



City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

Fax: 907-543-3781

Regular City Council Meeting
Tuesday, August 11, 2015
6:30 P.M.
Council Chambers; Bethel, Alaska



City Council Meeting Agenda

Regularly Scheduled Meeting

August 11, 2015 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers

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

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

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

Heather Pike
Council Member
Term Expires 2015
545-4802
hpik@cityofbethel.net

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

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

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

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

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

Patty Burley
City Attorney

Mary Sattler
Lobbyist

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PEOPLE TO BE HEARD – Five minutes per person**
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. APPROVAL OF MEETING MINUTES**
 - a) **P5** *7-22-2015 Special Meeting Minutes
 - b) **P7** *7-23-2015 Special Meeting Minutes
 - c) **P10** *7-28-2015 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) Energy Committee
 - g) Non Standing Committee Reports
- VIII. SPECIAL ORDER OF BUSINESS**
 - a) USA Pool Update On The YK Regional Aquatic Training And Health Center (Mayor Robb)
 - b) **P20** Liquor License Applicant's Opportunity To Defend Their Application Before The Governing Body As Per 3 AAC 304.145
 - 1) Dimitri's Restaurant License # 5402 (Mayor Robb)
- IX. UNFINISHED BUSINESS**
 - a) **P32** Public Hearing On Ordinance 15-17: A Ballot Proposition Amending The Bethel Municipal Code To Adopt A Marijuana Retail Sales Tax In The Amount of (12%) Twelve Percent (Council Member Springer)
 - b) **P34** Public Hearing On Ordinance 15-18: Establishing A Marijuana Advisory Committee (Council Member Springer)
 - c) **P37** Public Hearing On Ordinance 15-22: Establishing Kuimarvik – A Place To Swim, As The Advisory Committee To The City Council For The Yukon Kuskokwim Regional Aquatic Health And Safety Center (Vice-Mayor Albertson)
 - d) **P39** Public Hearing On Ordinance 15-23: Amending Bethel Municipal Code Chapter 2.52, Boards, Committees and Commissions, Deleting Parks And Recreation Committee And Establishing Recreation And Fitness Center Committee (Vice-Mayor Albertson)

Agenda posted on August 5, 2015, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Stickler, 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 August 25, 2015**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
August 11, 2015 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

- e) **P43** Public Hearing On Ordinance 15-24: Submitting To The Qualified Voters At The October 6, 2015, Regular Election, A Ballot Proposition To Adopt Local Options, Alaska Statutes 04.11.490 (a)(3)(C), Prohibiting The Sale Of Alcoholic Beverages Except For At A Package Store, License Operated By The City Of Bethel (Council Member Herman)
- f) **P46** Public Hearing On Ordinance 15-25: Approving The Disposal Of City Property Identified As 1.43 Acres Located At Plat 93-92, Lagoon Parcel Bethel Native Corporation ANCSA 14(c) Survey, Section 5, Township 8 North, Range 71 West, Seward Meridian, In Accordance With 4.08.030, Disposal Of Property (Council Member Fansler)
- g) **P47** Public Hearing On Ordinance 15-26: Approving The Disposal Of City Property, Identified As 1.12 Acres Located At Plat 93-92, Lagoon Parcel Bethel Native Corporation ANCSA 14(c) Survey, Situated Within A Portion Of Section 5, Township 8 North, Range 71 West, Seward Meridian, In Accordance With 4.08.030, Disposal Of Property (Council Member Fansler)

X. NEW BUSINESS

- a) **P50** *Introduction Of Ordinance 15-27: Establishing Chapter 16.10 Tall Towers (Vice-Mayor Albertson)
- b) **P97** *Resolution 15-13: Supporting The 2015 Cama-i Dance Festival By Providing A Donation In The Amount Of Sales Taxes Collected (City Manager Capela)
- c) **P98** AM 15-25: Approving Travel For Council Member Fansler To Attend Alcohol Beverage Control Board Meeting In Kotzebue, September 15, 2015 (Vice-Mayor Albertson)
- d) AM 15-26: Approving The Purchas Of Potassium Permanganate, Sodium Fluoride, And Calcium Hypochlorite From UNIVAR USA, INC. In The Amount Of \$44,577.71 (City Manager Capela)
- e) AM 15-27: Approving The Purchase Of Calcium Chloride And Sodium Chloride In The Amount Of \$95,435.45-\$99,163.61 (City Manager Capela)
- f) IM 15-01: City's Intent To Apply For USAD-RD Funding To Replace Existing Sewage Lagoon Truck Dump Site (City Manager Capela)
- g) Community Concerns Regarding A Recent Spike In Vehicle Theft And Property Vandalism (Council Member Maczynski)

XI. MAYOR'S REPORT

XII. MANAGER'S REPORTS

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

Agenda posted on August 5, 2015, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Stickler, City Clerk

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Approval of the Meeting Minutes

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on July 22, 2015 at 12:00 p.m., in the council chambers, Bethel, Alaska.

Mayor Richard Robb called the meeting to order at 12:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Mark Springer
<input checked="" type="checkbox"/> Vice-Mayor Leif Albertson	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Zach Fansler (arrived at 12:08 p.m.)	
<input checked="" type="checkbox"/> Council Member Byron Maczynski (arrived at 12:10 p.m.)	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> City Attorney Patty Burley
<input checked="" type="checkbox"/> City Clerk Lori Strickler	<input checked="" type="checkbox"/> Assistant City Clerk Adriane Welch
Members Absent:	
<input checked="" type="checkbox"/> Council Member Heather Pike	

IV. PEOPLE TO BE HEARD

Sam Blankenship –
Advised the council on an I.T. stand point, the software choices presented today to the council may or may not get approved of. Suggested to be aware of all options.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda

Moved by:	Herman
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Maczynski
Opposed:	-0

VI. APPROVAL OF THE MEETING MINUTES

VII. REPORTS ON STANDING COMMITTEES

VIII. SPECIAL ORDER OF BUSINESS

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

Item A – Council’s Consideration Of Boardbook, An Electronic Packet Management Program.

XI. MAYOR’S REPORT

XII. MANAGER’S REPORT

XIII. CLERK’S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. ADJOURNMENT

Main Motion: Adjourn

Moved by: Fansler

Seconded by: Springer

Action: Motion carries by a vote of 6-0

In favor: Robb Albertson Springer Fansler Herman Maczynski

Opposed: -0

Council adjourned at 1:06 p.m.

Richard Robb, Mayor

ATTEST:

Adriane Welch, Assistant City Clerk

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on July 23, 2015 at 6:30 p.m., in the council chambers, Bethel, Alaska.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Zach Fansler
<input checked="" type="checkbox"/> Vice-Mayor Leif Albertson	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Heather Pike	<input checked="" type="checkbox"/> Council Member Byron Maczynski (arrived after roll call)
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> City Attorney Patty Burley
<input checked="" type="checkbox"/> City Clerk Lori Strickler	<input checked="" type="checkbox"/> Michael Gatti, Representing Attorney
Members Absent:	
<input checked="" type="checkbox"/> Council Member Mark Springer	

IV. PEOPLE TO BE HEARD

Raymond Pete –

Concerned with the amount of bootlegging within the community and stated his support of a liquor store in Bethel to allow for the legal sales in Bethel.

Ben Matheson –

Requested the Council consider discussing Items A and B in an open session to allow the members of this community know what the Council’s discussion is on the issues.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Agenda

Moved by: Pike
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Fansler Herman Pike
Opposed: -0

VI. EXECUTIVE SESSION

Item 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/Potential Litigation Regarding The Investigation Of Administrative And Personnel Matters As Authorized By The City Council, February 11, 2014.

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 Regarding The Determination Of The Alcohol Beverage Control Board’s Decision To Not Uphold The Protest By The Bethel City Council For The Package Store Liquor License Application From Bethel Spirits, LLC.

Item 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/Potential Litigation Regarding Real-estate Taxes.

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 Regarding The Investigation Of Administrative And Personnel Matters As Authorized By The City Council, February 11, 2014.

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 Regarding The Determination Of The Alcohol Beverage Control Board’s Decision To Not Uphold The Protest By The Bethel City Council For The Package Store Liquor License Application From Bethel Spirits, LLC.

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 Regarding Real-estate Taxes.

Those participating in the Executive Session are, City Clerk Strickler, City Manager Capela, City Attorney Burley, and Representing Attorney Gatti.

Main Motion:

Moved by:	Herman
Seconded by:	Fansler
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike
Opposed:	-0

Council Member Maczynski arrived at 6:27 p.m.

Council Member Maczynski departed at 9:08 p.m.

Council came out of executive session at 9:43 p.m.

VII. ADJOURNMENT

Main Motion: Adjourn

Moved by:	Fansler
Seconded by:	Pike
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman
Opposed:	-0

Council adjourned at 9:47 p.m.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on July 28, 2015 at 6:30 p.m., in the council chambers, Bethel, Alaska.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Byron Maczynski
<input checked="" type="checkbox"/> Vice-Mayor Leif Albertson	<input checked="" type="checkbox"/> Council Member Chuck Herman (participated telephonically)
<input checked="" type="checkbox"/> Council Member Heather Pike	<input checked="" type="checkbox"/> Council Member Mark Springer (arrived at 6:45pm)
<input checked="" type="checkbox"/> Council Member Zach Fansler	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> City Attorney Patty Burley
<input checked="" type="checkbox"/> City Clerk Lori Strickler	
Council Members Absent:	
<i>All members present.</i>	

IV. PEOPLE TO BE HEARD

Raymond Pete –

Requested the Council to consider changing Bethel’s name to its original name, Mamterilleq.

David Trantham Jr. –

Said that his home was broken into on Sunday, he did not call the police or file a report. Stated he would do what he had to do to protect his property.

Complained to the Council about the condition of the roads and the potholes in the community.

Provided his opposition to the introduction of Ordinance 15-24, stated it should be left to the people to bring the issues of local option up, not the Council.

Council Member Springer arrived at 6:45 p.m.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

Moved by: Fansler
Seconded by: Springer
Action: Motion carries by a vote of 7-0
In favor: Robb Albertson Springer Fansler Herman Pike Maczynski
Opposed: -0

Removal from the Consent

Agenda: Ordinances 15-18 – 15-21.

Moved by: Springer

Removal from the Consent

Agenda : Ordinances 15-24, 15-25 and 15-26.

Moved by: Fansler

Removal from the Consent

Agenda: Ordinances 15-22 and 15-23 as well as Administrative Leave for the City Manager.

Moved by: Robb

VI. APPROVAL OF THE MEETING MINUTES

Item A – 7-14-2015 Regular Meeting Minutes
Passed on the consent agenda.

VII. REPORTS ON STANDING COMMITTEES

Public Safety and Transportation Commission

Council Representative, Chuck Herman –
No report.

Port Commission

Port Director, Pete Williams –
There are vacancies on the Commission.
The Port crew is working on graveling the harbor.

Planning Commission

Council Representative, Heather Pike –
A quorum of the body was not established, nothing to report.

Parks and Recreation Committee

Council Representative, Richard Robb –

A meeting has not been held since the last City Council Meeting.

Finance Committee

Council Representative Leif Albertson –

A meeting has not been held since the last City Council Meeting.

Public Works Committee

Council Representative, Byron Maczynski –

Discussed the sewage lagoon, water filters and repairing or replacing the boardwalk connecting the hospital with City Subdivision.

Energy Committee

Council Representative, Zach Fansler –

A meeting has not been held since the last City Council Meeting.

Non-Standing Committee

Kuimarvik Representative, Council Member Fansler –

The Board provided their support to Ordinances 15-22 and 15-23 regarding the transition to a City appointed board for the pool facility and recreational activities.

VIII. NEW BUSINESS

Item A – Introduction Of Ordinance 15-17: Submitting To The Voters, A Ballot Proposition Amending Bethel Municipal Code To Adopt A Marijuana Retail Sales Tax In The Amount of Twelve Percent (12%).

Main Motion: Introduce Ordinance 15-17.

Moved by:	Springer
Seconded by:	Maczynski
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	–0

Item B – Introduction Of Ordinance 15-18: Establishing A Marijuana Advisory Committee.

Main Motion: Introduce Ordinance 15-18.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	–0

Item C – Introduction Of Ordinance 15-19: Amending Bethel Municipal Code 5.40.070, Chauffeurs, Carrying Alcoholic Beverages And Controlled Substances And Repealing Bethel Municipal Code 5.40.080, Chauffeurs, Carrying Alcoholic Beverages.

Main Motion: Introduce Ordinance 15-19.

Moved by:	Springer
Seconded by:	Pike
Action:	Referred to the Public Safety and Transportation Commission

Subsidiary

Motion: Refer to the Public Safety and Transportation Commission.

Moved by:	Albertson
Seconded by:	Springer
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	—0

Primary Amendment: Amend the motion to insert 90 days to review and provide suggestions on the Ordinance.

Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	—0

Item D – Introduction Of Ordinance 15-20: Amending Bethel Municipal Code 5.20.120 F, Transportation Industry, General Provisions, Penalties And Remedies.

Main Motion: Introduce Ordinance 15-20.

Moved by:	Springer
Seconded by:	Fansler
Action:	Referred to the Public Safety and Transportation Commission

Subsidiary Motion: Refer to the Public Safety and Transportation Commission and to allow 90 days of the Commission’s review.

Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	<input checked="" type="checkbox"/> Robb

Item E – Introduction Of Ordinance 15-21: Amending Bethel Municipal Code 5.30, Taxicab, River Taxi, Limousine and Bus Permits, To Require Video Camera Surveillance System And Global Positioning System Capabilities.

Main Motion: Introduce Ordinance 15-21.

Moved by:	Springer
Seconded by:	Maczynski
Action:	Referred to the Public Safety and Transportation Commission

Subsidiary Motion: Refer to the Public Safety and Transportation Commission and to allow 90 days of the Commission’s review.

Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	–0

Main Motion: Ten Minute Break.

Moved by:	Maczynski
Seconded by:	Springer
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski

Item F – Introduction Of Ordinance 15-22: Repealing Ordinance 14-16, Establishing Kuimarvik, A Place To Swim, As The Advisory Committee To The City Council For The Yukon Kuskokwim Regional Aquatic Health And Safety Center.

Main Motion: Introduce Ordinance 15-22.

Moved by:	Albertson
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Maczynski
Opposed:	–0

Item G – Introduction Of Ordinance 15-23: Amending Bethel Municipal Code 2.52, Removing The Parks And Recreation Committee And Establishing A Fitness Center And Recreation Committee.

Main Motion: Introduce Ordinance 15-23.

Moved by: Albertson
Seconded by: Fansler
Action: Motion carries by a vote of 7-0
In favor: Robb Albertson Springer Fansler Herman Pike Maczynski
Opposed: —0

Main Motion: Motion to suspend the rules to hear from Barbra Mosier, Parks and Recreation Committee.

Moved by: Fansler
Seconded by: Pike
Action: Motion carries by a vote of 7-0
In favor: Robb Albertson Springer Fansler Herman Pike Maczynski
Opposed: —0

Main Motion: Amend the title of the committee to be Parks, Recreation and Fitness Center Committee.

Moved by: Springer
Seconded by: Fansler
Action: Motion carries by a vote of 4-3
In favor: Robb Springer Pike Maczynski
Opposed: Albertson Fansler Herman

Item H – Introduction Of Ordinance 15-24: Submitting To The Qualified Voters At The October 6, 2015, Regular Election, A Ballot Proposition To Adopt Local Options, Alaska Statutes 04.11.490 (a)(3)(C), Prohibiting The Sale Of Alcoholic Beverages Except For At A Package Store, License Operated By The City Of Bethel.

Main Motion: Introduce Ordinance 15-24.

Moved by: Herman
Seconded by: Springer
Action: Motion carries by a vote of 4-3
In favor: Albertson Springer Fansler Herman
Opposed: Pike Maczynski Robb

Item I – Introduction Of Ordinance 15-25: Approving The Disposal Of City Property Located At Plat 93-32, Lagoon Parcel To AVEC For Met Tower.

Main Motion: Introduce Ordinance 15-26.

Moved by: Fansler

Seconded by: Springer

Action: Motion carries by a vote of 7-0

In favor: Robb Albertson Springer Fansler Herman Pike Maczynski

Opposed: -0

Item J – Introduction Of Ordinance 15-26: Approving The Disposal Of City Property Located At Plat 93-32, Lagoon Parcel To AVEC For Wind Turbine.

Main Motion: Introduce Ordinance 15-26.

Moved by: Fansler

Seconded by: Springer

Action: Motion carries by a vote of 7-0

In favor: Robb Albertson Springer Fansler Herman Pike Maczynski

Opposed: -0

Item K – Action Memorandum 15-24: Approve Mayor’s Appointment Of Alisha Welch to the Public Works Committee as an Alternate Member.

Passed on the consent agenda.

Item L – Personal Time Off Request For The City Clerk.

Passed on the consent agenda.

Item M – Administrative Leave Request For The City Manager To Attend ICMA Annual Conference And Personal Time Off Request For Six Days.

Council Member Herman disconnected from the meeting at 9:33 p.m.

Main Motion: Approve Administrative Leave Request for the City Manager.

Springer Springer

Seconded by: Herman

Action: Motion carries by a vote of 6-0

In favor: Robb Albertson Springer Fansler Pike Maczynski

Opposed: -0

IX. MAYOR’S REPORT
X. MANAGER’S REPORT
XI. CLERK’S REPORT
XII. COUNCIL MEMBER COMMENTS

Council Member Byron Maczynski –

Wanted to provide a prayer to all of the Christians being sought out by ISIS.

Council Member Zach Fansler –

Be safe on the river, the silvers have arrived. Use a float coat. There are a lot of big things on the agenda next council meeting. Please contact your council members ahead of the meeting to share your ideas and concerns.

Council Member Mark Springer –

The Marijuana Control Board will be holding some meetings the next few weeks to discuss possible regulations. Expressed condolences to Ben and Irene Beaver for the loss of their son.

Mayor Richard Robb –

No comment.

Council Member Heather Pike –

No comment.

Vice-Mayor Albertson –

Thanked the Police Department for helping him recover his truck. Thanked the people who participated in the half marathon.

XIII. ADJOURNMENT

Main Motion: Adjourn

Moved by: Springer

Seconded by: Pike

Action: Motion carries by a vote of 7-0

In favor: Robb Albertson Springer Fansler Herman Pike Maczynski

Opposed: –0

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

Reports of Standing Committees

Special Order of Business



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W 7th Avenue Ste. 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

June 15, 2015

City of Bethel
Attn: Lori Strickler, City Clerk
VIA Email: lstrickler@cityofbethel.net

Maro Kargas – Restaurant Eating Place #5402 DBA Dimitri's Restaurant

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,


Jane Sawyer
Business Registration Examiner
Jane.sawyer@alaska.gov
907-269-0359

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: June 15, 2015

Application Type: NEW

TRANSFER
 Ownership
 Location
 Name Change

Governing Body: City of Bethel
 Community Councils: none

License #: 5402
 D.B.A.: Dimitri's Restaurant
 Licensee/Applicant: Maro Kargas
 Physical Location: 281 Fourth Avenue, Bethel, AK 99559
 Mailing Address: PO Box 1528, Bethel, AK 99559
 Telephone #: 907-543-3434
 EIN: 92-0176914

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
N/A				

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
N/A				

Additional comments: Restaurant Designation Permit attached

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Sincerely,



Jane Sawyer

Business Registration Examiner

Jane.sawyer@alaska.gov

907-269-0359

New Liquor License

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>15/16</u>	License Type: Restaurant/Eating place	Statute Reference Sec. 04.11.100	License Fee: \$600.00 Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$
Office Use: License #: <u>5402</u>			Fingerprint: \$ (\$49.75 per person)
Local Governing Body: (City, Borough or Unorganized) City of Bethel	Community Council Name(s) & Mailing Address: Bethel City Council PO Box 1388 Bethel, AK 99559		TOTAL \$749.75 700.00
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Maro Kargas	Doing Business As (Business Name): Dimitri's Restaurant	Business Telephone Number: (907) 543-3434 Fax Number:	
Mailing Address: PO Box 1528	Street Address or Location of Premises: 281 Fourth Ave. Bethel, AK 99559		Email Address:
City, State, Zip: Bethel, AK 99559			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: 450'	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: 1000'	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

New Liquor License

SECTION C – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.
 MK

SECTION D – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): NA		Telephone Number:	Fax Number:
Corporate Mailing Address:	City:	State:	Zip Code:
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED:	State of Incorporation:

Is the Entity in "Good Standing" with the Alaska Division of Corporations? Yes No
 If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth

NOTE: If you need additional space, please attach a separate sheet.

New Liquor License

SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Maro Kargas Address: PO Box 1528 Bethel, AK 99559 Home Phone: 543-3434 Work Phone:	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: 07-03-1943	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s) <u>Maro Kargas</u> Signature	Signature of Licensee(s) Signature
Signature <u>Dorothy Angstrom</u>	Signature
Name & Title (Please Print) <u>Dorothy Angstrom Secretary</u>	Name & Title (Please Print)
Subscribed and sworn to before me this <u>15th</u> day of <u>April</u> , <u>2015</u> .	Subscribed and sworn to before me this day of _____, _____.
Notary Public in and for the State of <u>Alaska</u>	Notary Public in and for the State of _____
My commission expires: <u>03/01/18</u>	My commission expires: _____

**STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 - 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 5402 Type: Restaurant or Eating Place

This application is for designation of premises where: (Please check the appropriate items below)

- 1. Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2. Persons 16 - 20 years of age may dine unaccompanied.
- 3. Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4. Persons between 16 - 20 years of age may be employed. *(See note below)

Licensee's Name: Maro Kargas d/b/a Dimitri's Restaurant

Name of Business: Dimitri's Restaurant

Business Address: 281 Fourth Avenue City: Bethel

1. Hours of operation 11:30 AM to 9:00 PM Telephone Number: 907-543-3434

2. Have police been called to your premises for any reason? Yes No
(If you answered yes, please explain below).

3. * Duties of employment: Food preparation, serving, ^{Food}busing tables

4. Are video games available to the public on your premises? Yes No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
 Yes No

6. How is food served? Table Service Buffett Service Counter Service Other _____

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? Yes No

*** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

**Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.

Maro Kargas
Licensee Signature

Local Governing Body Approval

Subscribed and sworn to before me this 15th day of June

Date

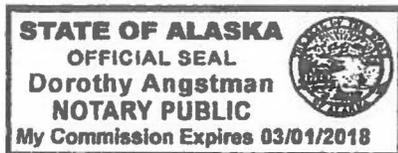
Dorothy Angstman
Notary Public in and for Alaska

My Commission expires: 03/01/18

Director, ABC Board

Date

Rev. 03172014



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, counters, bars, coolers, stages, etc.

