECT: INSTITUTIONAL CORRIDOR WATER DELIVERY SYSTEM MATERIAL PROCUREMENT  
 OWNER: CITY OF BETHEL  
 ENGINEER: DOWL

Bid Time: 4:00 PM  
 Bid Date: 3/31/2015

Location: Bethel City Hall  
 300 State Highway  
 Bethel, Alaska

Bid #	Bidder	Total Base Bid
1	O	094 70 .00
2	u l	1 222.00
3	rc . nulation	59 .50
4	ONSTRUCTION	4 3 0

Purchasing Agent or Designated Representative: 21 311

Witness: MUZAFF 3 1 15  
KHARIPATI TOR

# BID TABULATION FORM

PROJECT: INSTITUTIONAL CORRIDOR WATER DELIVERY SYSTEM MATERIAL PROCUREMENT

OWNER: CITY OF BETHEL

ENGINEER: DOWL

Bid Time: 4:00 PM

Bid Date: 3/31/2015

Location: Bethel City Hall  
300 State Highway  
Bethel, Alaska

Bid #	Bidder	Total Base Bid
1	ISCO	\$ 1,094,705.00
2	HD SUPPLY	\$ 1,188,222.00
3	Arctic Insulation	\$ 959,764.50
4	O'BRIEN CONSTRUCTION	\$ 849,139.50

Purchasing Agent or Designated  
Representative:

*Hal Z...* 3-31-15

Witness:

*Muzaffar Lakhani* 3/31/2015  
MUZAFFAR LAKHANI P.W. DIRECTOR

# BID VALUATION FORM

PROJECT: INSTITUTIONAL CORRIDOR WATER DELIVERY SYSTEM MATERIAL PROCUREMENT  
 OWNER: CITY OF BETHEL  
 ENGINEER: DOWL

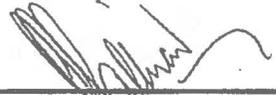
Bid Time: 4:00 PM  
 Bid Date: 3/31/2015

Location: Bethel City Hall  
 300 State Highway  
 Bethel, Alaska

#	Items	Bidders			
		1	2	3	4
		JEFF LORE ISCO	HD SUPPLY WATERWORKS	Arctic Insulation & Manufacturing	OBrien Construction
1	Bid submitted on time	X	X	X	X
2	Outer envelope sealed	X	X	X	X
3	Bid Form completed and signed	X	X	X	X
4	Bid signed	X	X	X	X
5	Sworn declaration signed	X	X	X	X
6	Material Specifications*	X	X	X	X
7	Bid acknowledges all Addenda	X	X	X	X

X = YES

Purchasing Agent or Designated Representative:  3-31-15

Witness:  3-31-15  
 MUZAFFAR LAKHANI P.W. DIRECTOR

\*Material specifications will be evaluated for compliance before declaring an apparent low bidder.

# City of Bethel Action Memorandum

Action memorandum No.	15-14		
Date action introduced:	04-14-2015	Introduced by:	Council Member Springer
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION: Directing Administration to present to the Council at the May 12, 2015 Regular City Council Meeting the following:

1. Plan of Action for the City to conduct individual audits on businesses delinquent on their sales taxes, to include but limited to; the names of businesses the Administration feels are the largest offenders which they intend to audit; the approximate cost for the implementation of the audits; when the Administration will begin and wrap up the audits; the estimated taxes owed to the City by those being audited;
2. Procedures for how Administration processes delinquencies on sales tax, to include; when delinquency notices are sent out and what is included in those notices, what Administration does when the delinquency notices go un-responded to by the business, what happens with a business's delinquent in sales tax when they attempt to renew their business license, and what process and when does Administration take legal action when businesses are delinquent;
3. Procedures for how Administration processes other delinquent accounts such as, but not limited to, EMS bills, protective custody citations, delinquent utility bills and minor offense citations.

Route to:	Department/Individual:	Initials:	Remarks:
4/8/15	Finance Director		Didn't have time to comment prior to the printing of the packet.
4/8/15	City Manager		

Attachment(s): None

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	

In the Sales Tax Delinquency list updated April 7, 2015, there are 60 businesses listed.

Of these sixty businesses, the following table list the year in which they last remitted.

2009	1
2010	2
2011	2
2012	4
2013	6
2014	20
2015	19
Not Received	6

City of Bethel Action Memorandum

Action memorandum No.	15-14		
Date action introduced:	04-14-2015	Introduced by:	Council Member Springer
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

In addition to the exorbitant number of business on the delinquent list, there are 25 business assumed to be operating without a business license which means additional revenue for the City is not being collected.

In order to keep the process fair and equitable for all businesses within the City, business owners who unlawfully profit from money that belongs to the citizens and visitors of the City must be held accountable.

# City of Bethel Action Memorandum

Action memorandum No.	#15-15		
Date action introduced:	April 14, 2015	Introduced by:	Ann K. Capela
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

**SUBJECT/ACTION:**

Approve the purchase of Self-Contained Breathing Apparatuses and related equipment from Alaska Safety, Inc. in the amount of \$102,534.14, which includes grant funds and City match funds.

Route to Department/Individual	Initials	Remarks
Fire/Bill Howell		Fire Dept. selected best response of two and negotiated product for price.
Administration, Ann K. Capela		Need to obtain City Council approval for purchase.
Hansel Mathlaw, Finance Director		Verification of available funds
Patty Burley, City Attorney		Contract was recommended and ignored. Action not supported.

**Attachment(s):**

1. Quotation #025476 from Alaska Safety, Inc., which lists the items to be purchased and the total cost of the purchase (\$102,543.14).

Fiscal Impact Amount	Description	Account information
\$5,158.14	Match for FEMA Assistance To Firefighters Grant	10-60-683

**Summary statement**

The City of Bethel applied for and was awarded \$97,385 from the FEMA Assistance to Firefighters Grant for the purchase of 18 self-contained breathing apparatuses and related equipment. The grant requires a match of \$5,125. The purchase price includes \$33.14 over the match amount. The Fire Department wishes to use \$5,158.14 from its FY 2015 Budget, minor equipment line item, to cover the match and overage.

# Alaska Safety, Inc.

4725 Gambell Street  
 Anchorage, AK 99503  
 Phone: (907) 561-5661 Fax: (907) 561-8484

**Quotation# 025476**

Account ID <b>00001126</b>	Contact	
Customer PO <b>None</b>	Telephone <b>(907) 543-3998</b>	Facsimile <b>(907) 543-2702</b>

**Bill To:**

**City of Bethel**  
 Accounts Payable  
 PO Box 1388  
 Bethel, AK 99559

**Ship To:**

**City of Bethel**  
 PO Box 1388  
 300 State Highway  
 Bethel, AK 99559

Special Order  Drop Ship

Quote Date	Comments		Special Instructions			Terms
03/04/2015	2015 SCBA Proposal for 2013 NFPA Changes					NET 30
Ship Via	Date Required	FOB	Prepared By	Order#	Salesperson	
BESTWAY	03/04/2015	Anchorage	WR		Wilson Reece	
Quantity	Item#	Description			Price	Total
40 EACH	MS10156424SP	MSA 4500psi G1 RC Cylinder, 45 min.			\$717.91	\$28,716.40
21 EACH	MS10156459	MSA G1 Medlum Face Piece FM1M401			\$205.56	\$4,316.76
4 EACH	MS10156458	MSA G1 Small Face Piece FS1S401			\$205.56	\$822.24
4 EACH	MS10156460	MSA G1 Large Face Piece FL1L401			\$205.56	\$822.24
8 EACH	MS10144230	MSA G1 Spectacle Kit for SCBA Face Piece			\$61.11	\$488.88
21 EACH	MS10156467	Quick Fill Pouch f/ 3' Quick Fill Hose			\$0.00	\$0.00
42 EACH	MS10149702	Quick Connect Adapter for 4500psi Cyl.			\$29.44	\$1,236.48
1 EACH	NOTE	<b>CARE Training &amp; Service Training</b> MSA will provide CARE Class for 5 responders. In service training in Bethel from certified MSA rep. Alaska Safety, Inc is a certified MSA service center-(907)373-5661 and will provide service and help as needed. MSA customer service Hotline (877)672-3473 Bethel is free to add or subtract items from existing quote to meet any needed FEMA requirements.			\$0.00	\$0.00
19 EACH	MSAG1FS442MA2C0LAA	<b>MSA G1 4500psi NFPA SCBA - Bethel</b> 4500psi cylinder w/ CGA quick connect, standard harness w/ chest strap, metal band cylinder cradle, adjustable lumbar pad, left shoulder solid cover regulator, continuous flow hose, no EBS, left chest speaker module, right shoulder PASS device, alkaline battery			\$3,481.06	\$66,140.14

**Alaska Safety, Inc.**

**Quotation# 025476**

4725 Gambell Street  
Anchorage, AK 99503  
Phone: (907) 561-5661 Fax: (907) 561-8484

Account ID 00001126	Contact	
C stomer PO None	Telephone (907) 543-3998	Facsimile (907) 543-2702

**Bill To:**

**Ship To:**

Special Order  Drop Ship

Special Instructions

**Item#**

**Description**

**Comments**

This quotation is good for 30 days from the date listed above. Thank you for the opportunity.

**Approved By:** \_\_\_\_\_

**Date**

0, 0, 5

# Current

## 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.

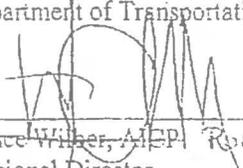
## 13. THE WHOLE AGREEMENT

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: 07/27/11

State of Alaska  
Department of Transportation and Public Facilities

  
\_\_\_\_\_  
~~Eance Wilber, AEP~~ ROBERT A. Campbell, P.E.  
Regional Director

Dated: 01/06/11

City of Bethel

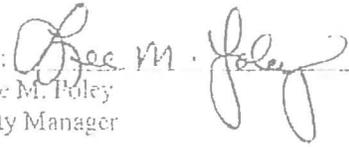
By:   
\_\_\_\_\_  
Lee M. Foley  
City Manager

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 IMCP			
	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.

