



# City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

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



**City Council Meeting Agenda AMENDED  
Regularly Scheduled Meeting  
November 10, 2015 – 6:30 pm  
City Hall 300 State Highway, Bethel, AK  
City of Bethel Council Chambers**

Rick Robb  
Mayor  
Term Expires 2017  
543-1879  
[rrobb@cityofbethel.net](mailto:rrobb@cityofbethel.net)

Byron Maczynski  
Vice-Mayor  
Term Expires 2017  
545-0970  
[bmaczynski@cityofbethel.net](mailto:bmaczynski@cityofbethel.net)

Leif Albertson  
Council Member  
Term Expires 2017  
543-2819  
[labertson@cityofbethel.net](mailto:labertson@cityofbethel.net)

Alisha Welch  
Council Member  
Term Expires 2017  
545-6026  
[arwelch@cityofbethel.net](mailto:arwelch@cityofbethel.net)

Nikki C. Hoffman  
Council Member  
Term Expires 2017  
545-6653  
[nhoffman@cityofbethel.net](mailto:nhoffman@cityofbethel.net)

Chuck Herman  
Council Member  
Term Expires 2017  
545-5394  
[cherman@cityofbethel.net](mailto:cherman@cityofbethel.net)

Zach Fansler  
Council Member  
Term Expires 2017  
545-3300  
[zfansler@cityofbethel.net](mailto:zfansler@cityofbethel.net)

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

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

Patty Burley  
City Attorney

Mary Sattler  
Lobbyist

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PEOPLE TO BE HEARD – Five minutes per person**
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. APPROVAL OF MEETING MINUTES**
  - a) \*10-19-2015 Special Meeting Minutes
  - b) \*10-20-2015 Special Meeting Minutes
  - c) \*10-27-2015 Regular Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEE**
  - a) Public Safety and Transportation Commission
  - b) Port Commission
  - c) Planning Commission
  - d) Parks, Recreation, Aquatic Health And Safety Center Committee
  - e) Finance Committee
  - f) Energy Committee
  - g) Public Works Committee
  - h) Non Standing Committee Reports
- VIII. SPECIAL ORDERS OF BUSINESS**
  - a) Appreciation To Outgoing Council Members (Mayor Robb)
  - b) Proclamation Emergency Declaration By The City Of Bethel - Fire At Kuskokwim Learning Academy/Ayaprun Elitnaurvik- Yup'ik Immersion Schools
  - c) United Pools Update (City Manager Capela)
- IX. UNFINISHED BUSINESS**
  - a) Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages (Council Member Fansler)
  - b) Public Hearing Of Ordinance 15-33: Amending Bethel Municipal Code Chapter 3.64, Personnel Rules And Regulations, Special Provisions, Prohibition Of Discrimination (Council Member Herman)
  - c) Public Hearing Of Ordinance 15-34: Amending Bethel Municipal Code Chapter 4.20.050, Purchasing, Specifications Generally For Bids And Proposals, Prohibition Of Discrimination (Council Member Herman)
  - d) Consideration Of Continued Funding For The City Of Bethel Public Transit System And Approval To Submit Grant Application (City Manager Capela)

Amended Agenda posted November 7, 2015 original Agenda posted on November 4, 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 November 24, 2015**)



**City Council Meeting Agenda AMENDED**  
**Regularly Scheduled Meeting**  
**November 10, 2015 – 6:30 pm**  
**City Hall 300 State Highway, Bethel, AK**  
**City of Bethel Council Chambers**

- e) Rescinding Resolution 15-08: Protesting the Issuance Of A Package Store License To Bethel Spirits, LLC. – License ID # 5384; Located At 905 Chief Eddie Hoffman Highway, Suite B, Bethel (Mayor Robb)
- f) Rescinding Resolution 15-15: Protesting the Issuance of a State of Alaska Alcoholic Package Store License For AC Quickstop; Located at 131 Akakeek Street; Owned by North West Company Inc.; License ID# - 5418 (Mayor Robb)

**X. NEW BUSINESS**

- a) \*Resolution 15-17: Establishing State Capital Priority Requests Fiscal Year 2017 (Mayor Robb)
- b) Consideration Of Council Representation At the November 19, 2015 Alcohol Beverage Control Board’s Special And Regular Meetings (Mayor Robb)
- c) Determination On Council Member’s Interest In Running For Any Of The Elective Seats For The Alaska Municipal League (Mayor Robb)

**XI. MAYOR’S REPORT**

**XII. MANAGER’S REPORTS**

**XIII. CLERK’S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

**XV. ADJOURNMENT**

Amended Agenda posted November 7, 2015 original Agenda posted on November 4, 2015, at City Hall, AC Co., Swanson’s, and the Post Office.

Lori Stickler, City Clerk

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

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# ***Approval of the Meeting Minutes***

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**I. CALL TO ORDER**

A Special Meeting of the Bethel City Council was held on October 19, 2015 at 6:30pm in the Council Chambers, Bethel, Alaska.

Vice-Albertson called the meeting to order at 6:30p.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

<b>Comprising a quorum of the Council, the following members were present:</b>	
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski	<input checked="" type="checkbox"/> Council Member Zach Fansler (arrived after roll call)
<input checked="" type="checkbox"/> Council Member Albertson	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Nikki Hoffman	<input checked="" type="checkbox"/> Mayor Rick Robb (telephonic)
<input checked="" type="checkbox"/> Council Member Alisha Welch	
<b>Also in attendance were the following:</b>	
<input checked="" type="checkbox"/> City Manager Ann Capela	
<input checked="" type="checkbox"/> City Clerk Lori Strickler	

**Main Motion:** Recess until Council Member Fansler arrives.

Motion:	Maczynski
Seconded by:	Welch
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	∅

**IV. PEOPLE TO BE HEARD**

No one present to be heard.

**V. APPROVAL OF THE AGENDA**

**Main Motion:** Approval of the Agenda.

Motion:	Fansler
Seconded by:	Maczynski

Action: | Motion carries by a vote of 7-0  
In favor: |  Albertson  Fansler  Herman  Maczynski  Hoffman  Welch  Robb  
Opposed: |  $\emptyset$

## VI. UNFINISHED BUSINESS

### Item A- Election of Mayor

**Nomination:** Richard Robb

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Motion: | Maczynski

#### Round One Voting

7 Votes for Richard Robb.

Richard Robb was elected Mayor by the Council.

### Item B- Election of Vice-Mayor

**Nomination:** Leif Albertson

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Motion: | Fansler

**Nomination:** Byron Maczynski

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Motion: | Welch

#### Round One Voting

3 Votes for Leif Albertson

4 Votes for Byron Maczynski

Byron Maczynski was elected Vice-Mayor by the Council.

### Item C - Appointment Of Committee/Commission Council Representatives

1. Parks, Recreation, Health, Aquatic and Safety Center Committee  
Mayor Robb is appointed to the Committee.

2. Planning Commission  
Council Member Hoffman is appointed to the Commission.

3. Finance Committee  
Council Member Albertson is appointed to the Committee.

4. Public Safety And Transportation Commission  
Council Member Herman is appointed to the Commission.

5. Energy Committee  
Council Member Fansler is appointed to the Committee.

6. Port Commission  
Council Member Welch is appointed to the Commission.

7. Public Works Committee  
Council Member Maczynski is appointed to the Committee.

8. Marijuana Advisory Committee  
Council Member Fansler is appointed to the Advisory Committee.

**Main Motion:**

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

**Item D-** Appointments To Non Standing Committees

1. Senior Center Advisory Committee  
Vice-Mayor Maczynski is appointed.

2. Yuut Elitnaurviat  
Council Member Albertson is appointed.

3. Transit Committee  
Council Member Herman is appointed.

4. Delta Tobacco Control Alliance Member And Alternate  
Council Member Albertson is appointed and Council Member Welch is the Alternate.

5. Kuimavik Board Representative  
Council Member Fansler is appointed.

**VII. ADJOURNMENT**

**Main Motion:** Adjourn.

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Motion:	Fansler
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Seconded by: | Welch  
Action: | Motion carries by a vote of 7-0  
In favor: |  Albertson  Fansler  Herman  Maczynski  Hoffman  Welch  Robb  
Opposed: |

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Byron Maczynski, Vice-Mayor

ATTEST:

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Lori Strickler, City Clerk

**I. CALL TO ORDER**

A Special Meeting of the Bethel City Council was held on October 20, 2015 at 6:30pm in the Council Chambers, Bethel, Alaska.

Vice-Mayor Maczynski called the meeting to order at 6:30p.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

<b>Comprising a quorum of the Council, the following members were present:</b>	
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski	<input checked="" type="checkbox"/> Council Member Zach Fansler
<input checked="" type="checkbox"/> Council Member Albertson	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Nikki Hoffman	
<input checked="" type="checkbox"/> Council Member Alisha Welch	
<b>Also in attendance were the following:</b>	
<input checked="" type="checkbox"/> City Manager Ann Capela	
<input checked="" type="checkbox"/> City Clerk Lori Strickler	
<b>Council Members Absent:</b>	
<input checked="" type="checkbox"/> Mayor Rick Robb	

**IV. PEOPLE TO BE HEARD**

No one present to be heard.

**V. APPROVAL OF THE AGENDA**

**Main Motion:** Approval of the Agenda.

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

**VI. UNFINISHED BUSINESS**

**Item A- Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages.**

*Vice-Mayor Maczynski opened the Public Hearing.*

Dave Trantham Jr. – As provided by the vote on October 6, 2015, the voters would like to see legal sales in Bethel. Additionally, the City has the authority to tax alcohol up to 12%. Spoke in opposition to Ordinance 15-32 due to it being overreaching.

Ana Hoffman – Spoke in opposition to the passage of Ordinance 15-32 in its current form.

*Vice-Mayor Maczynski closed the Public Hearing.*

**Main Motion:** Motion to adopt Ordinance 15-32 was made at the October 13, Regular City Council Meeting.

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Motion:	Fansler
Seconded by:	Herman
Action:	Postponed

**Primary Amendment:** Postpone Indefinitely.

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Motion:	Hoffman
Seconded by:	Welch
Action:	Motion carries by a vote of 4-2
In favor:	<input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Maczynski
Opposed:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman

**Secondary Amendment:** Postpone until the next regular meeting.

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Motion:	Herman
Seconded by:	Fansler
Action:	Motion carries by a vote of 4-2
In favor:	<input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Fansler
Opposed:	<input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Albertson

**Main Motion:** Motion to take a ten minute break.

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Motion:	Hoffman
Seconded by:	Welch
Action:	Motion carries by a vote of 4-2
In favor:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman

**Main Motion:** Postpone until the next regular meeting.

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

**Item B-** AM 15-47: Authorizing The City Manager To Enter Into A Contract With Wilson Agency For The City's Brokerage Services.

**Main Motion:** A motion to approve was made at the Council's October 13<sup>th</sup> Regular Meeting.

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Motion:	Fansler
Seconded by:	Hoffman Postponed

**Main Motion:** Postpone until the next regular meeting.

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Motion:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 5-1
In favor:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Hoffman

## VII. ADJOURNMENT

**Main Motion:** Adjourn.

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

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Byron Maczynski, Vice-Mayor

ATTEST:

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Lori Strickler, City Clerk

**City Council Meeting  
City of Bethel, Alaska  
Regular Meeting  
October 27, 2015**

**I. CALL TO ORDER**

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

Assistant City Clerk, Adriane Welch called the meeting to order at 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

<b>Comprising a quorum of the Council, the following members were present:</b>	
<input checked="" type="checkbox"/> Mayor Rick Robb (telephonic)	<input checked="" type="checkbox"/> Council Member Zach Fansler
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski (arrived after roll call)	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Council Member Alisha Welch	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Council Member Leif Albertson	
<b>Also in attendance were the following:</b>	
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> City Attorney Patty Burley (telephonic)
<input checked="" type="checkbox"/> City Clerk Lori Strickler (telephonic)	<input checked="" type="checkbox"/> Assistant City Clerk Adriane Welch

**Main Motion:** Nominate Council Member Albertson Mayor Pro Tempore.

Moved by:	Robb
Seconded by:	Fansler
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"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed	∅

**Primary**

**Amendment:** Nominate Council Member Herman Mayor Pro Tempore.

Moved by:	Fansler
Seconded by:	Robb
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"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-∅

**IV. PEOPLE TO BE HEARD**

*Raymond Pete* –  
Spoke in favor legal alcohol sales in Bethel.

*Mary Nanuwak* –  
Spoke in opposition to alcohol sales in Bethel.

*Agnes Pete* –  
Spoke in opposition to alcohol sales in Bethel.

*Sandy Charlton* –  
Provided concerns regarding the operations of the police department and their inaction on his complaint of his stolen property.

*Ana Hoffman* –  
Spoke in opposition to Ordinance 15-32 Alcohol Sales.

*Dave Trantham* –  
Spoke in opposition to Ordinance 15-32.

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

**Main Motion:** Approve the Consent and Regular Agenda.

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Moved by: Fansler  
Seconded by: Albertson  
Action: Motion carries by a vote of 4-2  
In favor:  Robb  Albertson  Fansler  Herman  
Opposed:  Hoffman  Welch

**Removal from Consent**

**Agenda:** Remove Ordinance 15-33 and 15-34 from Consent Agenda

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Moved by: Fansler

**Primary Amendment:** Remove the Executive Session Item from the Agenda.

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Moved by: Fansler  
Seconded by: Albertson  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: ∅

**Primary**

**Amendment:** Remove the Wilson contract from the Agenda.

---

Moved by: Hoffman  
Seconded by: Welch  
Action: Motion does not carry 1-5  
In favor:  Hoffman  
Opposed:  Robb  Albertson  Fansler  Herman  Welch

**Primary**

**Amendment:** Move New Business to fall before Unfinished Business.

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Moved by: Welch  
Seconded by: Robb  
Action: Motion carries by a vote of 2-4  
In favor:  Hoffman  Welch  
Opposed:  Albertson  Robb  Fansler  Herman

**VI. APPROVAL OF THE MEETING MINUTES**

**Item A – 10-13-2015 Regular Meeting Minutes**

*Approved on the consent agenda.*

**VII. REPORTS ON STANDING COMMITTEES**

**Public Safety and Transportation Commission**

*Council Representative, Chuck Herman –*

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

**Port Commission**

*Council Representative, Alisha Welch –*

A quorum of the body was not established, no meeting was held.

**Planning Commission**

*Council Representative, Nikki Hoffman –*

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

**Parks and Recreation Committee**

*Council Representative, Richard Robb –*

A meeting has not yet been held.

**Finance Committee**

*Council Representative Leif Albertson –*

No actionable items on the agenda for the last meeting. A report on charitable gaming will be discussed at the next meeting.

**Public Works Committee**

*No one present to provide a report.*

**Energy Committee**

*Council Representative, Zach Fansler –*

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

**Marijuana Advisory Committee**

*Council Representative, Zach Fansler –*

A meeting has not yet been held.

**VIII. SPECIAL ORDER OF BUSINESS**

**Item A** – United Pools Presentation.

*Raunicka Ray is not available to provided a report to the City Council.*

**IX. UNFINISHED BUSINESS**

**Item A** – Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages.

*Mayor Pro Tempore Herman opened the public hearing.*

*David Trantham Jr.–*

*Spoke in opposition to the proposed Ordinance.*

*Mary Nanuwak –*

*Spoke in opposition to liquor sales in Bethel.*

*Agnes Pete-Phillips –*

*Spoke in opposition to liquor sales in Bethel.*

*Mayor Pro Tempore Herman closed the public hearing.*

**Motion of**

**Privilege:** Motion to take a 10 minute break.

---

Moved by: Hoffman

Seconded by: Welch

Action: Motion does not carry by a vote of 2-4

In favor:  Hoffman  Welch

Opposed:  Robb  Albertson  Fansler  Herman

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**Primary** To take a 5 minute break.

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**Amendment:**

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Moved by: Hoffman  
Seconded by: Welch  
Action: Motion carries by a vote of 6-0  
In favor:  Hoffman  Welch  Robb  Albertson  Fansler  Herman  
Opposed:  $\emptyset$

*Vice-Mayor Maczynski arrived at 7:46p telephonically.*

**Subsidiary**

**Motion:** Postponed until Special Meeting on 11/3/2015.

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Moved by: Welch  
Seconded by: Maczynski  
Action: Motion does not carry by a vote of 3-4  
In favor:  Maczynski  Fansler  Welch  
Opposed:  Hoffman  Albertson  Robb  Herman

*Mayor Pro Tempore called a five minute recess.*

*Vice-Mayor Maczynski disconnected from the meeting.*

**Main Motion:** Adopt Herman's purposed amendments.

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Moved by: Robb  
Seconded by: Hoffman  
Action: Motion does not carry by a vote of 3-3  
In favor:  Herman  Hoffman  Robb  
Opposed:  Albertson  Fansler  Welch

**Subsidiary**

**Motion:** Postponed until Special Meeting on 11/3/2015.

---

Moved by: Welch  
Seconded by: Fansler  
Action: Motion does not carry by a vote of 2-4  
In favor:  Fansler  Welch  
Opposed:  Hoffman  Albertson  Robb  Herman

**Subsidiary**

**Motion:** Postponed until Special Meeting on 11/3/2015.

---

Moved by: Hoffman  
Seconded by:  
Action: Motion does not carry due to a lack of a second.

**Primary**

**Amendment:** Strike section 5.08.050 Special Use Permit.

---

Moved by: Fansler  
Seconded by: Welch  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Primary**

**Amendment:** Amend 5.08.010 C 1 to insert "tribal" after "means a state, federal"

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Moved by: Fansler  
Seconded by: Hoffman  
Action: Motion carries by a vote of 1-5  
In favor:  Hoffman  
Opposed:  Robb  Albertson  Fansler  Herman  Welch

**Secondary Amendment:** Amend the amendment to insert "state of Alaska recognized" before "tribal."

---

Moved by: Fansler  
Seconded by: Hoffman  
Action: Motion does not carry by a vote of 1-5  
In favor:  Hoffman  
Opposed:  Welch  Robb  Albertson  Fansler  Herman

**Secondary**

**Motion:** Amend the Amendment to insert "Federally Recognized" before "tribal."

---

Moved by: Hoffman  
Seconded by: Fansler  
Action: Motion does not carry by a vote of 1-5  
In favor:  Hoffman  
Opposed:  Welch  Robb  Fansler  Herman  Albertson

**Main Motion:** Called a question.

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Moved by: Robb  
Seconded by:  
Action: Motion does not carry due to a lack of a second.