DBA: Dimitri's Restaurant

PREMISES LOCATION: 281 4th Ave Bethel, AK 99559

Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

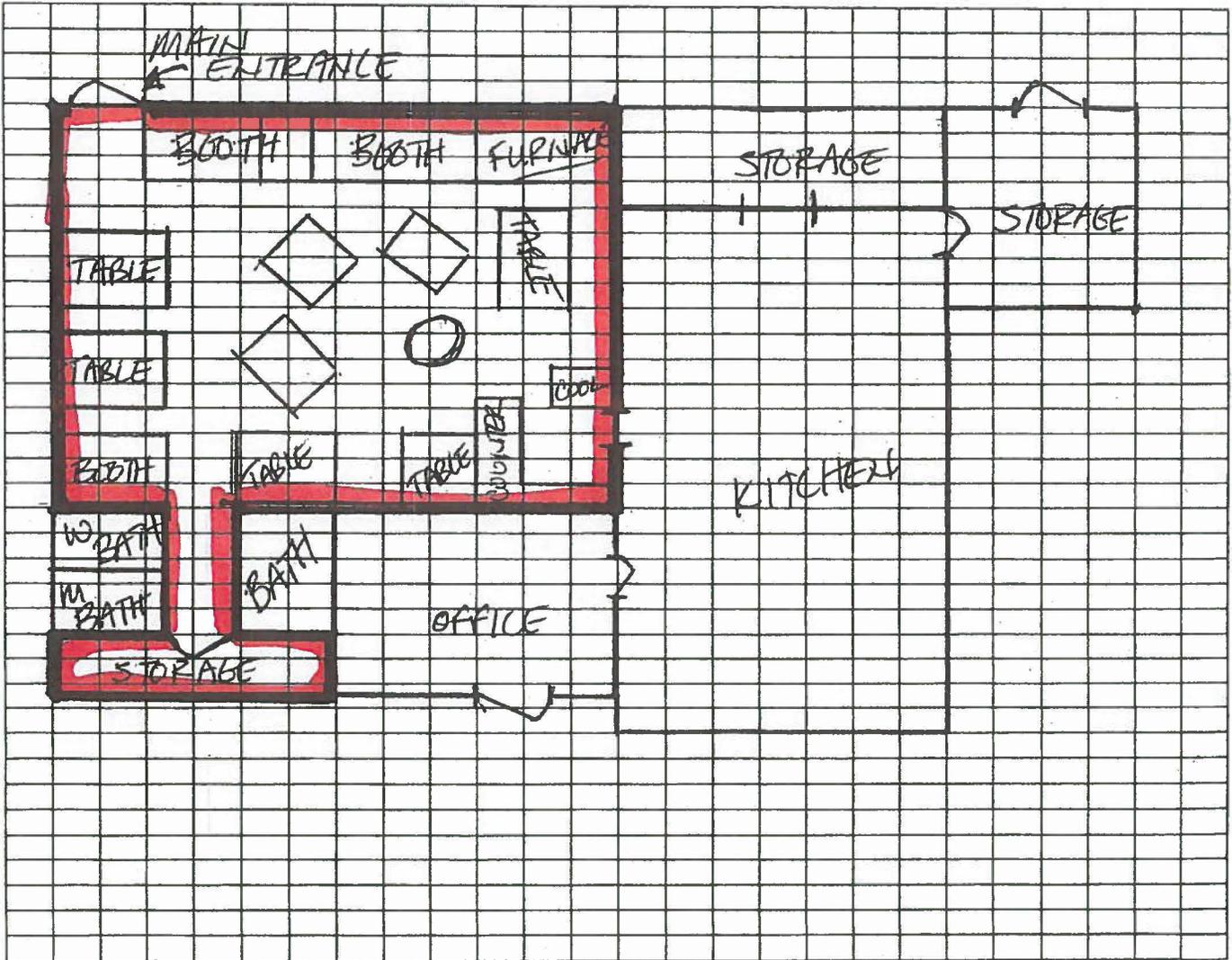
SCALE A: _____ 1 SQ. = 1 FT.

SCALE B: X 1 SQ. = 2 FT.

Length and width of premises in feet:

DIMENSIONS = 46' W X 50' L

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Chicken (epiforun)
 HB no mayo. ~~CB~~ F ~~F~~
 see on side

Dimitris RESTAURANT

CALZONES

CHOOSE FROM OUR SPECIALS OR MAKE YOUR OWN

One item calzone	\$18.50
Meat calzone (pepperoni, sausage, canadian bacon and mozzarella cheese)	\$21.00
Greek calzone (Olive oil base, green peppers, mozzarella & feta cheese)	\$22.00
Vegetarian calzone (Black olives, mushrooms, onions, green peppers and mozzarella cheese)	\$22.00
Combo calzone (Black olives, mushrooms, green peppers, pepperoni, canadian bacon, sausage and mozzarella cheese)	\$23.50
Dimitris calzone (same as Combo Calzone, plus tomatoes and pineapples)	\$24.50
Gyro calzone (gyro meat, mozzarella cheese, feta and onions)	\$24.50

PIZZAS

CHOOSE FROM OUR SPECIALS OR MAKE YOUR OWN FROM THE FOLLOWING ITEMS:

Mozzarella Cheese, pepperoni, sausage, canadian bacon, mushrooms, black olives, onions, green peppers, tomatoes, pineapple, jalapeno peppers, or double crust.

	Small(12")	Medium(14")	Large(16")
Cheese Pizza	\$16.00	\$18.00	\$20.00
Each additional item	\$2.00	\$2.50	\$3.00
White Pizza (Olive oil base, mozzarella, feta cheese, tomatoes)	\$20.00	\$22.00	\$24.00
House Special (pepperoni, sausage, mushrooms and green peppers)	\$20.00	\$22.00	\$24.00
Greek Combo (pepperoni, feta cheese, onions, green peppers, tomatoes)	\$22.00	\$24.00	\$26.00
Vegetarian Combo (mushrooms, black olives, onions, green peppers, tomatoes)	\$22.00	\$24.00	\$26.00
Combo (pepperoni, canadian bacon, sausage, mushrooms, black olives, green peppers)	\$24.00	\$26.00	\$28.00
Dimitris Special (same as Combo Pizza, plus tomatoes and pineapples)	\$25.50	\$28.00	\$30.00

Dimitris RESTAURANT

DESSERTS

Baclava	\$4.00	Cheesecake	\$4.00
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DRINKS

Pepsi, diet pepsi, coke, diet coke, 7Up, diet 7Up, Sprite, diet aprita, root beer, orange soda, Dr pepper, Mt Dew	\$2.00
Orange juice, apple juice, Ice Tea, Hot Tea, Coffee	\$3.00

OPEN FOR LUNCH & DINNER

(MON - FRI) 11:30AM - 2PM
 4:30PM - 9PM
 (SAT) 4:30PM - 9PM
 CLOSED ON SUNDAYS

CALL FOR FREE DELIVERY

(907) 543 - 3434

DIMITRIS RESTAURANT
 281 4th Avenue, Bethel AK 99559

Dimitris RESTAURANT

LUNCH MENU

APPETIZERS

Calamari Rings	\$9.95
Cheese Sticks	\$9.50
Fried Zucchini	\$9.00
Onion Rings	\$5.50
Fresh Breadsticks (2pcs)	\$4.50
Pitta Bread	\$2.50
Pitta Bread w/ mozzarella	\$3.75
Garlic Bread	\$3.00
Garlic Cheese Bread	\$4.25
French Fries	\$4.00
Curly Fries	\$5.50

SOUP OF THE DAY

Cup	\$4.50
Bowl	\$6.50

PITAS

White Pitta	\$9.00
Turkey Pitta	\$9.50
Roast Beef Pitta	\$9.50
Pitta Pizza	\$9.00

DEEP FRIED

Clams with fries	\$13.50
Oysters with fries	\$13.00
Cod (fish) with fries	\$13.50
Shrimp w/ fries	\$15.00
Chicken nuggets (10 pieces)	\$13.00

SALADS

Dinner Salad	\$7.00
Neal Scott	\$11.00
1/2 Greek Salad	\$12.50
Greek Salad	\$16.00
Chef's salad	\$17.00
<small>(ham, turkey, American & Mozzarella cheese)</small>	
Shrimp Louie salad	\$18.50
<small>(shrimp, salami, olives, tomato)</small>	

BURGERS

Hamburger	\$6.50
Cheseseburger	\$7.50
Bacon Burger (Canadian Bacon)	\$8.00
Bacon Burger (Strips of Bacon)	\$8.95
Mushroom Cheese Burger	\$9.00
Mushroom Cheese Burger (Canadian Bacon)	\$9.50
Mushroom Cheese Burger (Strips of bacon)	\$9.95
•Double your burger for \$2.95	
•Add fries for \$4.00	

SANDWICHES

Grilled Cheese w/ fries	\$9.50
Grilled Ham Cheese & w/ fries	\$10.50
BLT (Wheat bread)	\$8.50
BLT (Wheat bread) w/ fries	\$12.50
Gyro sandwich	\$13.50
Gyro plate	\$15.50
Steak Sandwich w/ fries	\$17.00
Chicken Sandwich	\$8.00
Fish Sandwich	\$8.50

SUB SANDWICHES

Vegetarian	\$10.25
Turkey (with cheese)	\$13.50
Turkey & Ham (with cheese)	\$14.00
Ham & Cheese	\$13.50
Italian Sausage	\$13.50
Meatball Sub	\$13.50
Gyro Sub	\$15.00
Roast Beef Sub	\$13.50
Super Sub	\$13.50
<small>(salami, pepperoni, Canadian Bacon, mortadello)</small>	
Dimitris Sub	\$14.50
<small>(same as super sub plus turkey & ham)</small>	
Greek Sub (Pita cheese, lettuce & tomato)	\$13.50

PASTA

Lasagna	\$17.00
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Dimitris RESTAURANT

DINNER MENU

APPETIZERS

Calamari Rings	\$9.95
Cheese Slicks	\$9.50
Fried Zucchini	\$9.00
Baked Sausage	\$9.95
Onion Rings	\$5.50
Pitta Bread	\$2.50
Pitta Bread w/ mozzarella	\$3.75
Pita with tzantzikli	\$7.00
Garlic Bread	\$3.00
Garlic Cheese Bread	\$4.25
French Fries	\$4.00
Curly Fries	\$5.50

PASTA

<small>All pasta dinners served with a dinner salad & garlic bread</small>	
Spaghetti with Homemade Meat Sauce	\$18.00
Spaghetti with Homemade Meat Balls	\$19.50
Spaghetti with Italian Sausage	\$19.50
1/2 portion of spaghetti (no salad)	\$13.00
Cheese (or Meat) Ravioli with Meat Sauce	\$19.50
Cheese (or Meat) Ravioli with Meat Balls	\$19.50
Cheese (or Meat) Ravioli with Italian Sausage	\$19.50
Lasagna	\$18.50

ITALIAN SAUTEED

<small>All Italian Sauteed dinners served with a dinner salad, garlic bread and a choice of steak fries, baked potato or spaghetti</small>	
Chicken Marsala (with fresh mushrooms, onions and Marsala wine)	\$26.00
Veal Marsala (with fresh mushrooms, onions and Marsala wine)	\$26.00
Chicken Sauteed (with fresh mushrooms, onions and Marsala wine)	\$26.00

CHARBROILED

<small>All charbroiled dinners served with a dinner salad, garlic bread and a choice of steak fries, baked potato or spaghetti</small>	
New York Steak (12Oz)	\$23.00
T-Bone Steak	\$24.00
Pork Chops (3 pieces)	\$23.00
Charbroiled Chicken	\$25.00
Steak & Prawns (12oz steak with four fried prawns)	\$28.00

SEAFOOD

<small>All seafood dinners served with a dinner salad & garlic bread</small>	
Deep fried clams	\$18.75
Deep fried oysters	\$17.75
Deep fried Cod	\$18.50
Deep fried Calamari	\$19.50
Deep fried Shrimp	\$21.50
Deep fried Scallops	\$22.50
Seafood Platter	\$24.00
<small>Scallops, shrimps, cod, oysters, clams</small>	

BAKED

<small>All baked dinners served with a dinner salad, garlic bread and a choice of steak fries, baked potato or spaghetti</small>	
Chicken Oregono	\$25.00
Chicken Parmesiana	\$26.00
Veal Parmesiana	\$26.00
Shrimp Parmesiana	\$22.00

Unfinished Business

CITY OF BETHEL, ALASKA

Ordinance #15-17

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 A MARIJUANA RETAIL 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):

4.16.010 E.

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

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:

1. Transient lodging.
2. Marijuana retail sales.

SECTION 2. ELECTION An election is to be held on October 6, 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% marijuana retail sales tax on the sales of marijuana in the City of Bethel? (Ordinance No. 15-17)

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 marijuana sales at a rate of 12%.
A "No" vote will maintain a sales tax rate of 6% on marijuana sales.

SECTION 4. Effective Date. This Ordinance shall become effective December 1, 2015 after ratification by the qualified voters of the City of Bethel voting on the question at the October 6, 2015 City of Bethel Regular 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 October 6, 2015 Regular municipal election approve the proposition.

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

Ordinance #15- 18

AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING A MARIJUANA ADVISORY COMMITTEE

WHEREAS, on November 4, 2014, the voters approved Ballot Measure 2, an Act to Tax and Regulate the Production, Sale and Use of Marijuana;

WHEREAS, Ballot Measure 2 provides for the legalization of the production and sale of marijuana and adopted a new chapter in the Alaska Statutes, which has been codified at Alaska Statute 17.38;

WHEREAS, Alaska Statutes 17.38.110, grants local control to municipalities. The statute permits municipalities to prohibit or govern the time, place, and manner and number of marijuana establishment operations, within their borders, to establish ordinances, penalties, procedures, fees and to create or designate a local regulatory authority;

WHEREAS, the State of Alaska recently seated a Marijuana Control Board tasked with developing regulations regarding marijuana production and sales;

WHEREAS, should the State fail to adopt regulations or a sufficient number of regulations by November 24, 2015, it will be up to the municipalities to have regulations in place;

WHEREAS, even if the State adopts regulations by the mandated deadline, the City of Bethel should be responsible and should be knowledgeable about these new regulations and their impact on the marijuana industry in Bethel;

WHEREAS, even when the State has regulations in place, those regulations do not focus on or address local concerns;

WHEREAS, the creation of an advisory body would assist the City in monitoring the actions of the State and the proposed regulations to ensure that any proposed new regulations are effective, meet the intent of the City Council, and are comprehensive in following the public process;

WHEREAS, a local Marijuana Advisory Committee would assist the City in ensuring the Bethel Municipal Code complies with all new regulations or can take over in place of the Board's failure to timely adopt regulations;

WHEREAS, responsibilities of the Marijuana Advisory Committee would include, but not be limited to:

- Monitoring the progress of any state, federal or municipal legislative and or regulatory action pertaining to Ballot Measure 2/AS 17.38;
- Reviewing the current Bethel Municipal Code (BMC) and identifying those sections of the code that may be affected by Ballot Measure 2/AS 17.38;
- Reporting and making recommendations to the City Council related to the implementation of Ballot Measure 2/AS 17.38 at the local municipal level including, but not limited to, recommendations pertaining to possible changes and/or additions to the BMC, zoning and regulation changes;

WHEREAS, Administration will designate an individual from city staff as an Ex Officio Member to the committee for the purposes of acting as secretary/recorder to the body;

WHEREAS, unless otherwise provided in this ordinance, the Marijuana Advisory Committee shall be governed by the requirements outlined in Bethel Municipal Code Chapter 2.52, Boards Committees and Commission;

WHEREAS, Council approved members should be familiar with the marijuana industry, the current and proposed marijuana regulations from the State;

WHEREAS, the Marijuana Advisory Committee, will be the committee charged with the initiation of marijuana regulations however, it is the Council's intent to establish a separate local regulatory authority, responsible for the processing of applications submitted for a registration to operate a marijuana establishment within the boundaries of the City;

NOW, THEREFORE BE IT ORDAINED, that the Bethel City Council establishes a Marijuana Advisory Committee.

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

SECTION 2. Effective Date. This Ordinance shall become effective September 1, 2015 following the passage by the Bethel City Council.

SECTION 3. Expiration Date. This Ordinance shall expire on January 1, 2017.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

Ordinance #15-22

AN ORDINANCE REPEALING ORDINANCE 14-16, AN ORDINANCE ESTABLISHING KUIMARVIK-A PLACE TO SWIM, AS THE ADVISORY COMMITTEE TO THE CITY COUNCIL FOR THE YUKON KUSKOKWIM REGIONAL AQUATIC HEALTH AND SAFETY CENTER

WHEREAS, the Bethel City Council, through Ordinance 15-16, created a Fitness Center & Recreation Committee, which will be comprised of community volunteers with an interest in long term stability of the pool facility and will act as an advisory committee to the City Council;

WHEREAS, with the Council's establishment of a City body specifically tasked with the advisement to the Council on the Yukon Kuskokwim (YK) Fitness Center, the continued efforts of Kuimarvik to carry out that function has concluded;

WHEREAS, the City of Bethel recognizes the importance of ensuring the functions of the YK Fitness Center are efficient, citizen-centered and sustainable, it is in the City's interest and goal to maintain an active role in the operations of the facility;

WHEREAS, with sustainability in mind, the City Council will task the City's Fitness Center & Recreation Committee with the ongoing review and monitoring of the data recorded for entry to the facility, program occupancy, budgetary and operation recommendations, marketing and many more, the Committee will provide the Council with updates monthly so the Council is fully apprised on the operations of this facility;

WHEREAS, in taking on the responsibility of advisement on the pool through community volunteers, the City as the owners of the facility will carry the full responsibility of ensuring the pools long term stability is accomplished;

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

SECTION 2. Repealing. This ordinance repeals Ordinance 14-16, An Ordinance establishing Kuimarvik – A Place to Swim as the Advisory Committee to the City Council for the Yukon Kuskokwim Regional Aquatic Health and Safety Center.

SECTION 3. Effective Date. This ordinance, repealing Ordinance 14.16, shall become effective September 1, 2015 after the passage by the City Council.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

Ordinance #15-23

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 2.52, BOARDS, COMMITTEES AND COMMISSIONS, DELETING PARKS AND RECREATION COMMITTEE AND ESTABLISHING FITNESS CENTER & RECREATION COMMITTEE-PARKS, RECREATION AND FITNESS CENTER COMMITTEE

WHEREAS, as of July 1, 2015 the City of Bethel will be transitioning the parks maintenance employees to operate under the public works department, with the intent to focus on the maintenance of current parks and boardwalks and planning/development of new parks, boardwalks and safety paths;

WHEREAS, concurrent with this transition, the City has transferred funding of the Recreation and 4-H functions to the University of Alaska, who will assume the responsibilities of the 4-H activities therefore alleviating the need of the Parks and Recreation Committee;

WHEREAS, on September 1, 2015, the Parks and Recreation Committee will dissolve however, the Council recognizes the need to continue the promotion of recreational activities within the community and wishes to focus on the Fitness Center as a significant source of recreation;

WHEREAS, Ordinance 15-22 repeals Ordinance 14-16 which established Kuimarvik, A Place to Swim as the advisory committee to the City Council for the Yukon Kuskokwim Regional Aquatic Health and Safety Center, otherwise known as the YK Fitness Center, with the intent to organize the Fitness Center & Recreation Committee as a City organized body;

WHEREAS, some of the responsibilities of the Fitness Center & Recreation Committee Parks, Recreation and Fitness Center Committee are:

- Developing annual goals in conjunction with the pool operators to be reviewed and approved by the City Council;
- Advise in planning, and making of recommendations concerning aquatics facilities, programs, outreach, policies and other recreational programming for the residents of the city;

- Upon referral of the City Council, review and make recommendations on capital improvement projects for the facility;
- Review and make recommendations to the Council on community services and the coordination of recreational services at the facility and special events with other governmental and private agencies and voluntary organizations;
- Upon referral from the City Council, conduct studies and make recommendations which promote and encourage high standards and increased opportunities in aquatics offerings, recreational activities and fitness-based programs that are in the best interest of the City;
- Encourage broad citizen participation in aquatics, fitness, and healthy recreational activities;
- Act as a sounding board for individuals and organizations having an interest in aquatics and fitness center programming and provide feedback for improvement;
- Advise and engage the city council on issues that will enhance the quality of life of Bethel residents through engagement in healthy leisure activity both within , and outside, the YK fitness center.
- Perform such other duties and functions as the City Council may from time to time request, or otherwise appoint the committee to administer or coordinate on behalf of the City;

WHEREAS, Administration will designate an individual from city staff as an Ex officio member to the committee for the purposes of acting as secretary/recorder to the body, the ex officio member will not be a voting member but may take part in discussions of the body and must ensure the compliance with the Bethel Municipal Code and other applicable laws related to municipal boards;

WHEREAS, the established Committee shall be governed by the requirements outlined in Bethel Municipal Code Chapter 2.52, Boards Committees and Commission;

WHEREAS, Administration will designate an individual from city staff as an ex officio member as well as a substitute ex officio member in the case of an absence of the designated ex officio member, to the committee for the purposes of acting as secretary/recorder to the body, the ex officio member will not be a voting member but may take part in discussions of the body and must ensure compliance with the Bethel Municipal Code and other applicable laws related to municipal boards;

WHEREAS, Council approved members should be familiar with the facility and the programs offered in the facility; proactive in the goal of establishing a sustainable facility through programs and budget; willing to listen and act on community feedback related to facility improvements and able to commit the time necessary to attend

meetings, conduct independent research on ways the facility can be improved and with the collaboration of the committee, provide reports to the Council on the Committee's findings and recommendations;

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

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

SECTION 2. Amendment. The Bethel Municipal Code Chapter 2.52 is to be amended as follows (new language is underlined and old language is stricken):

Chapter 2.52
BOARDS, COMMITTEES AND COMMISSIONS

2.52.025 Committees.

A. There shall be a finance committee, a public works committee, ~~a parks and recreation committee, a Fitness Center and Recreation Committee~~ parks, recreation and fitness center committee and an energy committee for the purposes of gathering information, conducting research, advising the city council regarding matters within their purview, and performing any other such duties as the city council may refer to them from time to time.