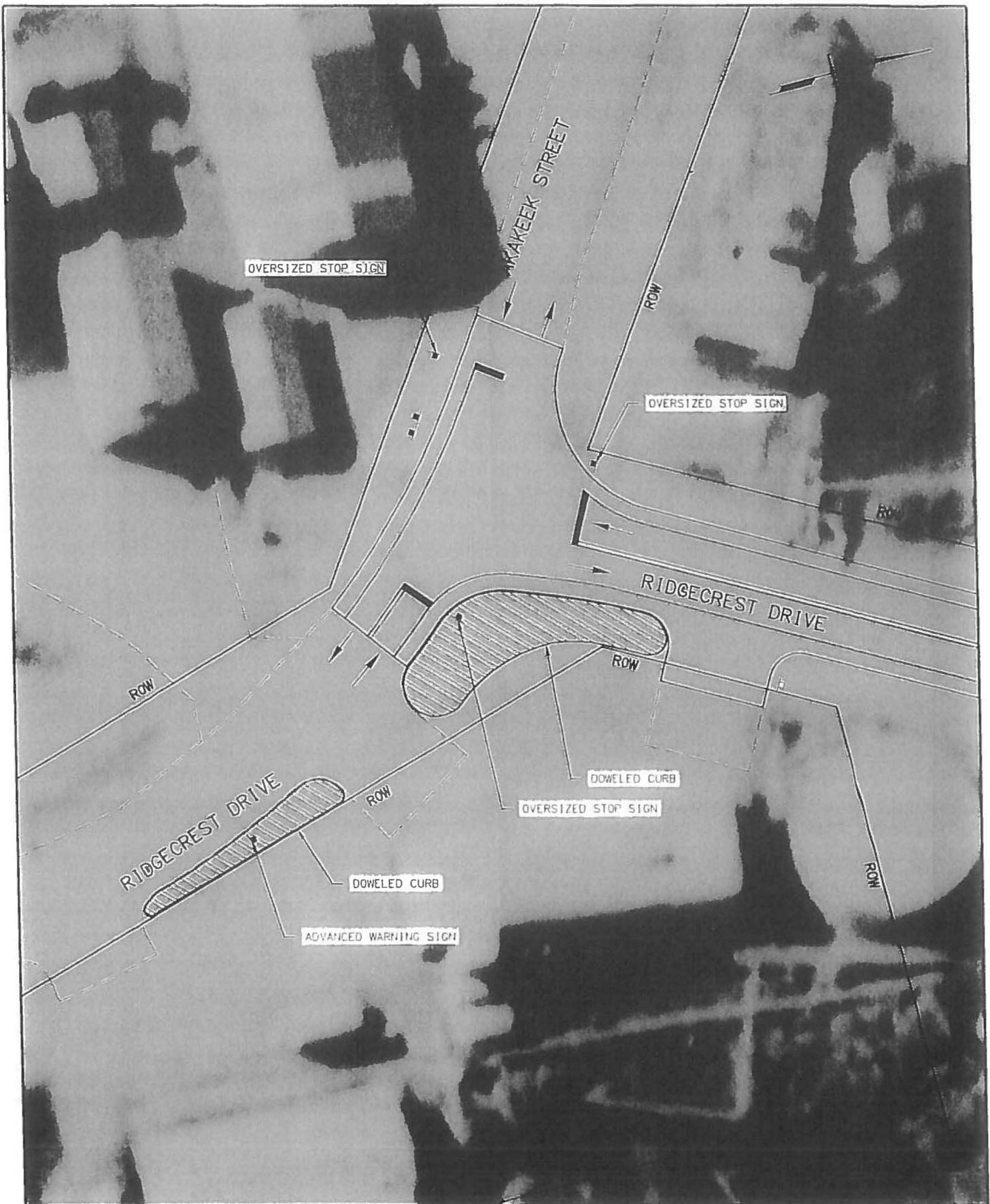
Approve: Final approval authority.

Information: Receives a courtesy copy of activity documentation.



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

FIGURE 1



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

FIGURE 2



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

FIGURE 3



# Proposed Amendments

## 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

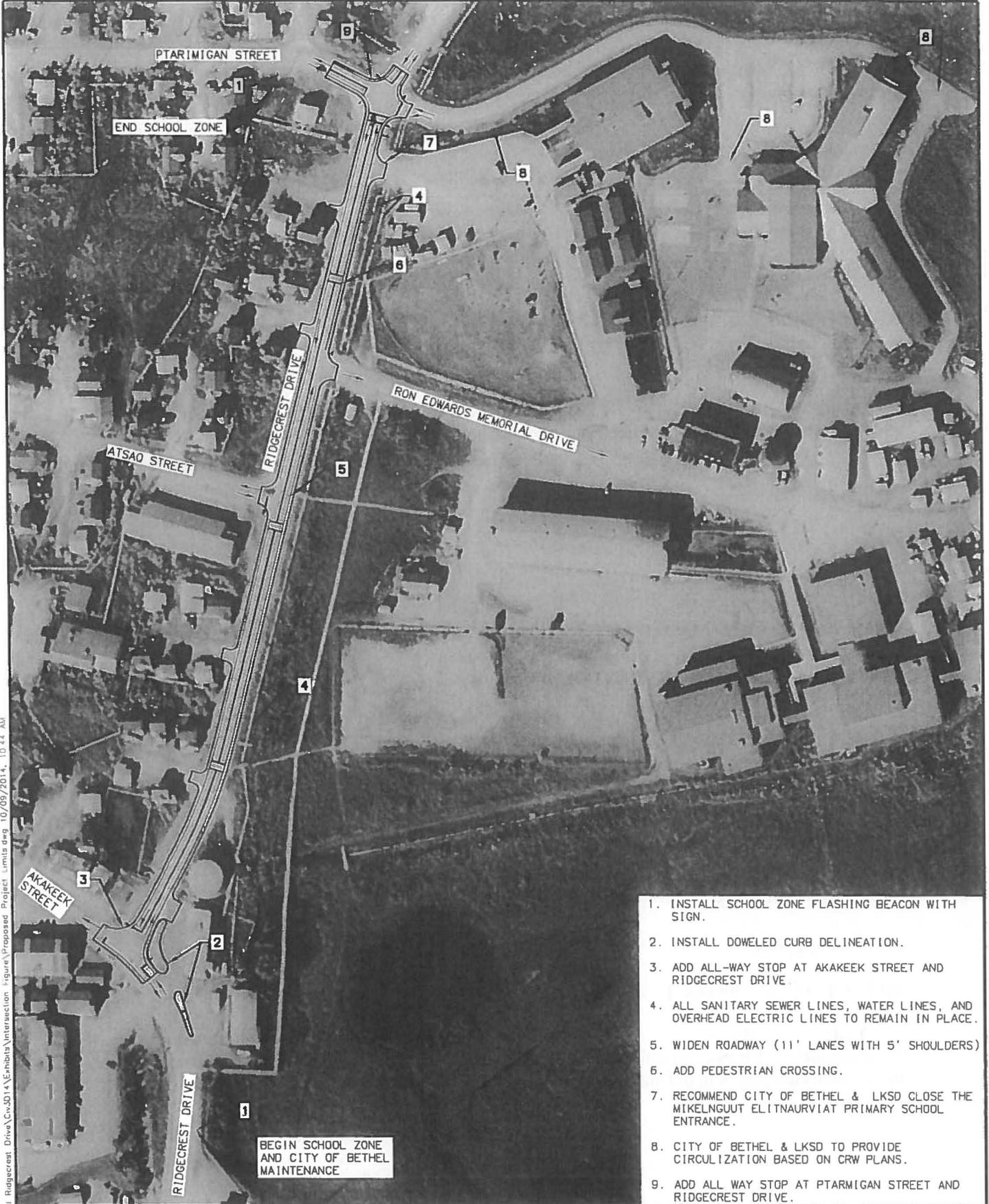
By: \_\_\_\_\_  
Robert A. Campbell, P.E. Date  
Regional Director

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: \_\_\_\_\_



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 PTARIMIGAN STREET AND RIDGECREST DRIVE.