Amend the definition of school to strike ""School" means the physical building and/or grounds of an educational facility operated either publicly or privately in which are taught subjects commonly taught in throughout the State of Alaska."

And insert "School means the physical facility operated either publicly or privately in which are taught subjects commonly taught in throughout the State of Alaska in which students are at liberty to go to and from freely; not in custody or incarcerated as a part of a general education to a diploma education level, omit college/universities."

**Main Motion:**

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Moved by: Hoffman  
Seconded by: Robb  
Action: Motion does not carry by a vote of 1-5  
In favor:  Hoffman  
Opposed:  Albertson  Fansler  Herman  Robb  Welch

**Motion of Privilege:** Take a five minute break.

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Moved by: Welch  
Seconded by: Hoffman  
Action: Motion does not carry by a vote of 3-3  
In favor:  Herman  Hoffman  Welch  
Opposed:  Robb  Albertson  Fansler

**Primary Amendment:** Strike section 5.08.060 – Restrictions On Location Of Alcohol Sales

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Moved by: Robb  
Seconded by: Hoffman  
Action: Motion carries by a vote of 4-2  
In favor:  Robb  Herman  Hoffman  Welch  
Opposed:  Albertson  Fansler

**Main Motion:** Postponed to next Special Meeting on 11/3/2015.

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Moved by: Fansler  
Seconded by: Welch  
Action: Motion carries by a vote of 4-2  
In favor:  Fansler  Herman  Hoffman  Welch  
Opposed:  Robb  Albertson

**Motion of Privilege:** Take a 5 minute break. 10:03 p.m.

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Moved by: Herman

**Item B – AM 15-39:** Approving The Agreement Between The University of Alaska, Fairbanks, School Of Natural Science And Extension.

**Main Motion:** Approve AM 15-39.

---

Moved by: Hoffman  
Seconded by: Fansler  
Action: Postponed

**Main Motion:** Postpone until next regular scheduled meeting.

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Moved by: Welch  
Seconded by: Fansler  
Action: Motion carries by a vote of 6-0

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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"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

*Council Member Albertson and Council Member Fansler go on record stating they both are employees of UOA however there is not conflict of interest concerns raised by the Council.*

**Item C** – AM 15-47: Authorizing The City Manager To Enter Into A Contract With Wilson Agency For The City’s Brokerage Services.

**Main Motion:** Motion to approve AM 15-47 was made at the Council’s October 13, Council Meeting by

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Moved by:	Fansler
Seconded by:	Hoffman
Action:	Postponed

**Main Motion:** Postpone until the special meeting on 11/3/2015.

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Moved by:	Albertson
Seconded by:	Fansler
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"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

## **X. NEW BUSINESS**

**Item A** – Public Hearing Of Ordinance 15-33: Amending Bethel Municipal Code Chapter 3.64, Personnel Rules And Regulations, Special Provisions, Prohibition Of Discrimination.

**Main Motion:** Introduce Ordinance 15-33.

---

Moved by:	Fansler
Seconded by:	Welch
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"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

**Item B** – Public Hearing Of Ordinance 15-34: Amending Bethel Municipal Code Chapter 4.20.050, Purchasing, Specifications Generally For Bids And Proposals, Prohibition Of Discrimination.

**Main Motion:** Introduce Ordinance 15-34.

---

Moved by:	Fansler
Seconded by:	Welch
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"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch

---

Opposed: | -0

**Item C** – AM 15-47a: Appointment Of Kurt Kuhne To The Planning Commission.

*Passed on consent agenda.*

**Item D** – AM 15-48: Selection Of Electronic Devices For Council Members And Approving The Electronic Device Policy.

**Main Motion:** Approve AM 15-48.

---

Moved by: Hoffman  
Seconded by: Fansler  
Action: Postponed Indefinitely  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Subsidiary Motion:**

Extend the meeting to 11:30 p.m.

---

Moved by: Fansler  
Seconded by: Albertson  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Subsidiary Motion:**

Suspend the rules to hear from IT Director.

---

Moved by: Fansler  
Seconded by: Albertson  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Main Motion:** Suspend rules to hear from IT Director.

---

Moved by: Fansler  
Seconded by: Welch  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Main Motion:** Postpone indefinitely.

---

Moved by: Fansler  
Seconded by: Welch  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch

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Opposed: | 0

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**Main Motion:** Extend to 12:00a

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Moved by: Fansler  
Seconded by: Albertson  
Action: Motion carries by a vote of 5-1  
In favor:  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed:  Robb

**Item E** – AM 15-49: PTO Request For City Manager, Five Days In December.  
*Passed on the consent agenda.*

**Item F** – AM 15-50: Council’s Consideration Of Membership To National League Of Cities.

---

**Main Motion:** Approve AM 15-50.

---

Moved by: Hoffman  
Seconded by: Albertson  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Item G** – AM 15-51: Appointment Of Julene Webber To The Public Safety And Transportation Commission.  
*Passed on Consent Agenda.*

**Item H** – Consideration Of State Legislative Priority Requests.

**Main Motion:** Direct Administration to prepare a Resolution for the next regular meeting listing five priorities.

---

Moved by: Robb  
Seconded by: Fansler  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch  
Opposed: -0

**Item I** – Consideration Of Continued Funding For The City Of Bethel Public Transit System And Approval To Submit Grant Application.

**Main Motion:** Requests a full report from the Transportation Committee at the next Regular scheduled meeting.

---

Moved by: Fansler  
Seconded by: Welch  
Action: Motion carries by a vote of 6-0  
In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch

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Opposed: | -0

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**Main Motion:** Adjourn.

Moved by: | Robb  
Seconded by: | Hoffman  
Action: | Motion does not carry by a vote of 3-3  
In favor: |  Herman  Hoffman  Welch  
Opposed: |  Robb  Albertson  Fansler

---

**Main Motion:** Extend 10 minutes.

Moved by: | Fansler  
Seconded by: | Hoffman  
Action: | Motion carries by a vote of 3-3  
In favor: |  Herman  Hoffman  Welch  
Opposed: |  Robb  Albertson  Fansler

**XI. MAYOR'S REPORT**

**XII. MANAGER'S REPORT**

**XIII. CLERK'S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

*Council Member Zach Fansler –*

Thanks for sticking in and appreciate everyone for that. The TAAV program is a really great program, glad for the exposure.

*Council Member Chuck Herman –*

Thank you for electing him mayor pro-tempore.

*Council Member Leif Albertson –*

Thanks to fellow council members for the good meeting discussions.

*Council Member Nikki Hoffman –*

Thank everyone for their hard work and dedications.

*Council Member Alisha Welch –*

No Comment.

Mayor Robb –  
No Comment.

**XV. ADJOURNMENT**

**Main Motion:** Adjourn.

---

Moved by: Fansler

Seconded by: Hoffman

Action: Motion carries by a vote of 6-0

In favor:  Robb  Albertson  Fansler  Herman  Hoffman  Welch

Opposed: -0

*Council adjourned due at 12:14 a.m.*

ATTEST:

\_\_\_\_\_  
Chuck Herman, Mayor Pro Tempore

\_\_\_\_\_  
Adriane Welch, Assistant City Clerk

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# ***Reports of Standing Committees***

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# City of Bethel

## Port Commission Draft Agenda

Regularly Scheduled Meeting  
November 16, 2015 - 7 pm  
City Council Chambers, City Hall, Bethel, AK



### **Commissioners**

Alan Murphy  
Chair

Term Expires 2015  
(907)543-2805

Greg Roczicka  
Vice-Chair

Term Expires 2017  
(907)543-2903

[groczicka@hotmail.com](mailto:groczicka@hotmail.com)

Richard Pope  
Port Commissioner

Term Expires 2017  
(907)543-1900

[bethelalaskapc@qci.net](mailto:bethelalaskapc@qci.net)

Alisha Welch  
Council Member

Term Expires 2017  
(907)545-6026

[arwelch@cityofbethel.net](mailto:arwelch@cityofbethel.net)

### **Ex-Officio**

Peter A. Williams,  
Port Director

(907)545-4150

[pwilliams@cityofbethel.net](mailto:pwilliams@cityofbethel.net)

Nathan Greydanus  
Port Admin

(907)543-2310

[ngreydanus@cityofbethel.net](mailto:ngreydanus@cityofbethel.net)

Allen Wold  
City Dock Attendant  
(907)543-2310

[awold@cityofbethel.net](mailto:awold@cityofbethel.net)

- i. **CALL TO ORDER**
- ii. **ROLL CALL**
- iii. **PEOPLE TO BE HEARD**
- iv. **APPROVAL OF AGENDA**
- v. **APPROVAL OF MINUTES FROM THE REGULAR MEETINGS**  
APPROVAL OF MINUTES FROM THE REGULAR MEETINGS APRIL 2015, AUGUST 2015, SEPTEMBER 2015, OCTOBER 2015
- vi. **SPECIAL ORDER OF BUSINESS**
- vii. **DEPARTMENT HEAD COMMENTS**
- viii. **UNFINISHED BUSINESS**  
**AML's warehouse lease**  
**Abandon Dirierlict Vessel Task Force (ADV)**
- ix. **NEW BUSINESS**
- x. **COMMISSION MEMBER'S COMMENTS**
- xi. **ADJOURNMENT**



# City of Bethel Police Dept.

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

**PUBLIC NOTICE**  
REGULAR MEETING OF THE  
PUBLIC SAFETY & TRANSPORTATION COMMISSION  
**Tuesday, November 3, 2015 -7:00 p.m.**  
**300 STATE HIGHWAY – CITY COUNCIL CHAMBERS**  
**AGENDA**

**Members**

Joan Dewey  
*Chair*

Alisha Welch  
*Vice Chair*

Chuck Herman  
*Council Representative*

Naim Sabani

Deborah White

Eileen Henrikson

Julene Webber

**Ex-Officio Members**

Andre Achee  
*Chief of Police*

William Howell III  
*Fire Chief*

Christina Him  
*Recorder*

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF October 5th, 2015
- VI. SPECIAL ITEM OF BUSINESS
  - A. Resignation of Vice Chair, Alisha Welch
- VI. CHIEFS' COMMENTS
  - Fire Chief
  - Police Chief
- VII. TRANSPORTATION INSPECTOR'S REPORT
- VIII. COUNCIL REPRESENTATIVE'S COMMENTS
- IX. UNFINISHED BUSINESS
  - A. Drug Screening Policy for Chauffeurs (Commission Member Sabani)
  - B. Formal Recommendations/clarification for disapproval of Ordinance #15-19, 15-20, 15-21 (Council Member Herman)
  - C. Curfew Policy (Council Member Herman)
  - D. Formal Recommendation of Ordinance #15-31, Amending Operation of Low Speed Vehicles (Council Recommendations)
  - E. C. Ordinance #15-32, Repealing and Replacing BMC 5.08, Alcoholic Beverages (Council Recommendations)
- X. NEW BUSINESS
  - A. Ordinance #15-28, Complete Streets
- XI. COMMISSION MEMBER'S COMMENTS
- XII. ADJOURNMENT

Christina Him, *Recorder*

POSTED on October 29th, 2015.  
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.  
Next Public Safety and Transportation Commission Meeting will be **December 1st, 2015.**

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

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# City of Bethel, Alaska

## Public Safety & Transportation Commission

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October 5<sup>th</sup>, 2015

Regular Meeting

Bethel, Alaska

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### I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on October 5<sup>th</sup>, 2015 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:05PM

### II. ROLL CALL

Present: Joan Dewey *Chair*  
 Alisha Welch *Vice Chair*  
 Chuck Herman *Council Representative*  
 Deborah White

Absent: Naim Sabani

Ex-Officio Present: Bill Howell *Fire Chief*  
 Andre Achee *Chief of Police* (via telephone conference)  
 Diane Typpo for Christina Him *Recorder and Transportation Inspector*  
*Designee*

### III. PEOPLE TO BE HEARD

Frank Mazzero – *What section of the BMC code states that there is a violation for customers who are not paying cab fares. Would like to post a sign in his cab that states that it is a violation to not pay to eliminate the problem altogether.*

### IV. APPROVAL OF AGENDA

<b>MOVED:</b>	Herman	Motion to approve the agenda.
<b>SECONDED:</b>	Welch	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

### V. APPROVAL OF MINUTES

<b>MOVED:</b>	Welch	Motion to approve the minutes from the regular meeting of September 1, 2015.
<b>SECONDED:</b>	Herman	

<b>VOTE ON MAIN MOTION</b>	All in favor.
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**VI. CHIEFS' COMMENTS**

Chief Bill Howell- *See Report in Commission Packet*

Chief Andre Achee – *Monthly stats for the month of September is not completed yet, due to the person who typically compiles the statistics being on leave. Officer Quinn is our new police officer; he has a little over 10 years of experience. His wife was also recently hired as a Public Safety Dispatcher, and she has about 10 years of experience as well.*

*Last month we lost Officer Alicia Chagluak to the Anchorage Police Department. Additionally, at the end of last week, Officer Fedolfi also tendered his resignation from the police department. We are doing our best to try to continue to retain and recruit officers, however it is a difficult process.*

*Other than that, this week PFD (Permanent Fund Dividend) came in, and it hit hard. We really appreciate the fire department and EMS for doing their part. Ambulance and EMS did a great job taking care of inebriates when we did not have a CSO/CSPs working this weekend on day shift.*

*Once I return, at the end of this week, I will have the updated current statistics for the month. We ran into some problems with the stats, we have two different types of record management systems that we utilize on eForce, which tells us the total number of calls and total types of call; which is different from the total number of arrests and police reports. The last two months there have been some confusion on this, so we are working on tightening this up on the program so we can get a better and accurate representation of the stats of police reports.*

**VII. TRANSPORTATION INSPECTOR REPORT**

*See Report in Commission Packet*

**VIII. COUNCIL MEMBER'S COMMENTS**

Council Member Herman – *We got a lot of stuff sent to us from Council, I am trying to be a little more active in terms of when things apply to the PSTC. I put one thing on here that does not have supporting documentation but I can discuss everything when we get to it.*

**IX. UNFINISHED BUSINESS**

**A. Drug Screening Policy for Chauffeurs**

<b>MOVED:</b>	Herman	Motion to postpone discussion to the next scheduled PSTC meeting due to Commission Member Sabani's absence.
<b>SECONDED:</b>	Welch	

**B. Formal Recommendations/Clarification for disapproval of Ordinance #15-19, 15-20, 15-21**

*Discussed, recommendations for proposed ordinances will be drafted onto the appropriate Recommendations Form to City Council and presented to Council, once completed.*

**X. NEW BUSINESS**

**A. Curfew Policy**

<b>MOVED:</b>	Herman	Motion to postpone discussion to the next scheduled PSTC meeting to consult with City Attorney, Patty Burley
<b>SECONDED:</b>	Welch	

**B. Ordinance #15-31 Amending Operation of Low Speed Vehicles**

<b>MOVED:</b>	Herman	Motion to recommend Ordinance #15-31 Amending Operation of Low Speed Vehicles, with changes.
<b>SECONDED:</b>	White	

**C. Ordinance #15-32 Repealing and Replacing BMC 5.08, Alcoholic Beverages**

*Discussed, no action taken, requesting City Attorney Patty Burley's presence at the next scheduled meeting to discuss this more thoroughly.*

**I. COMMISSION MEMBER COMMENTS**

Chuck Herman- *Wanted to address Frank Mazzaro's concerns about passengers who are not paying cab fares in BMC. Referred question over to Chief Achee, who recommended that it is his legal right, to post the specific statute (AS 11.46.200 "Theft of services") in his vehicle if he wanted to. It is a class B misdemeanor crime, and he can call the BPD to press charges. Good luck to Alisha.*

Joan Dewey - *Thank you Deborah for being here and welcome. It will be an interesting night tomorrow with voting, if everyone votes .I am hoping this week, something changes, and it is less crazy out there. Good luck to Alisha, Thank you Diane for your participation.*

Deborah White – *No comments.*

Alisha Welch- *I would like to welcome Deborah to PSTC, it is nice to have another body on this commission so we can have a quorum.*

Chief Bill Howell – *I would like to thank the Council for being here and doing what you do .It is good to be a part of this process, I thank you guys and gals.*

Chief Andre Achee – *I Appreciate your time and apologize it's been two PSTC meetings in a row that unfortunately, I have been out of town. I am glad to be able to participate in the process.*

**II. ADJOURNMENT**

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

*Meeting adjourned at 8:39pm*

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

\_\_\_\_\_  
Christina Him, Recorder

\_\_\_\_\_  
Joan Dewey, Chair

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# ***Special Order of Business***

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# ***Unfinished Business***

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Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
October 20, 2015  
October 27, 2015  
November 3, 2015  
November 10, 2015  
Action:  
Vote:

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***CITY OF BETHEL, ALASKA***

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**Ordinance #15-32**

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**AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND  
REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES**

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**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. Amendment.** Bethel Municipal Code Chapter 5.08 is repealed and replaced,  
(old language is stricken):

***Chapter 5.08***  
***ALCOHOLIC BEVERAGES***

Sections:

~~5.08.010~~ Defined.

~~5.08.011~~ Consumption, sale and service of alcoholic beverages prohibited.

~~5.08.020~~ Closing hours.

~~5.08.030~~ Bringing liquor to licensed premises—Leaving partial containers.

~~5.08.040~~ Maintenance of order.

~~5.08.050~~ Liquor handler permit—Required.

~~5.08.060~~ Liquor handler permit—Issuance—Revocation.

~~5.08.070~~ Liquor handler permit—Cost.

~~5.08.080~~ Sunday and holiday sales.

~~5.08.090~~ Election day sales.

~~5.08.100~~ Minors.

~~5.08.110~~ Permitting violation.

~~5.08.120~~ Inspection of premises.

~~5.08.130~~ Violation—Penalty.

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
October 20, 2015  
October 27, 2015  
November 3, 2015  
November 10, 2015  
Action:  
Vote:

37 5.08.010-Defined.

38 For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages"  
39 mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended,  
40 or used, for human consumption and containing more than one (1) percent alcohol by  
41 volume.

42 5.08.011 Consumption, sale and service of alcoholic beverages prohibited.