SECTION 3. Effective Date. This Ordinance shall become effective September 1, 2015 following the passage by the Bethel City Council.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Insert as the 10th whereas statement:

It will be the Council's goal to reserve one seat on the Parks, Recreation and Fitness Center Committee for a Kuimarvik Board member to act as liaison to the Kuimarvik Board and the City Committee, in the absence of a Kuimarvik Board member application, the Council may appoint a member of the community to complete a full membership of the Parks, Recreation and Fitness Center Committee;

CITY OF BETHEL, ALASKA

Ordinance #15-24

AN ORDINANCE BY THE BETHEL CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BETHEL, A BALLOT PROPOSITION TO ADOPT LOCAL OPTION, ALASKA STATUTES 04.11.491 (a)(3)(C), PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES EXCEPT FOR A PACKAGE STORE LICENSE OPERATED BY THE MUNICIPALITY AND OPT TO NOT APPLY A CLASS C FELONY TO VIOLATIONS OF ALASKA STATUTES 04.16.051, FURNISHING OR DELIVERY OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21 (AS 04.11.491 (g)(3))

WHEREAS, a majority of the voters, voting in the City of Bethel, Regular Municipal Election, October 6, 2009, voted to opt out of Local Option;

WHEREAS, the effect of that election was that Bethel went from being a damp community to being a wet community;

WHEREAS, the City of Bethel then held a Special Election, January 19, 2010, and presented the voters with five advisory questions regarding the issuance of liquor licenses in Bethel;

WHEREAS, out of the five advisory questions, Proposition #5, "Should the City of Bethel support the City to apply for a liquor license and the operation of a city owned liquor store?" received the highest number of favorable votes at 43%;

WHEREAS, as long as the City of Bethel remains wet, alcohol will continue to flow into the City in unlimited and unregulated quantities;

WHEREAS, the community would have significant control over alcohol sales if the City operated a liquor store;

WHEREAS, privately operated liquor stores are not required to impose restrictions on the sale of alcohol and have no financial reason to do so;

WHEREAS, by only allowing sales through the City, regulations could be imposed which place significant restrictions on who can purchase alcohol in Bethel:

limits such as only legal residents of Bethel who are 21+ years of age, etc., restrictions which are not mandated or required of private package stores;

WHEREAS, in order to have a City operated liquor store, the citizens of Bethel would have to return to one of the several versions of local option: AS 04.11.491(a) (3) (C);

WHEREAS, Local Option 4.11.491 (a) (3) (C) would allow for the City of Bethel to own and operate a liquor store while prohibiting the sales of alcohol by any other agency within the City limits;

WHEREAS, if the City of Bethel returns to local option status, the citizens of Bethel can be provided a choice whether to make the sale and furnishing of alcohol to minors a felony or misdemeanor;

Now, Therefore Be It Enacted by the City Council of Bethel Alaska as follows:

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

SECTION 2. Election.

An election is to be held October 6, 2015 in and for the people of Bethel for the purpose of submitting ballot propositions to the qualified voters of the City of Bethel for approval or rejection. The propositions must receive a majority of votes from the qualified voters to be approved. The proposition must be substantially in this form:

Shall the City of Bethel adopt a local option (4.11.491 (a) (3) (C), to prohibit the sale of alcoholic beverages except through a package store license, commonly known as a liquor store, operated by the municipality which authorizes the sale of alcoholic beverages to a person present on the licensed premises or to a person known to the licensee who makes a written solicitation to that licensee for shipment;

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

PROPOSITION NO. _____ Yes No

Explanation: A "Yes" vote will prohibit the sales of alcohol in Bethel unless by the City of Bethel.

A "No" vote will mean, no change in status, Bethel remains out of local option.

SECTION 4. Election.

An election is to be held October 6, 2015 in and for the people of Bethel for the purpose of submitting ballot propositions to the qualified voters of the City of Bethel for approval or rejection. The propositions must receive a majority of votes from the qualified voters to be approved. The proposition must be substantially in this form:

Shall the City of Bethel opt to not apply a class C felony to violations of Alaska Statutes 04.16.051, Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21 (AS 04.11.491(g)(3)?

SECTION 5. Ballot Form The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other propositions, and the following words shall be added as appropriate and set next to a square for marking the ballot for voting by a machine.

PROPOSITION NO. _____ Yes No

Explanation: If in local option status:

A "Yes" vote will make the crime of Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21 a misdemeanor.

A "No" vote would keep the crime of Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21 a Class C Felony.

Section 4. Effective Date.

This Ordinance shall become effective after ratification by the qualified voters of the City of Bethel voting on the question at the October 6, 2015, City of Bethel Regular Election and certification of the Election by the Bethel City Council.

CITY OF BETHEL, ALASKA

Ordinance #15-25

AN ORDINANCE BY THE BETHEL CITY COUNCIL APPROVING THE DISPOSAL OF CITY PROPERTY IDENTIFIED AS 1.43 ACRES LOCATED AT PLAT 93-32, LAGOON PARCEL BETHEL NATIVE CORPORATION ANCSA 14(c) SURVEY, SECTION 5, TOWNSHIP 8 NORTH, RANGE 71 WEST, SEWARD MERIDIAN, 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 to an entity providing a necessary public service at a rate that is below fair market value;

WHEREAS, AVEC desires to lease 1.43 acres of undeveloped City land in order to install and operate a temporary met tower;

WHEREAS, the met tower will be temporary in nature (3 years) and will give AVEC an opportunity to assess the effectiveness of the wind tower erected nearby;

WHEREAS, having a properly functioning and properly calibrated wind tower will provide lower energy costs to the citizens of Bethel;

NOW, THEREFORE BE IT ORDAINED, the City Council hereby authorizes the disposal of property, 1.43 acres of undeveloped land, located at Plat 93-32, Lagoon Parcel Bethel Native Corporation ANCSA 14(c) Survey, situated within a portion of Section 5, Township 8 North, Range 71 West, Seward Meridian, located in the Bethel Recording District, Fourth Judicial District at Bethel, Alaska

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 04.08.030 Disposal of Real Property.

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

CITY OF BETHEL, ALASKA

Ordinance #15-26

AN ORDINANCE BY THE BETHEL CITY COUNCIL APPROVING THE DISPOSAL OF CITY PROPERTY, IDENTIFIED AS 1.12 ACRES LOCATED AT PLAT 93-32, LAGOON PARCEL BETHEL NATIVE CORPORATION ANCSA 14 (c) SURVEY, SITUATED WITHIN A PORTION OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 71 WEST, SEWARD MERIDIAN, 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 to an entity providing a necessary public service at a rate that is below fair market value;

WHEREAS, AVEC desires to lease 1.12 acres of undeveloped City land in order to install and operate a wind tower;

WHEREAS, the Lease would be for fifty (50) years and would necessitate the building of a road and an easement to be completed separately from this ordinance;

WHEREAS, the wind tower will result in the generation of wind power energy which will result in reduced costs for energy for all of the citizens of Bethel;

WHEREAS, reduced energy costs will benefit everyone in Bethel, residential and commercial;

NOW, THEREFORE BE IT ORDAINED, the City Council hereby authorizes the disposal of property, 1.12 acres of undeveloped land, located at Plat 93-32, Lagoon Parcel Bethel Native Corporation ANCSA 14(c) Survey, situated within a portion of Section 5, Township 8 North, Range 71 West, Seward Meridian, located in the Bethel Recording District, Fourth Judicial District at Bethel, Alaska

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 04.08.030 Disposal 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 AUGUST 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

New Business

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CITY OF BETHEL, ALASKA

Ordinance #15-27

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

Sections

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

- 41 16.10.170 Interference with Public Safety Equipment
- 42 16.10.180 Transfers and Assignments
- 43 16.10.190 Network Improvement Permit
- 44 16.10.200 Reconstruction and Replacement
- 45 16.10.210 Non-Use and Abandonment
- 46 16.10.220 Removal of Facilities
- 47 16.10.230 Transfer of a Conditional Use Permit
- 48 16.10.240 Tall Structures in Existence or Under Construction on the Date of Adoption
- 49 of this Chapter
- 50 16.10.250 Conflict with Other Ordinances
- 51 16.10.260 Violations, Enforcement and Penalties
- 52 16.10.270 Appeals – In General
- 53 16.10.280 Appeals to the Planning Director
- 54 16.10.290 Appeals to the Planning Commission
- 55 16.10.300 Appeals to the City Manager
- 56 16.10.310 Appeals to Hearing Officer(s)
- 57 16.10.320 Determination after Hearing
- 58 16.10.330 Section 6409(a) Collocations and Modifications

59

60 **Chapter 16**

61 **Section 16.10 Tall Structures**

62

63 **16.10.010 Purpose**

64 It is the purpose of this chapter to establish reasonable regulations for the placement,
 65 construction and modification of "Tall Structures" or "Tall Towers" (as defined in Section
 66 16.10.020), including wireless communication facilities ("WCFs") consistent with Section
 67 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (Feb. 8,
 68 1996) (codified at 47 U.S.C. § 332), Section 6409(a) of the Middle Class Tax Relief and
 69 Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified at
 70 47 U.S.C. § 1455(a)) and all other applicable law and regulations and to:

- 71 A. Promote the health, safety and general welfare of the public and the City;
- 72 B. Provide for adequate fall-zones to protect from falling ice and debris, and
- 73 potential tower failure;
- 74 C. Enable the orderly build-out of wireless communication infrastructure, wind
- 75 energy conservation systems ("WECS") and other Tall Structures;
- 76 D. Encourage potential applicants for new Tall Structures to involve citizens early in
- 77 the process so concerns can be mitigated prior to application for permits;
- 78 E. Minimize the overall impacts of Tall Structures by establishing standards for
- 79 siting, design and screening and by requiring consistency;

- 80 F. Encourage the collocation of WCFs on existing structures thereby minimizing new
81 visual impacts and reducing the need for new Tall Structures;
- 82 G. Encourage the placement of Tall Structures in a manner that minimizes the
83 negative effects on the visual and scenic resources of all surrounding properties;
- 84 H. Accommodate the growing need and demand for wireless communications
85 services; and
- 86 I. Promote alternative, affordable energy sources in the City.

87

88 **16.10.020 Definitions**

- 89 1. "Adverse Impact" means a condition that creates, imposes, aggravates, or leads
90 to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for
91 development or on other properties and facilities.
- 92 2. "Ancillary Structure" means any form of development associated with a
93 telecommunication facility or Tall Structure, including but not limited to:
94 foundations, concrete slabs on grade, guy anchors, generators, and transmission
95 cable supports; however, specifically excluding equipment cabinets.
- 96 3. "Antenna" means a device used to transmit and/or receive electromagnetic
97 waves in connection with any wireless communications service. Types of antenna
98 include, but are not limited to, Omni-directional antennas, directional antennas,
99 multi or single bay, yagi or parabolic antennas.
- 100 4. "Antenna Array" means a single or group of antennas or antenna elements and
101 associated mounting hardware, transmission lines, or other appurtenances which
102 share a common attachment device such as a mounting frame or mounting
103 support structure for the purpose of transmitting or receiving electromagnetic
104 waves.
- 105 5. "Appurtenant or Associated Facilities" means an accessory facility or structure
106 serving or being used in conjunction with a Tall Structure and located on the
107 same property or lot as the Tall Structure including, but not limited to, utility or
108 transmission equipment storage shelters or cabinets.
- 109 6. "Base Station" means the same as defined by the FCC in 47 C.F.R. §
110 1.40001(b)(1), as may be amended, which defines that term as "[a] structure or
111 equipment at a fixed location that enables Commission-licensed or authorized
112 wireless communications between user equipment and a communications
113 network. The term does not encompass a tower . . . or any equipment
114 associated with a tower." Examples include, but are not limited to, any buildings,
115 utility poles and light standards that support transmission equipment at the time
116 an applicant files permit application for a collocation or modification to that

117 structure. As an illustration and not a limitation, the FCC's definition refers to any
118 structure that actually supports wireless equipment even though it was not
119 originally intended for that purpose. Examples include, but are not limited to,
120 wireless facilities mounted on buildings, utility poles and transmission towers,
121 light standards or traffic signals. A structure without wireless equipment replaced
122 with a new one designed to bear the additional weight from wireless equipment
123 constitutes a base station.

124 7. "Breakpoint Technology" means the engineering design of a monopole wherein a
125 specified point on the monopole is designed to be at least five percent (5%)
126 more susceptible to failure than any other point along the monopole so that in
127 the event of structural failure, the failure will occur at the breakpoint rather than
128 at the base plate, anchor bolts, or any other point on the monopole.

129 8. "Broadcast Facilities" means a tower, antennas, or antenna arrays for
130 FM/TV/HDTV broadcasting transmission facilities, and tower(s) utilized as
131 antennas for an AM broadcast station that are licensed by the Federal
132 Communications Commission.

133 9. "Collocation" means the same as defined by the FCC in 47 C.F.R. §
134 1.40001(b)(2), as may be amended, which defines that term as "[t]he mounting
135 or installation of transmission equipment on an eligible support structure for the
136 purpose of transmitting and/or receiving radio frequency signals for
137 communications purposes." As an illustration and not a limitation, the FCC's
138 definition effectively means "to add" and does not necessarily refer to more than
139 one wireless facility installed at a single site.

140 10. "Commercial" means having profit as a chief aim.

141 11. "Commercially Impracticable" means the inability to perform an act on terms that
142 are reasonable in commerce. The inability to achieve a satisfactory financial
143 return on investment or profit, standing alone, shall not be considered
144 "commercial impracticability" and shall not render an act or the terms of an
145 agreement commercially impracticable.

146 12. "Conditional Use" means a use of a structure or land, which may be allowed by
147 the planning commission after a public hearing and review and subject to certain
148 prescribed or imposed conditions.

149 13. "Conditional Use Permit (CUP)" means a written document which may specify
150 controls, restrictions and safeguards on the conditional permitted activity to
151 ensure compatibility with permitted uses.

152 14. "EIA/TIA 222" means the most current structural standards for steel antenna
153 towers and antenna support structures published by the Telecommunication

- 154 Industry Association and accredited by the American National Standards
155 Institute.
- 156 15. "Eligible Facilities Request" means the same as defined by the FCC in 47 C.F.R. §
157 1.40001(b)(3), as may be amended, which defines that term as "[a]ny request
158 for modification of an existing tower or base station that does not substantially
159 change the physical dimensions of such tower or base station, involving: (i)
160 [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission
161 equipment; or (iii) [r]eplacement of transmission equipment."
- 162 16. "Eligible Support Structure" means the same as defined by the FCC in 47 C.F.R. §
163 1.40001(b)(4), as may be amended, which defines that term as "[a]ny tower or
164 base station as defined in this section, provided that it is existing at the time the
165 relevant application is filed with the State or local government under this
166 section."
- 167 17. "Equipment Cabinet" means an encasement used to house and protect the
168 electronic equipment, including but not limited to air conditioning units and
169 emergency generators. Equipment cabinets may be ground-mounted, wall-
170 mounted, frame-mounted or tower-mounted.
- 171 18. "Equipment Shelter" means a structure or vault designed solely or primarily to
172 house and protect equipment.
- 173 19. "Equipment Compound" means the area occupied by a tower including areas
174 inside or under the following: an antenna-support structure's framework,
175 equipment cabinets, ancillary structures such as equipment necessary to operate
176 the antenna on the tower including: cabinets, shelters, pedestals, and other
177 similar structures, and access ways.
- 178 20. "Existing Tower" or "Existing Base Station" have the same meanings as those
179 terms are defined in 47 C.F.R. § 1.40001(b)(5), as may be amended, which
180 states that "constructed tower or base station is existing for purposes of this
181 section if it has been reviewed and approved under the applicable zoning or
182 siting process, or under another State or local regulatory review process,
183 provided that a tower that has not been reviewed and approved because it was
184 not in a zoned area when it was built, but was lawfully constructed, is existing
185 for purposes of this definition."
- 186 21. "FAA" means the Federal Aviation Administration or its duly designated and
187 authorized successor agency.
- 188 22. "Fall Radius" means the circular area measured from the base of the tower
189 outward in a circular pattern (radius) for a distance of 100 percent of the
190 proposed or existing tower's height including appurtenances.

- 191 23. "FCC" means the Federal Communications Administration or its duly designated
192 and authorized successor agency.
- 193 24. "Feasible" means consistent with sound engineering practice and not causing
194 environmental, social, or economic costs that outweigh the public benefit to be
195 derived from compliance with the standard which is modified by the term
196 "feasible and prudent."
- 197 25. "Feed Lines" means cables used as the interconnecting media between the
198 transmission/receiving base station and the antenna.
- 199 26. "Fence" means a fence other than one made of chain link, chicken wire, or
200 similar materials.
- 201 27. "Flush-Mounted" means any antenna or antenna array attached directly to the
202 face of the support structure or building in a manner that permits mechanical
203 beam tilting if necessary but such that no portion of the antenna extends above
204 the height of the support structure or building.
- 205 28. "Geographic Search Area" means an area designated by a wireless provider or
206 operator for a new base station or WCF, produced in accordance with generally
207 accepted principles of wireless engineering.
- 208 29. "Guy Wire" means any wire or cable that provides structural support between a
209 tower and the ground.
- 210 30. "Height (tall structure)" means the vertical distance measured from finished
211 grade to the highest point of the tall structure, not including appurtenances or
212 equipment affixed thereto.
- 213 31. "Landscape" means:
- 214 a. An expanse of natural scenery; or
- 215 b. To add lawns, trees, plants and other natural and decorative features to land.
- 216 32. "Monopole" means a style of freestanding WCF consisting of a single shaft
217 usually composed of two or more hollow sections that are in turn attached to a
218 foundation. This type of WCF is designed to support itself without the use of guy
219 wires or other stabilization devices. These facilities are mounted to a foundation
220 that rests on or in the ground or on a building's roof.
- 221 33. "Non-Concealed" means a Tall Structure that has not been treated, camouflaged,
222 or disguised to blend with its surroundings and is readily identifiable.
- 223 34. "Propagation Study" means a computer generated study estimating the signal
224 emanating, and prediction of coverage, from antennas or repeaters sited on a
225 specific tower or structure.

- 226 35. "Radio Frequency Emissions" or "RF" means any electromagnetic or other
227 communication signal emitted from an antenna that is regulated by the FCC.
- 228 36. "Screening" means a method of visually shielding or obscuring one abutting or
229 nearby structure or use from another by fencing, walls, berms or densely planted
230 vegetation.
- 231 37. "Setback" means the required distance between the tall structure and the
232 property line or right-of-way line to allow for a fall radius.
- 233 38. "Site" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as
234 may be amended, which provides that "[f]or towers other than towers in the
235 public rights-of-way, the current boundaries of the leased or owned property
236 surrounding the tower and any access or utility easements currently related to
237 the site, and, for other eligible support structures, further restricted to that area
238 in proximity to the structure and to other transmission equipment already
239 deployed on the ground."
- 240 39. "Structure" means anything which is constructed or erected and located on or
241 under the ground, or attached to something fixed to the ground, including the
242 following:
- 243 a. A building, regardless of size, purpose, or permanence;
 - 244 b. A tower, sign, antenna, pole or similar structure;
 - 245 c. A basement, foundation, or mobile home pad;
 - 246 d. A fence;
 - 247 e. A sign;
 - 248 f. A street, road, sidewalk, driveway, parking area, or storage area.
- 249 40. "Section 6409(a)" means Section 6409(a) of the Middle Class Tax Relief and Job
250 Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified
251 at 47 U.S.C. § 1455(a)), and the Federal Communications Commission's
252 regulations codified at 47 U.S.C. §§ 1.40001 *et seq.*
- 253 41. "Substantial Change" means the same as defined by the FCC in 47 C.F.R. §
254 1.40001(b)(7), as may be amended, which defines that term differently based on
255 the particular facility type and location. For convenience purposes, the restated
256 definition in this chapter organizes the FCC's criteria and thresholds for a
257 substantial change according to the facility type and location.
- 258 a. For towers outside the public rights-of-way, a substantial change occurs
259 when any of the following are true:

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- i. the proposed collocation or modification increases the overall height more than ten percent (10%) or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
 - ii. the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
 - iii. the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
 - iv. the proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site; or
 - v. the proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Planning Director; or
 - vi. the proposed collocation or modification violates a prior governmental condition of approval, provided however that the collocation need not comply with any prior governmental condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- b. For towers in the public rights-of-way and for all base stations wherever located, a substantial change occurs when any of the following are true:
- i. the proposed collocation or modification increases the overall height more than ten percent (10%) or ten (10) feet (whichever is greater); or
 - ii. the proposed collocation or modification increases the width more than six (6) feet from the edge of the wireless tower or base station; or
 - iii. the proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - iv. the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent

- 296 (10%) larger in height or volume than any existing ground-
297 mounted equipment cabinets; or
- 298 v. the proposed collocation or modification involves excavation
299 outside the area in proximity to the structure and other
300 transmission equipment already deployed on the ground; or
- 301 vi. the proposed collocation or modification would defeat the existing
302 concealment elements of the support structure as determined by
303 the Planning Director; or
- 304 vii. the proposed collocation or modification violates a prior
305 governmental condition of approval, provided however that the
306 collocation need not comply with any prior governmental condition
307 of approval related to height, width, equipment cabinets or
308 excavation that is inconsistent with the thresholds for a substantial
309 change described in this section.

310 **Note:** The thresholds for height increases are cumulative limits. For sites
311 with horizontally separated deployments, the cumulative limit is measured
312 from the originally-permitted support structure without regard to any
313 increases in size due to wireless equipment not included in the original
314 design. For sites with vertically separated deployments, the cumulative limit is
315 measured from the permitted site dimensions as they existed on February 22,
316 2012—the date that Congress passed Section 6409(a).

317 42. "Tall Structure or Tall Tower" means a structure that is over one hundred (100')
318 feet above grade. The term includes, but is not limited to, tethered balloons, flag
319 poles, sculptures, buildings, water tanks, derricks, cranes, signs, chimneys, area
320 illumination poles, towers, broadcast facilities, and supports for communication.

321 43. "Telecommunication" means the technology which enables information to be
322 exchanged through the transmission of voice, video, or data signals by means of
323 electrical or electromagnetic systems.

324 44. "Tower", as applied to wireless facilities, means the same as defined by the FCC
325 in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as
326 "[a]ny structure built for the sole or primary purpose of supporting any [FCC]-
327 licensed or authorized antennas and their associated facilities, including
328 structures that are constructed for wireless communications services including,
329 but not limited to, private, broadcast, and public safety services, as well as
330 unlicensed wireless services and fixed wireless services such as microwave
331 backhaul, and the associated site." Examples include, but are not limited to,
332 monopoles, mono-trees and lattice towers.