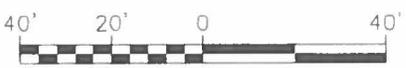
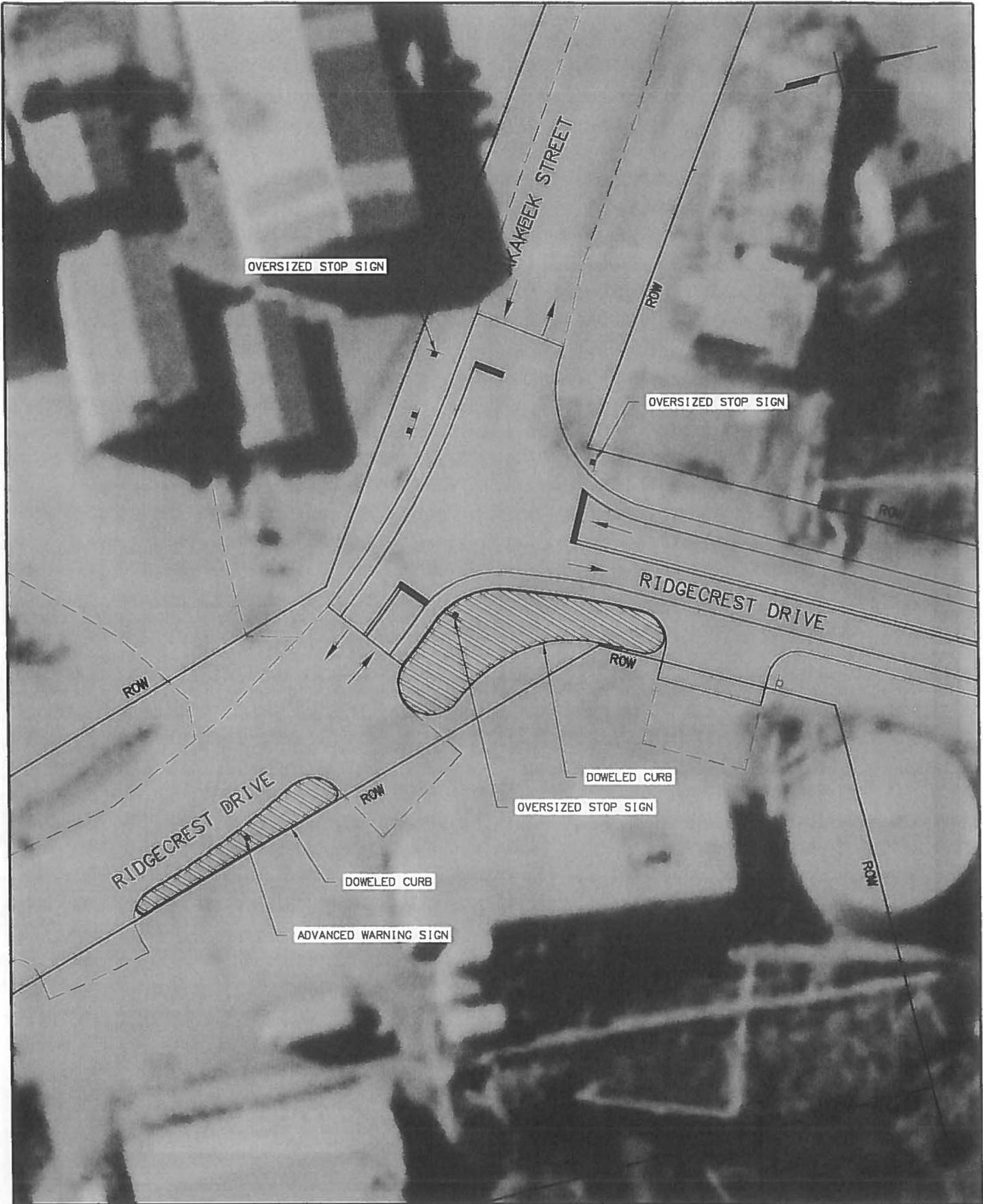
BEGIN SCHOOL ZONE  
AND CITY OF BETHEL  
MAINTENANCE



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

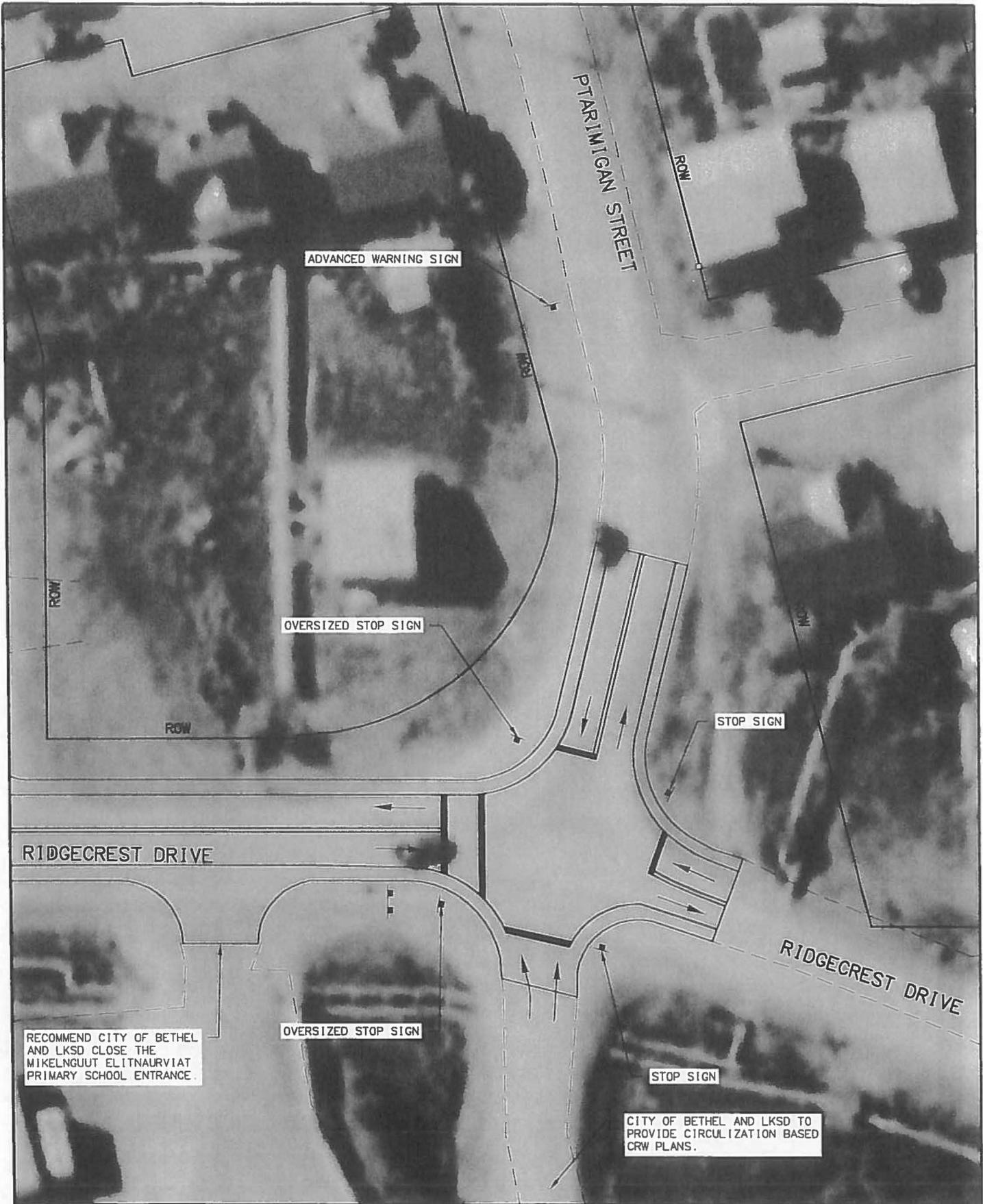
FIGURE 1

V:\Projects\52452 Bethel Ridgecrest Drive\c\w\3014\Emblets\Intersection Figure\Proposed Project Limits.dwg 10/09/2014, 10:44 AM



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

FIGURE 2



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

FIGURE 3

# **Mayor's Report**

March 31, 2015 (Day 71 of 90)  
Twenty-Ninth Legislature- First Session  
Week Ten Review  
**Sattler Strategies**

The Senate Finance Committee is now taking public testimony on a budget they reduced further than the paired down versions that both the Governor and the House forwarded.

Some agency budgets fared better in the House version and some are much worse.

Public Broadcasting was completely eliminated in the Senate version (\$4.2 M).

The Transportation and Public Facilities subcommittee cut Alaska Marine Highway System by \$4.75 M, Admin and Support/Design and Engineering by \$2.4 M and cut \$847 K from Highways, Aviation and Facilities.

Medicaid Expansion is still zeroed out by both chambers, however with the introduction of the Governor's bill, interested parties are watching the House committee hearings and amendment process.

The gas line has now taken shape as a defining focus in this session. A political tug of war between the Governor and House Speaker Mike Chenault over competing gas lines, the Medicaid expansion dynamic all have the makings of a legislative train wreck between the Governor and the majority caucus in the Senate and House.

The two pipelines are:

- The Alaska Stand Alone Pipeline (ASAP) under the Alaska Gasline Development Corporation (AGDC), created by Speaker Mike Chenault (R-Nikiski) and Representative Mike Hawker (R-Anchorage) in 2013. AGDC's mission was to study, finance and build an in-state gasline to provide access to affordable gas to urban Alaskans. AGDC was appropriated \$400 M (feasibility studies), eminent domain, as few regulatory hurdles as possible, as well as minimal legislative oversight. When AGDC was first created the Alaska Gasline Inducement Act (AGIA) was still in play, which restricted ASAP to shipping no more than 500 mcf of gas per day (a small-volume, in-state line). When AGIA was deemed defunct, it gave way to:
- The Alaska LNG project, created by Governor Sean Parnell. The AKLNG agreement partners 5 partners: the State of Alaska, BP, Conoco, and Exxon, and with a very small share, TransCanada. With the State taking a portion of the risk along with the three top producers, the \$45-65 B (Billion) project may seem less daunting for the major producers to commit to, especially since all the producers are looking at ventures globally, in places reportedly cheaper to operate. The huge price tag includes the following three components: the gas treatment plant on the North Slope, the Liquefied Natural Gas plant and the pipeline itself. AKLNG is targeting an Asian market. It requires the state to take its share of gas for its own use in lieu of producer taxes and royalties.

The Legislature's idea was not to build two gaslines, Rep.'s Chenault and Hawker have said that the ASAP project is the state's backup plan, should the AKLNG fail. If AKLNG falls through, ASAP would at least deliver gas to urban Alaskans. The ASAP project was placed on "pause" by the ADGC board after its feasibility studies were completed, so the AKLNG project can catch up. This was before the 2014 election.

Bill Walker campaigned for Governor twice and making a gasline happen was his main platform both times. Governor Walker does not believe that the ASAP project, in its original form, is economic.