43 A. No person may sell or offer to sell any alcoholic beverage in package stores or bars  
44 within three hundred (300) feet of a church building or within three hundred (300) feet  
45 of any school grounds.

46 B. No person may sell or offer to sell any alcoholic beverage in or within two hundred  
47 (200) feet of a church building or within two hundred (200) feet of any school grounds.

48 C. Any person or business that is behind in taxes to the city of Bethel is prohibited from  
49 receiving alcoholic beverage licenses.

50 D. As used in this section, the terms "school building," "school," "school grounds" or  
51 "educational building" shall apply only to state, county, city, or church school buildings  
52 and to such buildings at such other schools in which are taught subjects commonly  
53 taught in the common schools, and which are public schools or private schools as  
54 defined by the state of Alaska. The terms "school building" and "educational building"  
55 include only those structures in which instruction is offered, except colleges and  
56 universities. The term "school grounds" shall apply only to the parcel or parcels of land  
57 on which a school, school building or educational building is located, except colleges  
58 and universities.

59 E. The term "church building" as used herein shall mean the main structure used by any  
60 religious organization for purposes of worship.

61 F. The requirements for minimum distance from a church building located in a shopping  
62 center shall not apply to any license for retail package or retail consumption.

63 G. For purposes of this section, distance shall be measured by the most direct route of  
64 travel on the ground and shall be measured in the following manner:

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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November 10, 2015  
Action:  
Vote:

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~  
66 ~~beverages are sold or offered for sale;~~

67 ~~2. In a straight line, regardless of obstructions, to the nearest public sidewalk,~~  
68 ~~walkway, street, road or highway by the nearest route;~~

69 ~~3. To the main entrance of the church building or to the nearest portion of the~~  
70 ~~school grounds.~~

71 ~~5.08.020 Closing hours.~~

72 ~~No person shall consume, sell, offer for sale, give, furnish, or deliver from an authorized~~  
73 ~~licensee, any intoxicating liquor by the drink on any licensed premises between the~~  
74 ~~hours of 12:00 midnight and 12:00 noon each day, except on those days when the~~  
75 ~~licensed establishment is required to be closed for the entire day by this chapter or any~~  
76 ~~other law. The package liquor store shall close at 6:30 p.m.~~

77 ~~5.08.030 Bringing liquor to licensed premises—Leaving partial containers.~~

78 ~~A. No person shall have in his immediate possession on a licensed premises any~~  
79 ~~container which contains any alcoholic beverage which was not furnished to him by the~~  
80 ~~licensee, or his agent or employee, of that premises.~~

81 ~~B. No person shall exit from a licensed premises, or a licensed building or enclosure, if~~  
82 ~~there is any open or partially empty container which contains any alcoholic beverage~~  
83 ~~which was furnished to him by the licensee, or his agent or employee.~~

84 ~~5.08.040 Maintenance of order.~~

85 ~~Each licensed premises, except private clubs, shall employ at least one (1) person,~~  
86 ~~licensed as required in BMC 5.08.050, who shall be on duty between 8:00 p.m. and the~~  
87 ~~closing hour of the licensed premises. This person shall not be the bartender on duty,~~  
88 ~~manager, owner or co-owner of the establishment and shall be on duty for the express~~  
89 ~~purpose of maintaining order within the establishment and assuring compliance, by the~~  
90 ~~clientele, with the provisions of this chapter.~~

91 ~~5.08.050 Liquor handler permit—Required.~~

92 ~~No person in the employment of any retail liquor outlet in the city dispensing liquor to~~  
93 ~~the public shall remain in that employment or handle intoxicating liquors unless such~~  
City of Bethel, Alaska

Ordinance # 15-32  
3 of 28

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
October 20, 2015  
October 27, 2015  
November 3, 2015  
November 10, 2015

Action:  
Vote:

94 ~~person is in possession of a liquor handler's permit. Such permit shall be immediately~~  
95 ~~available to the permittee during all working hours for the licensee, and shall be~~  
96 ~~displayed to any peace officer upon demand of the officer.~~

97 ~~5.08.060 Liquor handler permit— Issuance— Revocation.~~

98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~  
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~  
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~  
101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~  
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~  
103 ~~shall have the right to appeal to the city council within twenty one (21) days of the~~  
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit— Cost.~~

106 ~~The cost of each permit issued under this chapter shall be twenty five dollars (\$25)~~  
107 ~~except that those permits issued to waitresses shall be ten dollars (\$10).~~

108 ~~5.08.080 Sunday and holiday sales.~~

109 ~~A. No person may consume, sell, offer for sale, give, furnish or deliver, from an~~  
110 ~~authorized licensee, any intoxicating liquor on any licensed premises on any Sunday, or~~  
111 ~~on the following holidays:~~

- 112 ~~1. New Year's Day (January first (1st));~~
- 113 ~~2. Lincoln's Birthday;~~
- 114 ~~3. Washington's Birthday;~~
- 115 ~~4. Memorial Day;~~
- 116 ~~5. Independence Day (July Fourth (4th));~~
- 117 ~~6. Labor Day (first (1st) Monday in September);~~
- 118 ~~7. Thanksgiving Day (fourth (4th) Thursday in November);~~
- 119 ~~8. Christmas Day (December twenty fifth (25th)).~~

120  
121 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~  
122 ~~shall be observed according to the federal designation for their observation. For the~~  
123 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~  
124 ~~commence at the closing hour of the business hours for the preceding day and shall~~  
125 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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October 20, 2015  
October 27, 2015  
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November 10, 2015  
Action:  
Vote:

126 ~~5.08.090 Election day sales.~~

127 ~~It is unlawful to give, barter, sell, or in any licensed premises to dispose of, any~~  
128 ~~intoxicating liquor upon a day upon which a general, special or primary election is held~~  
129 ~~in the state at large, until the polls have closed, or to so dispose of liquor in the city~~  
130 ~~when an election is being held therein until the polls are closed.~~

131 ~~5.08.100 Minors.~~

132 ~~No person shall give, barter, sell, furnish or deliver any intoxicating liquor to any~~  
133 ~~intoxicated person or to any minor.~~

134 ~~5.08.110 Permitting violation.~~

135 ~~It is unlawful for the owner of any licensed premises or any other person to direct,~~  
136 ~~request, cause, or permit any violation of this chapter.~~

137 ~~5.08.120 Inspection of premises.~~

138 ~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be~~  
139 ~~easily accessible for inspection by peace officers during all regular hours of the~~  
140 ~~transaction of business upon the premises, and at any other time with reasonable~~  
141 ~~notice by the officer.~~

142 ~~5.08.130 Violation — Penalty.~~

143 ~~Any person, firm, or corporation convicted of a violation of any provision of this chapter~~  
144 ~~shall be punished pursuant to Chapter 1.08 BMC.~~

145

146 5.08.010 Definitions

147 5.08.020 Procedure for Administrative Review of License Applications

148 5.08.030 City Council Review of License

149 5.08.040 Council Action on Liquor License Applications

150 5.08.050 Special Use Permit Required

151 5.08.060 Restriction on Location of Alcohol Sales

152 5.08.070 Licensee Responsible for Employees' Actions on Premises

153 5.08.080 Hours and Days of Operation

154 5.08.090 Obligation to Enforce Restrictions within Licensed Premises

155 5.08.100 Alcohol Server Training Course Requirement

156 5.08.110 Operation of Licensed Premises

157 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages

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- 158 5.08.130 Sale to Intoxicated Persons
- 159 5.08.140 Eviction of Patrons
- 160 5.08.150 Permitting Consumption on Premises
- 161 5.08.160 Open Container
- 162 5.08.170 Transportation of Alcohol
- 163 5.08.180 Keg Registration
- 164 5.08.190 Inspection of Premises
- 165 5.08.200 Access for Enforcement
- 166 5.08.210 Alcohol Offenses
- 167 5.08.220 Penalties

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**5.08.010 Definitions.**

- 173 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or  
174 distilled whatever the origin, that is intended for human consumption as a  
175 beverage and that contains one-half of one (1) percent or more of alcohol by  
176 volume, whether produced commercially or privately.  
177
- 178 B. "Board" means the Alcoholic Beverage Control Board established under AS  
179 04.06.010.  
180
- 181 C. "Intoxicated Person" means a person whose physical or mental conduct is  
182 substantially impaired as a result of the introduction of an alcoholic beverage  
183 into the person's body and who exhibits those plain and easily observed or  
184 discovered outward manifestations of behavior commonly known to be produced  
185 by the overconsumption of alcoholic beverages.  
186
- 187 D. "Licensed Premises" means any or all designated portions of a building or  
188 structure, rooms or enclosures in the building or structure, or real estate leased,  
189 used, controlled, or operated by a licensee in the conduct of business for which  
190 the licensee is licensed by the ABC Board and the City at the specific address for  
191 which the license is issued.  
192
- 193 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080

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- 194  
195 F. "Open containers" means any original container or package without the Internal  
196 Revenue Service strip stamp intact upon such container or package; any  
197 container or package that has been opened at least once since purchase or  
198 manufacture; or any container or package containing an alcoholic beverage  
199 other than the original container or package.  
200  
201 G. "Person" means an individual, partnership, cooperative, association, joint  
202 venture, corporation, estate trust, business, receiver, or any entity, group or  
203 combination acting as a unit.  
204  
205 H. "School" means the physical building and/or grounds of an educational facility  
206 operated either publicly or privately in which are taught subjects commonly  
207 taught in throughout the State of Alaska.

208 **5.08.020 Procedure for Administrative Review of License Applications.**

- 209 A. Upon receipt of notice from the Board of an application for the issuance,  
210 renewal, transfer of location or transfer to another person of a liquor license for  
211 a license location in the City, the clerk shall as soon as practicable distribute  
212 copies of the notice to the city manager, the city council and the city attorney.  
213  
214 B. The city manager shall immediately refer the application for review as follows:  
215  
216 1. To the planning director or their designee to determine if the applicant has  
217 complied with the Special Use provisions of BMC 16.20;  
218  
219 2. To the finance director or their designee to determine whether the licensee or  
220 license transferee is delinquent in paying to the City any tax, assessment,  
221 business license fee, or fee or charge for utility service for the business  
222 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,  
223 under the liquor license.  
224 3. To the police and fire chiefs to determine whether, in their opinion there have  
225 been excessive calls for service, excessive numbers of convictions or arrests  
226 for unlawful activity at the license location, police or ambulance reports,  
227 reports of unlawful activity at the license location, or police, fire or ambulance  
228 dispatches to the license location.

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- C. The fire chief, police chief, planning director and finance director shall forward written statements to the city manager within fourteen (14) calendar days after the application was referred by the city manager.
  - D. The city manager shall provide a written report to the city council, with a copy to the applicant, listing any objections to the Board's issuance of the application. The city manager's report is due not less than twenty (20) days but not more than thirty (30) days after the date of receipt of notice from the city clerk.
  - E. An applicant who believes the city manager's report contains factual errors shall file a written protest outlining, with specific, the sections of the report believed to be factually incorrect. Such protest must be filed to the city manager not later than ten (10) calendar days after issuance of the city manager report.
  - F. The city manager shall investigate the applicant's protest and shall issue a written decision no later than ten (10) calendar days after receipt of the protest.
  - G. The city clerk shall place the matter of the application upon the city council agenda not less than thirty (30) and not more than forty (40) calendar days after the date of receipt from the Board;

250 **5.08.030 City Council Review of License.**

251 The city council shall determine whether to protest the issuance, renewal or transfer  
252 of a liquor license application and shall consider the following factors it believes are  
253 pertinent. Such factors shall include, but not be limited to:

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1. City records indicating whether the applicant and/or transferor is in violation of the city sales tax ordinances or regulations, has failed to comply with any of the filing, reporting or payment provisions of the city ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable;
  2. The character and public interests of the surrounding neighborhood;
  3. Actual and potential law enforcement problems;

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- 261 4. Whether the applicant can demonstrate prospective or continued compliance  
262 with a liquor server awareness training program approved by the Board, such  
263 as or similar to the program for techniques in alcohol management (T.A.M.);
- 264 5. The concentration of other licenses of the same and other types in the area;
- 265 6. Whether the surrounding area experiences a high rate of alcohol abuse, crime  
266 or accidents in which the abuse of alcohol is involved;
- 267 7. The adequacy of parking facilities;
- 268 8. The safety of ingress to and egress from the premises;
- 269 9. Compliance with state and local fire, health and safety codes;
- 270 10. The degree of control the licensee has or proposes to have over the conduct  
271 of the licensed business. In determining the applicant's demonstrated ability  
272 to maintain order and prevent unlawful conduct, the city council may consider  
273 police reports, the appearance of a readily identifiable pattern or practice of  
274 recurring violent acts or unlawful conduct on the licensed premises.  
275 testimony presented before the council, written comments, or other evidence  
276 deemed to be reliable and relevant to the purpose of this subsection;
- 277 11. Whether the applicant can demonstrate prospective or continued compliance  
278 with operations procedures for licensed premises set forth in BMC section  
279 5.08.110.
- 280 12. The proximity to a school or church, senior citizen apartment  
281 housing/facilities, alcohol inpatient or outpatient treatment;
- 282 13. Any history of convictions of the applicants and affiliates of the applicants for:  
283 (a) Any violation of AS Title 04;  
284 (b) Any violation of city ordinances;
- 285 14. If application is made for the renewal or transfer of location or transfer of  
286 ownership of a license, the City shall consider whether the operator has  
287 engaged in a pattern of practices injurious to public health or safety, such as  
288 providing alcohol to minors or intoxicated persons, committing serious  
289 violations of state law relevant to public health or safety, or other actions  
290 within the knowledge and control of the operator which place the public  
291 health or safety at risk. In determining if a pattern or practices injurious to  
292 public health or safety exists, the city council may consider criminal

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293 convictions, credible proof of illegal activity even if not prosecuted, police  
294 reports, testimony presented before the council, or other evidence deemed to  
295 be reliable and relevant to the purpose of this subsection.

296 15. Any other factor the city council determines is relevant to a particular  
297 application.

298 **5.08.40 Council Action on Liquor License Applications.**

- 299 A. At the date and time set for consideration of the proposed application, the city  
300 council shall determine whether to protest the issuance, renewal, relocation or  
301 transfer of a license.  
302
- 303 B. If a majority of the city council votes to protest the application, a resolution shall  
304 be prepared and introduced at the next regularly scheduled council meeting or  
305 earlier if necessary to meet the requirements of AS 04.11.480.  
306
- 307 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall  
308 provide the applicant with:  
309
- 310 1. A copy of the proposed resolution; and
  - 311 2. Notice of the date and time when council will consider the resolution; and
  - 312 3. Notice the applicant will have an opportunity, pursuant to 3 AAC  
313 304.145(d), to appear before the council to defend the application.  
314
- 315 D. A protest by the council under this section cannot be based in whole or in part  
316 on police reports or other written materials available to the City but which were  
317 not provided to the affected applicant before the public hearing on that protest.  
318
- 319 E. At the conclusion of the public hearing, and any deliberation of the council, the  
320 council may choose to:  
321
- 322 1. Pass the resolution protesting to the Board the issuance, transfer or  
323 renewal of the liquor license application; or
  - 324 2. Recommend the license be approved with conditions; or
  - 325 3. Take no action on the application.

326 ~~**5.08.050 Special Use Permit Required.**~~

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327 Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages  
328 is permitted only by a special use permit as outlined in BMC section 16.20. The special  
329 use requirement applies only to the retail sale or dispensing of alcoholic beverages and  
330 not to related principal or accessory uses.

331 **~~5.08.060~~ Restriction on Location of Alcohol Sales.**

332 A. ~~No beverage dispensary or package store licensee may sell or offer to sell any~~  
333 ~~alcoholic beverage within three hundred (300) feet of a church building or within~~  
334 ~~three hundred (300) feet of any school grounds.~~

335  
336 B. ~~No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~  
337 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~  
338 ~~school grounds, senior housing facility, or alcohol treatment facility.~~

339  
340 C. ~~For purposes of this section, distance shall be measured by the most direct route~~  
341 ~~of travel on the ground and shall be measured in the following manner:~~

- 342  
343 1. ~~From the main parking lot street entrance off of an established roadway of~~  
344 ~~the establishment from which alcoholic beverages are sold or offered for~~  
345 ~~sale;~~  
346 2. ~~In a straight line, regardless of obstructions, to the nearest public~~  
347 ~~sidewalk, walkway, street, road or highway by the nearest route;~~  
348 3. ~~To the main entrance of the church building, senior housing facility,~~  
349 ~~alcohol treatment facility or to the nearest portion of the school grounds.~~

350 **5.08.070 Licensee Responsible for Employees' Actions on Premises.**

351 A. A licensee may neither knowingly allow agents or employees to violate this  
352 chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with  
353 criminal or civil negligence fail to act in accordance with the duties prescribed  
354 under AS 04.21.030 with the result that an agent or employee of the licensee  
355 violates a law, regulation or ordinance.

356  
357 B. The licensee shall be responsible for all acts or omissions of the licensee's  
358 employees on the licensed premises. The licensee may be cited and prosecuted  
359 for all acts or omissions of employees which are committed on the licensed  
360 premises and which are in violation of this chapter; provided, however, that the

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361 prosecution of the licensee shall not prohibit the prosecution of the employee for  
362 acts or omissions committed by the employee in violation of any provision of this  
363 chapter.

364 **05.08.080 Hours and Days of Operation.**

365 A. Premises licensed under AS 4.11.080 for the service and consumption of  
366 alcoholic beverages shall be closed for the sale, service and consumption of  
367 alcoholic beverages between the hours of 10:00 p.m. and 11:00 a.m. Monday  
368 through Friday, and between the hours of 11:00 p.m. and 11:30 a.m. on  
369 Saturday or Sunday or on a legal holiday recognized by the state under AS  
370 44.12.010 with the exception of New Year's Day during which the establishment  
371 shall close at 1:00 am.

372  
373 B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale  
374 of alcoholic beverages between the hours of 12:00 a.m. and 12:00 p.m. Monday  
375 through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and  
376 between the hours of 2:00 a.m. and noon on Sunday.

377  
378 C. A person may not sell, offer for sale, give, furnish, deliver or consume an  
379 alcoholic beverage on premises licensed under AS 04.11 during the hours of  
380 closure set forth in this section.

381  
382 D. A licensee, an agent, or employee may not permit a person to consume alcoholic  
383 beverages on the licensed premises between the hours of closure set forth in this  
384 section.