- 333 45. "Tower Base" means the foundation, usually concrete or steel, on which the
334 tower and other support equipment is situated. For measurement calculations,
335 the tower base is that point on the foundation reached by dropping a
336 perpendicular from the geometric center of the tower.
- 337 46. "Tower Height" means the vertical distance measured from the natural lay of the
338 land or ground to the upper most point of a freestanding or guyed
339 telecommunication tower or other type of tall tower and includes any antenna,
340 beacon, light or other structure(s) attached to the tall tower.
- 341 47. "Transmission Equipment" means the same as defined by the FCC in 47 C.F.R. §
342 1.40001(b)(8), as may be amended, which defines that term as "[e]quipment
343 that facilitates transmission for any [FCC]-licensed or authorized wireless
344 communication service, including, but not limited to, radio transceivers,
345 antennas, coaxial or fiber-optic cable, and regular and backup power supply. The
346 term includes equipment associated with wireless communications services
347 including, but not limited to, private, broadcast, and public safety services, as
348 well as unlicensed wireless services and fixed wireless services such as
349 microwave backhaul."
- 350 48. "Wind Energy Conversion System (WECS)" means any device such as a wind
351 charger, windmill, turbine, energy ball, wind tower, or another similar device,
352 which is typically mounted to a tower or pole, and its associated mechanical and
353 electrical equipment, which is designed to convert wind energy to a form of
354 usable energy.
- 355 49. "Wireless" means any FCC-licensed or authorized wireless communication service
356 transmitted over frequencies in the electromagnetic spectrum. This term is
357 broader than personal wireless services as defined in 47 U.S.C. § 332(c)(7)(C)(i),
358 and includes but is not limited to Wi-Fi, broadcast, satellite and other similar
359 over-the-air services.
- 360 50. "Wireless Communication Facility (WCF)" means any manned or unmanned
361 location for the transmission and/or reception of radio frequency signals or other
362 wireless communications, and usually consisting of an antenna or group of
363 antennas, transmission cables, and equipment cabinets, and may include an
364 antenna support structure. The following developments shall be considered a
365 WCF: developments containing new, mitigated, or existing antenna support
366 structures, public antenna support structures, replacement antenna support
367 structures, collocation on existing antenna support structures, attached wireless
368 communications facilities, concealed wireless communication facilities, and non-
369 concealed wireless communication facilities.

370 **16.10.030 Application**

- 371 A. This chapter shall apply to:
- 372 1. All private and public lands within the City of Bethel;
- 373 2. All Tall Structures taller than one hundred (100') feet including, but not
- 374 limited to:
- 375 a) Broadcast Facilities,
- 376 b) Towers, and
- 377 c) Wind Energy Conversion Systems.
- 378 3. Development activities including installation, construction, or modification of
- 379 all Tall Structures including, but not limited to:
- 380 (i) Existing Structures,
- 381 (ii) Proposed Structures and
- 382 (iii) Collocated facilities on existing structures.
- 383 B. The number of Tall Structures authorized by the Planning Commission shall be
- 384 the minimum reasonably required to provide services.
- 385 C. Permits are required prior to construction, modification, replacement or removal
- 386 of all Tall Structures.
- 387 D. To the greatest extent feasible, location of Tall Structures shall be in compatible
- 388 areas where the adverse impact of the use is minimized.
- 389 E. Permits under this chapter will not be approved unless the applicant has
- 390 provided evidence demonstrating that the proposal conforms to the applicable
- 391 provisions of this chapter as well as all applicable zoning requirements.
- 392 F. Notwithstanding Section 16.10.030(A), a written permit application for a
- 393 modification or collocation to an existing tower or an existing base station
- 394 submitted for approval under Section 6409(a) shall be governed exclusively
- 395 under Section 16.10.330 of this Chapter.

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397 **16.10.40 Exceptions**

- 398 A. A government-owned or temporary tall tower installed upon the declaration of a
- 399 state of emergency by federal, state or local government, or a written
- 400 determination of public necessity by the City manager; except that such facility
- 401 must comply with all federal and state requirements. The tall tower shall be
- 402 exempt from the provisions of this chapter for up to four (4) months after the
- 403 duration of the state of emergency. An additional extension, no longer than
- 404 three (3) months, may be granted by the City Council upon written request and
- 405 determination that the tall tower facilities continue to be necessary for post-
- 406 emergency operations; and
- 407 B. Temporary tall structures, including but not limited to, drilling derricks and
- 408 construction cranes which are utilized on active construction projects or are on

- 409 site less than one hundred eighty (180) calendar days total within a consecutive
410 six (6) month period and are not intended to routinely reoccur on the same site;
411 C. The following items are also exempt from the provisions of this chapter:
412 1. Church spires, religious icons, and flag poles displaying official government or
413 religious flags;
414 2. Lighting support structures less than one hundred (100') feet in height that
415 are constructed for the Alaska Department of Transportation, are located
416 within a right of way, and are used exclusively for illuminating main arterials
417 and highways;
418 3. Routine maintenance and repair of tall structures and their components

419

420 **16.10.050 Location Preferences**

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

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441 **16.10.060 Collocation**

- 442 A. In all applications for construction of a new Tall Tower, the applicant must prove
443 by substantial evidence that a bona fide need exists for the facility and that no
444 reasonable combination of locations, techniques or technologies will obviate the
445 need. The applicant must further prove that it has made all reasonable efforts to

446 procure space on existing facilities and that the cost of collocation exceeds the
447 cost of a new facility by at least fifty (50%) percent.

448 B. Prior to the issuance of a permit for a new Tall Tower, the applicant shall
449 demonstrate commitment to joint use as follows:

- 450 1. The applicant requesting the permit shall submit evidence to the City
451 demonstrating that a genuine effort has been made to solicit additional users
452 for the proposed new tower. Evidence of this shall include, at a minimum,
453 copies of notices sent by certified mail, return receipt requested, to other
454 potential users in the City, advising of the intent to construct a new tower,
455 identifying the location, inviting the joint use and sharing of costs, and
456 requesting a written response within thirty (30) calendar days. The
457 applicant's letter(s) as well as response(s) must be presented to the Planning
458 Commission as a means of demonstrating the need for a new tower.
- 459 2. The applicant shall sign an instrument, maintained by the City, agreeing to
460 encourage and promote the joint use of the Tall Tower within the City and, to
461 that extent, committing that there shall be no unreasonable act or omission
462 that would have the effect of excluding, obstructing or delaying joint use of
463 any tower where fair and just market reasonable compensation is offered for
464 such use.

465 466 **16.10.070 Permit Required**

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

471 472 **16.10.080 Types of Permits**

- 473 A. *Special Use Permit* – Required for all new Tall Structures regardless of height or
474 zoning location. Receipt of a Special Use Permit does not alleviate any zoning
475 requirement for a Conditional Use Permit.
- 476 B. *Network Improvement Permit* – Required before any legally constructed Tall
477 Structure's height may be increased pursuant to BMC 16.10.190.
- 478 C. *Modification Permit* – Required before any legally constructed Tall Structure may
479 be modified, unless the applicant applies for a Section 6409(a) Modification
480 Permit.
- 481 D. *Reconstruction and Replacement Permit* – Required before any legally
482 constructed Tall Structure can be reconstructed or replaced.

- 483 E. *Removal Permit* – Required prior to the demolition, relocation or removal of any
484 Tall Structure.
485 F. Section 6409(a) Modification Permit – Required before any Tall Structure may be
486 modified when the applicant asserts in writing that Section 6409(a) applies to its
487 proposed project.
488

489 **16.10.090 Pre-Application Requirements**

- 490 A. Prior to submission of an application, the applicant shall meet with the planning
491 director for the purpose of discussing the site and development proposal, and to
492 address any issues that will help to expedite the review and permitting process,
493 including the scope of the visual assessment the applicant will be required to
494 provide as part of the permit process. The pre-application process may also
495 include a site visit, as determined by the planning director. No statement by
496 either the applicant or the planning director shall be regarded as binding or
497 authoritative for purposes of this section.
498 B. *Visual Impact Assessment*: The scope of the required assessment will be
499 reviewed at the pre-application meeting, but the planning commission may
500 require submission of a more detailed visual analysis after submittal of the actual
501 permit application. The visual impact assessment must include:
502 1. A “zone of visibility map” sufficient in detail to allow for a determination of
503 where the Tall Structure may be seen;
504 2. Current maps at appropriate scale, showing: the location of the proposed
505 use, the locations of other Tall Structure facilities operated by the applicant
506 and those within two (2) miles of the proposed Tall Structure;
507 3. An analysis demonstrating that the Tall Structure will be sited so as to have
508 the least adverse visual impact on the environment and its character, on
509 existing vegetation, and on the properties in the area, while still meeting the
510 applicant’s objectives;
511 4. A “before” pictorial representation of the proposed Tall Structure site together
512 with photo-simulated post-construction renderings of the completed proposed
513 support structures, equipment cabinets, and ancillary structures which must,
514 at a minimum, include renderings from multiple vantage points of any
515 adjacent roadways and occupied or proposed non-residential or residential
516 structures, and other locations as determined by the planning director. The
517 “before” representations and photo-simulations shall be from the same
518 locations. The applicant shall also provide simulated photographic evidence
519 of the proposed Tall Structure’s appearance from any and all residential zones
520 (as identified in the City of Bethel’s latest Comprehensive Plan) that are
521 within one thousand five hundred (1500’) feet of the proposed site, from
522 vantage points approved by the planning director. The photo-simulated

- 523 renderings must represent, at a minimum, the proposed Tall Structure's
524 overall height, configuration, physical location, mass and scale, materials and
525 color, illumination and architectural design. The applicant shall also submit
526 proposed exterior paint and stain samples for any items to be painted or
527 stained, and exterior building material and roof samples.
- 528 5. Elevation drawings of the facilities depicting existing and proposed Tall
529 Structures, other structures, landscaping, proposed color(s), method of
530 camouflage and illumination.
- 531 6. A description of the visual impact of the tower base and accessory buildings
532 from abutting properties and streets;
- 533 7. The applicant shall demonstrate, in writing and by drawing, how it will
534 effectively screen from view the base of its proposed Tall Structure tower and
535 all appurtenant facilities and structures; and
- 536 8. If the tower is to be lit, a description of the specific type of lighting applicant
537 proposes using and a description of how the applicant will comply with a
538 directive in BMC 16.10.200, requiring the lighting be oriented, shielded or
539 otherwise designed so as to not project directly on to surrounding property.
- 540 9. When the proposed Tall Structure facility is to include a new tower, a plot
541 plan at a scale of not less than one (1") inch is equal to one hundred (100')
542 feet must be submitted. This plot plan must indicate all building uses within
543 three hundred (300') feet of the proposed new facility. Aerial photos and/or
544 renderings may augment the plot plan.
- 545 C. The applicant shall provide evidence that the proposed facility is designed to
546 meet the minimum height requirement necessary for effective functioning of the
547 tower's intended use.
- 548 D. A site plan, drawn to scale under the seal of a qualified Alaska registered
549 surveyor, clearly indicating all site boundaries, location of existing and proposed
550 Tall Structures, antennas, other structures and other development on site,
551 means of access, screening and fencing, topography, landscaping, drainage
552 management, adjacent public easements and rights-of-way.
- 553 E. The applicant shall provide evidence that the proposed Tall Structure will not
554 interfere with the approaches to any existing airport or airfield, including water
555 bodies supporting aircraft use.
- 556 F. The applicant shall provide the results of a propagation study for the proposed
557 Tall Structure which must have been conducted within the previous twelve (12)
558 months.
- 559 G. *Community Meeting* Prior to applying for a Special Use Permit for a new Tall
560 Structure, the potential applicant shall hold at least one (1) community meeting.
- 561 1. The meeting must be held at a centrally located public location capable of
562 seating a minimum of forty (40) people;

- 563 2. Notice of the meeting must be published in a newspaper of local circulation a
564 minimum of two (2) times prior to the meeting;
- 565 3. Notice of the meeting must be announced on the local radio a minimum of
566 five (5) times during the week prior to the meeting;
- 567 4. Notice of the meeting must be posted on at least three (3) bulletin boards
568 within the City limits which are generally accessible to the public;
- 569 5. Notice of the meeting must also be mailed by the applicant to all property
570 owners within twelve hundred (1200') feet of the parcel(s) under
571 consideration for the proposed Tall Structure;
- 572 6. The meeting must be held at least fifteen (15) calendar days after all
573 notifications are completed;
- 574 7. The meeting may not start prior to 5:30 p.m. or later than 7:00 p.m.;
- 575 8. Notification of the meeting must, at a minimum, include the following:
- 576 a) A legal description and map of the general parcel, or parcels, within the
577 coverage area under consideration for the Tall Structure and upon which
578 the Tall Structure is intended to be placed;
- 579 b) A description of the proposed development including height, design,
580 lighting, potential access to the site and proposed service;
- 581 c) The date, time, and location of the informational meeting; and
- 582 d) The contact name, telephone number, and address of applicant;
- 583 9. A written report summarizing the results of the community meeting must be
584 prepared and submitted to the planning director prior to submitting an
585 application for a new Tall Structure permit. At a minimum, the written report
586 must include the following information:
- 587 a) The date(s) and location(s) of all meetings where citizens were invited to
588 discuss the potential applicant's proposal;
- 589 b) The content, dates mailed, and number(s) of mailings, including letters,
590 meeting notices, newsletters and other publications;
- 591 c) Sign-in sheet(s) used at the meeting, that includes places for names,
592 addresses, phone numbers and other contact information such as e-mail
593 addresses for the meeting participants;
- 594 d) A list of residents, property owners, and interested parties who have
595 requested, in writing, that they be kept informed of the proposed
596 development through notices, newsletters, or other written materials;
- 597 e) The number of people who attended meeting(s);
- 598 f) Copies of written comments received at the meeting;
- 599 g) A certificate of mailing identifying all who were notified of the meeting;
600 and
- 601 h) A written summary that addresses the following:
- 602 (i) The substance of the public's written concerns, issues, and problems;

603 (ii) How the applicant has addressed, or intends to address, concerns,
604 issues and problems expressed during the process; and concerns,
605 issues, and problems the applicant has not addressed or does not
606 intend to address and why.
607

608 **16.10.100 Permit Application Process**

609 A. Applicants shall submit to the Planning Department:

- 610 1. Applications on a form specified by the Planning Department, and
611 2. Site Plans for all Tall Structures.

612 B. At the time that a person submits an application for a permit for any type of Tall
613 Structure, such person shall pay a nonrefundable application fee to the City, as set
614 forth in the City's Fee and Rate Schedule.

615 C. In addition to the application fee, the planning director may require a technical
616 review by a third party expert, the actual costs of which shall be borne by the
617 applicant.

618 D. Based on the results of the technical review, the planning director may require
619 changes or additional documentation before the application will be considered
620 complete. The technical expert review may address some or all of the following, at
621 the discretion of the director:

- 622 1. The accuracy and completeness of the items submitted with the application;
623 2. The applicability of analysis, techniques and methodologies proposed by the
624 applicant;
625 3. The validity of conclusions reached by the applicant;
626 4. Whether the proposed Tall Structure complies with applicable approval criteria
627 set forth in this chapter, the Bethel Municipal Code and the Bethel
628 Comprehensive Plan as applicable; and
629 5. Other matters deemed to be relevant to determining whether a proposed Tall
630 Structure complies with the provisions of this chapter.
631

632 **16.10.110 General Standards and Design Requirements**

633 A. *Concealed and non-concealed antenna.*

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

- 641 2. Attached, concealed feed lines and antennas must be designed to
642 architecturally match the facade, roof, wall, or structure on which they are
643 affixed so that they blend with the existing design, color, and texture of the
644 structure.
- 645 B. *Security of Tall Structures.* All Tall Structures must be located, fenced and
646 secured in a manner that prevents unauthorized access.
- 647 1. All antennas, towers and other supporting structures must be constructed or
648 shielded to reasonably prevent unauthorized access.
- 649 2. Transmitters and telecommunications control points must be installed in a
650 manner to be readily accessible only to persons authorized to operate or
651 service them.
- 652 3. A fence or wall not less than eight feet (8') in height with a secured gate
653 must be maintained around the base of the tower, the equipment shelter and
654 any guy wires, either completely or individually as determined by the planning
655 director. The security fence must be locked when the facility is unattended.
- 656 C. *Height Restrictions.*
- 657 1. Support structures must be designed to be the minimum height needed to
658 meet the service objectives of the applicant and anticipated collocators.
- 659 2. No new Tall Structures shall exceed two hundred fifty (250') feet in height.
660 However, in the event of dense vegetation or other substantial obstacles to
661 the intended purpose of the Tall Structure, facility height can be extended to
662 no more than three hundred fifty (350') feet by special permission of the
663 Planning Commission.
- 664 3. Tall Structures that simulate objects that typically occur in landscapes similar
665 to the proposed location (except electrical transmissions or
666 telecommunication towers) may exceed two-hundred fifty (250') feet in
667 height if, based on the judgment of the Planning Commission, it would
668 appear in context to the landscape, is aesthetically acceptable, and would be
669 a preferable alternative to an undisguised facility.
- 670 4. Tall Structures located atop or within existing buildings or structures may
671 result in an overall increase in height of the structure of no more than ten
672 (10%) percent of the structure's height without the facility or the maximum
673 height allowed in the zoning district in which the structure is located,
674 whichever is less.
- 675 D. *Signage.*
- 676 1. Tall Structures must contain a sign no larger than four square feet with text
677 in a sufficient font size to provide adequate notification to persons in the
678 immediate area of the presence of an antenna that has transmission
679 capabilities. The sign shall contain:
- 680 a) The name(s) of the owner(s) and operator(s) of the facility;

- 681 b) An emergency phone number(s), and FCC registration number, if
682 applicable;
683 c) Information for the purpose of identifying the tower such as the
684 antenna structure registration number required by the FCC;
685 d) The party responsible for the operation and maintenance of the
686 facility; and
687 e) A twenty-four (24) hour emergency contact number.
- 688 2. The sign must be on the equipment shelter or cabinet and be visible from the
689 access point of the site. The sign must not be lighted unless authorized by
690 the City or unless applicable provisions of law require such lighting.
691 3. No other signage is permitted on any Tall Structure unless required by law.
692 4. No advertising is permitted on any facility with the exception of identification
693 signage.
694 5. If more than 220 volts are necessary for the operation of the facility, warning
695 signs must be located at the base of the facility and must display in large,
696 bold, high contract letters the following: "HIGH VOLTAGE – DANGER";
697 6. Signs other than warning signs and those specifically required by this Chapter
698 are not allowed on Tall Structures.

699 E. *Lighting.*

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

720 F. *Design criteria.*

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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 most current versions of the National Electrical Code, the National Electrical Safety Code, and Structural Standard for Antenna Supporting Structures and Antennas (EIA/TIA 222) 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 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.

- 759 3. Any appurtenant structure must be located so as to comply with the
760 applicable minimum setback requirements for the property on which it is
761 situated.
- 762 4. Guy, guy anchors, and accessory facilities must meet zoning district setback
763 requirements.
- 764 5. Setbacks will be determined from the dimensions of the entire lot, even
765 though the Tall Structure may be located on lease areas within the lot.
- 766 6. A variance from the setback requirement may be granted by the planning
767 commission upon receipt of signed and duly notarized waivers by all adjoining
768 property owners agreeing to such modification or waiver.
- 769 H. *Parking.* For all Tall Structures regulated under this chapter, vehicle parking
770 must be provided on the subject property, outside of public use easements and
771 rights-of-way to enable emergency vehicle access. No more than two (2) spaces
772 per provider are required.
- 773 I. *Equipment Shelters.* No equipment shelter for a Tall Structure may exceed
774 seven hundred fifty (750') square feet in area or twelve (12') feet in height. All
775 such shelters must be screened with vegetation or other aesthetically pleasing
776 materials. Furthermore, all such shelters must be secured with approved fencing
777 and a locked gate.
- 778 J. *Landscaping.* The Planning Commission has the authority to impose reasonable
779 landscaping requirements surrounding the Tall Structure and all accessory
780 equipment. When landscaping is required, existing mature tree growth and
781 natural land on the site must be preserved to the greatest extent feasible.
- 782 K. *Facility Color.* The Tall Structure, facility and fence must be earth tone or natural
783 colors that blend with the surrounding area, except when specific colors or color
784 patterns are required by state or federal regulations.
- 785 L. *Visibility.*
- 786 1. Tall Structures must be configured and located in a manner that minimizes
787 adverse effects including visual impacts on the landscape and adjacent
788 properties and must be maintained in accordance with the requirements of
789 this chapter.
- 790 2. Tall Structures must be designed to either resemble the surrounding
791 landscape and other natural features where located in proximity to natural
792 surroundings, or be compatible with the surrounding, built environment,
793 through matching or complementing existing structures and specific design
794 considerations such as architectural designs, height, scale, color, and texture.
- 795 3. Surrounding topography and development must be used to reduce negative
796 impacts. Height above nearby ridge lines, hills, trees and buildings must be
797 the minimum needed to reasonably conduct the use.
- 798 4. Aerial lines crossing parks, trails and water bodies must be minimized.

- 799 M. *Structural assessment.* The owner of a freestanding Tall Structure shall have a
800 structural assessment of the tower conducted by a professional engineer,
801 licensed in the State of Alaska if:
802 1. The Tall Structure is within the distance from the top of the structure to the
803 breakpoint level of the structure from a dwelling, parking lot, playground, or
804 right-of way, or
805 2. If the Tall Structure was not constructed using breakpoint design technology
806 and the tower is at a distance equal to the tower's height from a dwelling,
807 parking lot, playground, or right-of way.

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

- 811 N. *Ice and Wind.* A professional engineer, licensed in the State of Alaska, must
812 provide certification that the proposed Tall Structure, at a minimum, will
813 withstand one hundred (100) year return wind speed for the site and one-half
814 (1/2") inch of solid radial ice.
815

816 **16.10.120 Additional Operation Standards for Wind Energy Conversion Systems**

817 In addition to the operation standards for new Tall Structures required by section
818 16.10.110, the following standards apply to Wind Energy Conversion Systems (WECS):

- 819 1. WECS must be equipped with an automatic over speed control device designed
820 to protect the system from sustaining structural failure such as splintered or
821 thrown blades and the overturning or breaking of towers due to an uncontrolled
822 condition brought on by high winds; and
823 2. WECS must have a manually operable method that assures the WECS can be
824 brought to a safe condition in high winds. Acceptable methods include
825 mechanical or hydraulic brakes or tail vane deflection systems which turn the
826 rotor out of the wind.
827

828 **16.10.130 General Application Submittal Requirements**

- 829 A. An application for a Tall Structure must be signed by a person having knowledge
830 of the contents of the application.
831 B. The landowner, if different than the applicant, must also sign the application.
832 C. All information submitted in an application must be provided by a person
833 qualified and authorized to provide the information.
834 D. All applications for the construction or installation of a new Tall Structure must
835 be accompanied by the following documentation:
836 1. A narrative describing compliance with BMC 16.10.110;
837 2. A copy of the deed showing ownership of the property, including book and
838 page number where the deed is recorded with the Bethel Recorder's Office;

- 839 3. A copy of a written instrument (lease, sublease, memorandum, deed, etc.)
840 demonstrating the applicant has secured the property owner's permission to
841 use the property for placement and use of a Tall Structure, but such written
842 instrument be redacted only as to financial compensation therein;
- 843 4. Evidence of legal access to the tower site and ability to maintain this access
844 regardless of other developments that may take place on the site;
- 845 5. Copy of any recorded easements necessary to reach the Tall Structure site.
846 Easements may not be less than twenty (20') feet in width with a road base
847 not less than ten (10') feet in width;
- 848 6. The location of existing streets, buildings, transmission lines, sewers, culverts,
849 drainpipes and easements to the extent that these may be ascertained from a
850 field inspection of the property;
- 851 7. The general geographic information about the site including topography,
852 proximity to surface waters, susceptibility to flooding, soil characteristics and
853 other characteristics which might impose restrictions on the development of
854 the site;
- 855 8. The applicant shall have prepared, by a registered land surveyor registered in
856 the State of Alaska, a boundary survey, which must meet all requirements for
857 recordation in the Bethel Recorder's Office;
- 858 9. A detailed development plan not less than 18"x24" drawn at a scale of
859 sufficient size to accurately and clearly show all required information with a
860 certifying signature, seal and date of a State of Alaska licensed engineer;
- 861 10. For wireless Communication Facilities (WCF), a signed statement from a
862 qualified person, together with a statement of that person's professional
863 qualifications, certifying that radio frequency emissions from the antenna
864 array(s), both individually and cumulatively considering any other WCF
865 located on or immediately adjacent to the proposed WCF, will comply with
866 FCC standards;
- 867 11. Certification from the State of Alaska licensed engineer regarding the
868 proposed Tall Structure's ability to accommodate antennas from wireless
869 communication providers;
- 870 12. The names and addresses of all adjoining property owners;
- 871 13. The name, address, email address, phone number and fax number of all
872 persons preparing the application and any required submittals;
- 873 14. The name, address, phone number and fax number of the property owner,
874 applicant, and facility owner, if applicable;
- 875 15. The name, title and contact numbers for persons in charge of the operation
876 and who will be responsible for compliance with the permit;
- 877 16. An organizational chart or description identifying the lines of responsibility
878 and general function of the organization that will own and operate the facility.