Bringing gas to Alaskan consumers would take substantial state subsidies. After replacing three former AGDC board members with former Senators Rick Halford and Joe Paskvan and Hugh Short, the Governor wrote an editorial in the Alaska Dispatch announcing both a new focus for ADGC and a new plan for ASAP. With the AGIA limits removed, ASAP would be enlarged to exporting gas to outside markets, as well as Alaskan markets.

Walker wrote:

*"What it comes down to is this: we will work with the producers to continue to develop the AK LNG project. With ASAP, we will work with gas buyers to secure the opportunities the market offers. Whichever project is first to produce a solid plan, and conditions acceptable to the state, will get the state's full support. Or, perhaps, the two projects could be combined at some point along the way."*

This quote created confusion because the state is a quarter partner in the AKLNG project and expanding the ASAP pipeline is creating a perception in which Alaska is competing with itself, not just creating a fall back gasline. The rub is that the AKLNG line Alaska is working with sellers (producers), whose primary objective is to sell gas for the highest price, and under the Governor's expanded ASAP line Alaska is working with buyers, whose primary objective is to buy gas for the lowest price.

As reported in the Alaska Budget Report:

*[Rep. Hawker] "Described the two approaches as competing philosophical concepts. On one side is what he called the demand-pull model, where buyers drive project economics and on the other is the supply-push model, where sellers drive the bus. 'The governor wants to align himself with the people who want to get it for cheap and who actually are in competition with us on the West Coast to drive prices down. The biggest philosophic difference we have here is AKLNG starts with Alaska aligning itself with the owners and the sellers of gas,' Hawker said.*

Meantime, Chenault introduced HB 132 a couple of weeks ago, which limits the ASAP gasline to its original 500 mcf per day (until the AKLNG line dead ends), and clearly defines ASAP as a backup plan to AKLNG. It ensures that ASAP will not compete in size and scope with the larger AKLNG project. The bill's sponsors cite the need for producers and investors to have certainty that the two gaslines do not compete with one another. At the unveiling of HB 132, Governor Walker called a press conference and referred to it as "the most un-Alaskan" thing he'd ever seen and questioned whom the sponsors worked for.

Despite the public scolding, the House majority forwarded HB 132, on a legislative fast track. It only had two committees of referral in the House and was passed to the Senate. It had one committee of referral in the Senate (Resources Committee) and will be debated by the full Senate this week. Governor Walker has repeatedly stated that if HB 132 reaches his desk he will veto it. The majority predicts they have the votes to override the veto.

The marijuana issue has some moving components. The Marijuana Control Board bill is creeping along as are HB75 and SB30. One difference between the House and Senate bills is that the local option provision for having a marijuana dispensary in SB30 is an "opt in" provision, and assumes unorganized boroughs and established villages were not covered in the 2014 Marijuana initiative and would need to petition to have their area included. The House version acknowledges local option, but communities would need to opt out of having the ability to have a marijuana dispensary. Some consider the "opt in" interpretation as thwarting the will of the initiative, others see the improbability of a village or unorganized borough having a market large enough warrant a dispensary.

This gasline conflict, the Medicaid expansion disagreements, the confirmation of the Governor's commissioners and appointees to boards and commissions as well as agreements on budget items may create the need for a special session, or in the remaining three weeks we may see resolutions.

April 7, 2015 (Day 78 of 90)  
Twenty-Ninth Legislature- First Session  
Week Ten Review  
**Sattler Strategies**

With less than two weeks until the scheduled adjournment day, Juneau seemed unusually quiet yesterday. Which has everything to do with the State of Alaska being out of money and the usual flurry of activity surrounding securing community capital and operating dollars not possible this year. Entities lucky enough to have an appropriation are keeping a low profile, not wanting to call any attention to themselves and hoping to be spared the cutting block.

**Spring Revenue Forecast.** The Department of Revenue's spring forecast revealed that due to lower than expected low oil prices, there is a reduction in the previously projected \$2.6 B earnings, to a new estimated \$2.2 B. This is compared to \$5.4 B earnings in 2014.

**FY 16 Operating Budget.** The \$ 400 M less in revenue nearly matches the reductions made by the Senate last week to the 2016 operating budget, now cut by \$427 M. The Senate Finance committee made some deep and last-minute cuts after public testimony had been taken on the recommendations made by Senate budget subcommittees. On Thursday the committee:

- Cut 4 percent from Alaska's per pupil school funding formula (referred to as the Base Student Allocation, or "BSA"), amounting to a \$47.5 M reduction. This is in addition to the \$50 M removed by Governor Bill Walker in one-time funding outside the BSA to "forward fund" education.
- Reduced \$30 M in state employees' wages by freezing pay raises for state workers and refusing to fund a cost-of-living adjustment negotiated by employee unions.
- Included a provision barring the governor from accepting \$145 M in federal Medicaid expansion funds without legislative approval.
- Terminated the lease on the newly remodeled Anchorage Legislative Information Office, saving about \$3M per year.

After six hours of Senate floor debate, the Senate passed the state operating budget bill by 16-4 with no substantial change from the Senate Finance Committee version. Following the Senate vote, the budget bill was returned to the House for concurrence with the Senate changes. In the highly likely event the House does not accept the Senate changes, three members from each legislative body will be appointed to a conference committee to iron-out the differences between the two budgets. Once the conference committee is appointed, the work of the legislative committees will fall under the 24-Hour Rule. This means bills and resolutions may receive a committee hearing with a twenty-four hour notice, and legislation can move quickly to a floor vote.

#### **Legislation to watch:**

**SB 86 "An Act Relating to a refined fuel surcharge; relating to the motor fuel tax; relating to a qualified dealer license; and providing for an effective date."** by Senator Micciche. The senator's sponsor statement set out the purpose:

The Oil and Hazardous Substance Release Prevention and Response Fund (Response Fund) was created to provide a reliable source of funding for the Department of Environmental

Conservation's (DEC) activities related to oil spill response and prevention. The Response Fund has been financed with a five cent per-barrel surcharge on oil produced. Decreasing oil production has resulted in a decline of revenue available to pay for spill prevention and cleanup work. The prevention account which receives \$.04 cents per barrel, no longer has enough revenue to cover essential activities resulting in the need for an immediate solution that fixes the problem for future years as well. A variety of industries and individuals spill oil and hazardous substances, including private homeowners, mines, fuel shippers, boat owners, village tank farms and the aviation industry to name a few. The majority of spills the State responds to are refined fuels. For example, in fiscal year 2014, of the 2,028 spills reported, 1,525 were refined fuel spills. According to Kristin Ryan, the Director for the Division of Spill Prevention and Response, 75-80% of active contaminated sites in Alaska are also the result of refined fuel spills. This bill distributes prevention and response costs across all users of refined fuel that are causing these response and cleanup efforts. This bill proposes a surcharge of .8 cent per gallon on refined fuels distributed in the state. Fuel distributors already file and pay taxes on motor fuels each month. This bill anticipates that the surcharge will be collected from the same distributors and reported on the same forms, reducing implementation costs and maximizing efficiency for both the payers and the State. All funds collected will be deposited in the Response Fund's Prevention Account. It is very important to the protection of Alaska's human and environmental health to have adequate funds available for spill prevention and response activities. This is the right time to broaden the base of support for this critical program. An eight tenths of a cent per gallon surcharge is a reasonable price to pay to fund these activities.

**SB 46, the state Fiscal Year 2016 capital budget** is being heard by Senate Finance this week. The Governor and the legislature attempted early on to tamp down expectations for the infrastructure budget given the massive deficits the state is projecting. The projects currently in the capital budget have small state contributions and are primarily 80- 90 percent federally funded or in the final phases of multi-year projects. The mega-projects have been removed as have projects in early stages of development. Some capital projects funded in previous sessions and not in development have had funds recaptured and put back into the general fund. Mega-projects have also had their funds recaptured and reverted back into the general fund.

**HB 148, the Governor's Medicaid Expansion/Reform** bill, moved out of House Health, Education and Social Services committee with a 6-1 vote of support. It is now in the House Finance committee and has more legislative hurdles to pass before the end of session. It has been conveyed to me by a member of the Senate leadership that this bill does not have the momentum to pass this session. Many people are expecting the Governor to call a special session if the measure is not passed during the regular 90 day session.

**HB 132, AGDC Support of Natural Gas Projects**, sponsored by Speaker Mike Chenault and Representative Mike Hawker is meant to keep Governor Bill Walker from spending \$180 M on an alternate gasoline proposal. It has now passed both the House and the Senate, and is expected to be vetoed by the Governor. The bill is an affirmation of a bill passed by the legislature last year, which sets the state up to partner with Exxon, BP, ConocoPhillips and TransCanada on a project to get North Slope gas to market at a cost of at least \$45 B. This bill prevents the governor from exploring a competing plan, by taking a smaller gasoline project, known as the Alaska Stand Alone Pipeline, and morphing it into a bigger pipeline. While supporters of HB 132 argued that the bill is necessary to protect the bigger

project, known as the AKLNG, opponents worried it would weaken the state's bargaining position. The bill passed the Senate 13-7 and it passed the House with 24 votes in favor and one majority member absent. In order to override a governor's veto, it takes 40 of the combined 60 legislators.

**HB 182 relating to the taxation of income of individuals; repealing tax credits applied against the tax on individuals under the Alaska Net Income Tax Act** by Representatives Paul Seaton and Bryce Edgmon. HB 182 would tax income received from a source within the state at a rate of 15 percent of a person's federal income tax payments. At the highest bracket, for those making over \$400,000, the state income tax would amount to a six percent levy before deductions. It also includes a section that would tax capital gains, like the sale of property or investments, at no more than 10 percent. The tax would take effect January 1, 2016. House Speaker Mike Chenault referred the bill Friday to the House Finance Committee, where it hasn't yet been scheduled for a hearing. Both sponsors of the bill are multi-term legislators, who were unopposed in the last election.