385  
386 E. A licensee, an agent, or employee may not permit a person to enter and a  
387 person may not enter premises licensed under AS 04.11 during the hours of  
388 closure set forth in this section. This subsection does not apply to common  
389 carriers or to an employee of the licensee who is on the premises to prepare for  
390 that day's or the next day's business.

391  
392 F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or  
393 City Election Days is not prohibited.

394 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

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395 A licensee, their agent or employee may not permit the consumption of alcoholic  
396 beverages by any person within the licensed premises unless it is permitted by the  
397 license.

398 **5.08.100 Alcohol Server Training Course Requirement.**

- 399 A. A licensee, their agent or employee may not sell or dispense alcoholic beverages  
400 to the public prior to the successful completion of a liquor server awareness  
401 training program approved by the Board.  
402
- 403 B. A licensee, their agent or employee who elects to take an approved program  
404 online, must have the examination proctored at the City of Bethel offices by a  
405 duly appointed employee of the City.  
406
- 407 C. Licensees, their agents and employee who sell or dispense alcoholic beverages  
408 must be able to show proof of completion of a liquor server awareness training  
409 program approved by the Board upon request by a peace officer, the city  
410 manager (or their designee) or the Board.

411 **5.08.110 Operation of Licensed Premises.**

- 412 A. Except as otherwise provided in this section, the operations procedures set forth  
413 in subsection B of this section shall apply to all persons seeking the issuance,  
414 renewal or transfer of any license issued by the Board by virtue of AS Title 4 and  
415 other applicable provisions of law allowing the sale or service of alcoholic  
416 beverages. Subsections B1. of this section shall not apply to persons seeking the  
417 issuance, transfer or renewal of licenses issued under AS Title 4 which do not  
418 authorize the sale or service of alcoholic beverages for consumption on the  
419 premises licensed.
- 420 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board  
421 under AS Title 4 and other applicable provisions of law shall comply with the  
422 following operations procedures:
- 423 1. *Happy Hours.* No licensee may:
- 424 i. Sell more than one (1) drink for the price of a single alcoholic drink,  
425 or sell a drink with increased alcoholic content, or sell a multiple of

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- 426 any number of drinks in a manner which has the effect of selling  
427 more than one (1) drink for the price of a single drink.
- 428 ii. Advertise, promote or put in public notice the giving of free  
429 alcoholic drinks to customers.
- 430 iii. Advertise, promote or put in public notice the sale of alcoholic  
431 beverages at a reduced price at certain times of the day or days of  
432 the week. Nothing in this subsection shall prohibit a licensee from  
433 increasing prices during times when entertainment is provided.
- 434 iv. This subsection shall not be construed to prohibit licensees from  
435 giving away or selling at a reduced price food items to customers  
436 and patrons.
- 437 2. *Public Transportation.* Licensees shall make available to their patrons access  
438 to means of public transportation to permit patrons to make arrangements for  
439 transportation off the premises.
- 440 3. *Notice of Penalties.* Operators shall place, at conspicuous locations within  
441 licensed premises, a clear and legible sign describing applicable penalties for  
442 driving under the influence, and for service or sale of alcoholic beverages to  
443 minors or intoxicated persons.
- 444 4. *Availability of Nonalcoholic Drinks.* Operators shall have nonalcoholic drinks  
445 available for their patrons.
- 446 5. *Compliance Determination.* In order to determine whether applicants seeking  
447 the issuance, renewal or transfer of alcoholic beverage licenses have  
448 complied with the provisions of this chapter, applicants shall, at the request  
449 of the City, submit to the city manager (or their designee) an alcoholic  
450 beverage licensee compliance form. Upon request, operators shall also  
451 provide the city manager with certificates from all current employees  
452 demonstrating that those employees have successfully completed a liquor  
453 service awareness training program such as the program for techniques in  
454 alcohol management (T.A.M.) as approved by the Board.

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455 6. *Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*  
456 A person employed by a licensee shall not solicit or encourage any patron of  
457 the licensed premises to purchase alcoholic beverages for consumption by the  
458 employee or by any other employee. For the purposes of this subsection, the  
459 term "employee" includes any contractual arrangement by which an individual  
460 provides services to the licensee, whether compensation be in the form of  
461 salary, commission, fee or otherwise.

462 7. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*  
463 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*  
464 *Chemical Tests. Upon adoption of a municipal code allowing for the forfeiture,*  
465 *operators shall display at conspicuous places in licensed premises two (2)*  
466 *signs warning that vehicles are seized in cases of driving under the influence*  
467 *or refusal to submit to chemical tests. One of these warning signs shall be at*  
468 *least eleven (11") inches by fourteen (14") inches in size, and must read, in*  
469 *lettering at least one-half (1/2") inch high and in contrasting colors or black*  
470 *and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign*  
471 *described in the preceding sentence must carry a logo or illustration approved*  
472 *by the chief of police or their designee which shows an automobile being*  
473 *towed. The second warning sign shall be at least eleven (11") inches by*  
474 *fourteen (14") inches and must read, in letters at least one-quarter (1/4")*  
475 *inch high and in contrasting colors or black and white, "WARNING: IF YOU*  
476 *DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE*  
477 *UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE*  
478 *cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED*  
479 *for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if*  
480 *the driver has been convicted of DUI in the past ten (10) years."*

481 C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee  
482 or licensee's employee or agent shall require any purchaser (and anyone  
483 accompanying the purchaser) of alcoholic beverages to produce a current  
484 government-issued identification with birth date and photograph for identification  
485 check prior to any on-premises sale. The purpose of the identification check is to  
486 verify age and eligibility to purchase alcoholic beverages. Failure to conduct the  
487 mandatory identification check required by this section is a violation of code and  
488 the licensee or licensee's employee or agent failing to conduct the mandatory

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489 identification check shall be subject to the civil penalty provisions of this chapter.  
490 For purposes of mandatory identification check required by this section:

491 1. "*Current government-issued*" means a state, federal or foreign government  
492 picture identification in force and effect for a specified period stated within  
493 the identification, when presented prior to expiration of the period stated. A  
494 state government identification with birth date and photograph issued by any  
495 state of the United States is included within the meaning of "current  
496 government-issued" if the period of validity is specified and the identification  
497 is presented prior to expiration of the period stated.

498 2. The subsequent invalidation of the identification as a bona fide government-  
499 issued identification does not invalidate the compliance.

500 3. An ongoing pattern of non-compliance with the mandatory identification  
501 check required by this code may result in review of the conditions of use or  
502 may result in the revocation of a special use permit previously approved by  
503 the city council. Action by the city council on licensee's special use permit  
504 under this section shall be in addition to any criminal or civil penalty  
505 applicable to the individual making the sale without performing the  
506 mandatory identification check.

507 D. *Security Personnel.* Package stores and bars shall have security personnel on  
508 the premises at all times that the premises are open to the public.

509 E. *Security Cameras.* At least two (2) twenty-four (24) hour time lapse security  
510 cameras are required to be installed and properly maintained on the exterior of  
511 the building at locations licensed to sell and/or store alcoholic beverages. At  
512 least two (2) additional twenty-four (24) hour time lapse security cameras are  
513 required to be installed and properly maintained in the interior of the building at  
514 all locations licensed to sell and/or store alcoholic beverages. At least one of the  
515 interior cameras must be able to capture all sales transactions. All criminal and  
516 suspicious activities recorded on the surveillance equipment must be reported to  
517 law enforcement as soon as practicable. To the extent allowed by law, the  
518 establishment operators may be required to provide any tapes or other recording  
519 media from the security camera to the Police Department.

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520 F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic  
521 beverage establishment of all persons, other than necessary employees, within  
522 fifteen (15) minutes after the closing hours.

523 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed  
524 upon the premises and in the entrance to the premises of their establishments a  
525 conspicuous sign in a prominent place visible from outside the establishment,  
526 which shall in substance state: "No person under the age of 21 years permitted.  
527 Any such person will be prosecuted to the full extent of the law." Excepting that  
528 licensed establishments regularly serving meals may modify the sign in  
529 accordance with the provisions of this chapter and AS 04.

530 **5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.**

531 A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100  
532 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package  
533 Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the  
534 alcoholic beverage being purchased, sold, or offered for sale was obtained from  
535 a person licensed under:

536 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the  
537 alcoholic beverage being purchased, sold, or offered for sale;

538 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,  
539 sold, or offered for sale was obtained from a person licensed under AS  
540 04.11.160 (wholesale) as a primary source of supply; or

541 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170  
542 (licensed distillery).

543 **5.08.130 Sale to Intoxicated Persons.**

544 A. A licensee, his agent or employee may not knowingly or negligently:  
545 1. Sell, give or barter alcoholic beverages to an intoxicated person;  
546 2. Allow another person to sell, give or barter an alcoholic beverage to an  
547 intoxicated person within the licensed premises;

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- 548           3. Allow an intoxicated person to enter and remain within the licensed  
549           premises or to consume an alcoholic beverage within the licensed  
550           premises; or  
551           4. Permit an intoxicated person to sell or serve alcoholic beverages.

552   **5.08.140   Eviction of Patrons.**

553   The licensee and employees of the licensee are expressly permitted to evict any person  
554   suspected of being under the age of twenty-one (21) or intoxicated and failure of such  
555   person to leave after oral request is unlawful and an offense on the part of that person.

556   **5.08.150   Open Container.**

- 557           A. It shall be unlawful to carry, transport or possess an open container of alcoholic  
558           beverages on the public streets, sidewalks, alleys, parks, or other public places  
559           throughout the city; except that an open container of alcoholic beverages may  
560           be carried in a vehicle in a locked trunk or other secured location inaccessible to  
561           the driver and passengers within the vehicle.  
562           B. Open containers are permitted on private residential property, with the consent  
563           of the owner or legal occupant of the property.

564   **5.08.160   Transportation of Alcohol.**

565           The transportation of alcoholic beverages by common carrier or commercial  
566   carrier within the City of Bethel to a residential home or non-licensed alcohol  
567   distribution facility is strictly prohibited except as expressly authorized by AS 04.

568   ~~**5.08.170   Keg Registration.**~~

569           ~~A. Obligations of seller. Any person who sells or offers for sale kegs or other~~  
570           ~~containers containing four (4) gallons or more of alcoholic beverages, or leases~~  
571           ~~kegs or other containers capable of holding four (4) gallons or more of alcoholic~~  
572           ~~beverage to consumers who are not licensed under AS 04.11 shall, prior to~~  
573           ~~surrendering physical possession of the keg or other container:~~

- 574           ~~1. Require the purchaser of the alcoholic beverages to sign a declaration and~~  
575           ~~keg registration form for the keg or other container on a form approved by~~  
576           ~~the chief of police. The form shall contain:~~

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
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- 577                   i.—~~The name and address of the seller and the purchaser;~~
- 578                   ii.—~~The type and identifying number of the identification presented by~~  
579                   ~~the purchaser pursuant to AS 04.21.050~~
- 580                   iii.—~~A sworn statement, signed by the purchaser under penalty of~~  
581                   ~~perjury, stating that the purchaser is twenty one (21) years of age~~  
582                   ~~or older; will not allow persons under twenty one (21) years of age~~  
583                   ~~to consume the alcoholic beverages purchased pursuant to AS~~  
584                   ~~04.16.051, will not remove or obliterate or allow the removal or~~  
585                   ~~obliteration of the temporary registration tag affixed to the keg or~~  
586                   ~~other container, and will return the keg to the seller within the time~~  
587                   ~~constraints set by the seller;~~
- 588                   iv.—~~The return date specified by the seller;~~
- 589                   v.—~~The particular address or addresses where the alcoholic beverages~~  
590                   ~~will be consumed, and the date on which it will be consumed;~~
- 591                   vi.—~~A warning that it is illegal to obscure or remove the registration~~  
592                   ~~tag; and~~
- 593                   vii.—~~The unique identifier of the temporary tag attached to the keg or~~  
594                   ~~container as required under this section.~~
- 595                   2.—~~Affix an approved temporary tag with a unique identifier to all containers over~~  
596                   ~~four (4) gallons or more of an alcoholic beverage prior to surrendering~~  
597                   ~~possession or control thereof to a consumer; and~~
- 598                   3.—~~Require the purchaser to separately and prominently display a copy of the~~  
599                   ~~keg registration form within five (5) feet of the keg or other container while~~  
600                   ~~the keg or other container is in the purchaser's possession or control.~~
- 601                   4.—~~Upon return of the keg or other container, the seller shall note the date~~  
602                   ~~thereof and the initials of the person who accepts the return.~~
- 603                   5.—~~The licensee shall retain a copy of the keg registration form and receipt,~~  
604                   ~~which shall be retained on the licensed premises for a period of one (1) year.~~  
605                   ~~The records shall be available for inspection and copying by any peace~~

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606 ~~officer, the city finance director or their designee, the Alcohol Beverage~~  
607 ~~Control Board investigator or agent.~~

608 ~~B. Obligations of purchaser. Any person who purchases or leases kegs or other~~  
609 ~~containers containing four (4) gallons or more of alcoholic beverages shall:~~

610 ~~1. Sign a declaration and keg registration form for the keg or other container on~~  
611 ~~a form provided by the seller pursuant to subsection A. of this section;~~

612 ~~2. Provide identification pursuant to AS 04.21.050;~~

613 ~~3. Be of legal age to purchase, possess, or use alcoholic beverages;~~

614 ~~4. Not allow any person under the age of 21 to consume the beverage except as~~  
615 ~~provided by AS 04.16.051;~~

616 ~~5. Not remove, obliterate, or allow to be removed or obliterated, the~~  
617 ~~identification required under subsection C. of this section;~~

618 ~~6. Return the keg or other container to the place of purchase no later than the~~  
619 ~~date indicated on the identification tag required under this section;~~

620 ~~7. Not move, keep, or store the keg or its contents, except for transporting to~~  
621 ~~and from the distributor, at any place other than that particular address~~  
622 ~~declared on the keg registration form; and~~

623 ~~8. Separately and prominently display a copy of the keg registration form within~~  
624 ~~five (5) feet of the keg or other container during the time that the keg or~~  
625 ~~other container is in the purchaser's possession or control.~~

626 ~~C. Identification of containers.~~

627 ~~1. A keg registration form provided by licensees and approved by the Bethel~~  
628 ~~police chief shall be properly completed by the licensee for sales and leases~~  
629 ~~of kegs or other containers holding four (4) or more gallons of alcoholic~~  
630 ~~beverages for off premises consumption, and shall contain:~~

631 ~~2. The keg registration form affixed to the keg or container may serve as the~~  
632 ~~purchaser's receipt.~~

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633 ~~3. Kegs or other containers holding four (4) gallons or more of alcoholic~~  
634 ~~beverages shall have a properly completed keg registration form affixed~~  
635 ~~thereon when sold for off-premises consumption. Possession of a keg or~~  
636 ~~other container which holds four (4) gallons or more of alcoholic beverages,~~  
637 ~~other than on the seller's premises, without a properly completed registration~~  
638 ~~and declaration form either affixed thereon or in possession of the person~~  
639 ~~with the keg(s) or other container holding four (4) or more gallons of~~  
640 ~~alcoholic beverages shall be a violation of this chapter.~~

641 **5.08.180 Inspection of premises.**

- 642
- 643 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall
  - 644 be easily accessible for inspection by police officers during all regular hours of
  - 645 the transaction of business upon the premises, and at any other time with
  - 646 reasonable notice by the officer.
  - 647
  - 648 B. The police department may inspect any premises with an alcoholic beverage
  - 649 license for compliance with conditions on the license. Upon discovering a
  - 650 violation of such conditions, the police department shall submit a written report
  - 651 of the violation to the city clerk for review by the city council and provide a copy
  - 652 thereof to the licensee.
  - 653
  - 654 C. If at any time there appears to be a readily identifiable pattern or practice of
  - 655 recurring violent acts or unlawful conduct in a licensed premise, the City may
  - 656 send notice of possible protest to the licensee that he or she must submit and
  - 657 implement a plan for remedial action or be in jeopardy that a protest will be filed
  - 658 to any renewal, transfer of location or transfer of ownership sought by the
  - 659 licensee.
  - 660
  - 661 D. Upon receiving a report of conditions violation, the city council may:
  - 662
  - 663 1. Revoke the premise's conditional use permit;
  - 664
  - 665 2. Protest the issuance, renewal, transfer, relocation or continued operation of
  - 666 the license;
  - 667 3. Recommend imposition of conditions on the state liquor license pursuant to
  - 668 AS 04.11.480(c); or

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- 669  
670 4. Notify the Board that a licensee has violated conditions and request that an  
671 accusation pursuant to AS 04.11.370 be brought against the licensee.  
672  
673 E. Prior to taking any of the actions listed in subsection c) of this section, the City  
674 shall give the permittee or licensee notice and an opportunity to be heard on the  
675 accusation(s) at a publicly noticed council meeting.

676 **5.08.190 Access for Enforcement.**

- 677 A. The public entrance of licensed alcoholic beverage establishments shall be open  
678 and unlocked before and after the closing hour of such establishment if there are  
679 any patrons in the establishment.  
680  
681 B. Licensees of licensed alcoholic beverage establishments, their employees and all  
682 patrons in such establishments shall permit and aid the entry of any law  
683 enforcement officer during all hours of operation and at any other time when  
684 there are two or more persons in such licensed alcoholic beverage establishment.  
685  
686 C. Lack of knowledge, lack of intent and absence from the premises shall not be  
687 defenses to any action brought under this section against any such employee in  
charge of such establishment or such licensee.  
688  
689 D. The following evidence shall constitute a prima facie case of violation of this  
690 section in any action under this section against any such employee in charge of  
such establishment or against any licensee:  
691  
692 1. A law enforcement officer knocked heavily at the public entrance of a licensed  
693 beverage dispensary or licensed alcoholic beverage establishment and such  
694 entrance was not opened within one minute thereafter to permit his  
entrance; plus  
695  
696 2. Evidence of sound emanating from the licensed alcoholic beverage  
697 establishment, heard by such officer, and his opinion that he concluded that  
two or more persons were in such establishment.  
698  
699 E. Licensees shall provide the Police Chief with their current hours of operation. Any  
changes to the hours of operation shall be communicated, in writing, to the

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700 Police Chief, at least three (3) business days prior to the change being  
701 implemented.