- 879 17. A description of all major types of activities proposed to occur on the site
880 including at a minimum, the purpose, number, type and general performance
881 specifications of all Tall Structures and antennas, on site staffing, accessory
882 structures, equipment (such as generators) and plans for collocation of other
883 Tall Structures, and antennas on the site.
- 884 18. A general description of the security and safety measures proposed to protect
885 the public safety.
- 886 19. The zoning designation of the property on which the proposed Tall Structure
887 will be situated;
- 888 20. The size of the property stated both in square feet and lot line dimensions,
889 and a diagram showing the location of all lot lines;
- 890 21. The locations of any dwellings within a radius equal to the height of the
891 proposed tower from its base;
- 892 22. The location, size and height of all structures on the property which are the
893 subject of the application;
- 894 23. The location, size and height of all proposed and existing antennas and all
895 appurtenant structures;
- 896 24. The type, locations and dimensions of all proposed and existing landscaping
897 and fencing;
- 898 25. A detailed description of the proposed Tall Structures and all related fixtures;
899 structures, appurtenances and apparatus, including height above preexisting
900 grade, materials, color and lighting;
- 901 26. Design drawings for the proposed tall structure, drawn to scale, and certified
902 by a registered engineer licensed in the State of Alaska; and
- 903 27. Certification that the application is in compliance with all applicable laws
904 pertaining to the type of service offered;
- 905 E. In addition to the information required by BMC 16.10.050(B), an affidavit
906 demonstrating compliance with BMC 16.10.050. If a lower ranking alternative is
907 proposed, the applicant shall include a separate affidavit demonstrating why
908 higher ranked options are technically infeasible or commercially impracticable
909 given the proposed location of the Tall Structure. Such narrative must be
910 accompanied by an affidavit by an engineer licensed in the State of Alaska.
- 911 F. Applicant shall disclose in writing the existence of any agreement that would limit
912 or preclude the ability of the applicant to share any new Tall Structure that it
913 constructs;
- 914 G. Applicant shall furnish written certification by a professional engineer, licensed in
915 the State of Alaska, that the Tall Structure, foundation and appurtenant
916 attachments are designed to meet relevant site and subsurface conditions,
- 917 H. For WCF, applicant shall furnish written certification by a professional engineer,
918 licensed in the State of Alaska, that the Tall Structure and will be constructed to

- 919 meet the most current published version of EIA/TIA 222 (as amended) and local
920 building code structural requirements for loads, including wind, snow and ice
921 loads for the specified number of collocations.
- 922 I. Applicant shall file a copy of a determination of no hazard to air navigation from
923 the FAA;
 - 924 J. If breakpoint technology is intended to be utilized, a written statement specifying
925 the height at which the engineered structural weakness will be located; and
 - 926 K. Proof of compliance with FAA regulations in 14 CFR Part 77, if applicable.
 - 927 L. All applications must have an attestation clause requiring the applicant to attest
928 to the truth and completeness of the information provided in the application.

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16.10.140 Planning Director's Review.

- 931 A. The planning director shall review the application for completeness and shall
932 notify the applicant within twenty (20) calendar days of receipt of the initial
933 submission whether the application is deemed complete.
- 934 B. Incomplete applications will be rejected, in writing, within thirty (30) calendar
935 days of receipt of the initial submission. If rejected, the director's decision must
936 identify the deficiencies in the application, which, if cured, would make the
937 application complete.
- 938 C. Once an application is deemed complete, the planning director shall schedule it
939 for a hearing before the Planning Commission and shall give notice to the
940 applicant and the public in accordance with subsection (D) below:
- 941 D. *Public Notice.* Public notice of Planning Commission consideration of a Special
942 Use Permit request for a new Tall Structure, at a minimum, shall be provided as
943 follows:
 - 944 1. Permit consideration must be included as an item in the posted agenda.
 - 945 2. Notice of the hearing and the agenda item must be published in a newspaper
946 of general circulation in the City a minimum of ten (10) calendar days prior to
947 the date of the meeting. The cost of publication will be paid by the applicant.
948 Publication will be accomplished by the planning director.
 - 949 3. The planning director, or their designee, shall post copies of the agenda
950 showing the request for a Special Use Permit, in at least three (3) bulletin
951 boards accessible to the general public. Posting will be completed at least
952 five (5) calendar days prior to the scheduled hearing.
 - 953 4. The applicant shall post signs on the proposed site at least fourteen (14)
954 calendar days prior to the hearing at locations determined by the planning
955 director. The sign must be between four (4) square feet and thirty two (32)
956 square feet in area, must have a red background, and must indicate in white
957 lettering, 216-point or larger, that a Special Use Permit for a Tall Structure

958 has been sought for the site, the date of the hearing thereon, and that
959 further information is available from the City's planning director. The
960 applicant must maintain the sign and shall remove it within fourteen (14)
961 calendar days after final action on the application.

962 5. The planning director shall mail notice of the application and the public
963 hearing to the owners of record of all property located within one thousand
964 five hundred (1,500) feet of the site and all individuals who submitted
965 comments at the community meeting. The actual cost of mailing will be paid
966 by the applicant.

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968 **16.10.150 Planning Commission Review**

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

971 A. *Process Timeframe.*

- 972 1. A public hearing must be held by the planning commission within forty-five
973 (45) calendar days of receipt of a complete application;
974 2. The commission shall render a written decision within thirty (30) days from
975 the close of the public hearing.

976 B. The planning commission may impose conditions on a Tall Structure permit:

- 977 1. Required to ensure compliance with the design criteria specified in section
978 16.10.110; and
979 2. That are consistent with the purposes of this chapter, which may include
980 conditions related to the aesthetic effect of the Tall Structure and
981 compatibility with the surrounding area. Factors relevant to aesthetic effects
982 are:
983 a) The protection of the view in sensitive or particularly scenic areas;
984 b) The concentration of Tall Structures in the proposed area; and
985 c) Whether the height, design, placement or other characteristics of the
986 proposed facility could be modified to have a less intrusive visual
987 impact.
988 3. Conditions for approval. Conditions set by the Planning Commission for a
989 Special Use Permit may include, but are not limited to, the following:
990 a) Height limitations;
991 b) Increased height or structural capacity of a proposed Tall Structure to
992 accommodate future collocation;
993 c) Mitigation of drainage concerns;
994 d) Tower type (monopole, lattice, guyed);
995 e) Color;
996 f) Landscaping;

- 997 g) Parking;
- 998 h) Screening;
- 999 i) Security
- 1000 j) Signage;
- 1001 k) Visibility and/or camouflaging;
- 1002 l) Lighting;
- 1003 m) Signage;
- 1004 n) Setbacks greater than those required under the applicable zoning
- 1005 regulations; and
- 1006 o) Any other conditions deemed appropriate to protect the public health,
- 1007 safety and general welfare.
- 1008 C. The Planning Commission may deny an application for any of the following
- 1009 reasons:
- 1010 1. Conflict with safety and safety-related code or requirement;
- 1011 2. Conflict with the purpose of a specific zoning, overlay, or land use
- 1012 designation;
- 1013 3. Presence of another approved Tall Structure or Tall Structure application
- 1014 within the geographic search area, which is available to the applicant;
- 1015 4. The proposed site is on, or eligible to be on, the National Register of Historic
- 1016 Places;
- 1017 5. The applicant failure to demonstrate that no existing structure or tower can
- 1018 accommodate the applicant's proposed use without increasing the height of
- 1019 another existing tower or structure or otherwise creating a greater visual
- 1020 impact; or that use of other existing facilities is technically infeasible or
- 1021 commercially impracticable; and
- 1022 6. Conflicts with the provisions of this article.
- 1023 D. The Planning Commission shall deny any application for a Tall Structure in the
- 1024 following locations:
- 1025 1. State or local wildlife refuges; and
- 1026 2. In any area designated as a public park, unless screened so as to minimize
- 1027 visual and noise impacts, and as long as public use of the public park will not
- 1028 be disrupted.
- 1029 E. Any and all representations made by the applicant to the Planning Commission
- 1030 on the record during the application process, whether written or verbal, will be
- 1031 deemed a part of the application and may be relied upon in good faith by the
- 1032 Planning Commission.
- 1033 F. In granting or denying a Special Use Permit, the Planning Commission shall make
- 1034 written findings on whether the applicant has demonstrated that:
- 1035 1. The location chosen complies with the location preferences set out in
- 1036 subsection 16.10.050;

- 1037 2. To the extent that is technically feasible and potentially available, the location
1038 of the Tall Structure is such that its negative effects on the visual and scenic
1039 resources of all surrounding properties have been minimized;
1040 3. The Tall Structure will not interfere with the approaches to any existing
1041 airport or airfield; and
1042 4. That granting the permit will not be harmful to the public health, safety,
1043 convenience, and welfare.
1044 G. The Planning Commission's decision shall be in writing must include written
1045 findings of fact contained in the administrative record, including without
1046 limitation any oral evidence presented at a public hearing for the Tall Structure.
1047 H. If the Planning Commission denies a request to place, construct or modify a Tall
1048 Structure, the applicant may, within fifteen (15) calendar days from the
1049 postmarked date of the decision, appeal the planning commission's decision in
1050 accordance with section 16.10.270.

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16.10.160 Extent and Parameters of Special Use Permits

- 1053 A. A holder of a Special Use Permit granted under this chapter shall obtain, at its
1054 own expense, all permits and licenses required by applicable law, rule, regulation
1055 or code, and must maintain the same, in full force and effect, for as long as
1056 required by the City and other governmental entity or agency having jurisdiction
1057 over the applicant.
1058 B. Within ten (10) calendar days from the issuance of a Special Use Permit, the
1059 holder shall file with the planning director a written indemnification of the City
1060 and proof of liability insurance or financial ability to respond to claims up to one
1061 million (\$1,000,000) dollars in the aggregate which may arise from operation of
1062 the facility during its life. The City will not bear any cost for the holder's required
1063 insurance. Proof of insurance must be maintained throughout the life of the Tall
1064 Structure.
1065 C. A Special Use Permit will become void six (6) months after its effective date if no
1066 substantial construction progress has been made. A new application must be
1067 submitted for a voided permit, including new payment of any required fees, and
1068 a new permit obtained. No permit may be renewed more than once, the
1069 maximum duration of permit and one renewal shall be twelve (12) months from
1070 the date of issuance of the original permit.
1071 D. Upon an application submitted at least thirty (30) days before the expiration of
1072 an existing Special Use Permit, the Planning Commission shall hold a hearing to
1073 consider whether the permit should be extended. Notice of said hearing will be
1074 provided in accordance with the procedures set out in section 16.10.140(D). At
1075 the hearing, the burden of proof for the justification for a permit extension shall

1076 rest with the applicant. Upon written findings that such burden has been met,
1077 the Planning Commission may grant an extension the maximum duration of
1078 which shall not exceed twelve (12) months. The Planning Commission may not
1079 delete from, amend or add to the conditions contained in the original permit.
1080 Upon written findings that the applicant's burden has not been met, or that the
1081 conditions contained in the permit should be changed, or both, the commission
1082 shall deny the application whereupon the permit shall be voided.

- 1083 E. The property owner and the permittee shall be responsible for maintaining all
1084 aspects of the operation, improvements, development, and site in compliance
1085 with the terms and conditions of the permit and all applicable local, state and
1086 federal requirements.
- 1087 F. The holder of a Special Use Permit shall notify the City of any intended
1088 modification of a Tall Structure and shall apply to the planning director prior to
1089 modifying, relocating or rebuilding any Tall Structure.
- 1090 G. Following prior written notice to the applicant and a hearing on the matter,
1091 Special Use Permits may be revoked, canceled or terminated for a violation of
1092 the conditions and provisions of the special use permit for Tall Structures or for a
1093 material violation of this chapter.

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16.10.170 Interference with Public Safety Equipment

1096 In order to facilitate the regulation, placement, and construction of antenna, and to
1097 ensure that all parties are complying to the fullest extent possible with the rules,
1098 regulations, and/or guidelines of the FCC, each WCF applicant or owner applicant shall
1099 agree in a written statement to the following:

- 1100 1. Compliance with "good engineering practices" as defined by the FCC in its rules
1101 and regulations;
- 1102 2. Compliance with FCC regulations regarding susceptibility to radio frequency
1103 interference, frequency coordination requirements, general technical standards
1104 for power, antenna, bandwidth limitations, frequency stability, transmitter
1105 measurements, operating requirements, and any and all other federal statutory
1106 and regulatory requirements relating to radio frequency interference (RFI);
- 1107 3. In the case of an application for collocated telecommunications facilities, the
1108 applicant, together with the owner of the subject site, shall use their best efforts
1109 to provide a composite analysis of all users of the site to determine that the
1110 applicant's proposed facilities will not cause radio frequency interference with the
1111 City's public safety communications equipment and will implement appropriate
1112 technical measures, as described in antenna element replacements, to attempt
1113 to prevent such interference; and

- 1114 4. Whenever the City has encountered radio frequency interference with its public
1115 safety communications equipment, and it believes that such interference has
1116 been or is being caused by one or more antenna arrays, the following steps may
1117 be taken:
- 1118 a. The City will provide notification to all wireless service providers operating in
1119 the City of possible interference with the public safety communications
1120 equipment, and upon such notifications, the owners shall use their best
1121 efforts to cooperate and coordinate with the City among themselves to
1122 immediately investigate and mitigate the interference, if any, utilizing the
1123 procedures set forth in the joint wireless industry-public safety "Enhanced
1124 Best Practices Guide," released by the FCC in Appendix D of FCC 04-168
1125 (released August 6, 2004 or most recent edition), including the "Good
1126 Engineering Practices," as may be amended or revised by the FCC from time
1127 to time in any successor regulations.
 - 1128 b. If any equipment owner fails to cooperate with the City in complying with the
1129 owner's obligations under this section or if the FCC makes a determination of
1130 radio frequency interference with the City's public safety communications
1131 equipment, the owner who failed to cooperate and/or the owner of the
1132 equipment which caused the interference shall be responsible, upon FCC
1133 determination of radio frequency interference, for reimbursing the City for all
1134 costs associated with ascertaining and resolving the interference, including
1135 but not limited to any engineering studies obtained by the City to determine
1136 the source of the interference. For the purposes of this subsection, failure to
1137 cooperate shall include failure to initiate any response or action as described
1138 in the "Enhanced Best Practices Guide" within seventy-two (72) hours of the
1139 City's notification.

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16.10.180 Transfers and Assignments

- 1142 A. Permits obtained pursuant to this chapter may not be assigned or transferred
1143 without providing prior written notice to the City, on a form acceptable to the
1144 planning director.
- 1145 B. In the event a WCF provider or owner transfers ownership of a WCF to a
1146 different provider or owner, the previous and new service provider or owner shall
1147 notify the planning director no less than ten (10) calendar days from the date of
1148 transfer. The new provider or owner shall include the name, address and phone
1149 number of the person to be responsible for the WCF.

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1153 **16.10.190 Network Improvement Permit**

- 1154 A. A Network Improvement Permit allows legally constructed Tall Structures to be
1155 replaced or modified in a manner that increases the overall height of the existing
1156 Tall Structure in accordance with this section.
- 1157 B. A Network Improvement Permit does not require notification to surrounding
1158 property owners.
- 1159 C. The base of a replacement tower may be located no farther than fifty (50') feet
1160 from the base of the original tower. The original tower shall be removed within
1161 ninety (90) calendar days upon completion of construction of the replacement
1162 tower.
- 1163 D. More than one Network Improvement Permit may be obtained. However, the
1164 cumulative increase in overall height may not exceed the following:
- 1165 1. Up to twenty (20') feet for telecommunications towers that are located within
1166 a Residential District. If the existing tower exceeds two hundred (200') feet, it
1167 can be increased by up to ten percent (10%) of the height of the existing
1168 tower;
 - 1169 2. Within a Residential District, height increase under this section is limited to a
1170 cumulative increase of ten (10%) percent of the existing facility unless the
1171 applicant demonstrates that the additional height, not to exceed twenty (20')
1172 feet, is necessary for installation of one (1) additional antenna array.
- 1173 E. Application for a Network Improvement Permit must include the following:
- 1174 1. Application form signed by the property owner and authorized agent for the
1175 Tall Structure;
 - 1176 2. A description of the proposed modifications to the Tall Structure, including a
1177 description of the height, type, and lighting of the new or modified structure
1178 and the existing structure; and
 - 1179 3. Design drawings for the proposed modified or replaced structure, drawn to
1180 scale, and certified by a registered engineer licensed in the State of Alaska.
- 1181 F. In granting a Network Improvement Permit, the planning director shall make the
1182 following findings:
- 1183 1. That the proposed development conforms to setback requirements of BMC
1184 16.10.110;
 - 1185 2. That the Tall Structure being extended was lawfully constructed at the time
1186 of application for a Network Improvement Permit; and
 - 1187 3. That the proposed modification does not violate permit conditions of any valid
1188 permits that have been issued to the existing facility.
- 1189 G. A Network Improvement Permit must be approved within sixty (60) calendar
1190 days from the time of application if it meets the requirements of this section.

1191 H. Replacement or modification of a Tall Tower that is in accordance with this
1192 section is not subject to application or pre-application requirements required for
1193 a new tower under this chapter.

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16.10.200 Reconstruction and Replacement

- 1196 A. This section only applies to Tall Structures that are legally permitted or are
1197 recognized by the City as having obtained pre-existing legal nonconforming
1198 status.
- 1199 B. The tower operator is responsible for all aspects of the operation, improvements,
1200 development, and maintenance of the site in compliance with the terms and
1201 conditions of the permit and all applicable local, state, and federal requirements.
- 1202 C. Tall structures may be replaced or reconstructed in order to improve the
1203 structural integrity of the tall structure or in the case of accidental damage or
1204 collapse.
- 1205 D. Reconstruction or replacement shall not:
- 1206 1. Increase lighting;
 - 1207 2. Change the type of lighting;
 - 1208 3. Change the tower type;
 - 1209 4. Change the location of the Tall Structure; or
 - 1210 5. Increase the height of a tall structure.
- 1211 E. In the case of accidental damage or collapse, if reconstruction or replacement
1212 has not commenced within six (6) months from the date of the damage, the
1213 structure is considered to be abandoned and is subject to section 16.10.210.
- 1214 F. Reconstruction or replacement must conform to all the requirements and
1215 conditions of a previously granted permit or pre-existing legal nonconforming
1216 determination.

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16.10.210 Non-Use and Abandonment

- 1219 A. Notwithstanding the emergency powers of the City, the planning director may
1220 require removal of a Tall Structure under the following circumstances, which are
1221 deemed detrimental to the health, safety, and welfare interests of the City:
- 1222 1. Tall Structures with a permit that has not been used as a Tall Structure for a
1223 period exceeding sixty (60) consecutive days or a total of eighty (180)
1224 calendar days in any three hundred sixty five (365) day period, except for

- 1225 periods caused by force majeure or acts of God, in which case, repair or
1226 removal shall commence within ninety (90) calendar days.
- 1227 2. Permitted Tall Structures that have fallen into such a state of disrepair that
1228 they create a public health or safety hazard, which shall be deemed a
1229 nuisance per se.
- 1230 3. Tall Structures that have been located, constructed or modified without first
1231 obtaining all permits required by law, or that have been located, constructed
1232 or modified in a manner inconsistent with the applicable permit requirements,
1233 which shall be deemed a nuisance per se.
- 1234 B. If the planning director makes such a determination as noted in subsection (A) of
1235 this section, the planning director shall notify the permittee in writing that said
1236 Tall Structure is to be removed. Notification shall be deemed completed when
1237 notice is mailed, certified mail, return receipt, to the last known address on file.
- 1238 C. Within ninety (90) days of the postmarked date of the planning director's notice,
1239 the permittee, or its successors or assigns, at its sole expense, shall dismantle
1240 and remove such Tall Structure (and all associated structures and facilities) from
1241 the site and restore the site as close to its original condition as is possible.
1242 Restoration being limited only by physical or commercial impracticability proven
1243 to the satisfaction of the planning director.
- 1244 D. If the Tall Structure owner cannot be found, the landowner will be notified and
1245 will become responsible for removal of the unused structures.
- 1246 E. If the Tall Structure is not removed within ninety (90) days after the permit
1247 holder and/or landowner have received notice, the City may remove or cause to
1248 be removed the Tall Structure at the sole expense of the owner, permit holder
1249 and landowner.
- 1250 F. Notwithstanding anything in this section to the contrary, the planning director
1251 may approve a temporary use permit/agreement for the Tall Structure, for no
1252 more than ninety (90) calendar days, during which time a suitable plan for
1253 removal, conversion or relocation of the affected Tall Structure shall be
1254 developed by permit holder or owner, subject to the approval of the planning
1255 director. If such a plan is not developed, approved and executed within the
1256 ninety (90) day time-period, then the City may take possession of and dispose of
1257 the affected Tall Structure in the manner provided in this section.

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16.10.220 Removal of Facilities

- 1260 A. The owner of a facility shall establish a ten thousand (\$10,000) dollar cash
1261 security fund or provide the City with an irrevocable letter of credit in the same
1262 amount to secure the cost of removing the Tall Structure and all appurtenances
1263 once abandoned.