**HB 75 relating to the registration of marijuana establishments by municipalities.** The 11 page bill sponsored by the Community and Regional Affairs Committee/ Chair Cathy Tilton which clarifies the process for implementing the initiative at the municipal level. This bill is the first marijuana bill to make it through the House side. The House passed the bill Thursday 35-3 and will be transferred to the Senate.

**SB 30, the Marijuana Crime Bill** passed the Senate 17-3. The only "no" votes on the bill were Anchorage Democratic Senators Wielechowski, Ellis and Gardner, who felt SB 30 didn't go far enough to meet the will of the voters, specifically because it kept marijuana on the controlled substance list and not the regulated substance list. The bill aims to clarify some of the perceived gray areas in the original ballot initiative to legalize possession of modest amounts of marijuana outside the home and create a legal marijuana industry. Senator Pete Kelly attempted to amend the bill on the Senate floor to preemptively ban marijuana concentrates, but the amendment failed 14 to 6.

**HB 149 by Representative Lance Pruitt's bill allows Alaska Native corporations to change their rules to adjust quorum requirements.** The bill has made it through the House and has been transmitted to the Senate. Under the bill, an Alaska Native corporation, incorporated prior to July 1, 1989 to adopt new rules reducing the number of shareholders needed to meet a quorum at a meeting. Under the bill, a corporation could require as little as one-third of shares to be represented in person or geographically dispersed.

**SB 1 by Soldotna Senator Peter Micciche proposes to create a statewide smoke free workplace law, banning smoking in offices, restaurants and bars.** The bill would prohibit smoking in most enclosed workplaces, both public and private, as well as some outdoor spaces like playgrounds. The bill has a large backing in the Senate, with 10 fellow senators signed as supporters of the legislation. The enforcement is passive, with no enforcement actions tied to the bill. It is in the Senate State Affairs committee.

**House Joint Resolution 21, by Representative Lora Reinbold, proposes a constitutional amendment limiting the terms of state legislators.** It says that no one who has served as a state representative for four full or partial successive terms would be eligible to hold that office until one full term has intervened. It says that no one who has served two full or partial successive terms as a senator could hold that office again until one full term has intervened. Proposed constitutional amendments must

pass with a two-thirds vote of the House and Senate to qualify for the ballot and a vote by the people in a regular election.

**HB 179 by Representative Jonathan Kreiss-Tompkins would allow Alaskans with sport, subsistence or personal use caught fish or game to donate it to a food service program such as schools and assisted living centers as well as medical and residential child care facilities.** The Anchorage Pioneer's Home and the Alaska Food Bank are two groups supporting the measure.

**HB 176, sponsored by the House Finance committee, is a companion bill to the Senate Finance committee's move to eliminate scheduled pay increases for state employees.** In 2013 a 2.5 percent pay increase was passed in the Legislature for employees who work outside of the Anchorage area, the state's cost of living standard. Employees were set to get the increase beginning July 1, 2015, the start of the 2016 fiscal year. The Senate passed a budget that nullified that increase this week, but passing an accompanying bill is necessary to set the reversal in motion. The Senate's version of the operating budget also brought previously negotiated union contracts back to the drawing board with the goal of eliminating the pay differential for those state employees as well.

**HB 112 by Kodiak Representative Louise Stutes would repeal the Commercial Fisheries Entry Commission and fold its responsibilities into the Alaska Department of Fish and Game.** The bill passed out of the House Fisheries Committee on March 26<sup>th</sup>. CFEC was established in 1974 to create limited entry fisheries. Three commissioners serve as judges; they decide who's eligible for permits, oversee permit transfer process and handle appeals for those fishermen who are denied. There are currently three commissioners of CFEC who each have a salary of around \$130,000, with another \$70,000 in benefits. According to Stutes, repealing the CFEC would save Alaska \$425,000 per year through administrative streamlining. The CFEC's 30 person staff would be blended into the ADF&G, where they would continue the permitting process without commissioners. A legislative audit of CFEC is scheduled for release in June. The commercial fishing industry representatives oppose the bill, preferring to let CREC fix its inefficiencies on its own.

**SB 93 by Senator McGuire and a companion bill, House Bill 95 by Representative Chris Tuck, would allow Alaskans to register and vote on the same day.** Currently voters must register 30 days before Election Day. Under the new law, late registrants would cast a question ballot, which would be verified before being counted. The bills also call for online voter registration using the existing myAlaska site and online signatures for registration. Elections Director Gail Fenumiai supports the online registration and is already working on implementing it. The bills would also change how early voting locations are referred to and would do away with the term "absentee in-person". It will now be referred to as "early voting" in an effort to clear up misconceptions about who can do it. Although everyone can vote "absentee in-person", many people had a mistaken belief that a reason, or even a doctor's note was required.

**Representative Lynn Gattis sponsored HB 160, a bill which would eliminate the requirement to spend one percent of the total cost of a building on public art.** The program, instituted in 1975, has art included in new schools and other public buildings funded by the state. In certain situations, the money is instead deposited into a fund managed by Alaska's Council on the Arts. The bill halts new funding but would allow the council five years to spend what has been collected. The council currently has an annual spending cap of \$30,000 and a fund balance of about \$117,000. In her sponsor statement, Gattis

wrote that the transportation and education departments, along with the court system, spent a combined \$9.1M as a result of the art program from 2004 to 2013.

**HB 117 by Representative Garan Tarr aims to end a two year backlog of unprocessed rape kits in the state's forensics lab.** The bill has advanced out of the House State Affairs Committee. The average turnaround time for testing rape kits is about 170 days. One victim testified that she went to a hospital and the sexual assault examination kit has yet to be tested two years after the incident. She said the delay has allowed the rapist to walk free and continue to threaten her. The House version has a Senate companion bill sponsored by Senator Berta Gardner.

**The House Military and Veterans Affairs Committee on Tuesday moved a code of military justice bill HB 126** after making changes requested by the Alaska National Guard. Lt. Forrest Dunbar said the guard wants the option to use members of other active duty branches and former military members as judge advocates in court martial proceedings. The guard also wanted a language change so that it is required, rather than allowed, to adopt the code. Much of the work on the code is expected to be done this summer so that it can pass the Legislature early next year.

**SB 64 passed the House on Wednesday, April 1<sup>st</sup>, sunseting a longstanding state program that pays for 70 percent of debt incurred by a bond once it is passed by voters.** A secondary vote to cut off the reimbursement from Anchorage's April 7 bond vote did not pass, falling short three votes of the necessary 27 to pass a retroactive effective date to January 1, 2015. SB 64 put a five year freeze on the state's school construction and maintenance bond reimbursement program, which pays for between 60 and 70 percent of a local bond, but failed to muster the 27 votes needed to make it retroactive. After the five year sunset on the reimbursement program expires, the program would return at a rate of between 40 and 50 percent. The attempt to make the bill retroactive would mean property tax payers would end up shouldering the entirety of the bond burden. Anchorage will be the last district in before the state closes the door on other districts. Anchorage voters are being asked to approve \$59.3M in school bonds that would improve and repair eight schools in the Anchorage School District.

**HB 115 by Speaker Chenault calls to transfer certain federal lands in Alaska to the state by January 2017.** A legislative attorney, in a memo to Chenault in February, said the bill is unconstitutional. Chenault said courts decide whether things are unconstitutional. The Speaker said one of the big problems facing the state is that with so much land controlled by the federal government, there are many missed opportunities for the state to develop Alaska's resources, put Alaskans to work and bring in revenue. The bill would exclude national parks, federal land used for military purposes, and land to which the title is held by a person.

The most current **ANS West Coast oil price** is \$52.33 as listed at <http://tax.alaska.gov/>

## Testimony to the ABC Board:

I'm sure you have been hearing a lot of testimony against having a liquor store in Bethel

### **There are already many liquor stores here.**

You can buy alcohol in Bethel anytime of the day or night – no ID required. No regulation what so ever.

I've started to document it. After the city council meeting where many testified against a liquor store, the next day in the AC parking lot I took pictures of a cab making an alcohol transaction. I've seen more since. Ask the airlines – especially ACE about the cab drivers that pick up cases of R & R whiskey.

And do you know what these unregulated liquor stores in Bethel sell?

Whiskey & Vodka in 750 ml plastic traveler bottles. Easy to transport - easy to conceal.

No beer No wine – nothing but hard alcohol. No choices.

I've long believed that this is what's killing our people or putting them in prison – the hard liquor that's the only thing available to them, whiskey, vodka, and oh - home brew. Go ask the inmates at the Yukon Kuskokwim Correctional Center. I bet not one of them will say they were drinking beer or wine when they committed their crime. The same with all the dead people if we could ask them.

I've been in search and rescue groups my entire adult life – both upriver and as a team leader here in Bethel. We have recovered many bodies over the years – 99% of them alcohol related deaths. Many had bottles of R&R whiskey on them or near them. I can still see each and every one of those lost people and name them. Good people that died before their time because of the way we drink.

Just this winter, after the trails on the River finally opened to Bethel – the trails to the bootleggers – we had 5 alcohol related deaths in less than a month.

1. An ATV crash above Bethel
2. A stabbing in Napaskiak
3. 3 on an ATV driving into an open hole and drowning

### **Do you know how we learn to drink here?**

Let me tell you. I was too young to remember what Bethel was like 40 years ago when there were bars and a liquor store but I can tell you what I've seen in the years since.