702 **5.08.200 Alcohol Offenses.**

- 703 A. Violation of any section of this chapter shall be an infraction.
- 704 B. The Bethel Police Department shall have the authority to write and serve
- 705 citations for violations of the provisions of any portion of this chapter.

706 **5.08.210 Penalties.**

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & B	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Premises Open during on non-permissible days	5.08.080A & B	No	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming Alcohol on Premises during hours of Closure	5.08.080C	No	\$300
Allowing person to consume alcohol on premises during hours of closure	5.08.080D	No	\$300
Allowing non-employee onto premises during hours of closure	5.08.080E	No	\$300
Allowing consumption on premises in violation of license	5.08.090	No	\$500
Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000

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Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000
Failure to show proof of successful completion of a liquor server awareness training program	5.08.100C	Correctable	\$300
Violation of Happy Hour rules	5.08.110B1	No	\$300
Failure to provide access to means of public transportation to patrons	5.08.110B2	No	\$150
Failure to permit patron to arrange for transportation off premises	5.08.110B2	No	\$500
Failure to post clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons	5.08.110B3	No	\$250
Failure to have non-alcoholic drinks available	5.08.110B4	No	\$150
Failure to submit an alcoholic beverage compliance form upon request	5.08.110B5	No	\$300
Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee	5.08.110B6	Yes	\$500
Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal	5.08.110B7	No	\$250
Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal	5.08.110B7	No	\$150

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Failure to check identification of purchaser	5.08.110C	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of alcoholic beverage	5.08.110C	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Failure to have security personnel on premises during hours of operation	5.08.110D	No	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to install or maintain security equipment	5.08.110E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to report suspicious activity from security cameras to law enforcement	5.08.110E	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Interior camera not positioned to capture sales transactions	5.08.110E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to clear premises after closing	5.08.110F	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Failing to post age limit signs	5.08.150	No	\$300
Sale of alcoholic beverages improperly obtained	5.08.120	Yes	\$700
Sale of alcohol to an intoxicated person	5.08.130	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000

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Providing alcohol to an intoxicated person	5.08.130	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Allowing another person to sell or provide alcohol to an intoxicated person	5.08.130A2	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130A3	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Permitting intoxicated person to consume alcoholic beverage within a licensed premise	5.08.130A3	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an alcoholic beverage	5.08.130A4	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Carrying, transporting or possessing an open container in public	5.08.150	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Transportation of alcohol by common carrier	5.08.160	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Transportation of alcohol by commercial carrier	5.08.160	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to Require or complete keg registration form	5.08.170	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700

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Incomplete keg registration form	5.08.170	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Failure to tag or improperly tagged keg	5.08.170	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Removal or damaging of tag on keg	5.08.170	No	\$500
Failure to display keg registration form	5.08.170	No	\$300
Failure to affix keg declaration form to keg	5.08.170	No	\$300
Failure to retain keg declaration forms for one (1) year	5.08.170	No	\$500
Failure to make premises easily accessible for inspection by police officers	5.08.180A	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08.190A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.190B	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08.190B	Yes	\$700

707

708

*\*Editor Note regarding amendments: The penalty section was amended de-facto after the adopted motion to strike the relevant section(s). LS 10-29-15*

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

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713

714

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

715

City of Bethel, Alaska

Ordinance # 15-32  
27 of 28

Introduced by: Council Member Fansler on behalf  
of the City Attorney

Date: September 22, 2015

Public Hearing: October 13, 2015

October 20, 2015

October 27, 2015

November 3, 2015

November 10, 2015

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720

721 ATTEST:

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

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

Proposed amendment #1 definition of school

5.08.010 H

School means the physical building and/or grounds of an educational facility operated either publicly or privately open to the public in which are taught subjects commonly taught in throughout the State of Alaska, from which children regularly travel freely and may be exposed to the sale of alcohol, and which is recognized as a school by the State of Alaska.

#2 Conditional Use permit

5.08.020 B 1.

To the planning director or their designee to determine if the applicant has compiled with the Special Use provisions of BMC ~~16.20~~18.60 if necessary

#3 Council actions

5.08.40 E 2

Recommend the license to be approved with or without conditions; or...

#4

5.08.050 Special Use Permit

~~delete entire section~~

#5 Restrictions on Locations of sales

5.08.060 C 1.

From the main parking lot ~~street entrance off of an established roadway~~ entrance of the establishment from which alcoholic beverages are sold or offered for sale

#6

5.08.080 Hours and days of operation

... shall be closed for the sale, service and consumption of alcoholic beverages between the hours of ~~10:00pm and 11:00am~~ 1 am and 10 am Sunday through Thursday, , and between the hours of ~~11:00-  
pm and 11:30-am~~ 2 am and 10 am on Friday or Saturday or on a legal holiday...

#7

5.08.170 Keg registration: delete entire section

Recommendation from the Finance Committee

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**5.08.100 Alcohol Server Training Course Requirement.**

- A. A licensee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.
- B. A licensee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.
- C. Licensees, their agents and employee who sell or dispense alcoholic beverages must be able to show proof of completion of a liquor server awareness training program approved by the Board upon request by a peace officer, the city manager (or their designee) or the Board.

**Comment [c1]:** Wants to add in: "Licensee, and/or permittee"

**5.08.110 Operation of Licensed Premises.**

*Security Cameras.* At least two (2) twenty-four (24) hour time lapse security cameras are required to be installed and properly maintained on the exterior of the building at locations licensed to sell and/or store alcoholic beverages. At least two (2) additional twenty-four (24) hour time lapse security cameras are required to be installed and properly maintained in the interior of the building at all locations licensed to sell and/or store alcoholic beverages. At least one of the interior cameras must be able to capture all sales transactions. All criminal and suspicious activities recorded on the surveillance equipment must be reported to law enforcement as soon as practicable. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security camera to the Police Department.

**Comment [c2]:** Insert "Security footage shall be retained by the operator for thirty days."

**5.08.170 Keg Registration.**

- A. Obligations of seller. Any person who sells or offers for sale kegs or other containers containing four (4) gallons or more of alcoholic beverages, or leases kegs or other containers capable of holding four (4) gallons or more of alcoholic beverage to consumers who are not licensed under AS 04.11 shall, prior to surrendering physical possession of the keg or other container:
  - 1. Require the purchaser of the alcoholic beverages to sign a declaration and keg registration form for the keg or other container on a form approved by the chief of police. The form shall contain:

Recommendation from the Finance Committee

- 38 i. The name and address of the seller and the purchaser;
- 39 ii. The type and identifying number of the identification presented by  
40 the purchaser pursuant to AS 04.21.050
- 41 iii. A sworn statement, signed by the purchaser under penalty of  
42 perjury, stating that the purchaser is twenty-one (21) years of age  
43 or older; will not allow persons under twenty-one (21) years of age  
44 to consume the alcoholic beverages purchased pursuant to AS  
45 04.16.051, will not remove or obliterate or allow the removal or  
46 obliteration of the temporary registration tag affixed to the keg or  
47 other container, and will return the keg to the seller within the time  
48 constraints set by the seller;
- 49 iv. The return date specified by the seller;
- 50 v. The particular address or addresses where the alcoholic beverages  
51 will be consumed, and the date on which it will be consumed;
- 52 vi. A warning that it is illegal to obscure or remove the registration  
53 tag; and
- 54 vii. The unique identifier of the temporary tag attached to the keg or  
55 container as required under this section.
- 56 2. Affix an approved temporary tag with a unique identifier to all containers over  
57 four (4) gallons or more of an alcoholic beverage prior to surrendering  
58 possession or control thereof to a consumer; and
- 59 3. Require the purchaser to separately and prominently display a copy of the  
60 keg registration form within five (5) feet of the keg or other container while  
61 the keg or other container is in the purchaser's possession or control.
- 62 4. Upon return of the keg or other container, the seller shall note the date  
63 thereof and the initials of the person who accepts the return.
- 64 5. The licensee shall retain a copy of the keg registration form and receipt,  
65 which shall be retained on the licensed premises for a period of one (1) year.  
66 The records shall be available for inspection and copying by any peace  
67 officer, the city finance director or their designee, the Alcohol Beverage  
68 Control Board investigator or agent.
- 69 B. Obligations of purchaser. Any person who purchases or leases kegs or other  
70 containers containing four (4) gallons or more of alcoholic beverages shall:
- 71 1. Sign a declaration and keg registration form for the keg or other container on  
72 a form provided by the seller pursuant to subsection A. of this section;

Comment [c3]: Strike this. Not necessary.

Comment [c4]: Strike this.

Recommendation from the Finance Committee

- 73        2. Provide identification pursuant to AS 04.21.050; Comment [c5]: Strike This. It's already understood that they would provide identification as they would be purchasing alcohol.
- 74        3. Be of legal age to purchase, possess, or use alcoholic beverages; Comment [c6]: Strike this.
- 75        4. Not allow any person under the age of 21 to consume the beverage except as  
76        provided by AS 04.16.051; Comment [c7]: Strike this.
- 77        5. Not remove, obliterate, or allow to be removed or obliterated, the  
78        identification required under subsection C. of this section;
- 79        6. Return the keg or other container to the place of purchase no later than the  
80        date indicated on the identification tag required under this section; Comment [c8]: Strike this.
- 81        7. Not move, keep, or store the keg or its contents, except for transporting to  
82        and from the distributor, at any place other than that particular address  
83        declared on the keg registration form; and
- 84        8. Separately and prominently display a copy of the keg registration form within  
85        five (5) feet of the keg or other container during the time that the keg or  
86        other container is in the purchaser's possession or control. Comment [c9]: Strike This. This is a duplicate of line 602.

Failure to display keg registration form	5.08.170	No	\$300
--	----------	----	-------

Comment [c10]: Remove

87

# Suggested modifications to Ordinance 15-32 from the City Clerk

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Under 5.08.100 insert permittee to include those applying for a Caterer's permit, Special events permit, and Conditional contractor's permit

## **5.08.100 Alcohol Server Training Course Requirement.**

- A. A licensee/permittee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.
- B. A licensee/permittee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.
- C. Licensees/permittee, their agents and employee who sell or dispense alcoholic beverages must be able to show proof of completion of a liquor server awareness training program approved by the Board upon request by a peace officer, the city manager (or their designee) or the Board.

Suggested Amendment to Ord. 15-32  
from Council Member Herman

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
October 20, 2015  
Action:  
Vote:

*CITY OF BETHEL, ALASKA*

**Ordinance #15-32**

**AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND  
REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES**

**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. Amendment.** Bethel Municipal Code Chapter 5.08 is repealed and replaced,  
(old language is stricken):

***Chapter 5.08***  
***ALCOHOLIC BEVERAGES***

Sections:

- ~~5.08.010~~ — Defined.
- ~~5.08.011~~ — Consumption, sale and service of alcoholic beverages prohibited.
- ~~5.08.020~~ — Closing hours.
- ~~5.08.030~~ — Bringing liquor to licensed premises — Leaving partial containers.
- ~~5.08.040~~ — Maintenance of order.
- ~~5.08.050~~ — Liquor handler permit — Required.
- ~~5.08.060~~ — Liquor handler permit — Issuance — Revocation.
- ~~5.08.070~~ — Liquor handler permit — Cost.
- ~~5.08.080~~ — Sunday and holiday sales.
- ~~5.08.090~~ — Election day sales.
- ~~5.08.100~~ — Minors.
- ~~5.08.110~~ — Permitting violation.
- ~~5.08.120~~ — Inspection of premises.
- ~~5.08.130~~ — Violation — Penalty.

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37 ~~5.08.010 Defined.~~

38 ~~For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages"~~  
39 ~~mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended,~~  
40 ~~or used, for human consumption and containing more than one (1) percent alcohol by~~  
41 ~~volume.~~

42 ~~5.08.011 Consumption, sale and service of alcoholic beverages prohibited.~~

43 ~~A. No person may sell or offer to sell any alcoholic beverage in package stores or bars~~  
44 ~~within three hundred (300) feet of a church building or within three hundred (300) feet~~  
45 ~~of any school grounds.~~

46 ~~B. No person may sell or offer to sell any alcoholic beverage in or within two hundred~~  
47 ~~(200) feet of a church building or within two hundred (200) feet of any school grounds.~~

48 ~~C. Any person or business that is behind in taxes to the city of Bethel is prohibited from~~  
49 ~~receiving alcoholic beverage licenses.~~

50 ~~D. As used in this section, the terms "school building," "school," "school grounds" or~~  
51 ~~"educational building" shall apply only to state, county, city, or church school buildings~~  
52 ~~and to such buildings at such other schools in which are taught subjects commonly~~  
53 ~~taught in the common schools, and which are public schools or private schools as~~  
54 ~~defined by the state of Alaska. The terms "school building" and "educational building"~~  
55 ~~include only those structures in which instruction is offered, except colleges and~~  
56 ~~universities. The term "school grounds" shall apply only to the parcel or parcels of land~~  
57 ~~on which a school, school building or educational building is located, except colleges~~  
58 ~~and universities.~~

59 ~~E. The term "church building" as used herein shall mean the main structure used by any~~  
60 ~~religious organization for purposes of worship.~~

61 ~~F. The requirements for minimum distance from a church building located in a shopping~~  
62 ~~center shall not apply to any license for retail package or retail consumption.~~

63 ~~G. For purposes of this section, distance shall be measured by the most direct route of~~  
64 ~~travel on the ground and shall be measured in the following manner:~~

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~  
66 ~~beverages are sold or offered for sale;~~

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67           2. In a straight line, regardless of obstructions, to the nearest public sidewalk,  
68           walkway, street, road or highway by the nearest route;

69           3. To the main entrance of the church building or to the nearest portion of the  
70           school grounds.

71   5.08.020 Closing hours.

72   No person shall consume, sell, offer for sale, give, furnish, or deliver from an authorized  
73   licensee, any intoxicating liquor by the drink on any licensed premises between the  
74   hours of 12:00 midnight and 12:00 noon each day, except on those days when the  
75   licensed establishment is required to be closed for the entire day by this chapter or any  
76   other law. The package liquor store shall close at 6:30 p.m.

77   5.08.030 Bringing liquor to licensed premises — Leaving partial containers.

78   A. No person shall have in his immediate possession on a licensed premises any  
79   container which contains any alcoholic beverage which was not furnished to him by the  
80   licensee, or his agent or employee, of that premises.

81   B. No person shall exit from a licensed premises, or a licensed building or enclosure, if  
82   there is any open or partially empty container which contains any alcoholic beverage  
83   which was furnished to him by the licensee, or his agent or employee.

84   5.08.040 Maintenance of order.

85   Each licensed premises, except private clubs, shall employ at least one (1) person,  
86   licensed as required in BMC 5.08.050, who shall be on duty between 8:00 p.m. and the  
87   closing hour of the licensed premises. This person shall not be the bartender on duty,  
88   manager, owner or co-owner of the establishment and shall be on duty for the express  
89   purpose of maintaining order within the establishment and assuring compliance, by the  
90   clientele, with the provisions of this chapter.

91   5.08.050 Liquor handler permit — Required.

92   No person in the employment of any retail liquor outlet in the city dispensing liquor to  
93   the public shall remain in that employment or handle intoxicating liquors unless such  
94   person is in possession of a liquor handler's permit. Such permit shall be immediately  
95   available to the permittee during all working hours for the licensee, and shall be  
96   displayed to any peace officer upon demand of the officer.

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97 ~~5.08.060 Liquor handler permit— Issuance— Revocation.~~  
98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~  
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~  
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~  
101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~  
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~  
103 ~~shall have the right to appeal to the city council within twenty-one (21) days of the~~  
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit— Cost.~~  
106 ~~The cost of each permit issued under this chapter shall be twenty five dollars (\$25)~~  
107 ~~except that those permits issued to waitresses shall be ten dollars (\$10).~~

108 ~~5.08.080 Sunday and holiday sales.~~  
109 ~~A. No person may consume, sell, offer for sale, give, furnish or deliver, from an~~  
110 ~~authorized licensee, any intoxicating liquor on any licensed premises on any Sunday, or~~  
111 ~~on the following holidays:~~

- 112 ~~1. New Year's Day (January first (1st));~~
- 113 ~~2. Lincoln's Birthday;~~
- 114 ~~3. Washington's Birthday;~~
- 115 ~~4. Memorial Day;~~
- 116 ~~5. Independence Day (July Fourth (4th));~~
- 117 ~~6. Labor Day (first (1st) Monday in September);~~
- 118 ~~7. Thanksgiving Day (fourth (4th) Thursday in November);~~
- 119 ~~8. Christmas Day (December twenty-fifth (25th)).~~

120  
121 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~  
122 ~~shall be observed according to the federal designation for their observation. For the~~  
123 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~  
124 ~~commence at the closing hour of the business hours for the preceding day and shall~~  
125 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

126 ~~5.08.090 Election day sales.~~  
127 ~~It is unlawful to give, barter, sell, or in any licensed premises to dispose of, any~~  
128 ~~intoxicating liquor upon a day upon which a general, special or primary election is held~~  
129 ~~in the state at large, until the polls have closed, or to so dispose of liquor in the city~~  
130 ~~when an election is being held therein until the polls are closed.~~

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131 ~~5.08.100 Minors.~~

132 ~~No person shall give, barter, sell, furnish or deliver any intoxicating liquor to any~~  
133 ~~intoxicated person or to any minor.~~

134 ~~5.08.110 Permitting violation.~~

135 ~~It is unlawful for the owner of any licensed premises or any other person to direct,~~  
136 ~~request, cause, or permit any violation of this chapter.~~

137 ~~5.08.120 Inspection of premises.~~

138 ~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be~~  
139 ~~easily accessible for inspection by peace officers during all regular hours of the~~  
140 ~~transaction of business upon the premises, and at any other time with reasonable~~  
141 ~~notice by the officer.~~

142 ~~5.08.130 Violation — Penalty.~~

143 ~~Any person, firm, or corporation convicted of a violation of any provision of this chapter~~  
144 ~~shall be punished pursuant to Chapter 1.08 BMC.~~

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146 5.08.010 Definitions

147 5.08.020 Procedure for Administrative Review of License Applications

148 5.08.030 City Council Review of License

149 5.08.040 Council Action on Liquor License Applications

150 ~~5.08.050 Special Use Permit Required~~

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151 ~~5.08.060 Restriction on Location of Alcohol Sales~~