- 1264 B. In the event of a transfer of ownership, the seller shall be responsible for
1265 notifying the buyer of this requirement and for notifying the City of the transfer.
1266 C. In the event of a transfer of ownership, the City will not refund the security to
1267 the initial owner until the new owner of the Tall Structure posts the required ten
1268 thousand (\$10,000) dollar security or letter or irrevocable letter of credit.

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16.10.230 Transfer of a Conditional Use Permit

1271 The privileges and requirements of a permit issued under this chapter shall run with the
1272 land, but shall terminate without right of reactivation if the permit is revoked or
1273 abandoned as provide herein.

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

- 1277 A. All Tall Structures greater than one hundred (100") feet must be registered with
1278 the City within ninety (90) calendar days of the adoption of this chapter.
1279 B. All existing Tall Structures must be brought into compliance with the Signage and
1280 Security Fencing requirements of this chapter (section 16.10.110) within one
1281 hundred eighty (180) calendar days of the adoption of this chapter.
1282 C. Tall Structures which have commenced construction or are in existence as of the
1283 effective date of this ordinance, but which would otherwise be prohibited,
1284 regulated or restricted under this chapter, are allowed to continue subject to the
1285 provisions set out in this section.
1286 1. Structures which have commenced construction as of the date of adoption of
1287 this chapter are allowed to be constructed. The height of the structures one
1288 (1) year after the date of adoption of this chapter shall be considered the
1289 final height of the structure. Such structures may only be expanded in
1290 accordance with a permit under this chapter.
1291 2. Existing or proposed structures which have been granted a Special Use
1292 Permit under 16.10.100 and other related sections of this chapter, are
1293 considered to have pre-existing legal nonconforming status and are allowed
1294 to continue in accordance with the requirements of the permit but shall not
1295 be increased in height except as provided in this chapter.
1296 3. Structures which are existing as of the date of adoption of this chapter are
1297 eligible for pre-existing legal nonconforming status under this chapter.
1298 4. All telecommunications towers greater than eighty (80') feet shall comply with
1299 operations standards required by 16.10.110.

- 1300 D. Alteration or modification of greater than thirty (30%) percent of existing Tall
1301 Structure, or an increase in height to an existing Tall Structure will void its
1302 "grandfather" status, and all elements of this chapter will apply.
- 1303 E. Nonconforming Tall Structures which have commenced construction or are in
1304 existence as of the date of this chapter are eligible for pre-existing legal
1305 nonconforming status upon submittal of the following:
- 1306 1. Name, title, and contact numbers of the landowner, applicant, and persons in
1307 charge of the operation;
 - 1308 2. Height of structure;
 - 1309 3. Legal description of the subject parcel;
 - 1310 4. A certified site plan;
 - 1311 5. Documentation of all signage within the equipment compound;
 - 1312 6. Documentation demonstrating that the structure was in existence or had
1313 commenced construction prior to the date of adoption of this chapter; and
 - 1314 7. Certified written assurance by the owner of the Tall Structure that they intend
1315 to take responsibility for the safe and proper removal of the Tall Structure
1316 when it ceases to be used for its intended purpose.
- 1317 F. Within fifteen (15) calendar days of submittal, the planning director shall issue a
1318 determination of incompleteness if the application fails to meet the requirements
1319 of this chapter. Rejection of the application for pre-existing legal nonconforming
1320 status shall be in writing and shall state the deficient items. Once the deficiencies
1321 are corrected, the application shall be accepted as complete.
- 1322 G. Pre-existing legal non-conforming status will be determined based on the
1323 following:
- 1324 1. Whether the applicant has demonstrated that the Tall Structure was
1325 constructed or construction had commenced legally under the applicable code
1326 provisions at the time, if any.

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1329 **16.10.250 Conflict with Other Ordinances**

1330 Where any provision of this ordinance differs or conflicts with other ordinances, unless
1331 the right to do so is preempted or prohibited by state or federal law, the more
1332 restrictive or protective of the City and the public shall apply.

1333
1334 **16.10.260 Violations, Enforcement and Penalties**

- 1335 A. Any person violating the provisions of this chapter may be guilty of a minor
1336 offense punishable by a fine of one thousand (\$1,000) dollars per day.

- 1337 B. Additionally, the City may utilize any other provisions of law available to it in
1338 order to enforce the provisions of this ordinance, including, but not limited to,
1339 injunction and abatement.
- 1340 C. Every day there is a violation of this ordinance shall be considered a unique and
1341 separate offense.
- 1342 D. In addition to other applicable penalties, failure to correct the violation of code,
1343 after reasonable notice, may result in revocation of the permit.
- 1344 E. Complaints received by the City of violations of state or federal law will be
1345 forwarded to the appropriate agency for enforcement.
- 1346 F. Authorized representatives of the City are allowed to inspect the site and related
1347 records at reasonable times for the purpose of monitoring compliance with all
1348 permit conditions.
- 1349 G. The permittee shall assist and cooperate with authorized inspections upon
1350 reasonable notice from the City.

1351

1352 **16.10.270 Appeals – In General**

- 1353 A. An applicant desiring relief, waiver or exemption from any aspect or requirement
1354 of this chapter may request same. Such relief may be temporary or permanent,
1355 partial or complete. However, the burden of proving the need for the requested
1356 relief, waiver or exemption is solely on the applicant to prove.
- 1357 B. No such relief or exemption will be granted unless the applicant demonstrates
1358 that, if granted, the relief, waiver or exemption will have no significant adverse
1359 effect on the health, safety and welfare of the City of Bethel, its residents and
1360 other service providers.
- 1361 C. Denials of relief requested must be appealed as follows:
- 1362 1. Decisions of the planning director may be appealed to the Planning
1363 Commission.
 - 1364 2. Decisions of the Planning Commission may be appealed to the City
1365 Manager.
 - 1366 3. Decisions of the City Manager may be appealed to a Hearing Officer.
 - 1367 4. Decisions of the Hearing Officer(s) are final.

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1371 **16.10.280 Appeals to the Planning Director**

- 1372 A. A request for relief or reconsideration to the planning director is a more informal
1373 process and should be accomplished by a written letter. The applicant's request
1374 for relief must address the following:
- 1375 1. The type of relief sought;
 - 1376 2. The basis for granting said relief;
 - 1377 3. The length of the requested relief (temporary, permanent, partial or
1378 complete);
 - 1379 4. Any other information the applicant feels is relevant for the planning director
1380 to review;
 - 1381 5. The name and contact information for the person seeking relief.
- 1382 B. The request for relief to the planning director must be clearly labeled "Request
1383 for Relief".
- 1384 C. The planning director shall impartially review the request for relief and shall issue
1385 a written decision within twenty (20) calendar days after receipt of the request
1386 for relief. The request for relief must state: "This is the final decision of the City
1387 planner. This decision may be appealed to the Planning Commission. If you
1388 appeal, you must file a written notice of appeal with the City Clerk within
1389 fourteen (14) calendar days after this final decision is sent."
- 1390 D. There is no fee for filing a request for relief to the planning director.

1391
1392 **16.10.290 Appeals to the Planning Commission**

- 1393 A. An applicant may appeal a final decision of the planning director by filing a
1394 written request for appeal with the planning director within fourteen (14)
1395 calendar days after notice of the planning director's decision is sent.
- 1396 B. When filing the appeal, the appellant shall:
- 1397 1. Certify under oath that the appeal is made in good faith;
 - 1398 2. Set forth the pertinent sections of the Bethel Municipal Code and/or state or
1399 federal law which the appellant believes were misapplied or misinterpreted by
1400 the City;
 - 1401 3. Set forth the specific relief requested.
- 1402 C. The planning director shall forward the request for appeal to the Planning
1403 Commission who shall set the appeal for the next regularly scheduled Planning

1404 Commission meeting provided such meeting is scheduled sufficiently in the
1405 future to allow for proper notification as required under the Bethel Municipal
1406 Code. If the request is received too close to a scheduled Planning Commission
1407 meeting that proper notice would not be possible, the Planning Commission shall
1408 set the matter for the following meeting.

1409 D. Written notice of the hearing shall be sent to the applicant and any other
1410 interested parties by the planning director.

1411 E. Prior to the hearing, the planning director shall make copies of the request for
1412 relief submitted by the applicant as well as the planning director's decision.

1413 F. Applicants may supplement the information provided to the Planning Commission
1414 by providing additional information previously presented to the planning director.
1415 Supplemental information must be provided to the planning director at least ten
1416 (10) days prior to the hearing.

1417 G. During an appeal to the Planning Commission, appellant may not rely on or
1418 introduce information that the appellant failed to furnish to the City in support of
1419 its initial request.

1420 H. Before issuing a written decision, the Planning Commission, shall hear from the
1421 parties and shall review the facts and documents relating to the claim.

1422 I. Within thirty (30) days of the hearing, the Planning Decision shall issue a written
1423 decision. The decision must include the following statement: "This is the final
1424 decision of the Planning Commission. This decision may be appealed to the City
1425 Manager. If you appeal, you must file a written notice of appeal with the City
1426 Clerk within fourteen (14) calendar days after you receive this decision."

1427 J. The planning director shall furnish a copy of the Planning Commission's decision
1428 to the appellant by certified mail or other method that provides evidence of
1429 receipt.

1430 K. There is no fee for filing a request for relief to the planning director.

1431

1432 **16.10.300 Appeals to the City Manager**

1433 A. An applicant may appeal a final decision of the Planning Commission by filing a
1434 written request for appeal with the City Clerk within fourteen (14) calendar days
1435 after the Planning Commission's decision is sent.

1436 B. When filing the appeal, the appellant shall:

1437 1. Certify under oath that the appeal is made in good faith;

- 1438 2. Set forth the pertinent sections of the Bethel Municipal Code and/or state or
1439 federal law which the appellant believes were misapplied or misinterpreted by
1440 the City;
- 1441 3. Set forth the specific relief requested.
- 1442 4. An appeal to the City Manager must be accompanied by a filing fee as set out
1443 in the Bethel Fee and Rate Schedule.
- 1444 C. If the appeal request does not meet the requirements of subsections (A) and (B)
1445 of this section, it shall be denied.
- 1446 D. During an appeal under this chapter, the appellant may not rely on or introduce
1447 information that the appellant has failed to furnish to the City in support of its
1448 initial request.
- 1449 E. Before issuing a written decision, the City Manager, shall review the facts relating
1450 to the claim and obtain necessary assistance from legal and other relevant
1451 advisors.
- 1452 F. The City Manager's decision will be limited to a review of the file and all
1453 documents presented and accepted to date. No argument will be heard by the
1454 City Manager.
- 1455 G. The City Manager shall furnish a copy of their decision to the appellant by
1456 certified mail or other method that provides evidence of receipt. The decision
1457 must include:
- 1458 1. A description of the claim;
- 1459 2. A reference to the pertinent BMC provisions;
- 1460 3. A statement of the agreed-upon and disputed facts;
- 1461 4. Findings of fact about the claim;
- 1462 5. A statement of reasons supporting the decision; and
- 1463 6. A statement substantially as follows:
- 1464 "This is the final decision of the City Manager. This decision may be
1465 appealed to a Hearing Officer. If you appeal, you must file a written
1466 notice of appeal with the City Clerk within fourteen (14) calendar
1467 days after you receive this decision."
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1471 **16.10.310 Appeals to the Hearing Officer(s)**

- 1472 A. An applicant may appeal a final decision of the City Manager by filing a written
1473 request for appeal with the City Clerk within fourteen (14) calendar days after
1474 the City Manager’s decision is sent.
- 1475 B. When filing the appeal, the appellant shall:
- 1476 5. Certify under oath that the appeal is made in good faith;
- 1477 6. Set forth the pertinent sections of the Bethel Municipal Code and/or state or
1478 federal law which the appellant believes were misapplied or misinterpreted by
1479 the City;
- 1480 7. Set forth the specific relief requested.
- 1481 8. An appeal to the Hearing Officer(s) must be accompanied by a filing fee as
1482 set out in the Bethel Fee and Rate Schedule.
- 1483 C. If the appeal request does not meet the requirements of subsections (A) and (B)
1484 of this section, it shall be denied.
- 1485 D. During an appeal under this chapter, the appellant may not rely on or introduce
1486 information that the appellant has failed to furnish to the City in support of its
1487 initial request.
- 1488 E. The hearing officer(s) shall arrange for a prompt hearing and notify the parties,
1489 in writing, of the time and place of the hearing. The hearing may be conducted
1490 in an informal manner.
- 1491 F. The hearing officer(s) may:
- 1492 1. Hold prehearing conferences to settle, simplify, or identify the issues in a
1493 proceeding, or to consider other matters that may aid in the expeditious
1494 disposition of the proceeding;
- 1495 2. Require parties to state their positions concerning the various issues in the
1496 proceeding;
- 1497 3. Require parties to produce for examination those relevant witnesses and
1498 documents under their control;
- 1499 4. Rule on motions and other procedural matters;
- 1500 5. Regulate the course of the hearing and conduct of the participants;
- 1501 6. Establish time limits for submission of motions or memoranda;
- 1502 7. Impose appropriate sanctions against a person who fails to obey an order
1503 of the hearing officer, including:

- 1504 a) Prohibiting the person from asserting or opposing designated
1505 claims or defenses or introducing designated matters into evidence;
1506 b) Excluding all testimony of an unresponsive or evasive witness; and
1507 c) Excluding a person from further participation in the hearing;
- 1508 8. Take official notice of a material fact not appearing in evidence, if the fact
1509 is among the traditional matters subject to judicial notice;
- 1510 9. Administer oaths or affirmations;
- 1511 10. Exclude witnesses when not testifying.
- 1512 G. The parties shall have the right:
- 1513 1. To present witnesses and evidence; and
1514 2. To cross-examine opposing witnesses and rebut evidence.
- 1515 H. The hearing will be open to the public.
- 1516 I. The hearing shall be recorded. A transcribed record of the hearing shall be made
1517 available at cost to the party that requests it.
- 1518 J. The hearing officer(s) shall review the City Manager's decision using a
1519 preponderance of evidence standard with the burden of proof on the claimant.

1520

1521 **16.10.320 Determination after Hearing**

- 1522 A. The hearing officer(s) decision will be written findings of fact and conclusions of
1523 law and will be made within thirty (30) calendar days of the end of the hearing.
- 1524 B. The decision shall include a statement substantially as follows:
- 1525 "This is the final decision of the hearing officer(s). This decision
1526 may be appealed to a court. If you appeal, you must commence
1527 your lawsuit in the Superior Court for the State of Alaska at Bethel
1528 within thirty (30) calendar days after your receipt of this decision."
- 1529 C. The hearing officer(s) shall deliver the written decision to the City Clerk who shall
1530 serve the written decision on the parties by fax and by mail.
- 1531 D. Appeal to Superior Court. An appeal may be made from the written decision of
1532 the hearing officer(s) pursuant to the Alaska Rules of Appellate Procedure to the
1533 superior court for the state of Alaska at Bethel only.

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1536 **16.10.330 Section 6409(a) Collocations and Modifications**

1537 **A. Purpose.**

1538 1. The purpose of this Section 16.10.330 is to reasonably regulate, to the
1539 extent permitted under Alaska and federal law, collocations and
1540 modifications to existing wireless towers and base stations that do not
1541 substantially change the physical dimensions of such existing wireless
1542 towers or base stations consistent with Section 6409(a) of the Middle
1543 Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126
1544 Stat. 156 (codified as 47 U.S.C. § 1455(a)), as may be amended, and 47
1545 C.F.R. §§ 1.40001 *et seq.*, as may be amended, to protect and promote
1546 the public health, welfare and safety within the City. This Section
1547 16.10.330 accomplishes those purposes by establishing a clear and
1548 orderly streamlined application and review process that distinguishes
1549 those collocations and modifications over which the City may exercise its
1550 traditional zoning authority from those collocations and modifications over
1551 which federal law has preempted the City's traditional zoning authority. In
1552 doing so, the regulations in this Section 16.10.330 balance the City's
1553 legitimate government interest in well-planned development projects with
1554 the benefits that flow from robust wireless services.

1555 2. This Section 16.10.330 does not intend to, and must not be interpreted or
1556 applied to:

1557 d) actually or effectively prohibit personal wireless services; or

1558 e) unreasonably discriminate among providers of functionally
1559 equivalent personal wireless services; or

1560 f) regulate the installation, operation, collocation, modification or
1561 removal of wireless facilities on the basis of the environmental
1562 effects of RF emissions to the extent that such emission comply
1563 with all applicable FCC regulations; or

1564 g) prohibit or effectively prohibit any collocation or modification that
1565 the City may not deny under Alaska or federal law; or

1566 h) allow the City to preempt any applicable Alaska or federal law

1567 **B. Permits Required.** All projects submitted for review under this Section
1568 16.10.330 will be subject to review and approval or denial by the Planning
1569 Director in accordance with this Section 16.10.330.

1570 1. **Permit Application.** No permit may be granted pursuant to this Section
1571 16.10.330 or deemed-granted by the operation of law unless the applicant

1572 first submits a written permit application in accordance with this Section
1573 16.10.330(B).

1574 2. **Submittal Appointments Required.** All permit applications must be
1575 submitted to the City at a pre-scheduled appointment. Applicants may
1576 submit one (1) permit application per appointment but may schedule
1577 successive appointments for multiple applications whenever determined
1578 feasible by the City. City staff will endeavor to provide applicants with an
1579 appointment within approximately five (5) business days after a request.

1580 3. **Authorization to Develop and Update Application Materials.** The
1581 City authorizes and directs the Planning Director to develop and make
1582 publicly available permit applications and other materials specific for
1583 wireless facilities and without further authorization from City to update
1584 and amend such publicly available permit applications and materials from
1585 time to time as the Planning Director deems necessary or appropriate.

1586 4. **Required Application Materials.** In addition to all other materials that
1587 the Planning Director may from time to time require pursuant to Section
1588 16.10.330(B)(c), all permit applications for permits granted under this
1589 Section 16.10.330 must include the following:

1590 a) **Application Fee.** The applicable application fee established by
1591 City resolution.

1592 b) **Required Licenses or Approvals.** Evidence that the applicant
1593 holds all current licenses and registrations from the FCC and any
1594 other applicable regulatory bodies where such license(s) or
1595 registration(s) are necessary to provide wireless services utilizing
1596 the proposed wireless facility. For any conditional approval(s)
1597 associated with the wireless facility, the applicant must submit
1598 copies of all conditions of approval.

1599 c) **Site Development Plans.** A fully dimensioned site plan and
1600 elevation drawings prepared and sealed by an engineer licensed in
1601 the State of Alaska showing any existing wireless facilities with all
1602 existing transmission equipment and other improvements, including
1603 all utilities, and the legal boundaries of the leased and owned area
1604 surrounding the proposed facility and any associated access or
1605 utility easements.

1606 d) **Equipment Specifications.** Specifications that show the height,
1607 width, depth and weight for all proposed equipment.

- 1608 e) **Photo Simulations.** Photo simulations that show the proposed
1609 facility in context of the site from reasonable line-of-sight locations
1610 from public streets or other adjacent viewpoints, together with a
1611 map that shows the photo location of each photograph and the
1612 view angle to the proposed site from that photo location.
- 1613 f) **Written Narrative Analysis.** A written statement that explains in
1614 plain factual detail whether and why Section 6409(a) and the
1615 related FCC regulations at 47 C.F.R. § 1.40001 et seq. require
1616 approval for the specific project. A complete written narrative
1617 analysis will state the applicable standard and all the facts that
1618 allow the City to conclude the standard has been met—bare
1619 conclusions not factually supported do not constitute a complete
1620 written analysis. As part of the this written statement the applicant
1621 must also include (i) whether and why the support structure
1622 qualifies as an existing tower or existing base station; and (ii)
1623 whether any why the proposed collocation or modification does not
1624 cause a substantial change in height, width, excavation, equipment
1625 cabinets, concealment or permit compliance.
- 1626 g) **RF Exposure Compliance Report.** A radio frequency (RF) report
1627 prepared and certified by an RF engineer acceptable to the City
1628 that certifies that the proposed facility, as well as any collocated
1629 facilities, will comply with applicable federal RF exposure standards
1630 and exposure limits. A profession electrical engineer licensed in the
1631 State of Alaska is deemed acceptable to City. The RF report must
1632 include the actual frequency and transmission power levels (in
1633 watts ERP) for all existing and proposed antennas at the site
1634 regardless of antenna ownership and exhibits that show the
1635 location, transmission azimuth, and height of all transmitting
1636 antennas and the boundaries of areas with RF exposures in excess
1637 of the uncontrolled/general population limit (as that term is defined
1638 by the FCC) and also the boundaries of areas with RF exposures in
1639 excess of the controlled/occupational limit (as that term is defined
1640 by the FCC). Each such boundary shall be clearly marked and
1641 identified for every transmitting antenna at the project site
1642 regardless of antenna ownership.

1643 **C. Permit Approvals or Denials.**

- 1644 1. **Findings for Approval.** The Planning Director may approve a permit
1645 submitted for review under this Section 16.10.330 when the Planning

1646 Director finds that the proposed collocation or modification qualifies as an
1647 eligible facilities request and does not cause a substantial change.

1648 2. **Grounds for Denial.** In addition to any other alternative recourse
1649 permitted under federal law, the Planning Director may deny a permit
1650 submitted for review under this Section 16.10.330 when that person finds
1651 that the proposed collocation or modification:

1652 a) violates any legally enforceable and generally applicable law,
1653 regulation, rule or permit condition reasonably related to public
1654 health and safety; or

1655 b) involves a structure constructed or modified without all regulatory
1656 approvals required at the time of the construction or modification;
1657 or

1658 c) involves the replacement of the entire support structure; or

1659 d) Does not qualify for mandatory approval under Section 6409(a) for
1660 any lawful reason.

1661 3. **Denials are Without Prejudice.** Any denial of a permit submitted for
1662 review under this Section 16.10.330 shall be without prejudice to the
1663 applicant or the proposed development. Subject to the application and
1664 submittal requirements in this chapter, the applicant may immediately
1665 resubmit a permit application for either a conditional use permit pursuant
1666 to BMC section 18.60 or permit for a modified project that complies with
1667 this Section 16.10.330.

1668 D. **Standard Permit Conditions.** In additional to any conditions of approval
1669 specific to the project, every permit granted pursuant to this Chapter must
1670 include the conditions of approval as follows:

1671 1. **Permit Term.** This permit will automatically expire or terminate when the
1672 permit for the underlying site being collocated or modified expires or
1673 terminates, if ever. The grant of this permit does not extend the permit
1674 term for the underlying site being collocated or modified.

1675 2. **Code Compliance.** The permittee shall at all times maintain compliance
1676 with all applicable federal, state and local laws, regulations and other
1677 rules.

1678 3. **Inspections; Emergencies.** The City or its designee may enter onto the
1679 facility area to inspect the facility upon reasonable notice to the permittee.
1680 The permittee shall cooperate with all inspections. The City reserves the
1681 right to enter or direct its designee to enter the facility and support,

1682 repair, disable or remove any elements of the facility in emergencies or
1683 when the facility threatens imminent harm to persons or property.