I grew up in a house with **0 alcohol** so the way I learned to drink was like everybody else around me. As a teenager my buddies (many of them dead or in prison now from alcohol) and I would put our money together and go buy a "jug" from a bootlegger. We'd go hide out somewhere and pass it around each one trying to drink at least their share. Then we'd see what happens. Sometimes it was OK – kind of fun – so we'd go buy another one. Drinking hard liquor until it wasn't fun anymore. There would be fighting, crying, crashing, and all forms of abuse towards each other and worse - **to Women.**

That's how we defined manhood in those early years. How drunk you could get and how much damage you could cause.

Some of us died. Some of us went to prison. A very few of us made it to college.

Our first night in Fairbanks - drinking age was 19 then. I met up with some of my buddies from high school basketball – guys from Toksook Bay and Aniak. We went to the liquor store right down the hill from UAF. Man, I'll never forget the first time going in a liquor store. We didn't know what all that stuff was! It was too confusing – too much to choose not just whiskey and vodka.

Well that night we picked the beer that had a moose on it cause we were all nukalpiaq – hunters; but after that it was all downhill because we weren't used to having to having alcohol so freely available.

Weekends we did the same thing we were used to doing at home. Drinking it all up as fast as we could. Losing control. Fighting, crying, and breaking stuff- tearing up our dorm rooms. Then it became weekdays too.

Little by little most of us went home. We didn't know how to handle alcohol.

All that time guys in our dorm floor that grew up with alcohol were watching us making fools of ourselves. One day they talked to the few of us that were left:

**“You guys need to learn how to drink. Come over to our room tonight.”**

So we did. They mixed us some kind of drinks. They took a sip and put them down. Started a conversation. After several minutes of talking they'd take another sip. We'd copy them. It went on like this all night. Take a sip. Put it down. Talk. Tell stories. Take another sip. **Slow down.** We were learning. A few of us survived college like this.

Later I spent some time in the Middle Yukon, close to Galena where they have bars and liquor stores. I was so surprised to open a refrigerator in a fully Native house and see beer in there. **Beer that would stay for days at a time.** No need to gobble it up – there were liquor stores close by - at Last Chance & Galena. Made me think – why can't we (the People of the Lower Kuskokwim) be like this?

There are many people in Bethel, both native and non-native who can drink sociably, responsibly; - they've been exposed to something different than buying R&R from a bootlegger. They've learned. But they are quiet because the opposition is so vocal and passionate. If you speak in favor of a liquor store in Bethel you are viewed as having no heart for the People.

It's time for us to learn – to try something different. What we have now is not working. People are still dying. People are still going to prison. Probably more now than ever – more than they did 40 years ago when we had a liquor store in Bethel. We have the highest rates of every negative thing: crime, suicide, all forms of abuse, etc.

***Let's try it. Let's see if things get worse. Let's have a mechanism built in to any liquor license issued that if after 24 months if crime and death rates rise it be rescinded. If it does then we can always go back to the way we are now.***

Treating the People of this region like they're kids and don't know what's good for them.

Thank you.

Mark Leary

P.O. Box 1983

Bethel, Alaska 99559

Ph: (907)545-2877



THE STATE  
of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

MEMORANDUM

TO: Cynthia A. Franklin, Director

DATE: March 25, 2015

FROM: Robert Beasley, Enforcement Supervisor

SUBJ: Excessive Orders

Past 90 days written orders in excess of 36 liters (4 cases) of spirits in a single week, reported to ABC pursuant to 3 AAC 304.645(n)(1).

BETHEL:

1/2/2015	Single customer	60 liters
1/29/2015	Single customer	36 liters
2/19/2015	Single customer	46.5 liters
2/20/2015	Single customer	81 liters
3/10/2015	Customer 1	60 liters
	Customer 2	55.5 liters
	Customer 3	36 liters
	Customer 4	36 liters
3/13/2015	Single customer	45 liters
3/14/2015	Customer 1	72 liters
	Customer 2	72 liters
3/20/2015	Customer 1	36 liters
	Customer 2	54 liters
	Customer 3	36 liters
	Customer 4	54 liters
3/24/2015	Single customer	36 liters

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***Bethel City Council***

***Office of the City Manager***

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# **Manager's Report**



# MEMORANDUM

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From: Ann K. Capela, City Manager

To: Mayor, Vice-Mayor and Council

Cc: Lori Strickler, Patty Burley

Date: April 7, 2015

Re: City Manager's Report

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1. **DRAFT FY 2015/16** was delivered to City Council on April 1, 2015. If there are questions on the organization of the material, please feel free to stop by my office. Given that this is my first budget with the City, there may be room for improvement. One of my professional goals is to present a budget as a document to City Council that would be qualified for a Certificate of Achievement for Excellence in Financial Reporting (CAFR). The current DRAFT budget will be improved in its organization of material for the final publication.

**Balanced budget** – the DRAFT budget is a balanced budget but is expected to run a deficit in the next two years in the Employee Health Care fund unless Council directs otherwise. Of course many of these items will be discussed and reviewed through the budget process beginning May 7, 2015.

At this time, the Finance Director and I are reviewing various fund balances, especially long term (5-10 yrs.) for the YK Recreational (pool) facility. This DRAFT budget with a full 8 months of experience for the YK facility indicated the full use of the current sales tax with additional \$600,000 plus from the Pool Fund. With slightly over \$4 million in the pool fund and at this same annual amount the City has less than 4 years to draw on the pool fund. The first full year of the operation of the pool is crucial.

Good news, the City's General Undesignated (unassigned) fund balance has shown a steady increase over the last few years. This growth is mainly due to unfilled positions and salary savings when these positions go unfilled. Public Works, Police, Fire Departments have had large PTO cash outs, which made it necessary to request budget modifications throughout the year. While it is difficult to predict retirement it is not impossible to lower the payout amounts by making funds available for the large amounts of banked PTO cash payout. The current DRAFT budget does include possible larger payout to employees that may wish to participate in this. The goal is to reduce the unfunded liability of PTO banked time off.

2. It is anticipated that there will be substantive changes in the administration of the **4-H and Parks and Recreation Department**, however I am not able to provide greater details at this time due to ongoing negotiations for the existing MOU with University of Alaska.
3. **Library** – the MOU with University of Alaska and the City expires this year, and a new MOU has to be negotiated before the end of May this year.
4. **Public Transit** – In 2014, DOT audited the City's Public Transit system, mainly the compliance issue in personnel training, testing of drivers as well as the FTA (Federal Transit Administration) Drug and Alcohol testing policies. The City implemented a revised Drug and Alcohol testing policy and has been given extension until May 31' 2015 to comply with other regulatory requirements.
5. **Ridgecrest Road project** – the City is very close in coming to an MOU agreement which will need the approval of City Council. The main issue is the expectation of the funds that must be paid as cash contribution to the State. The City did not budget this amount of \$234,839 needed in this fiscal or the next fiscal year. These funds will need to be allocated from the undesignated fund balance. It is anticipated to bring this to City Council for April 28, 2015 Council meeting for approval which will also require a budget modification if the funds are to come from the current FY.
6. **Vehicle Replacement - Purchase of water and wastewater truck** – the City's vehicle acquisition fund balance is at \$491K and the PW Director is looking to price out good used trucks for both functions. There may be some funds left over to fund a new police vehicle or the vehicle requested for the fire department.
7. **Refuse containers** – the DRAFT budget contains 10 new containers with a plan to refurbish the Tower Road site.
8. **Water production** – there is a need to budget for water filters which according to PW Department have not been replaced for a long time. These filters are expensive and will need to be replaced at the end of this fiscal year or early this fall.
9. **Grants** – The City has traditionally relied on State funding for major capital improvements. This year, the City is scheduled to receive zero (0) dollars for capital improvements. I have asked the City's lobbyist to at least work on funding for one water truck and one waste water truck and the Ridgecrest Road project. According to the Lobbyist, the probabilities are slim to none. Included in this report are grants that the Grant Manager is working on, but these are mostly contracted in public safety from Homeland Security and waste water and water projects. The USDA, EPA and Village Safe Water will be this year's focus.
10. New **Purchasing Code** for the City has been in place for over a month. The City's staff is working through the new code and has received great deal of support from the City Attorney and the City Clerk. The Purchasing Agent, who is the Finance Director, has received a great deal of support from the Grant Manager who has been assisting in writing the RFP's. The City's general liability insurance is up for RFP this year and it will be another intense and staff time consuming process. While in 1992 the City enacted an Ordinance #163 that mandates the hiring of a Broker for insurance risk mitigation, it is always helpful to make new reviews for all functions.

## Please Join Us!

### Yukon Kuskokwim Delta Transportation Plan Update Open House

On Wednesday, April 15, 2015 the Alaska Department of Transportation and Public Facilities (DOT&PF) and DOWL will be hosting a public open house for the Yukon Kuskokwim Delta Transportation Plan (YKTP). The purpose of this open house is to provide the public with an opportunity to learn more about the plan, ask questions, and discuss transportation issues and needs directly with the planning team.

**What:** Yukon Kuskokwim Delta Transportation Plan (YKTP) Open House

**When:** Wednesday, April 15, 2015, 5:30 - 7:00 PM

**Where:** Lulu Herron Senior Apartments  
407 Ptarmigan St.  
Bethel, Alaska

**Why:** To learn more about the YKTP plan, ask questions, and discuss transportation issues and needs directly with the planning team.

**Food and Door Prizes will be provided!**

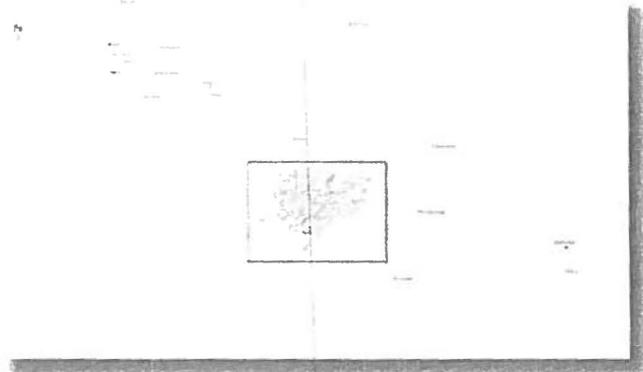
Visit [www.YKTransportationPlan.com](http://www.YKTransportationPlan.com) for more information.