152 5.08.070 Licensee Responsible for Employees' Actions on Premises

153 5.08.080 Hours and Days of Operation

154 5.08.090 Obligation to Enforce Restrictions within Licensed Premises

155 5.08.100 Alcohol Server Training Course Requirement

156 5.08.110 Operation of Licensed Premises

157 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages

158 5.08.130 Sale to Intoxicated Persons

159 5.08.140 Eviction of Patrons

160 5.08.150 Permitting Consumption on Premises

161 5.08.160 Open Container

162 ~~5.08.170 Transportation of Alcohol~~

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163 ~~5.08.180 Keg Registration~~

164 5.08.190 Inspection of Premises

165 ~~5.08.200 Access for Enforcement~~

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166 5.08.210 Alcohol Offenses

City of Bethel, Alaska

Ordinance # 15-32

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167 5.08.220 Penalties

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**5.08.010 Definitions.**

- 173 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or  
174 distilled whatever the origin, that is intended for human consumption as a  
175 beverage and that contains one-half of one (1) percent or more of alcohol by  
176 volume, whether produced commercially or privately.  
177  
178 B. "Board" means the Alcoholic Beverage Control Board established under AS  
179 04.06.010.  
180  
181 C. "Intoxicated Person" means a person whose physical or mental conduct is  
182 substantially impaired as a result of the introduction of an alcoholic beverage  
183 into the person's body and who exhibits those plain and easily observed or  
184 discovered outward manifestations of behavior commonly known to be produced  
185 by the overconsumption of alcoholic beverages.  
186  
187 D. "Licensed Premises" means any or all designated portions of a building or  
188 structure, rooms or enclosures in the building or structure, or real estate leased,  
189 used, controlled, or operated by a licensee in the conduct of business for which  
190 the licensee is licensed by the ABC Board and the City at the specific address for  
191 which the license is issued.  
192  
193 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080  
194  
195 F. "Open containers" means any original container or package without the Internal  
196 Revenue Service strip stamp intact upon such container or package; any  
197 container or package that has been opened at least once since purchase or  
198 manufacture; or any container or package containing an alcoholic beverage  
199 other than the original container or package.  
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201 G. "Person" means an individual, partnership, cooperative, association, joint  
202 venture, corporation, estate trust, business, receiver, or any entity, group or  
203 combination acting as a unit.  
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H. ~~“School” means the physical building and/or grounds of an educational facility operated either publicly or privately in which are taught subjects commonly taught in throughout the State of Alaska.~~

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211 **5.08.020 Procedure for Administrative Review of License Applications.**

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- A. Upon receipt of notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license for a license location in the City, the clerk shall as soon as practicable distribute copies of the notice to the city manager, the city council and the city attorney.
- B. The city manager shall immediately refer the application for review as follows:
  - 1. To the planning director or their designee to determine if the applicant has complied with the Special Use provisions of BMC 16.20;
  - 2. To the finance director or their designee to determine whether the licensee or license transferee is delinquent in paying to the City any tax, assessment, business license fee, or fee or charge for utility service for the business and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate, under the liquor license.
  - 3. To the police and fire chiefs to determine whether, in their opinion there have been excessive calls for service, excessive numbers of convictions or arrests for unlawful activity at the license location, police or ambulance reports, reports of unlawful activity at the license location, or police, fire or ambulance dispatches to the license location.
- C. The fire chief, police chief, planning director and finance director shall forward written statements to the city manager within fourteen (14) calendar days after the application was referred by the city manager.
- D. The city manager shall provide a written report to the city council, with a copy to the applicant, listing any objections to the Board’s issuance of the application. The city manager’s report is due within ~~not less than~~ twenty (20) days ~~but not more than thirty (30) days~~ after the date of receipt of notice from the city clerk.

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- 242 E. An applicant who believes the city manager's report contains factual errors shall  
243 file a written protest outlining, with specifics, the sections of the report believed  
244 to be factually incorrect. Such protest must be filed to the city manager not later  
245 than ten (10) calendar days after issuance of the city manager report.  
246  
247 F. The city manager shall investigate the applicant's protest and shall issue a  
248 written decision no later than seven (7) ~~ten (10)~~ calendar days after receipt of  
249 the protest. Formatted: Strikethrough  
250  
251 G. The city clerk shall place the matter of the application upon the city council  
252 agenda not less than thirty (30) and not more than forty (40) calendar days  
253 after the date of receipt from the Board;

254 **5.08.030 City Council Review of License.**

255 The city council shall determine whether to protest the issuance, renewal or transfer  
256 of a liquor license application and shall consider the following factors it believes are  
257 pertinent. Such factors shall include, but not be limited to:

- 258 1. City records indicating whether the applicant and/or transferor is in violation  
259 of the city sales tax ordinances or regulations, has failed to comply with any  
260 of the filing, reporting or payment provisions of the city ordinances or  
261 regulations, or has any unpaid balance due on tax accounts for which the  
262 applicant and/or transferor is liable;
- 263 2. The character and public interests of the surrounding neighborhood;
- 264 3. Actual and potential law enforcement problems;
- 265 4. ~~Whether the applicant can demonstrate prospective or continued compliance~~  
266 ~~with a liquor server awareness training program approved by the Board, such~~  
267 ~~as or similar to the program for techniques in alcohol management (T.A.M.);~~ Formatted: Strikethrough
- 268 5. The concentration of other licenses of the same and other types in the area;
- 269 6. ~~Whether the surrounding area experiences a high rate of alcohol abuse, crime~~  
270 ~~or accidents in which the abuse of alcohol is involved;~~ Formatted: Strikethrough
- 271 7. ~~The adequacy of parking facilities;~~
- 272 8. The safety of ingress to and egress from the premises;
- 273 9. ~~Compliance with state and local fire, health and safety codes;~~ Formatted: Strikethrough
- 274 10. The degree of control the licensee has or proposes to have over the conduct  
275 of the licensed business. In determining the applicant's demonstrated ability

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276 to maintain order and prevent unlawful conduct, the city council may consider  
277 police reports, the appearance of a readily identifiable pattern or practice of  
278 recurring violent acts or unlawful conduct on the licensed premises.  
279 testimony presented before the council, written comments, or other evidence  
280 deemed to be reliable and relevant to the purpose of this subsection;

281 11. Whether the applicant can demonstrate prospective or continued compliance  
282 with operations procedures for licensed premises set forth in BMC section  
283 5.08.110.

284 12. The proximity to a school or ~~church, senior citizen apartment~~  
285 ~~housing/facilities~~, alcohol inpatient or outpatient treatment;

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286 13. ~~Any history of convictions of the applicants and affiliates of the applicants for:~~

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287 (a) ~~Any violation of AS Title 04;~~

288 (b) ~~Any violation of city ordinances;~~

289 14. ~~If application is made for the renewal or transfer of location or transfer of~~  
290 ~~ownership of a license, the City shall consider whether the operator has~~  
291 ~~engaged in a pattern of practices injurious to public health or safety, such as~~  
292 ~~providing alcohol to minors or intoxicated persons, committing serious~~  
293 ~~violations of state law relevant to public health or safety, or other actions~~  
294 ~~within the knowledge and control of the operator which place the public~~  
295 ~~health or safety at risk. In determining if a pattern or practices injurious to~~  
296 ~~public health or safety exists, the city council may consider criminal~~  
297 ~~convictions, credible proof of illegal activity even if not prosecuted, police~~  
298 ~~reports, testimony presented before the council, or other evidence deemed to~~  
299 ~~be reliable and relevant to the purpose of this subsection.~~

300 15. Any other factor the city council determines is relevant to a particular  
301 application.

#### 302 **5.08.40 Council Action on Liquor License Applications.**

303 A. ~~At the date and time set for consideration of the proposed application, the city~~  
304 ~~council shall determine whether to protest the issuance, renewal, relocation or~~  
305 ~~transfer of a license.~~

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307 B. If a ~~majority of the city council~~ member wishes ~~votes~~ to protest the application, a  
308 resolution shall be prepared and introduced at the next regularly scheduled  
309 council meeting or earlier if necessary to meet the requirements of AS 04.11.480.

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- 311 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall  
312 provide the applicant with:  
313  
314 1. A copy of the proposed resolution; and  
315 2. Notice of the date and time when council will consider the resolution; and  
316 3. Notice the applicant will have an opportunity, pursuant to 3 AAC  
317 304.145(d), to appear before the council to defend the application.  
318  
319 D. A protest by the council under this section cannot be based in whole or in part  
320 on police reports or other written materials available to the City but which were  
321 not provided to the affected applicant before the public hearing on that protest.  
322  
323 E. At the conclusion of the public hearing, and any deliberation of the council, the  
324 council may choose to:  
325  
326 1. Pass the resolution protesting to the Board the issuance, transfer or  
327 renewal of the liquor license application; or  
328 2. Recommend the license be approved with conditions; or  
329 3. Take no action on the application.  
330

331 ~~**5.08.050 — Special Use Permit Required.**~~

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332 ~~Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages~~  
333 ~~is permitted only by a special use permit as outlined in BMC section 16.20. The special~~  
334 ~~use requirement applies only to the retail sale or dispensing of alcoholic beverages and~~  
335 ~~not to related principal or accessory uses.~~

336 ~~**5.08.060 — Restriction on Location of Alcohol Sales.**~~

- 337 ~~A. No beverage dispensary or package store licensee may sell or offer to sell any~~  
338 ~~alcoholic beverage within three hundred (300) feet of a church building or within~~  
339 ~~three hundred (300) feet of any school grounds.~~  
340  
341 ~~B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~  
342 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~  
343 ~~school grounds, senior housing facility, or alcohol treatment facility.~~  
344  
345 ~~C. For purposes of this section, distance shall be measured by the most direct route~~  
346 ~~of travel on the ground and shall be measured in the following manner:~~

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1. ~~From the main parking lot street entrance off of an established roadway of the establishment from which alcoholic beverages are sold or offered for sale;~~
  2. ~~In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;~~
  3. ~~To the main entrance of the church building, senior housing facility, alcohol treatment facility or to the nearest portion of the school grounds.~~

355 **5.08.070 Licensee Responsible for Employees' Actions on Premises.**

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- A. A licensee may neither knowingly allow agents or employees to violate this chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with criminal or civil negligence fail to act in accordance with the duties prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law, regulation or ordinance.
  - B. The licensee shall be responsible for all acts or omissions of the licensee's employees on the licensed premises. The licensee may be cited and prosecuted for all acts or omissions of employees which are committed on the licensed premises and which are in violation of this chapter; provided, however, that the prosecution of the licensee shall not prohibit the prosecution of the employee for acts or omissions committed by the employee in violation of any provision of this chapter.

369 **05.08.080 Hours and Days of Operation.**

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- A. Premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages shall be closed for the sale, service and consumption of alcoholic beverages between the hours of 1:00 a.m. 10:00 p.m. and 11:00 a.m. Monday through Friday, and between the hours of 2:00 a.m. and 11:00 a.m. 11:00 p.m. and 11:30 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010 with the exception of New Year's Day during which the establishment shall close by at 1:00 3:00 am.
  - B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale of alcoholic beverages between the hours of 11:00 p.m. and 11:00 a.m. 12:00 a.m. and 12:00 p.m. Monday through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and between the hours of 2:00 a.m. and noon on Sunday.

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- C. A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on premises licensed under AS 04.11 during the hours of closure set forth in this section.
- D. A licensee, an agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of closure set forth in this section.
- ~~E. A licensee, an agent, or employee may not permit a person to enter and a person may not enter premises licensed under AS 04.11 during the hours of closure set forth in this section. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for that day's or the next day's business.~~
- F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or City Election Days is not prohibited.

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400 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

401 A licensee, their agent or employee may not permit the consumption of alcoholic  
402 beverages by any person within the licensed premises unless it is permitted by the  
403 license.

404 **5.08.100 Alcohol Server Training Course Requirement.**

- A. A licensee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.
- B. A licensee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.
- C. Licensees, their agents and employee who sell or dispense alcoholic beverages must be able to show proof of completion of a liquor server awareness training program approved by the Board upon request by a peace officer, the city manager (or their designee) or the Board.

417 **5.08.110 Operation of Licensed Premises.**

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418 A. Except as otherwise provided in this section, the operations procedures set forth  
419 in subsection B of this section shall apply to all persons seeking the issuance,  
420 renewal or transfer of any license issued by the Board by virtue of AS Title 4 and  
421 other applicable provisions of law allowing the sale or service of alcoholic  
422 beverages. Subsections B1. of this section shall not apply to persons seeking the  
423 issuance, transfer or renewal of licenses issued under AS Title 4 which do not  
424 authorize the sale or service of alcoholic beverages for consumption on the  
425 premises licensed.

426 ~~B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board~~  
427 ~~under AS Title 4 and other applicable provisions of law shall comply with the~~  
428 ~~following operations procedures:~~

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429 1. ~~Happy Hours.~~ No licensee may:

430 i. ~~Sell more than one (1) drink for the price of a single alcoholic drink,~~  
431 ~~or sell a drink with increased alcoholic content, or sell a multiple of~~  
432 ~~any number of drinks in a manner which has the effect of selling~~  
433 ~~more than one (1) drink for the price of a single drink.~~

434 ii. ~~Advertise, promote or put in public notice the giving of free~~  
435 ~~alcoholic drinks to customers.~~

436 iii. ~~Advertise, promote or put in public notice the sale of alcoholic~~  
437 ~~beverages at a reduced price at certain times of the day or days of~~  
438 ~~the week. Nothing in this subsection shall prohibit a licensee from~~  
439 ~~increasing prices during times when entertainment is provided.~~

440 iv. ~~This subsection shall not be construed to prohibit licensees from~~  
441 ~~giving away or selling at a reduced price food items to customers~~  
442 ~~and patrons.~~

443 2. *Public Transportation.* Licensees shall make available to their patrons access  
444 to means of public transportation or ~~to~~ permit patrons to make arrangements  
445 for transportation off the premises.

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446 3. *Notice of Penalties.* Operators shall place, at conspicuous locations within  
447 licensed premises, a clear and legible sign describing applicable penalties for  
448 driving under the influence, and for service or sale of alcoholic beverages to  
449 minors or intoxicated persons.

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- 450 4. *Availability of Nonalcoholic Drinks.* Operators shall have nonalcoholic drinks  
451 available for their patrons.
- 452 5. *Compliance Determination.* In order to determine whether applicants seeking  
453 the issuance, renewal or transfer of alcoholic beverage licenses have  
454 complied with the provisions of this chapter, applicants shall, at the request  
455 of the City, submit to the city manager (or their designee) an alcoholic  
456 beverage licensee compliance form. Upon request, operators shall also  
457 provide the city manager with certificates from all current employees  
458 demonstrating that those employees have successfully completed a liquor  
459 service awareness training program such as the program for techniques in  
460 alcohol management (T.A.M.) as approved by the Board.
- 461 ~~6. *Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*~~  
462 ~~A person employed by a licensee shall not solicit or encourage any patron of~~  
463 ~~the licensed premises to purchase alcoholic beverages for consumption by the~~  
464 ~~employee or by any other employee. For the purposes of this subsection, the~~  
465 ~~term "employee" includes any contractual arrangement by which an individual~~  
466 ~~provides services to the licensee, whether compensation be in the form of~~  
467 ~~salary, commission, fee or otherwise.~~
- 468 7. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*  
469 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*  
470 *Chemical Tests.* Upon adoption of a municipal code allowing for the forfeiture,  
471 operators shall display at conspicuous places in licensed premises two (2)  
472 signs warning that vehicles are seized in cases of driving under the influence  
473 or refusal to submit to chemical tests. One of these warning signs shall be at  
474 least eleven (11") inches by fourteen (14") inches in size, and must read, in  
475 lettering at least one-half (1/2") inch high and in contrasting colors or black  
476 and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign  
477 described in the preceding sentence must carry a logo or illustration approved  
478 by the chief of police or their designee which shows an automobile being  
479 towed. The second warning sign shall be at least eleven (11") inches by  
480 fourteen (14") inches and must read, in letters at least one-quarter (1/4")  
481 inch high and in contrasting colors or black and white, "WARNING: IF YOU  
482 DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE  
483 UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE  
484 cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED  
485 for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if  
486 the driver has been convicted of DUI in the past ten (10) years."

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487 C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee  
488 or licensee's employee or agent shall require any purchaser (and anyone  
489 accompanying the purchaser) of alcoholic beverages to produce a current  
490 government-issued identification with birth date and photograph for identification  
491 check prior to any on-premises sale. The purpose of the identification check is to  
492 verify age and eligibility to purchase alcoholic beverages. Failure to conduct the  
493 mandatory identification check required by this section is a violation of code and  
494 the licensee or licensee's employee or agent failing to conduct the mandatory  
495 identification check shall be subject to the civil penalty provisions of this chapter.  
496 For purposes of mandatory identification check required by this section:

- 497 | 1. "*Current government-issued*" means a state, federal, tribal, or foreign  
498 government picture identification in force and effect for a specified period  
499 stated within the identification, when presented prior to expiration of the  
500 period stated. A state government identification with birth date and  
501 photograph issued by any state of the United States is included within the  
502 meaning of "current government-issued" if the period of validity is specified  
503 and the identification is presented prior to expiration of the period stated.
- 504 | 2. The subsequent invalidation of the identification as a bona fide government-  
505 issued identification does not invalidate the compliance.
- 506 | 3. An ongoing pattern of non-compliance with the mandatory identification  
507 check required by this code may result in review of the conditions of use or  
508 may result in the revocation of a special use permit previously approved by  
509 the city council. Action by the city council on licensee's special use permit  
510 under this section shall be in addition to any criminal or civil penalty  
511 applicable to the individual making the sale without performing the  
512 mandatory identification check.

513 | D. ~~*Security Personnel.* Package stores and bars shall have security personnel on~~  
514 ~~the premises at all times that the premises are open to the public.~~

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515 | E. *Security Cameras.* ~~At least two (2) twenty four (24) hour time lapse security~~  
516 ~~cameras are required to be installed and properly maintained on the exterior of~~  
517 ~~the building at locations licensed to sell and/or store alcoholic beverages. At~~  
518 ~~least one (1) ~~two (2)~~ additional twenty-four (24) hour time lapse security~~  
519 ~~cameras are is required to be installed and properly maintained in the interior of~~  
520 ~~the building at all locations licensed to sell and/or store alcoholic beverages. ~~At~~~~  
521 ~~least one of the interior The cameras must be able to capture all sales~~

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522 transactions. ~~All criminal and suspicious activities recorded on the surveillance~~  
523 ~~equipment must be reported to law enforcement as soon as practicable.~~ To the  
524 extent allowed by law, the establishment operators may be required to provide  
525 any tapes or other recording media from the security camera to the Police  
526 Department.