1684 4. **Contact Information for Responsible Parties.** The permittee shall at
1685 all times maintain accurate contact information for all parties responsible
1686 for the facility, which shall include a phone number, street mailing address
1687 and email address for at least one natural person. All such contact
1688 information for responsibility parties shall be provided to the Planning
1689 Director upon permittee's receipt of the Planning Director's written
1690 request, except in an emergency determined by the City when all such
1691 contact information for responsibility parties shall be immediately provided
1692 to the Planning Director upon that person's verbal request.

1693 5. **Indemnities.** The permittee and, if applicable, the non-government
1694 owner of the private property upon which the tower/and or base station is
1695 installed shall defend, indemnify and hold harmless the City, its agents,
1696 officers, officials and employees (i) from any and all damages, liabilities,
1697 injuries, losses, costs and expenses and from any and all claims,
1698 demands, law suits, writs of mandamus and other actions or proceedings
1699 brought against the City or its agents, officers, officials or employees to
1700 challenge, attack, seek to modify, set aside, void or annul the City's
1701 approval of the permit, and (ii) from any and all damages, liabilities,
1702 injuries, losses, costs and expenses and any and all claims, demands, law
1703 suits or causes of action and other actions or proceedings of any kind or
1704 form, whether for personal injury, death or property damage, arising out
1705 of or in connection with the activities or performance of the permittee or,
1706 if applicable, the private property owner or any of each one's agents,
1707 employees, licensees, contractors, subcontractors or independent
1708 contractors. Further, permittees shall be strictly liable for interference
1709 caused by their facilities with the City's communications systems. The
1710 permittee shall be responsible for costs of determining the source of the
1711 interference, all costs associated with eliminating the interference, and all
1712 costs arising from third party claims against the City attributable to the
1713 interference. In the event the City becomes aware of any such actions or
1714 claims the City shall promptly notify the permittee and the private
1715 property owner and shall reasonably cooperate in the defense. It is
1716 expressly agreed that the City shall have the right to approve the legal
1717 counsel providing the City's defense, which approval shall not be
1718 unreasonably withheld, and the property owner and/or permittee (as
1719 applicable) shall reimburse City for any costs and expenses directly and
1720 necessarily incurred by the City in the course of the defense. Legal

1721 counsel shall not settle, compromise, waive or abandon any claim without
1722 the express written consent of City.

1723 6. **Adverse Impacts on Adjacent Properties.** Permittee shall undertake
1724 all reasonable efforts to avoid undue adverse impacts to adjacent
1725 properties and/or uses that may arise from the construction, operation,
1726 maintenance, modification and removal of the facility.

1727 7. **General Maintenance.** The site and the facility, including but not limited
1728 to all landscaping, fencing and related transmission equipment, must be
1729 maintained in a neat and clean manner and in accordance with all
1730 approved plans and conditions of approval.

1731 8. **Graffiti Removal.** All graffiti on facilities must be removed at the sole
1732 expense of the permittee within 48 hours after notification from the City.

1733 9. **No Waiver of Standing.** The City's grant or grant by operation of law of
1734 this permit does not waive, and shall not be construed to waive, any
1735 standing by the City to challenge Section 6409(a), any FCC rules that
1736 interpret Section 6409(a), including but not limited to 47 C.F.R. § 1.40001
1737 *et seq.*, or any permit granted pursuant to those laws and regulations.

1738 E. **Appeals.** Subject to applicable federal timeframes for local review, accounting
1739 for any tolling, any person or entity may file a written appeal to the City to
1740 reverse the Planning Director's final decision to approve or deny without
1741 prejudice a permit application under this Chapter. The appeal must state in plain
1742 terms the grounds for reversal and all facts that support those grounds. The
1743 appellant must pay a fee, if any, established by a resolution of the City at the
1744 time the appeal is filed. The City shall review the decision de novo.

1745 **SECTION 4. Effective Date.** This section shall become effective upon passage by the
1746 City Council.

1747
1748 **ENACTED THIS 11th DAY OF AUGUST 2015, BY A VOTE OF ___ IN FAVOR AND**
1749 **___ OPPOSED.**

1750
1751
1752 _____
Richard Robb, Mayor

1753 ATTEST:
1754
1755
1756
1757
1758 _____
1759 Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

RESOLUTION #15-13

A RESOLUTION SUPPORTING THE 2015 CAMA-I DANCE FESTIVAL BY PROVIDING A DONATION IN THE AMOUNT OF SALES TAXES COLLECTED ON ADMISSIONS SOLD TO ATTEND THE FESTIVAL

WHEREAS, the Cama-i Dance Festival is a celebration of culture and dance;

WHEREAS, more than 20 dance groups and more than 400 dancers, drummers and singers between the ages of 2 and 92 will celebrate the Yup'ik Eskimo tradition of dance;

WHEREAS, Cama-i promotes cultural diversity as Native Alaskan, Native American and international groups share in the common language of dance;

WHEREAS, Cama-i also provides for additional activities during the festival such as a Miss and Mr. Cama-i contest, native foods dinner for everyone, a quilt show and arts and crafts sales;

WHEREAS, through dance, song and crafts, the traditions of Alaskan Native tribes are communicated to hundreds of people during the three-day festival;

WHEREAS, the Cama-i Dance Festival promotes positive activities in the Bethel community and generates positive statewide publicity for the City of Bethel while bringing many visitors to the Bethel community;

WHEREAS, the City of Bethel recognizes the significance of the Cama-i Dance Festival and supports the dancers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Bethel, Alaska, supports the Cama-i Festival and will donate an amount equal to the amount of sales taxes collected on the admissions sold to attend the 2015 Cama-i Dance Festival, \$4,296.04.

Be it further resolved that the Cama-i organizers filed a tax return on the event and remitted sales tax to the City in the amount of \$4,296.04.

PASSED AND APPROVED THIS 11 DAY OF AUGUST 2015, BY A VOTE OF 7 IN FAVOR AND 0 IN OPPOSITION.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel Action Memorandum

Action memorandum No.	15-25		
Date action introduced:	August 11, 2015	Introduced by:	Vice-Mayor Albertson
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approving Travel for Council Member Fansler to attend the Alcohol Beverage Control Board meeting in Kotzebue, September 15, to include meeting with City of Kotzebue officials for fact finding efforts on a potential City run liquor store establishment.

Route to:	Department/Individual:	Initials:	Remarks:
	City Manager	AKC	
	Finance	JAM	
	City Attorney	ES	

Amount of fiscal impact		Account information:
\$1,474.20	Funds are budgeted for	10-52-541

The Alcohol Beverage Control Board will meet September 15, 2015 in Kotzebue, to consider the application for a restaurant and eating place liquor license submitted by Dimitri's Restaurant. In light of the Alcohol Beverage Control Board's (ABC) decision to deny a Bethel City Council protest and the lack of reasoning provided to the City as to why the protest was not upheld, it is important for our governing body to do what they can to prevent any other protests from being denied, especially when the protests are based on legal authority, public policy and community feedback.

With the uncertainty caused by the ABC Board's recent actions the Bethel City Council must take all possible steps to ensure their rationale supporting a protest is presented to the Board at a public meeting and placed on the record.

Additionally, it has been inferred, the presence of City representatives at the ABC Board meetings provides more weight to its consideration of a liquor license applications.

With the potential for the City to opt back into Local Option with a City run liquor facility (Bar, Restaurant, Delivery Site and/or Liquor Store) the trip to Kotzebue could serve two purposes: (1) it would allow Council Member Fansler, who has had conversations

City of Bethel Action Memorandum

Action memorandum No.	15-25		
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Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

with Kotzebue Officials, the opportunity to see how Kotzebue operates their municipal run liquor facilities; (2) it would provide Councilmember Fansler an opportunity to discuss with those officials, the pros and cons of the operation, how the operations were implemented and the processes they take in reporting to the State.

It is important now more than ever, to take a strong defense of the processes to which the Council acted in their protest of the Dimitri's liquor license application since the ABC Board has put the authority of this council in question.

Additionally, with the potential for a change in the alcohol status in Bethel, this Council needs to be prepared. To be prepared for that change, the City has an opportunity to learn from another community and should accept any possible opportunity to educate itself prior to any possible implementation.

Travel Cost Estimates

Alaska Airlines:	\$577.20
Hotel:	\$657.00 (three nights)
Per Diem:	\$240.00
Total:	\$1,474.20

City of Bethel Action Memorandum

Action memorandum No.	#15-26		
Date action introduced:	August 11, 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 potassium permanganate, sodium fluoride, and calcium hypochlorite from UNIVAR USA, INC. in the amount of \$44,577.71.

Route to Department/Individual	Initials	Remarks
Muzaffar Lakhani		Finance department received the bids per the procurement code.
Finance/Hansel Mathlaw		Amount budgeted.

Attachment(s): None.

Fiscal Impact Amount	Description	Account information
\$8,082.11	Potassium Permanganate, 3,750 lbs	51-83-561
8,081.10	Potassium Permanganate, 3,350 lbs	51-84-561
313.50	Sodium Fluoride, 600 lbs	51-84-561
313.50	Sodium Fluoride, 600 lbs	51-83-561
13,893.75	Calcium Hypochlorite, 7,500 lbs	51-84-561
13,893.75	Calcium Hypochlorite, 7,500 lbs	51-83-561

Summary statement:

Went out to bid for chemicals to supply both City Subdivision and Bethel Heights water treatment plants. Univar USA was the lowest bidder.

City of Bethel Action Memorandum

Action memorandum No.	#15-27		
Date action introduced:	August 11, 2015	Introduced by:	Ann K. Capela
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve the purchase of calcium chloride and sodium chloride from one of the six proposers who responded to the bidding process, beginning with the highest scored proposer, Span Alaska, and working down the list in order to find one who can meet the performance requirements. Amount of purchase \$95,435.45 to \$99,163.61.

Route to Department/Individual	Initials	Remarks
Muzzafar Lakhani		Time is of the essence. City will initiate purchase with vendor immediately after Bethel City Council approval, per the Bethel Municipal Code.
Hansel Mathlaw		FY 2016 Budget contains \$50,000 for calcium chloride and \$55,000 for sodium chloride. Bid process completed. Recommend approval.

Attachment(s):

1. None.

Fiscal Impact Amount	Description	Account information
\$49,647.50	Calcium chloride	10-66-567
\$49,516.11	Sodium chloride	10-66-576

Summary statement

The City of Bethel went out to bid July 13, 2015 to purchase up to \$50,000 worth of calcium chloride and \$50,000 worth of sodium chloride. Bidders were scored by the greatest number of total pounds of calcium chloride and sodium chloride that could be delivered to City Shop in Bethel, Alaska for the given price limits. Span Alaska can deliver 120,000 lbs. of calcium chloride and 202,500 lbs. of sodium chloride for a total of 322,500 pounds of both materials.

City of Bethel Informative Memorandum

Informative memorandum No.	15-01
Date presented:	August 11, 2015

Public notice of information- City of Bethel's proposed wastewater project and associated USDA Rural Development funding opportunity.

Route to:	Department/Individual:	Initials:	Remarks:
<input checked="" type="checkbox"/>	Public Works	ML	Recommend Council support this project.
<input type="checkbox"/>			

Related to Other Action Items:

Attachment(s):

The purpose of this Information Memorandum is to acquaint the general public with the City of Bethel's proposed wastewater project and associated USDA Rural Development funding opportunity and to provide the citizenry an opportunity to comment on such items as economic and environmental impacts, service area, alternatives to the project, and other issues. This Memorandum and its information sharing, discussion, and comments during a Bethel City Council meeting satisfies the USDA Rural Development requirement that the City hold a general public meeting about the project.

The Sewage Lagoon Truck Dump Site is the sheet-pile supported sand pad that jets out into the sewage lagoon where sewage trucks deposit into the lagoon. The site was evaluated by a structural engineer with CH2MHill engineering firm and found to be unsafe to use as intended. The City has since blocked full access to the dumping area to keep trucks and drivers a safe distance from the end. The site is still useable, but its condition is deteriorating and cannot be repaired. It must be replaced.

City of Bethel Informative Memorandum

Informative memorandum No.	15-01
Date presented:	August 11, 2015

The City of Bethel prepared and submitted a grant application to USDA Rural Development (USDA-RD) program on or about July 23, 2015 to request \$868,176 in construction funds to contribute to the \$1,543,480 estimated cost to replace the sewage lagoon truck dump site. The City currently has a \$700,000 State Designated Legislative Grant for the truck dump site. The grant application amount requested by the City is likely to change when the DOWL engineering firm finalizes the Preliminary Engineering Report, which will contain a detailed cost estimate. The draft report indicates a total project cost of \$3,400,000.

The grant application submitted for Rural Utility Service assistance is missing five items, which are in process:

1. Preliminary Engineering Report (DOWL completing)
2. Environmental Report (DOWL completing)
3. List of Short-Lived Assets (Water and Sewer assets) (DOWL completing)
4. Engineering Agreement that uses Engineers Joint Contract Documents Committee documents (City to select engineer firm to oversee project)
5. Public Notice and General Public Meeting (City to complete)

The City intends to use its \$700,000 grant or a portion thereof as match for the grant from USDA-RD. While there is in-kind contributions from the City in the form of employee and staff time, no additional City funds are expected for this project.

The sewage lagoon truck dump site serves the entire community because of its honey bucket feature, but primarily serves the north and east sides of the City's hauled sewer customers. However, in the case of lift station failure, the gravity-fed truck dump site is available for all sewer trucks to use.

There are alternatives to this project and these were evaluated by DOWL engineers in a draft of the Preliminary Engineering Report. The draft report recommends improvements to the truck dump site, which they refer to as "jetty repairs," that are expected to cost \$3,400,000.

Mayor's Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 West 7th Ave. Ste. 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

August 4, 2015

Lori Stickler VIA EMAIL: lstickler@cityofbethel.net

The North West Company (International), Inc. d.b.a. AC Quickstore – License #5418

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

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A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

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Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

City Manager's Report



MEMORANDUM

From: Ann K. Capela, City Manager
To: Mayor, Vice Mayor and Council
Cc: City Attorney, City Clerk
Date: August 4, 2015
Re: City Manager's Report

1. OSHA – Safety Consultant was engaged to review all City owned facilities. This 4-day intensive visit will assist all City departments to review their on-site safety practices.
2. RFP opportunities: The City currently closed an RFP for (a) City Audit Services – there were **no** proposals on the closing date. The RFP has been re-posted and is due on 08.17.2015. This is of concern to administration. It is unlikely the City will be able to meet its own deadline for completing the FY 2014/15 financial audit. Other RFP's pending (b) Calcium & Sodium Chloride due 08.03.2015; (c) Employee Healthcare Benefits; (d) Planner Services 08.28.215. The City will also need to re-advertise the Wind Turbine RFP.
3. "If you see something, say something" is the same motto for "businesses doing business without a City Business License". The City does not have sufficient staff to go door-to-door asking if the City's new business start-up exists? The City relies on the honesty and integrity of individuals doing business in Bethel. If a Bethel resident is aware of someone doing business without a City Business License, they should call the City Finance Director or the City Manager and report that person/business
4. Ridgecrest Drive – Last email communication to DOT and LKSD on this matter was August 1, 2015. While Council did not fund this project in the FY 2015/16 Budget – I continue to dialogue with Alaska DOT officials to find a compromise but also to bring back to the table the LKSD who is an essential participant to the traffic and safety issues in the Ridgecrest Drive project. Federal DOT, the State DOT, the City of Bethel and LKSD should work together to find a solution in the interest of saving lives and protection of property. The State DOT has pledged to keep working on a 3-party resolution to this challenge.
5. AVEC – There are numerous issues that AVEC and the City of Bethel need to address. Recently, the CEO of AVEC, Meera Kohler and I held extensive meeting on the following items of mutual interest. The following is a synopsis of our discussions: (a) Street lights and pole rentals – AVEC charges \$550 to provide and install LED fixtures. Cities pay the fuel charge. Cities also receive PCE on the kWh used. AVEC would like the City to standardize the type of fixtures used by the City. City and AVEC will work towards to get PCE for the City's street lights; (b) Heat Recovery – AVEC recently received a \$654K grant from the State to determine the current heat recovery system in Bethel, especially to serve the additional loads. The priority would be to serve the City facilities, especially the swimming pool. AVEC will offer to the City very attractive rates to

purchase the heat (likely 30% of the City's cost to heat with diesel fuel); (c) **AVEC's pipeline is installed on a pile foundation built over 30+ years ago. AVEC allowed the City to construct the Boardwalk** in AVEC's ROW, using the pipeline support structure to support the boardwalk. The Boardwalk has become unsafe and the City closed the Boardwalk. AVEC is amenable to continue to allow the uncompensated use of its pipeline support structure but at this time AVEC has no plans to rebuild the pipeline support structure to accommodate the City's needs. Should the City rebuilt the Boardwalk, AVEC will require the "hold harmless indemnity agreement"; (d) **Wind generation agreement** – AVEC is in the process of examining wind as a resource and discussing a site for this project. Since AVEC is non-profit, 100% of wind generation benefit would go back to Bethel as a community; (e) AVEC continues to provide **pro-bono grave digging** services to the City owned

6. **City Planner** – The City has issued a new RPF seeking planning firms/individuals to be on a "vendors list" of 3 firms in order for the City to be able to call on planning services when needed. The City continues to advertise for a Planner. The day to day planning functions are being performed by the planning Department's Administrative Assistant. Commercial site permits are reviewed by the City attorney or City Manager.
7. **United Pools** – Sean Legg, United Pool representative has sent an email inquiry to start the negotiated "package deal" of managing the City's pool facility. This type of contract was introduced by Mr. Legg to Council as a possible management contract during the last budget approval process. The City will be asking Untied Pool to perhaps send a sample agreement to determine if this is a possible next step by the City of Bethel to look at.
8. **ONC "proposed subdivision"** – I was contacted by an architectural firm representing ONC who confirmed that ONC has NOT submitted any plans to the City's Planning Department for the said subdivision.
9. **Brown Water** – In the past month's City's water customers who are on the City's piped water system have requested lab testing on the City's water due to the water's "brownish color". Attached is a report authored by then the City Manager and current State Representative for Bethel, Bob Herron. Also attached, is a detailed lab review and conclusion regarding the "brownish color" of the water in the piped water system. While the City will continue to respond to requests by water customers to test the water quality in particular locations, this 2002 report provides an explanation as to why the water has a brownish color.
10. **Bethel Public Transit** – Attached is a ridership overview from July 2012 through June 30, 2015. While this is not an all inclusive statistical analysis, the numbers show an increased ridership. The data seems to point that developing partnership with local agencies that are willing to purchase monthly ridership passes for its clients tends to increase annual ridership. City of Bethel has a "working transit manager" who performs multiple functions and tasks. While the bus drivers do not require a CDL (due to the size of the buses) the drivers are subject to all the FTA very stringent regulations. The reporting for both the FTA 5311 and 5309 grants is very labor intensive. One of proven successes for increased ridership is developing partnership with local federal and state agencies to provide for monthly passes for its clients.
11. **Delinquent Sales Tax/Expired Business Licenses**: While Council had an opportunity to review said reports, these reports were not vetted by the Finance Director or the City Manager. Finance will prepare an updated relevant reports.

Management Team Reports

PORT OF BETHEL

Post Office Box 1388
Bethel, Alaska 99559
Voice: 907-543-2310
Fax: 907-543-2311



TO: Ann Capela
FROM: Peter A. Williams- Port Director
SUBJECT: July, 2015 Managers Report

PORT ADMINISTRATION ACTION ITEMS AND ACTIVITIES

- **SMALL BOAT HARBOR-** North and Southside *parking lots* have been resurfaced and parking spaces marked. The embankment on the west side of the *Entrance Channel* was resurfaced and re-sloped. A pole for lifejackets was installed by the south side boat ramp. We should be installing new signs in August. Port and Parks personnel installed fence poles for the *Harbor Park on East Ave*. The fencing ended up in Barrow. We hope to put the fencing up this coming month. This area was a park in the past and hopefully will help keep the children in the area off of East Ave. and out of the SBH.
- **Bethel Bank Stabilization Project (BBSP)/Jung/Active Parcels-** The BIA contacted the Port about this property. The City has been found in trespass of .04 of acre on East Ave. Affiliated Appraisals has been re-contacted to appraise the ROW on East Ave. They have been part of this puzzle since 2009. It appears we will have to ask for a Title Search for the Unikal 'NYY subdivision and we have been asked to figure out when East Ave was created.
- **City Dock/East Timber Wall/Brown Slough-** A *new gate* was installed help alleviate the traffic hazard at the main gate of the City Dock, Oscar Rd and the State Highway. Boat Ramp across from North Star gas was improved. Vessel traffic has been steady with 2,000 ton delivered to Bethel. Most of the freight has been outbound to the villages.
- **Seawall-** Repairs to one mile of wire fencing is underway and we will start repairs too all the chain link fence this month.
- **RFP's-**Proposal for electrical services should be scored this week. Still have to do RFP's for air freight,port office and a design for the East Timber Wall.
- **Alaska Abandon & Derelict Vessel Task Force-** Will meet again August 19th. Newsletter is available at the Port Office.
- **Yukon Kuskokwim Transportation Committee-**Will meet August 12th to discuss Octobers public hearings.



CITY OF BETHEL
Fire Department

William F. Howell III, Fire Chief
P.O. Box 1388, Bethel, Alaska 99559
Phone: (907)-543-2131
Fax: (907)-543-2702
bhowell@cityofbethel.net

Celebrating 50 Years of Service

DATE: August 3, 2015
TO: Ann Capela, City Manager
FROM: Bill Howell, Fire Chief
SUBJECT: Manager's Report – Month of July, 2015

Current Events

- Fourth of July festivities were uneventful with no injuries reported during the City Parade or Fair. EMS calls for service did surge as expected due to the temporary increase in population. No fires from fireworks were reported. It appears that most Bethel citizens complied with the burn and fire work ban.
- Seven Bethel Firefighter trainees were given their State practical and written test to certify as Firefighter-1's. Alaska Fire Standards Council Certifying Officer, Todd Russell arrived in Bethel on July 31 to conduct the testing. All students passed the practical portion of the test. Written test results will be available shortly.

Please join me in congratulating Dalton Beaver, Christina Elliott, Miranda Johannson, Tristan Charles, Stephen Lyddane, Danny Miller and Brian Frietas for their hard work and dedication.

- Bethels Fire and EMS volunteers now wear a uniform with a light blue shirt and dark blue pants along with a bright silver badge and collar brass. The reaction to the new uniforms in the community has been overwhelmingly positive.

Emergency Planning/Homeland Security

- All burning bans were lifted in late July. Bethel escaped fire season with only a few minor wildfires.