### What is the Yukon Kuskokwim Delta Transportation Plan?

The YKTP is a 20-year multi-modal regional transportation plan, including various vehicle fleets (planes, ATVs, snow machines, barges, skiffs, and automobiles) and modes (aviation, surface, and marine) of transportation.

#### The primary objectives of this plan are to:

- Align the YKTP with the State of Alaska's LRTP and policy guidelines of MAP-21
- Coordinate with existing community and sub-regional plans
- Analyze existing transportation systems
- Develop analytical tools to prioritize projects
- Provide funding, policy, and project recommendations
- Provide an opportunity for the region to invest in its identity and future



#### Projects Contacts

Don Fancher ▪ DOT&PF Project Manager ▪ P: 269-0516 ▪ donald.fancher@alaska.gov  
Alexa Greene ▪ DOT&PF Project Manager ▪ P: 451-2388 ▪ alexa.greene@alaska.gov  
Adison Smith ▪ DOWL Assistant Project Manager ▪ P: 562-2000 ▪ adsmith@dowl.com

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***Bethel City Council***

***Office of the City Manager***

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# **Management Team Reports**



## CITY OF BETHEL

Post Office Box 1388  
Bethel, Alaska 99559  
Phone: 907-543-2047

TO: City Manager  
FROM: Human Resources  
SUBJECT: March 2015 Manager Report

Security: All personnel records have been secured under lock and key within HR. City network files have been reorganized to limit access to personnel information to HR only. Online access to various databases that include personnel information (benefits, background check, drug and alcohol program, etc) has been limited to HR with the Finance Director included as a billing contact as needed.

OSHA/Workman's Compensation: Historical workplace injury and OSHA records were researched; federally-required logs were created and certified for the years 2010-2015, bringing the City back into compliance with federal and state record-keeping requirements.

Position Descriptions: Began an audit of position descriptions, focusing first on those positions needing to be advertised. To date, six (6) position descriptions have been re-written to meet Americans with Disabilities Act (ADA) requirements. Revisions include essential functions and other responsibilities to reflect actual job; specific non-discriminatory wording; revising physical requirements and work area descriptions. All new jobs have also been audited to identify Fair Labor Standards Act (FLSA) exempt or non-exempt classification and whether or not the position is listed in the current COBEA.

Staffing and Retention: The City participated in a Job Fair, hosted by the local Job Center, specifically for displaced Swanson's employees. Provided information on current job openings and basic eligibility requirements to ten (10) job seekers and received one (1) resume.

Transit Program Drug and Alcohol Review Findings: Obtained an extension until May 30 to meet all the requirements following a review of our transit program. Coordinated with Beacon for the administration of our pre-employment and random testing processes; successfully submitted annual USDOT Drug and Alcohol Testing Management Information System (MIS) Data Collection report by the March 15<sup>th</sup> deadline.

Drug & Alcohol Program: A requirement for all CDL-holders, transit program drivers, and mechanics, worked with Beacon/Worksafe to improve current practices with resulted in local drug screens not being submitted to fulfill random screening requirements.

Benefit Program Eligibility: Completed audit of medical insurance enrollments; submitted necessary paperwork to remove former employees from City policies; changed process to allow for electronic submission of enrollments/terminations to ensure receipt by benefit providers – change will bring City back into compliance with federal notification requirements for COBRA eligibility.

Caselle Software: Completed HR module training, a prerequisite for setting up the HR module, which will allow HR to track employee data electronically and link employment status changes directly with payroll.

Pre-employment Processes: Reactivated City's I-9 electronic verification mechanism; began audit of current employees to identify individuals who were not properly verified. Enrolled City in process for reporting new hires to the State, per State law related to Child Support reviews. Will audit current employees and submit those employees not reported at the time of hire. Created online account with federal Equal Employment Opportunity Commission to ensure that the City can begin reporting in compliance with EEOC requirements.



Memorandum

DATE: April 7, 2015  
TO: Ann K. Capela, City Manager  
FROM: Hansel L Mathlaw, Finance Director  
SUBJECT: Manager's Report – April 2015

**Finance Committee**

The finance committee is seeking one alternate member. The next meeting is scheduled for April 27 at 6:30PM.

**Finance Department**

We are seeking a general ledger accountant. No interviews yet. I have assigned Assistant Finance Director General Ledger Accountant duties.

Two request for proposals will be complete this week: 1) audit services and 2) landfill closure costs.

**Budget/Financial**

The Finance Department Budget year to date (as of February 2015) expenditures totaled \$408,760 which represents 56% of the total budget.

The Utility Billing under my supervision had expenditures of \$60,993 which represents 44% of the budget.

## **MEMORANDUM**

DATE: April 7, 2015

TO: Ann Capela, City Manager

FROM: John Sargent, Grant Manager

SUBJECT: Grant Manager's Report – April 14, 2015 Bethel City Council Meeting



### **Sewage Lagoon Rehabilitation Project**

I am in the process of preparing a Request for Proposals to hire an engineering company to prepare a preliminary engineering report, environmental report, and to design the truck dump site. Once the PER and ER are done, the City will be able to apply for USDA-RD funding to obtain the additional \$800,000+ needed to replace the truck dump site.

The City will apply for EPA and Dept. of Environmental Conservation funding to cover the costs of dredging, baffle replacement, and smaller improvements. The truck dump site replacement, dredging, baffle replacement, and other improvements will likely be timed to take place concurrently.

### **CSP Grant Application Filed**

After seven years of operating the CSP program, the City had to begin anew and apply for program funding for FY 2016-17-18-19. I gathered information from the Police Department and completed the application. The City was restricted to requesting last year's funding amount (\$346,829). The City requested funding for three full-time CSP positions, equipment, supplies, and a new CSP transport vehicle. The program also contributes \$24,000 toward Dispatch Center operations (i.e., covers some overhead).

### **SCBA Purchase Ready for Council Approval**

The Bethel Fire Department evaluated the two proposals received for the City's grant-funded purchase of 21 Self Contained Breathing Apparatuses. The final price/purchase arrangement was negotiated and agreed to by the vendor and City. City Council must now approve the purchase through action memorandum.

### **RFBs and RFPs**

I continue to assist other departments in the preparation, dissemination, and management of the bid documents. I have been issuing bid documents consistently to free dissemination services and advertising in newspapers. The City has been receiving an average of 2-4 responses per bid process. There are at least 18 RFP/Bs in process and each one will require final approval from City Council, per the new Purchasing Ordinance.

**Transit Funding Approved**

The City's request for \$321,703 in FTA Section 5311 grant funding was recommended for approval by the Alaska Department of Transportation and Public Facilities, Transit Division. The State must obtain final approval from FTA for all transit system funding.

<b>City of Bethel Grant Summary Calendar Year 2015</b>					
<b>Preparing</b>					
<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts. (Partners)</b>	<b>Date</b>	<b>\$ Grant \$ City Match</b>
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
AK Div. of Homeland Security & Emerg. Mgmt.	State Homeland Security Grant	Police & Fire equip., video cameras for Port	Police, Fire, Port	5/29/15	\$??
<b>Submitted in Calendar Year 2014-15</b> <span style="float: right;">Most recent first</span>					
<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts.</b>	<b>Date</b>	<b>\$ Grant \$ City Match</b>
Alaska Dept. of Health and Social Services	Bethel Community Service Patrol	CSPs to assist those unable to care for themselves	Police	4/1/15	\$346,829 \$91,121 (In-kind)
State of Alaska, Capital Budget	FY 2016 Capital Budget	Capital priorities being decided by Bethel City Council	Admin.	12/8/14	\$22,977,400 None
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)
<b>Approved in Calendar Year 2015</b> <span style="float: right;">Most recent first</span>					
<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts.</b>	<b>Date</b>	<b>\$ Grant \$ Match</b>
Alaska Housing Finance Corporation (BCSF is grantee)	SFY 2015 Public Safety Housing Grant Program	Housing for public safety personnel.	Police, Fire	10/13/14	\$1,000,000 15% (paid by BCSF)
<b>Total</b>					<b>1,000,000</b>

# City of Bethel

## IT Department

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

O Ann Capela  
FROM: Sam Blankenship, Information Technology Director  
SUBJECT: March Managers Report-2015

### Aquatic Center

- Checking specifications of the YKFC video system. (30 minutes)

### Bethel Youth Center

- Troubleshoot and correct fax issues in the BYC main printer.
- Updating Caselle on computers.

### City Hall Building

- Replace transfer belt, and toners For the City Hall main printer.
- Replace transfer belt, and toners and software configuration for the Main Finance printer
- Update Caselle on admin city clerk, and finance workstations.
- Replace Black cartridge in City Manager's office printer.
- Reorganize IT storage room (This is a monthly event)
- Troubleshoot Chambers audio system.
- Clear jam in ID card printer.
- Synchronize files on the City Clerk office workstation and the chambers workstation and update software.
- Documenting equipment for disposal / auction.
- Set up software and equipment for HR.

### Fire Department

- Troubleshoot and correct laptop printing issues and communication to testing equipment.
- Replace Toners in FD main printer.

### Parks and Recreation

- Update Caselle on directors workstation
- Diagnose and repair fax not receiving faxes.

### 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.
- Install Kantech door lock program on admin assistant workstation.
- Revising security parameters on PD file folders.

- Replace Toners in PD main printer.
- Update ID software to the Admin assistant workstation.
- Diagnose issue of dispatch workstation not having internet access.
- Working on a Digital Loggers trouble ticket replacing power controller.