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527 F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic  
528 beverage establishment of all persons, other than necessary employees, within  
529 fifteen (15) minutes after the closing hours.

530 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed  
531 upon the premises and in the entrance to the premises of their establishments a  
532 conspicuous sign in a prominent place visible from outside the establishment,  
533 which shall in substance state: "No person under the age of 21 years permitted.  
534 Any such person will be prosecuted to the full extent of the law." Excepting that  
535 licensed establishments regularly serving meals may modify the sign in  
536 accordance with the provisions of this chapter and AS 04.

537 **5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.**

538 A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100  
539 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package  
540 Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the  
541 alcoholic beverage being purchased, sold, or offered for sale was obtained from  
542 a person licensed under:

543 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the  
544 alcoholic beverage being purchased, sold, or offered for sale;

545 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,  
546 sold, or offered for sale was obtained from a person licensed under AS  
547 04.11.160 (wholesale) as a primary source of supply; or

548 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170  
549 (licensed distillery).

550 **5.08.130 Sale to Intoxicated Persons.**

551 A. A licensee, his agent or employee may not knowingly or negligently:  
552 1. Sell, give or barter alcoholic beverages to an intoxicated person;

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- 553 | ~~2. Allow another person to sell, give or barter an alcoholic beverage to an~~  
554 | ~~intoxicated person within the licensed premises;~~  
555 | 3. Allow an intoxicated person to enter and remain within the licensed  
556 | premises or to consume an alcoholic beverage within the licensed  
557 | premises; or  
558 | 4. Permit an intoxicated person to sell or serve alcoholic beverages.

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559 **5.08.140 Eviction of Patrons.**

560 The licensee and employees of the licensee are expressly permitted to evict any person  
561 suspected of being under the age of twenty-one (21) or intoxicated and failure of such  
562 person to leave after oral request is unlawful and an offense on the part of that person.

563 **5.08.150 Open Container.**

- 564 A. It shall be unlawful to carry, transport or possess an open container of alcoholic  
565 beverages on the public streets, sidewalks, alleys, parks, or other public places  
566 throughout the city; except that an open container of alcoholic beverages may  
567 be carried in a vehicle in a locked trunk or other secured location inaccessible to  
568 the driver and passengers within the vehicle.  
569 B. Open containers are permitted on private residential property, with the consent  
570 of the owner or legal occupant of the property.

571 ~~**5.08.160 Transportation of Alcohol.**~~

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572 ~~—The transportation of alcoholic beverages by common carrier or commercial~~  
573 ~~carrier within the City of Bethel to a residential home or non-licensed alcohol~~  
574 ~~distribution facility is strictly prohibited except as expressly authorized by AS 04.~~

575 ~~**5.08.170 Keg Registration.**~~

- 576 ~~A. Obligations of seller. Any person who sells or offers for sale kegs or other~~  
577 ~~containers containing four (4) gallons or more of alcoholic beverages, or leases~~  
578 ~~kegs or other containers capable of holding four (4) gallons or more of alcoholic~~  
579 ~~beverage to consumers who are not licensed under AS 04.11 shall, prior to~~  
580 ~~surrendering physical possession of the keg or other container:~~  
581 ~~1. Require the purchaser of the alcoholic beverages to sign a declaration and~~  
582 ~~keg registration form for the keg or other container on a form approved by~~  
583 ~~the chief of police. The form shall contain:~~

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- 584           i. ~~The name and address of the seller and the purchaser;~~
- 585           ii. ~~The type and identifying number of the identification presented by~~  
586           ~~the purchaser pursuant to AS 04.21.050~~
- 587           iii. ~~A sworn statement, signed by the purchaser under penalty of~~  
588           ~~perjury, stating that the purchaser is twenty one (21) years of age~~  
589           ~~or older; will not allow persons under twenty one (21) years of age~~  
590           ~~to consume the alcoholic beverages purchased pursuant to AS~~  
591           ~~04.16.051, will not remove or obliterate or allow the removal or~~  
592           ~~obliteration of the temporary registration tag affixed to the keg or~~  
593           ~~other container, and will return the keg to the seller within the time~~  
594           ~~constraints set by the seller;~~
- 595           iv. ~~The return date specified by the seller;~~
- 596           v. ~~The particular address or addresses where the alcoholic beverages~~  
597           ~~will be consumed, and the date on which it will be consumed;~~
- 598           vi. ~~A warning that it is illegal to obscure or remove the registration~~  
599           ~~tag; and~~
- 600           vii. ~~The unique identifier of the temporary tag attached to the keg or~~  
601           ~~container as required under this section.~~
- 602           2. ~~Affix an approved temporary tag with a unique identifier to all containers over~~  
603           ~~four (4) gallons or more of an alcoholic beverage prior to surrendering~~  
604           ~~possession or control thereof to a consumer; and~~
- 605           3. ~~Require the purchaser to separately and prominently display a copy of the~~  
606           ~~keg registration form within five (5) feet of the keg or other container while~~  
607           ~~the keg or other container is in the purchaser's possession or control.~~
- 608           4. ~~Upon return of the keg or other container, the seller shall note the date~~  
609           ~~thereof and the initials of the person who accepts the return.~~
- 610           5. ~~The licensee shall retain a copy of the keg registration form and receipt,~~  
611           ~~which shall be retained on the licensed premises for a period of one (1) year.~~  
612           ~~The records shall be available for inspection and copying by any peace~~  
613           ~~officer, the city finance director or their designee, the Alcohol Beverage~~  
614           ~~Control Board investigator or agent.~~

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- 615 ~~B. Obligations of purchaser. Any person who purchases or leases kegs or other~~  
616 ~~containers containing four (4) gallons or more of alcoholic beverages shall:~~
- 617 ~~1. Sign a declaration and keg registration form for the keg or other container on~~  
618 ~~a form provided by the seller pursuant to subsection A. of this section;~~
- 619 ~~2. Provide identification pursuant to AS 04.21.050;~~
- 620 ~~3. Be of legal age to purchase, possess, or use alcoholic beverages;~~
- 621 ~~4. Not allow any person under the age of 21 to consume the beverage except as~~  
622 ~~provided by AS 04.16.051;~~
- 623 ~~5. Not remove, obliterate, or allow to be removed or obliterated, the~~  
624 ~~identification required under subsection C. of this section;~~
- 625 ~~6. Return the keg or other container to the place of purchase no later than the~~  
626 ~~date indicated on the identification tag required under this section;~~
- 627 ~~7. Not move, keep, or store the keg or its contents, except for transporting to~~  
628 ~~and from the distributor, at any place other than that particular address~~  
629 ~~declared on the keg registration form; and~~
- 630 ~~8. Separately and prominently display a copy of the keg registration form within~~  
631 ~~five (5) feet of the keg or other container during the time that the keg or~~  
632 ~~other container is in the purchaser's possession or control.~~
- 633 ~~C. Identification of containers.~~
- 634 ~~1. A keg registration form provided by licensees and approved by the Bethel~~  
635 ~~police chief shall be properly completed by the licensee for sales and leases~~  
636 ~~of kegs or other containers holding four (4) or more gallons of alcoholic~~  
637 ~~beverages for off premises consumption, and shall contain:~~
- 638 ~~2. The keg registration form affixed to the keg or container may serve as the~~  
639 ~~purchaser's receipt.~~
- 640 ~~3. Kegs or other containers holding four (4) gallons or more of alcoholic~~  
641 ~~beverages shall have a properly completed keg registration form affixed~~  
642 ~~thereon when sold for off premises consumption. Possession of a keg or~~  
643 ~~other container which holds four (4) gallons or more of alcoholic beverages,~~  
644 ~~other than on the seller's premises, without a properly completed registration~~

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645 ~~and declaration form either affixed thereon or in possession of the person~~  
646 ~~with the keg(s) or other container holding four (4) or more gallons of~~  
647 ~~alcoholic beverages shall be a violation of this chapter.~~

648 **5.08.180 Inspection of premises.**

- 649
- 650 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall  
651 be easily accessible for inspection by police officers during all regular hours of  
652 the transaction of business upon the premises, and at any other time with  
653 reasonable notice by the officer.  
654
- 655 B. The police department may inspect any premises with an alcoholic beverage  
656 license for compliance with conditions on the license. Upon discovering a  
657 violation of such conditions, the police department shall submit a written report  
658 of the violation to the city clerk for review by the city council and provide a copy  
659 thereof to the licensee.  
660
- 661 C. If at any time there appears to be a readily identifiable pattern or practice of  
662 recurring violent acts or unlawful conduct in a licensed premise, the City may  
663 send notice of possible protest to the licensee that he or she must submit and  
664 implement a plan for remedial action or be in jeopardy that a protest will be filed  
665 to any renewal, transfer of location or transfer of ownership sought by the  
666 licensee.  
667
- 668 D. Upon receiving a report of conditions violation, the city council may:
- 669
- 670 1. Revoke the premise's conditional use permit;
  - 671
  - 672 2. Protest the issuance, renewal, transfer, relocation or continued operation of  
673 the license;
  - 674 3. Recommend imposition of conditions on the state liquor license pursuant to  
675 AS 04.11.480(c); or
  - 676
  - 677 4. Notify the Board that a licensee has violated conditions and request that an  
678 accusation pursuant to AS 04.11.370 be brought against the licensee.  
679
- 680 E. Prior to taking any of the actions listed in subsection c) of this section, the City  
681 shall give the permittee or licensee notice and an opportunity to be heard on the  
682 accusation(s) at a publicly noticed council meeting.

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683 **~~5.08.190 Access for Enforcement.~~**

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684 ~~A. The public entrance of licensed alcoholic beverage establishments shall be open~~  
685 ~~and unlocked before and after the closing hour of such establishment if there are~~  
686 ~~any patrons in the establishment.~~

687  
688 ~~B. Licensees of licensed alcoholic beverage establishments, their employees and all~~  
689 ~~patrons in such establishments shall permit and aid the entry of any law~~  
690 ~~enforcement officer during all hours of operation and at any other time when~~  
691 ~~there are two or more persons in such licensed alcoholic beverage establishment.~~

692 ~~C. Lack of knowledge, lack of intent and absence from the premises shall not be~~  
693 ~~defenses to any action brought under this section against any such employee in~~  
694 ~~charge of such establishment or such licensee.~~

695 ~~D. The following evidence shall constitute a prima facie case of violation of this~~  
696 ~~section in any action under this section against any such employee in charge of~~  
697 ~~such establishment or against any licensee:~~

698 ~~1. A law enforcement officer knocked heavily at the public entrance of a licensed~~  
699 ~~beverage dispensary or licensed alcoholic beverage establishment and such~~  
700 ~~entrance was not opened within one minute thereafter to permit his~~  
701 ~~entrance; plus~~

702 ~~2. Evidence of sound emanating from the licensed alcoholic beverage~~  
703 ~~establishment, heard by such officer, and his opinion that he concluded that~~  
704 ~~two or more persons were in such establishment.~~

705 ~~E. Licensees shall provide the Police Chief with their current hours of operation. Any~~  
706 ~~changes to the hours of operation shall be communicated, in writing, to the~~  
707 ~~Police Chief, at least three (3) business days prior to the change being~~  
708 ~~implemented.~~

709 **5.08.200 Alcohol Offenses.**

- 710 A. Violation of any section of this chapter shall be an infraction.  
711 B. The Bethel Police Department shall have the authority to write and serve  
712 citations for violations of the provisions of any portion of this chapter.

713 **5.08.210 Penalties.**

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Offense	BMC Section	Mandatory Court Appearance	Penalty Amount	
Premises Open during non-permissible hours	5.08.080A & B	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700	
<del>Premises Open during on non permissible days</del>	<del>5.08.080A &amp; B</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<b>Formatted:</b> Strikethrough
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming Alcohol on Premises during hours of Closure	5.08.080C	No	\$300	
Allowing person to consume alcohol on premises during hours of closure	5.08.080D	No	\$300	
<del>Allowing non-employee onto premises during hours of closure</del>	<del>5.08.080E</del>	<del>No</del>	<del>\$300</del>	<b>Formatted:</b> Strikethrough
Allowing consumption on premises in violation of license	5.08.090	No	\$500	
<del>Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program</del>	<del>5.08.100A</del>	<del>Yes</del>	<del>\$1,000</del>	<b>Formatted:</b> Strikethrough
Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000	
Failure to show proof of successful completion of a liquor server awareness training program	5.08.100C	Correctable	\$300	
<del>Violation of Happy Hour rules</del>	<del>5.08.110B1</del>	<del>No</del>	<del>\$300</del>	<b>Formatted:</b> Strikethrough
Failure to provide access to means of public transportation to patrons <u>or permit patrons to arrange transportation off premises.</u>	5.08.110B2	No	<u>\$500</u> <del>\$150</del>	<b>Formatted:</b> Underline, Not Strikethrough <b>Formatted:</b> Strikethrough <b>Formatted:</b> Underline

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<del>Failure to permit patron to arrange for transportation off premises</del>	<del>5.08.110B2</del>	<del>No</del>	<del>\$500</del>	<b>Formatted: Strikethrough</b>
<del>Failure to properly post a required sign clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons</del>	<del>5.08.110B3</del>	<del>No</del>	<del>\$250</del>	<b>Formatted: Strikethrough</b>
Failure to have non-alcoholic drinks available	5.08.110B4	No	\$150	
Failure to submit an alcoholic beverage compliance form upon request	5.08.110B5	No	\$300	
<del>Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee</del>	<del>5.08.110B6</del>	<del>Yes</del>	<del>\$500</del>	<b>Formatted: Strikethrough</b>
<del>Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal</del>	<del>5.08.110B7</del>	<del>No</del>	<del>\$250</del>	<b>Formatted: Strikethrough</b>
<del>Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal</del>	<del>5.08.110B7</del>	<del>No</del>	<del>\$150</del>	<b>Formatted: Strikethrough</b>
Failure to check identification of purchaser	5.08.110C	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
Acceptance of non-conforming identification for purchase of alcoholic beverage	5.08.110C	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700	
<del>Failure to have security personnel on premises during hours of operation</del>	<del>5.08.110D</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<b>Formatted: Strikethrough</b>

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Failure to install or maintain security equipment	5.08.110E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
<del>Failure to report suspicious activity from security cameras to law enforcement</del>	<del>5.08.110E</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	Formatted: Strikethrough
Interior camera not positioned to capture sales transactions	5.08.110E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
Failure to clear premises after closing	5.08.110F	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700	
<del>Failing to post age limit signs</del>	<del>5.08.150</del>	<del>No</del>	<del>\$300</del>	Formatted: Strikethrough
Sale of alcoholic beverages improperly obtained	5.08.120	Yes	\$700	
Sale of alcohol to an intoxicated person	5.08.130	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
<del>Providing alcohol to an intoxicated person</del>	<del>5.08.130</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	Formatted: Strikethrough
<del>Allowing another person to sell or provide alcohol to an intoxicated person</del>	<del>5.08.130A2</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	Formatted: Strikethrough
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130A3	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700	

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Permitting intoxicated person to consume alcoholic beverage within a licensed premise	5.08.130A3	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
Permitting an intoxicated person to sell or serve an alcoholic beverage	5.08.130A4	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
Carrying, transporting or possessing an open container in public	5.08.150	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700	
<del>Transportation of alcohol by common carrier</del>	<del>5.08.160</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<del>Formatted: Strikethrough</del>
<del>Transportation of alcohol by commercial carrier</del>	<del>5.08.160</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<del>Formatted: Strikethrough</del>
<del>Failure to Require or complete keg registration form</del>	<del>5.08.170</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
<del>Incomplete keg registration form</del>	<del>5.08.170</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
<del>Failure to tag or improperly tagged keg</del>	<del>5.08.170</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
<del>Removal or damaging of tag on keg</del>	<del>5.08.170</del>	<del>No</del>	<del>\$500</del>	<del>Formatted: Strikethrough</del>
<del>Failure to display keg registration form</del>	<del>5.08.170</del>	<del>No</del>	<del>\$300</del>	<del>Formatted: Strikethrough</del>
<del>Failure to affix keg declaration form to keg</del>	<del>5.08.170</del>	<del>No</del>	<del>\$300</del>	<del>Formatted: Strikethrough</del>

Introduced by: Council Member Fansler on behalf  
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<del>Failure to retain keg declaration forms for one (1) year</del>	<del>5.08.170</del>	<del>No</del>	<del>\$500</del>	Formatted: Strikethrough
Failure to make premises easily accessible for inspection by police officers	5.08.180A	Yes	\$700	
Failing to maintain premises unlocked while patrons are on premises	5.08.190A	Yes	\$1,000	
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.190B	Yes	\$700	
<del>Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises</del>	<del>5.08.190B</del>	<del>Yes</del>	<del>\$700</del>	Formatted: Strikethrough

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

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

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

ATTEST:

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

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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*CITY OF BETHEL, ALASKA*

**Ordinance #15-32**

**AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES**

**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. Amendment.** Bethel Municipal Code Chapter 5.08 is repealed and replaced, (old language is stricken):

***Chapter 5.08  
ALCOHOLIC BEVERAGES***

Sections:

- ~~5.08.010~~ — Defined.
- ~~5.08.011~~ — Consumption, sale and service of alcoholic beverages prohibited.
- ~~5.08.020~~ — Closing hours.
- ~~5.08.030~~ — Bringing liquor to licensed premises — Leaving partial containers.
- ~~5.08.040~~ — Maintenance of order.
- ~~5.08.050~~ — Liquor handler permit — Required.
- ~~5.08.060~~ — Liquor handler permit — Issuance — Revocation.
- ~~5.08.070~~ — Liquor handler permit — Cost.
- ~~5.08.080~~ — Sunday and holiday sales.
- ~~5.08.090~~ — Election day sales.
- ~~5.08.100~~ — Minors.
- ~~5.08.110~~ — Permitting violation.
- ~~5.08.120~~ — Inspection of premises.
- ~~5.08.130~~ — Violation — Penalty.