Responses

- On 07-01-15 at 4:54 p.m. firefighters responded to Isaac Hawk Street for a fire in a smoke house. Upon arrival, the fire was extinguished and information was gathered from the owner.
- On 07-02-15 at 1:00 a.m. firefighters responded to DeLapp Drive for the report of a fire on a porch. Upon arrival, the fire had already been extinguished by a bystander. Firefighters overhauled the area and gathered information from the owner.
- On 07-13-15 at 8:52 p.m. firefighters responded to 123-BBQ for the report of a fire. Upon arrival, smoke was showing from the building. Firefighters made entry and extinguished the fire. One male suspect was arrested and charged with arson in the second degree.
- On 07-26-15 at 8:06 p.m. firefighters responded to the old Bethel Senior Center for the report of a fire. Upon arrival, the fire was extinguished and. Two juveniles an 11 and 12 year old have been referred to the courts for setting the fire.
- On 07-13-15 at 3:08 p.m. medics responded to Ptarmigan Road for the report of a suicide. Medics confirmed the death and left the body with Bethel Police Officers to conduct an investigation.
- On 07-20-15 at 1:41 a.m. medics responded to Tundra Ridge for the report of a female who was in labor. The patient was treated and transported to the YKDRH-OB Department.

Staffing/recruitment

- The Department has one open position and one expected vacancy in September. We are recruiting and interviewing for both positions. We are closing with an applicant who has passed all background checks and preliminary requirements.
- We continue to employ two temporary employees for annual project work through August. The temps free staff to while we train and recruit FTE's.
- The Department has one FF/EMT position that was defunded FY 15.

Training

- An EMT class is being planned to start in late September for community members who wish to volunteer as EMT's.

- An EMT meeting was held on 07-07-15 at 7:00 p.m. in which responders reviewed the treatment of allergic reactions.
- An EMT meeting was held on 07-21-15 at 7:00 p.m. in which responders reviewed the treatment of bleeding and hypo-perfusion (shock).
- A Fire meeting was held on 07-23-15 at 7:00 p.m. in which firefighters reviewed and practiced fire control techniques for above and below grade structure fires, as well as extinguishing vehicle fires.
- Fire fighter -1 students practiced continually through the month of July every Monday Wednesday and Saturday to prepare for their State FF-1 exam.

Vehicles & Equipment

- The Department is working with the City of Emmonak to donate the 1972 Crown which needs a new motor and E-28 our 1981 donation from the DOT.
- Engine 4, the departments new Fire Engine was repaired under warranty. A defective speed sensor was replaced by a Freightliner mechanic from Anchorage
- Truck – 1 our 1980 aerial was tested by UL on the 27th of July. A list of deficiencies was noted by the inspector and we have been directed to a new vendor for parts.
- M5, normally a frontline ambulance is still in reserve waiting for repair by the V&E department.
- The Department is developing specifications for a new ambulance and 3500 gallon water tender.
- M-4 our current frontline ambulance needs its emergency brakes repaired. A good used set of tires was installed on it this month.

Budget/Financial

- The Department is working with Finance to wrap up the FY15 budget
- The Department is operating within FY16 budget guidelines

Grants

- 2013 FEMA Assistance to Firefighters Grant for Self Contained Breathing Apparatus (SCBA) is proceeding as planned. All matching funds were expended prior to the end of FY 15. We are waiting for delivery of the purchased equipment while we schedule training.

- The Department received \$9147.00 dollars from the State Volunteer Fire Assistance (VFA) grant. We are using these funds to purchase two additional SCBA



Memorandum

DATE: August 2, 2015

TO: Ann K. Capela, City Manager

FROM: Hansel L Mathlaw, Finance Director

SUBJECT: Manager's Report – August 2015

Finance Committee

The finance committee is seeking one alternate member. The next meeting is scheduled for September 28. The committee voted to have the summer off.

Finance Department

Finance staff and other department personal will be attending Caselle training in Bethel August 14-20. Before the Finance Director would travel to the lower 48 to attend the Caselle conference and update staff of any significant changes, but the last two years including this year Caselle trainers will travel to Bethel.

We are fully staffed and our General Ledger Accountants first day was July 20th. July was the first month the Grants Manager moved to the Finance Department.

We had our first internal meeting on what steps the finance department needs to take if the marijuana tax passes. One obvious result is the taxes payments will be made in cash and the cash will smell of marijuana. Marijuana tax payments will be deposited at the bank the same day. When I attended the conference in Fairbanks the Finance Director from Colorado spoke on his experience with the marijuana tax. He was surprised of the smell. He also established a separate room on counting the cash. Currently we do not have space to just count marijuana tax. I have asked staff to look into a cash counting machine exactly like the ones used at banks.

The water and sewer rates increased again and the bills will go out this week. The department has been aggressive getting the word out of the increase.

Finance Budget

The accruals for the audit have not been posted yet.

Current expenditures are at \$622,145 with a budget of \$728,869, which represents 85%.

Utility billing expenses \$66,918 with a budget of 137,369, which represents 48%.

City Clerk's Report



City of Bethel, Alaska

City Clerk's Office

Council Meetings and Events

August 25, 2015 Regular City Council meeting

City of Bethel Regular Election, October 6, 2015

Election Dates of Interest:

August 5-20 Declaration of Candidacy packets submission time frame.

August 20, Deadline for Ordinance adoption for ballot propositions.

Electronic Records Management

Administration has provided the City Clerk's Office with copies of leases. Unfortunately, these documents were not submitted with the lease term identified which means, the Office will have to go through each lease agreement to determine destruction dates. Additionally, the City Clerk's office will be working with Planning to obtain property maps for each of the leased premises to help establish a complete list of properties owned by the City of Bethel.

The Office is still waiting to receive all of the current contracts from administration for long term retention.

Cemetery

We will be working with the Public Works Department to determine how much seed and fertilizer should be purchased for the Memorial Cemetery as well as assessing and planning for the improvements for the other cemeteries.

The City Clerk will be out of the office on approved leave August 12-19.

For future meetings, the City Clerk's Office is working on Bethel Municipal Code amendments regarding alcohol; the processes taken by council when considering liquor license applications, Conditional Use Permits for package stores, Business License Regulations. This information will likely be presented to the Council August 25, 2015.

Executive Session

Additional Information



City of Bethel Finance Department

Monthly City Council Financial Report

Period thru June 30, 2015

Note 1: When reviewing this report it is important to remember that sales tax revenues, including transient lodging tax and gaming fees, are due the month following the period collected; therefore, these revenues always appear to be lagging behind budget until the after the end of the fiscal year, when June revenue is remitted to the City in July.

Note 2: This report represents recorded revenues, expenditures, budget modifications and line items transfers with balance sheet account balances through June 30, 2015. It is possible that not all of the June 30, 2015 aforementioned transactions may be recorded by the date of this report. The unaudited figures in this report, especially the balance sheet accounts are subject to further modification and correction by the Finance Department, if necessary, and should not be considered final.



**CITY OF BETHEL
FINANCIAL REPORT**

Bank & Investment Accounts
As of June 30, 2015



CITY OF BETHEL
FINANCIAL REPORT
Bank and Investment Accounts

A. Introduction

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

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

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

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

Summary of Cash and Investments as of June 30, 2015

1. Cash, Deposits, and Certificates of Deposit

<u>Description</u>	<u>Balance 5/31/2015</u>	<u>Balance 6/30/2015</u>	<u>Year-to-Date Increase (Decrease)</u>
Wells Fargo-General/Sweep Accounts	\$8,535,463	\$6,757,546	\$ (1,777,918)
Wells Fargo-Payroll Account	383,515	(442,256)	243,071
Wells Fargo-Asset Forfeiture Account (Police) *	5,432	5,432	-
Wells Fargo-Evidence Holding Account (Police) *	8,671	8,671	-
First National Bank CD (Lease Revenue Bond Reserve) *	425,113	425,113	-
Petty Cash-Finance	250	250	-
Petty Cash-Police	300	300	-
Petty Cash-Port	50	50	-
Petty Cash-Youth Center	70	70	-
Petty Cash-Recycling	-	-	-
Petty Cash-Public Works	-	-	-
Total	<u>\$9,358,864</u>	<u>\$6,755,175</u>	<u>(\$1,534,847)</u>

* - Restricted Funds

CITY OF BETHEL
FINANCIAL REPORT
Bank and Investment Accounts

**2. Investments held in the Central Treasury:
As of June 30, 2015**

Description	Market Value 5/31/2015	Market Value 6/30/2015	Year-to-Date Increase (Decrease)
01-12700 Wells Fargo Investments	\$1,731,944	\$1,733,057	\$1,112
01-12800 Wells Fargo Investments (Lease Revenue Bond Pmt Acct)	\$319,181	\$319,184	3
01-12900 Time Value Investments	\$1,129,451	\$1,129,818	367
01-12500 Alaska Municipal League Investment Pool	\$154,791	\$154,792	1
Total	\$3,335,367	\$3,336,851	\$1,484

**3. Restricted Accounts *
As of June 30, 2015**

Description	Market Value 5/31/2015	Market Value 6/30/2015	Year-to-Date Increase (Decrease)
90-12600 Piper Jaffray Investments *	\$ 1,879,143	\$ 1,881,400	\$ 2,257
40-12200 BATH Center Account *	4,643,109	4,681,173	38,064
52-12300 Deferred Seawall Maintenance Account *	1,870,037	1,870,578	541
52-12500 Pro Equities - Dock Deferred Maintenance *	482,163	482,248	85
Total	8,874,452	8,915,399	40,947

**TOTAL BANK AND INVESTMENT FUNDS ON HAND
As of June 30, 2015**

Description	Balance 5/31/2015	Balance 6/30/2015	Year-to-Date Increase (Decrease)
Cash, Deposits, and Certificates of Deposit	\$9,358,864	\$6,755,175	(\$2,603,689)
Investments	\$3,335,367	\$3,336,851	\$1,484
Restricted Accounts	8,874,452	8,915,399	\$40,947
Total	\$21,568,683	\$19,007,425	(\$2,561,258)

Total Central Treasury and Unrestricted Funds as of June 30, 2015:

\$ 9,652,810

Total Restricted Funds as of June 30, 2015:

9,354,615

\$ 19,007,425

* - Restricted Funds

CITY OF BETHEL
FUND SUMMARY
FOR THE 12 MONTHS ENDING JUNE 30, 2015

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
TAXES	683,357.15	7,339,356.39	8,132,000.00	792,643.61	90.3
STATE & FEDERAL REVENUES	.00	1,267,760.50	1,763,960.00	496,199.50	71.9
CHARGES FOR SERVICES	1,212.90	156,689.19	247,500.00	90,810.81	63.3
RENTAL INCOME	.00	1,500.00	10,000.00	8,500.00	15.0
LICENSES, PERMITS & FEES	15,630.50	588,887.12	782,650.00	193,762.88	75.2
OTHER FINANCING SOURCES	.00	.00	62,949.00	62,949.00	.0
MISCELLANEOUS	3,526.25	98,306.90	51,650.00	(46,656.90)	190.3
TOTAL FUND REVENUE	703,726.80	9,452,500.10	11,050,709.00	1,598,208.90	85.5
<u>EXPENDITURES</u>					
ADMINISTRATION	44,842.55	388,890.20	553,979.00	165,088.80	70.2
CITY CLERKS OFFICE	10,995.84	143,937.92	179,792.00	35,854.08	80.1
FINANCE	48,754.99	622,145.93	728,869.00	106,723.07	85.4
PLANNING	11,088.04	185,502.86	276,440.00	90,937.14	67.1
TECHNOLOGY DEPARTMENTS	36,115.00	517,867.46	528,145.00	10,277.54	98.1
CITY ATTORNEY'S OFFICE	36,163.37	201,298.56	241,787.00	40,488.44	83.3
FIRE DEPARTMENT	49,691.19	911,390.16	1,128,079.00	216,688.84	80.8
POLICE	168,492.06	2,336,443.07	2,875,778.00	539,334.93	81.3
PUBLIC WORKS-ADMIN	15,430.88	172,912.80	227,989.00	55,076.20	75.8
PW-STREETS & ROADS	83,656.38	1,254,669.85	1,710,855.00	456,185.15	73.3
PROPERTY MAINTENANCE	31,847.31	516,035.16	748,205.00	232,169.84	69.0
PARKS & REC/BYC	23,031.92	384,842.21	606,371.00	221,528.79	63.5
COMMUNITY SERVICE	1,010.37	44,125.00	112,813.00	68,688.00	39.1
IN KIND MATCH & TRANSFERS	.00	235,948.00	935,581.00	699,633.00	25.2
TOTAL FUND EXPENDITURES	561,119.90	7,916,009.18	10,854,683.00	2,938,673.82	72.9
NET REVENUE OVER EXPENDITURES	142,606.90	1,536,490.92	196,026.00	(1,340,464.92)	783.8

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

LAND PLANNING AND DEVELOPMENT

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
TRANSFERS IN	.00	35,000.00	35,000.00	.00	100.0
TOTAL FUND REVENUE	.00	35,000.00	35,000.00	.00	100.0
<u>EXPENDITURES</u>					
DEPARTMENT 50	.00	7,059.00	35,000.00	27,941.00	20.2
TOTAL FUND EXPENDITURES	.00	7,059.00	35,000.00	27,941.00	20.2
NET REVENUE OVER EXPENDITURES	.00	27,941.00	.00	(27,941.00)	.0

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

PARKS DEVELOPMENT FUND

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

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

YK REG AQUA HLTH & SAFETY CTR

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
SOURCE 42	.00	2,055,056.18	3,123,988.42	1,068,932.24	65.8
SOURCE 43	23,826.56	329,050.97	351,380.00	22,329.03	93.7
TRANSFERS IN	.00	.00	993,767.00	993,767.00	.0
MISCELLANEOUS	.00	364.24	1,000.00	635.76	36.4
TOTAL FUND REVENUE	23,826.56	2,384,471.39	4,470,135.42	2,085,664.03	53.3
<u>EXPENDITURES</u>					
LOCAL FUNDED EXPENDITURES	118,944.73	1,189,103.33	1,472,091.00	282,987.67	80.8
STATE FUNDED EXPENDITURES	11,262.77	2,065,508.12	3,123,988.42	1,058,480.30	66.1
TOTAL FUND EXPENDITURES	130,207.50	3,254,611.45	4,596,079.42	1,341,467.97	70.8
NET REVENUE OVER EXPENDITURES	(106,380.94)	(870,140.06)	(125,944.00)	744,196.06	(690.9)

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

E-911 SYSTEM/SURCHARGE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
E-911 SURCHARGE	14,388.23	216,976.58	218,000.00	1,023.42	99.5
TOTAL FUND REVENUE	14,388.23	216,976.58	218,000.00	1,023.42	99.5
<u>EXPENDITURES</u>					
E-911 SERVICES	7,860.24	94,987.24	168,001.00	73,013.76	56.5
TOTAL FUND EXPENDITURES	7,860.24	94,987.24	168,001.00	73,013.76	56.5
NET REVENUE OVER EXPENDITURES	6,527.99	121,989.34	49,999.00	(71,990.34)	244.0

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

SOLID WASTE SERVICES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
STATE AND FEDERAL SOURCES	.00	75.00	59,510.00	59,435.00	.1
SOLID WASTE & RECYLING	104,341.06	1,237,758.70	1,125,000.00	(112,758.70)	110.0
TOTAL FUND REVENUE	104,341.06	1,237,833.70	1,184,510.00	(53,323.70)	104.5
<u>EXPENDITURES</u>					
HAULED REFUSE	10,439.51	259,203.51	326,910.00	67,706.49	79.3
LANDFILL OPERATIONS	17,364.58	280,193.75	513,581.00	233,387.25	54.6
RECYCLING OPERATIONS	830.53	80,777.18	144,463.00	63,685.82	55.9
TOTAL FUND EXPENDITURES	28,634.62	620,174.44	984,954.00	364,779.56	63.0
NET REVENUE OVER EXPENDITURES	75,706.44	617,659.26	199,556.00	(418,103.26)	309.5

CITY OF BETHEL
FUND SUMMARY
FOR THE 12 MONTHS ENDING JUNE 30, 2015

WATER & SEWER SERVICES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
STATE FUNDING	.00	.00	270,048.00	270,048.00	.0
WATER	310,795.81	3,374,230.18	3,374,486.00	255.82	100.0
SEWER	234,371.10	2,508,194.87	2,454,762.00	(53,432.87)	102.2
MISCELLANEOUS	808.12	99,808.54	192,800.00	92,991.46	51.8
TRANSFERS	.00	200,948.00	(200,948.00)	(401,896.00)	100.0
MISCELLANEOUS	179.62	5,094.40	200.00	(4,894.40)	2547.2
TOTAL FUND REVENUE	546,154.65	6,188,275.99	6,091,348.00	(96,927.99)	101.6
<u>EXPENDITURES</u>					
UTILITY BILLING	2,825.39	66,918.47	137,369.00	70,450.53	48.7
HAULED WATER	84,381.26	1,332,244.00	1,621,970.00	289,726.00	82.1
PIPED WATER	22,293.64	331,845.78	463,776.00	131,930.22	71.6
BETHEL HTS WTR TREATMENT	33,592.69	855,516.40	810,867.00	(44,649.40)	105.5
CITY SUB WTR TREATMENT	17,621.98	606,750.36	775,248.00	168,497.64	78.3
HAULED SEWER	90,922.68	1,423,972.13	1,681,537.00	257,564.87	84.7
PIPED SEWER	29,631.06	530,002.69	783,503.00	253,500.31	67.7
SEWER LAGOON	10,323.87	94,220.83	134,580.00	40,359.17	70.0
TOTAL FUND EXPENDITURES	291,592.57	5,241,470.66	6,408,850.00	1,167,379.34	81.8
NET REVENUE OVER EXPENDITURES	254,562.08	946,805.33	(317,502.00)	(1,264,307.33)	298.2

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

MUNICIPAL DOCK

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
INTEREST & PENALTIES	861.76	10,819.50	10,000.00	(819.50)	108.2
STATE FUNDING	.00	.00	36,940.00	36,940.00	.0
CHARGES FOR SERVICES	449,822.44	1,101,684.97	1,021,500.00	(80,184.97)	107.9
LEASE REVENUE	100.00	24,950.00	21,600.00	(3,350.00)	115.5
MISCELLANEOUS	14,840.00	38,454.04	48,000.00	9,545.96	80.1
MISCELLANEOUS	555.00	23,833.21	11,000.00	(12,833.21)	216.7
TOTAL FUND REVENUE	466,179.20	1,199,741.72	1,149,040.00	(50,701.72)	104.4
<u>EXPENDITURES</u>					
DOCK EXPENDITURES	42,212.01	693,944.07	805,035.00	111,090.93	86.2
DOCK ADMINISTRATION	.00	200.00	.00	(200.00)	.0
TOTAL FUND EXPENDITURES	42,212.01	694,144.07	805,035.00	110,890.93	86.2
NET REVENUE OVER EXPENDITURES	423,967.19	505,597.65	344,005.00	(161,592.65)	147.0

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

LEASED PROPERTIES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
LEASE INCOME	53,697.44	729,252.99	734,098.00	4,845.01	99.3
MISCELLANEOUS	.00	14,674.02	14,000.00	(674.02)	104.8
TOTAL FUND REVENUE	53,697.44	743,927.01	748,098.00	4,170.99	99.4
<u>EXPENDITURES</u>					
LEASED PROPERTIES-MISC	258.58	13,871.44	23,900.00	10,028.56	58.0
LEASED PROP-COURT COMPLEX	16,363.90	502,450.82	569,787.00	67,336.18	88.2
TOTAL FUND EXPENDITURES	16,622.48	516,322.26	593,687.00	77,364.74	87.0
NET REVENUE OVER EXPENDITURES	37,074.96	227,604.75	154,411.00	(73,193.75)	147.4

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

EMPLOYEE GROUP HEALTH BEN.

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
EMP GROUP BENEFITS REVENUES	94,600.00	1,773,880.75	1,482,680.00	(291,200.75)	119.6
TOTAL FUND REVENUE	94,600.00	1,773,880.75	1,482,680.00	(291,200.75)	119.6
<u>EXPENDITURES</u>					
EMPLOYEE GROUP HEALTH BENEFITS	45,455.65	2,340,606.43	1,482,680.00	(857,926.43)	157.9
TOTAL FUND EXPENDITURES	45,455.65	2,340,606.43	1,482,680.00	(857,926.43)	157.9
NET REVENUE OVER EXPENDITURES	49,144.35	(566,725.68)	.00	566,725.68	.0

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

BETHEL PUBLIC TRANSIT SYSTEM

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
LOCAL SOURCES	.00	47,313.79	60,000.00	12,686.21	78.9
FEDERAL SOURCES	.00	213,657.88	268,790.00	55,132.12	79.5
CHARGES FOR SERVICES	2,967.00	33,030.00	37,400.00	4,370.00	88.3
MISC REVENUE	.00	.00	700.00	700.00	.0
TOTAL FUND REVENUE	2,967.00	294,001.67	366,890.00	72,888.33	80.1
<u>EXPENDITURES</u>					
TRANSIT SYSTEM EXPENDITURES	24,038.12	355,353.28	449,998.00	94,644.72	79.0
TOTAL FUND EXPENDITURES	24,038.12	355,353.28	449,998.00	94,644.72	79.0
NET REVENUE OVER EXPENDITURES	(21,071.12)	(61,351.61)	(83,108.00)	(21,756.39)	(73.8)

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

VEHICLES & EQUIP MAINTENANCE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
STATE AND FEDERAL FUNDING	.00	.00	58,203.00	58,203.00	.0
CHARGES FOR SERVICES	65,505.35	1,020,180.30	1,218,238.00	198,057.70	83.7
SOURCE 49	3,279.06	3,858.88	.00	(3,858.88)	.0
TOTAL FUND REVENUE	68,784.41	1,024,039.18	1,276,441.00	252,401.82	80.2
<u>EXPENDITURES</u>					
VEHICLE & EQUIP MAINT	35,006.36	983,129.44	1,276,440.00	293,310.56	77.0
TOTAL FUND EXPENDITURES	35,006.36	983,129.44	1,276,440.00	293,310.56	77.0
NET REVENUE OVER EXPENDITURES	33,778.05	40,909.74	1.00	(40,908.74)	40909

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

FLEET REPLACEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
LOCAL SOURCES	.00	105,000.00	105,000.00	.00	100.0
TOTAL FUND REVENUE	.00	105,000.00	105,000.00	.00	100.0
NET REVENUE OVER EXPENDITURES	.00	105,000.00	105,000.00	.00	100.0

CITY OF BETHEL
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2015

BETHEL ENDOWMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
TRANSFERS	.00	.00	8,400.00	8,400.00	.0
MISCELLANEOUS	.00	20,183.33	12,000.00	(8,183.33)	168.2
TOTAL FUND REVENUE	.00	20,183.33	20,400.00	216.67	98.9
NET REVENUE OVER EXPENDITURES	.00	20,183.33	20,400.00	216.67	98.9