### **Port**

- Troubleshoot and correct printer issues on the Port main printer.
- Update Caselle on Port Workstations.
- Assistance with Port Directors iPhone.

### **Public Works**

- Change toners in main PW printer.
- Update Caselle on 2 workstations.
- Software support for Bldg Maint workstation.
- Replace keyboard at Landfill office.
- Configure laptop for Vehicle Shop diagnostics.

### **VoIP Phone System**

- Configure and install conference phone x 345

### **Transit Building**

- None

### **Aquatic Center Wind Turbine**

- None.

### **Trouble Tickets**

- There were 135 Trouble tickets throughout the departments and 135 resolved.  
44 workstations had preventive maintenance on them.



Samuel Blankenship  
Information Technology Director

## MEMORANDUM

**DATE:** 04/01/2015  
**TO:** Ann Capela, City Manager  
**FROM:** Muzaffar Lakhani, Public Works Director  
**SUBJECT:** Manager's Report –

### **Utility Maintenance:**

Last month we had three water main breaks in the Bethel Heights area , The utility department has five backup generators last month we went and load tested them all and everything functioned properly, had a number of frozen sewer lines, also a never ending battle of piling moving and having to adjust the water and sewer mains. Tim Oosterman retired after Thirty Two years of service and he will be missed.

**Hauled Utilities:** For March 2015, the water crew has delivered 3,283,000 Gallons of water with an average of 32 stops daily per driver, the sewer crew has delivered 2,864,000 with an average of 35 stops. And garbage has hauled an estimated 2559 cubic yards of trash, with an average of 48 stops daily. We have lost one driver in March, and anticipate losing another by mid-April. We are looking at having a new driver who has applied, by the end of the month, and a couple of others who are graduating from Y.E. learning center by the end of April. It is becoming more difficult to do more houses on these routes with less drivers, and older trucks.

### **Property Maintenance:**

Winter maintenance keeps us busy with the day to day routine of checking our facilities to make the adjustments for heat, water/drain issues, problem door & window deficiencies, lighting, security/vandalism, and any other associated problem with a building. We have no backup for heat in several of our buildings one important one is the Court House. It would be nice if we could approach A.V.E.C. about what it would take to restore waste heat to that building. There is a heat exchanger that has been disabled due to no agreeable solution between the City and the Power Company. It is too of an important building and a costly one to repair if the heat goes down. With summer a month away now would be the time for a plan.

We have a number of projects going on and spring here is to start on the warm

weather ones. There have been lots of burials over the winter and we will have to expand and create another section. The old Senior Center has been vandalized and we are in the process of boarding it up. We have several other buildings we have begun to shut down that are not cost effective to operate. There are lots of upgrades we have planned and we are making preparations to start when the weather permits. Working on the O.S.H.A. recommendations as well. Thank you.

**Road Maintenance:**

Streets and Roads has keep up on the grading as best as we can with the roads turning to mud in the day time this spring, and so far so good, as long as it keeps freezing at night. This year will be one of the worst years, being that we have a lot of rain this last winter and the roads are extremely wet when it froze up, and when it starts to thaw out; it will be a lot muddier this spring. With the roads being muddy, we cannot grade them until it dries out, so with that being said, on some of the road, especially the one that do not have gravel on them, they will be extremely muddy this spring when it stops freezing at night.

Streets and Roads have also started on the spring culverts thaw at the last week of March. Being that it's been a warmer spring this year, we started 2 weeks earlier than normal; usually we start in the second week in April. So with that being said we brought the big red steamer out of winter storage from the Quonset hut earlier than normal, got it up, running, and now using it. It dose looks like this year will be a lot easy year in thawing culverts, in the 22 years, I've been with the city. The culverts this year that are frozen, so far, is less than half as many as last year.

Streets and Roads has also been hauling sand from the sand pile at the land fill up on the sides with the dump truck to cover up some of the trash. We had been doing this, when it is still frozen in the morning so that we can drive the dump truck up on top before it thaws out in the afternoon.

**Vehicles and Equipment:** This department has been, short staffed since I took over in the hauled utility department, and will be losing a mechanic, by April 14, and another, possibly by the end of May. We are looking to replace these opening positions, with more qualified candidates.

**Transit System:**

It's been a busy month for the Transit System. The icy roads, wind and temperature has kept the drivers on their toes. All in all we've been able to keep the two bus routes, Green and Red Lines going. On those cold and windy days

having the buses parked in the bus barn makes a big difference. I need to get studded snow tires on buses #438/437 it was difficult to use them when the roads were so icy. The new Bus #439 has new studded snow tires and it made a big difference. Bus 439, the new bus, is in the shop for service and at the same time replacing the brake calipers on the right front wheel.

The City of Bethel, Bethel City Council and the Transit System are honoring elders that are 75 years old and older by giving them FREE Yearly Passes. So Far we have seven elders, four males and three female, which have been given the passes. The Transit System still counts them, when they ride the buses, as part of the daily ridership.

John Sargent, the City's Grant Manager, is very busy helping the Transit System develop RFPs for the purchase of the Bus Stop Shelters (Learning Opportunity Grant) and the purchase of a new bus, funded in the FY 15 Transportation Grant. Last year when we purchase the new bus, under the FY 14 Grant, we were able to purchase it under the State of Washington bidding process, however this year the State of Alaska no long uses this and we have to go out with a RFP. Unfortunately this may delay us getting the new bus this coming summer.

We are in need of hiring an On-Call Driver, when the full time and part time drivers are on leave we have to adjust and fill in where we can. We only cancel one route if two people are gone at the same time. When that happens we usually cancel the Red Line and I'll drive the Green Line, 6:30am to 6:30pm. It makes for a long day.

John Sargent and I are working with the finance department making sure that the FY 15 Transit budget is balanced and utilized by the end of the fiscal year, June 30, 2015. If possible we plan to utilize some of the money to help cover the additional costs of the Bus Stop Shelters and maintenance / office supplies.

Bethel Transit System goal for the FY 2015 will be to show a 20-25 percent increase in ridership / revenue. I think we can do this by providing **better and more dependable / reliable service** for our passengers. If you have questions and concerns please feel free to contact me anytime, 543-3039, or stop by the office and we can share a cup of coffee.

### **Landfill / Recycle Center:**

Land fill has been keeping up with the trash but as usual at this time of the year we are fighting muddy conditions. Gary M., Johnathan and Jimmy of Road Maintenance have been hauling and covering trash with sand when they have time available to help out.

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*Bethel City Council*

*Office of the City Clerk*

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# **Clerk's Report**



# City of Bethel, Alaska

City Clerk's Office

## **Council Meetings and Events**

April 28, 2015 Regular City Council Meeting

## **Documents**

### **Written for this agenda**

Ordinance presenting advisory ballot questions on alcohol licensing.  
Ordinance presenting ballot question on 12% tax on alcohol sales.  
Ordinance Acquiring the Laundromat property and building.  
Resolution supporting Public Broadcasting funding.  
Proclamation recognizing Pete Kaiser.  
AM directing Administration to provide procedures for debt collections.

### **Reviewed for this agenda.**

Ordinance disposing of City owned property through RFP- Old Laundromat building.  
Ordinance establishing 16.10, Tall Towers.

### **Document preparation for future agendas.**

Ordinance modifying BMC 5.08, Alcoholic Beverages.  
Resolution protesting the issuance of a liquor license to Bethel Spirits LLC.  
Proclamation for heroin use in the community.

### **Document review for future agendas.**

Ordinance establishing BMC section, provisions on alcohol tax.

## **Research**

Alaska Statute/Department of Labor/Public Employee Retirement System, regulations on part-time employees and obligations for the employers.  
Records disclosures specific to law enforcement.

## **Passports**

For the week of March 30, the City Clerk's office processed five passport applications.  
For the week of April 6, the City Clerk's Office is scheduled to process four passport applications.

## **Twitter**

The City Clerk's Office launched a Twitter account with the hope to better disseminate information to the public. The question may be asked, why Twitter and not Facebook considering the high volume of Facebook users in the region? The Facebook forum includes and is intended to be used for dialogue, to post

information while allowing community feedback on issues. At this point in time, the City Clerk's Office worries the amount of time necessary to check the page for inappropriate comments/posts is unpractical. Twitter as opposed to Facebook would only allow people to repost posts which means there will be no dialogue on the Clerk's Twitter page and therefore no worries of inappropriate or unproductive comments. Additionally, you do not have to create a twitter account to access the page, while in Twitter, search @CityClerkBethel and the tweets can be viewed.

It is our hope that by utilizing Twitter as a tool for getting information out to the public, more people in the region will realize the usefulness of Twitter and become users of the social media site. It will always be the policy of the City Clerk's Office to maintain the City of Bethel, City Clerk's page as a primary source for information. The public is encouraged to follow the City Clerk's Office @CityClerkBethel.

### **Community Meeting**

As directed by the Council, the City Clerk's Office organized the public meeting, held April 6, to discuss potential alcohol sales in Bethel.

A big thank you goes out to the volunteers that pulled that meeting together, Michelle Dewitt, Joli Morgan and Jody Drew, as well as YKHC for their lending of the translation equipment.

### **Committee and Commission Training**

Training has so far been provided for the Energy Committee, Finance Committee, Public Safety and Transportation Commission.

Attempted training for the Parks and Recreation Committee but a quorum was not established. I will be providing their training the week of April 13<sup>th</sup>.

Training will be provided to the Public Works Committee the week of April 13<sup>th</sup>.

On April 9, I will provide training to the Planning Commission assuming they will have a quorum. Previous to this meeting the Planning Commission requested I hold off on training because of their other agenda topics.

Have been on hold with the Port Commission at their request so they can eliminate a few items from their agenda.