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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37 ~~5.08.010 Defined.~~

38 ~~For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages"~~  
39 ~~mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended,~~  
40 ~~or used, for human consumption and containing more than one (1) percent alcohol by~~  
41 ~~volume.~~

42 ~~5.08.011 Consumption, sale and service of alcoholic beverages prohibited.~~

43 ~~A. No person may sell or offer to sell any alcoholic beverage in package stores or bars~~  
44 ~~within three hundred (300) feet of a church building or within three hundred (300) feet~~  
45 ~~of any school grounds.~~

46 ~~B. No person may sell or offer to sell any alcoholic beverage in or within two hundred~~  
47 ~~(200) feet of a church building or within two hundred (200) feet of any school grounds.~~

48 ~~C. Any person or business that is behind in taxes to the city of Bethel is prohibited from~~  
49 ~~receiving alcoholic beverage licenses.~~

50 ~~D. As used in this section, the terms "school building," "school," "school grounds" or~~  
51 ~~"educational building" shall apply only to state, county, city, or church school buildings~~  
52 ~~and to such buildings at such other schools in which are taught subjects commonly~~  
53 ~~taught in the common schools, and which are public schools or private schools as~~  
54 ~~defined by the state of Alaska. The terms "school building" and "educational building"~~  
55 ~~include only those structures in which instruction is offered, except colleges and~~  
56 ~~universities. The term "school grounds" shall apply only to the parcel or parcels of land~~  
57 ~~on which a school, school building or educational building is located, except colleges~~  
58 ~~and universities.~~

59 ~~E. The term "church building" as used herein shall mean the main structure used by any~~  
60 ~~religious organization for purposes of worship.~~

61 ~~F. The requirements for minimum distance from a church building located in a shopping~~  
62 ~~center shall not apply to any license for retail package or retail consumption.~~

63 ~~G. For purposes of this section, distance shall be measured by the most direct route of~~  
64 ~~travel on the ground and shall be measured in the following manner:~~

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~  
66 ~~beverages are sold or offered for sale;~~

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67           2. In a straight line, regardless of obstructions, to the nearest public sidewalk,  
68           walkway, street, road or highway by the nearest route;

69           3. To the main entrance of the church building or to the nearest portion of the  
70           school grounds.

71   5.08.020 Closing hours.

72   No person shall consume, sell, offer for sale, give, furnish, or deliver from an authorized  
73   licensee, any intoxicating liquor by the drink on any licensed premises between the  
74   hours of 12:00 midnight and 12:00 noon each day, except on those days when the  
75   licensed establishment is required to be closed for the entire day by this chapter or any  
76   other law. The package liquor store shall close at 6:30 p.m.

77   5.08.030 Bringing liquor to licensed premises — Leaving partial containers.

78   A. No person shall have in his immediate possession on a licensed premises any  
79   container which contains any alcoholic beverage which was not furnished to him by the  
80   licensee, or his agent or employee, of that premises.

81   B. No person shall exit from a licensed premises, or a licensed building or enclosure, if  
82   there is any open or partially empty container which contains any alcoholic beverage  
83   which was furnished to him by the licensee, or his agent or employee.

84   5.08.040 Maintenance of order.

85   Each licensed premises, except private clubs, shall employ at least one (1) person,  
86   licensed as required in BMC 5.08.050, who shall be on duty between 8:00 p.m. and the  
87   closing hour of the licensed premises. This person shall not be the bartender on duty,  
88   manager, owner or co-owner of the establishment and shall be on duty for the express  
89   purpose of maintaining order within the establishment and assuring compliance, by the  
90   clientele, with the provisions of this chapter.

91   5.08.050 Liquor handler permit — Required.

92   No person in the employment of any retail liquor outlet in the city dispensing liquor to  
93   the public shall remain in that employment or handle intoxicating liquors unless such  
94   person is in possession of a liquor handler's permit. Such permit shall be immediately  
95   available to the permittee during all working hours for the licensee, and shall be  
96   displayed to any peace officer upon demand of the officer.

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97 ~~5.08.060 Liquor handler permit— Issuance— Revocation.~~  
98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~  
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~  
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~  
101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~  
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~  
103 ~~shall have the right to appeal to the city council within twenty-one (21) days of the~~  
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit— Cost.~~  
106 ~~The cost of each permit issued under this chapter shall be twenty five dollars (\$25)~~  
107 ~~except that those permits issued to waitresses shall be ten dollars (\$10).~~

108 ~~5.08.080 Sunday and holiday sales.~~  
109 ~~A. No person may consume, sell, offer for sale, give, furnish or deliver, from an~~  
110 ~~authorized licensee, any intoxicating liquor on any licensed premises on any Sunday, or~~  
111 ~~on the following holidays:~~

- 112 ~~1. New Year's Day (January first (1st));~~
- 113 ~~2. Lincoln's Birthday;~~
- 114 ~~3. Washington's Birthday;~~
- 115 ~~4. Memorial Day;~~
- 116 ~~5. Independence Day (July Fourth (4th));~~
- 117 ~~6. Labor Day (first (1st) Monday in September);~~
- 118 ~~7. Thanksgiving Day (fourth (4th) Thursday in November);~~
- 119 ~~8. Christmas Day (December twenty-fifth (25th)).~~

120  
121 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~  
122 ~~shall be observed according to the federal designation for their observation. For the~~  
123 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~  
124 ~~commence at the closing hour of the business hours for the preceding day and shall~~  
125 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

126 ~~5.08.090 Election day sales.~~  
127 ~~It is unlawful to give, barter, sell, or in any licensed premises to dispose of, any~~  
128 ~~intoxicating liquor upon a day upon which a general, special or primary election is held~~  
129 ~~in the state at large, until the polls have closed, or to so dispose of liquor in the city~~  
130 ~~when an election is being held therein until the polls are closed.~~

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131 ~~5.08.100 Minors.~~

132 ~~No person shall give, barter, sell, furnish or deliver any intoxicating liquor to any~~  
133 ~~intoxicated person or to any minor.~~

134 ~~5.08.110 Permitting violation.~~

135 ~~It is unlawful for the owner of any licensed premises or any other person to direct,~~  
136 ~~request, cause, or permit any violation of this chapter.~~

137 ~~5.08.120 Inspection of premises.~~

138 ~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be~~  
139 ~~easily accessible for inspection by peace officers during all regular hours of the~~  
140 ~~transaction of business upon the premises, and at any other time with reasonable~~  
141 ~~notice by the officer.~~

142 ~~5.08.130 Violation — Penalty.~~

143 ~~Any person, firm, or corporation convicted of a violation of any provision of this chapter~~  
144 ~~shall be punished pursuant to Chapter 1.08 BMC.~~

145

146 5.08.010 Definitions

147 5.08.020 Procedure for Administrative Review of License Applications

148 5.08.030 City Council Review of License

149 5.08.040 Council Action on Liquor License Applications

150 ~~5.08.050 Special Use Permit Required~~

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151 ~~5.08.060 Restriction on Location of Alcohol Sales~~

152 5.08.070 Licensee Responsible for Employees' Actions on Premises

153 5.08.080 Hours and Days of Operation

154 5.08.090 Obligation to Enforce Restrictions within Licensed Premises

155 5.08.100 Alcohol Server Training Course Requirement

156 5.08.110 Operation of Licensed Premises

157 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages

158 5.08.130 Sale to Intoxicated Persons

159 5.08.140 Eviction of Patrons

160 5.08.150 Permitting Consumption on Premises

161 5.08.160 Open Container

162 ~~5.08.170 Transportation of Alcohol~~

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163 ~~5.08.180 Keg Registration~~

164 5.08.190 Inspection of Premises

165 ~~5.08.200 Access for Enforcement~~

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166 5.08.210 Alcohol Offenses

City of Bethel, Alaska

Ordinance # 15-32

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167 5.08.220 Penalties

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**5.08.010 Definitions.**

- 173 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or  
174 distilled whatever the origin, that is intended for human consumption as a  
175 beverage and that contains one-half of one (1) percent or more of alcohol by  
176 volume, whether produced commercially or privately.  
177  
178 B. "Board" means the Alcoholic Beverage Control Board established under AS  
179 04.06.010.  
180  
181 C. "Intoxicated Person" means a person whose physical or mental conduct is  
182 substantially impaired as a result of the introduction of an alcoholic beverage  
183 into the person's body and who exhibits those plain and easily observed or  
184 discovered outward manifestations of behavior commonly known to be produced  
185 by the overconsumption of alcoholic beverages.  
186  
187 D. "Licensed Premises" means any or all designated portions of a building or  
188 structure, rooms or enclosures in the building or structure, or real estate leased,  
189 used, controlled, or operated by a licensee in the conduct of business for which  
190 the licensee is licensed by the ABC Board and the City at the specific address for  
191 which the license is issued.  
192  
193 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080  
194  
195 F. "Open containers" means any original container or package without the Internal  
196 Revenue Service strip stamp intact upon such container or package; any  
197 container or package that has been opened at least once since purchase or  
198 manufacture; or any container or package containing an alcoholic beverage  
199 other than the original container or package.  
200  
201 G. "Person" means an individual, partnership, cooperative, association, joint  
202 venture, corporation, estate trust, business, receiver, or any entity, group or  
203 combination acting as a unit.  
204

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205 | H. ~~“School” means the physical building and/or grounds of an educational facility~~  
206 | ~~operated either publicly or privately in which are taught subjects commonly~~  
207 | ~~taught in throughout the State of Alaska.~~

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211 | **5.08.020 Procedure for Administrative Review of License Applications.**

212 | A. Upon receipt of notice from the Board of an application for the issuance,  
213 | renewal, transfer of location or transfer to another person of a liquor license for  
214 | a license location in the City, the clerk shall as soon as practicable distribute  
215 | copies of the notice to the city manager, the city council and the city attorney.

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216 | B. With in 7 business days of notification

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218 | C. The city manager shall immediately refer the application for review as follows:

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220 | 1. To the planning director or their designee to determine if the applicant has  
221 | complied with the Special Use provisions of BMC ~~16.20;~~

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222 |  
223 | 2. To the finance director or their designee to determine whether the licensee or  
224 | license transferee is delinquent in paying to the City any tax, assessment,  
225 | business license fee, or fee or charge for utility service for the business  
226 | and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,  
227 | under the liquor license.

228 | ~~3. To the police and fire chiefs to determine whether, in their opinion there have~~  
229 | ~~been excessive calls for service, excessive numbers of convictions or arrests~~  
230 | ~~for unlawful activity at the license location, police or ambulance reports,~~  
231 | ~~reports of unlawful activity at the license location, or police, fire or ambulance~~  
232 | ~~dispatches to the license location. Need evidence and data to support~~  
233 | ~~protest~~

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234 |  
235 | D. The fire chief, police chief, planning director and finance director shall forward  
236 | written statements to the city manager within fourteen (14) business days after  
237 | the application was referred by the city manager.

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239 | E. The city manager shall provide a written report to the city council, with a copy to  
240 | the applicant, listing any objections to the Board’s issuance of the application.

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242 | The city manager's report is due within ~~not less than twenty (20) days but not~~  
243 | ~~more than thirty (30) days~~ after the date of receipt of notice from the city clerk.

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245 | F. An applicant who believes the city manager's report contains factual errors shall  
246 | file a written protest outlining, with specifics, the sections of the report believed  
247 | to be factually incorrect. Such protest must be filed to the city manager not later  
248 | than ten (10) calendar days after issuance of the city manager report.

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250 | G. The city manager shall investigate the applicant's protest and shall issue a  
251 | written decision no later than seven (7) ~~ten (10)~~ calendar days after receipt of  
252 | the protest.

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254 | H. The city clerk shall place the matter of the application upon the city council  
255 | agenda not less than thirty (30) and not more than forty (40) calendar days  
256 | after the date of receipt from the Board;

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#### 257 | **5.08.030 City Council Review of License.**

258 | The city council shall determine whether to grant or protest the issuance, renewal or  
259 | transfer of a liquor license application and shall consider the following factors it  
260 | believes are pertinent. Such factors shall include, but not be limited to:

261 | 1. City records indicating whether the applicant and/or transferor is in violation  
262 | of the city sales tax ordinances or regulations, has failed to comply with any  
263 | of the filing, reporting or payment provisions of the city ordinances or  
264 | regulations, or has any unpaid balance due on tax accounts for which the  
265 | applicant and/or transferor is liable; in amount greater than \$250

266 | 2. The ~~character and~~ public interests of the surrounding neighborhood;

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267 | 3. Actual ~~and potential~~ law enforcement problems; with supporting data

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268 | 4. ~~Whether the applicant can demonstrate prospective or continued compliance~~  
269 | ~~with a liquor server awareness training program approved by the Board, such~~  
270 | ~~as or similar to the program for techniques in alcohol management (T.A.M.);~~

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271 | 5. The concentration of other licenses of the same and other types in the area;

272 | 6. ~~Whether the surrounding area experiences a high rate of alcohol abuse, crime~~  
273 | ~~or accidents in which the abuse of alcohol is involved;~~

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274 | 7. ~~The adequacy of parking facilities;~~

275 | 8. The safety of ingress to and egress from the premises;

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- ~~9. Compliance with state and local fire, health and safety codes;~~
- ~~10. The degree of control the licensee has or proposes to have over the conduct of the licensed business. In determining the applicant's demonstrated ability to maintain order and prevent unlawful conduct, the city council may consider police reports, the appearance of a readily identifiable pattern or practice of recurring violent acts or unlawful conduct on the licensed premises; testimony presented before the council, written comments, or other evidence deemed to be reliable and relevant to the purpose of this subsection;~~
- ~~11. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC section 5.08.110.~~
- ~~12. The proximity to a school or church, senior citizen apartment housing/facilities, alcohol inpatient or outpatient treatment;~~
- ~~13. Any history of convictions of the applicants and affiliates of the applicants for:
  - ~~(a) Any violation of AS Title 04;~~
  - ~~(b) Any violation of city ordinances;~~~~
- ~~14. If application is made for the renewal or transfer of location or transfer of ownership of a license, the City shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety, such as providing alcohol to minors or intoxicated persons, committing serious violations of state law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern or practices injurious to public health or safety exists, the city council may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the council, or other evidence deemed to be reliable and relevant to the purpose of this subsection.~~
- ~~15. Any other factor the city council determines is relevant to a particular application.~~

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**5.08.40 Council Action on Liquor License Applications.**

- ~~A. At the date and time set for consideration of the proposed application, the city council shall determine whether to protest the issuance, renewal, relocation or transfer of a license.~~

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Introduced by: Council Member Fansler on behalf  
of the City Attorney  
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310 | B. If a ~~majority of the city council~~ member wishes ~~votes to grant or~~ protest the  
311 | application, a resolution shall be prepared and introduced at the next regularly  
312 | scheduled council meeting or earlier if necessary to meet the requirements of AS  
313 | 04.11.480.

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315 | C. At least seven (7) calendar days prior to the council meeting, the city clerk shall  
316 | provide the applicant with:

- 317 |  
318 | 1. A copy of the proposed resolution; and  
319 | 2. Notice of the date and time when council will consider the resolution; and  
320 | 3. Notice the applicant will have an opportunity, pursuant to 3 AAC  
321 | 304.145(d), to appear before the council to defend the application.

322 |  
323 | D. A protest by the council under this section cannot be based in whole or in part  
324 | on ~~police reports or other written materials~~ available to the City but which were  
325 | not provided to the affected applicant before the public hearing on that protest.

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326 |  
327 | E. At the conclusion of the public hearing, and any deliberation of the council, the  
328 | council may choose to:

- 329 |  
330 | 1. Recommend the license be approved with conditions; or  
331 | 2. Take no action on the application.  
332 | 3. Pass the resolution protesting to the Board the issuance, transfer or  
333 | renewal of the liquor license application; or

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Deleted: <#>Recommend the license be  
approved with conditions; or¶  
<#>Take no action on the application.¶

334 |  
335 | ~~**5.08.050 — Special Use Permit Required.**~~

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336 | ~~Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages~~  
337 | ~~is permitted only by a special use permit as outlined in BMC section 16.20. The special~~  
338 | ~~use requirement applies only to the retail sale or dispensing of alcoholic beverages and~~  
339 | ~~not to related principal or accessory uses.~~

340 | ~~**5.08.060 — Restriction on Location of Alcohol Sales.**~~

341 | ~~A. No beverage dispensary or package store licensee may sell or offer to sell any~~  
342 | ~~alcoholic beverage within three hundred (300) feet of a church building or within~~  
343 | ~~three hundred (300) feet of any school grounds.~~  
344 |

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348 B. ~~No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~  
349 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~  
350 ~~school grounds, senior housing facility, or alcohol treatment facility.~~

351  
352 C. ~~For purposes of this section, distance shall be measured by the most direct route~~  
353 ~~of travel on the ground and shall be measured in the following manner:~~

- 354
- 355 1. ~~From the main parking lot street entrance off of an established roadway of~~  
356 ~~the establishment from which alcoholic beverages are sold or offered for~~  
357 ~~sale;~~
  - 358 2. ~~In a straight line, regardless of obstructions, to the nearest public~~  
359 ~~sidewalk, walkway, street, road or highway by the nearest route;~~
  - 360 3. ~~To the main entrance of the church building, senior housing facility,~~  
361 ~~alcohol treatment facility or to the nearest portion of the school grounds.~~

362 **~~5.08.070 Licensee Responsible for Employees' Actions on Premises.~~**

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363 A. ~~A licensee may neither knowingly allow agents or employees to violate this~~  
364 ~~chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with~~  
365 ~~criminal or civil negligence fail to act in accordance with the duties prescribed~~  
366 ~~under AS 04.21.030 with the result that an agent or employee of the licensee~~  
367 ~~violates a law, regulation or ordinance.~~

368 B. ~~The licensee shall be responsible for all acts or omissions of the licensee's~~  
369 ~~employees on the licensed premises. The licensee may be cited and prosecuted~~  
370 ~~for all acts or omissions of employees which are committed on the licensed~~  
371 ~~premises and which are in violation of this chapter; provided, however, that the~~  
372 ~~prosecution of the licensee shall not prohibit the prosecution of the employee for~~  
373 ~~acts or omissions committed by the employee in violation of any provision of this~~  
374 ~~chapter.~~

376 **05.08.080 Hours and Days of Operation.**

377 A. Premises licensed under AS 4.11.080 for the service and consumption of  
378 alcoholic beverages shall be closed for the sale, service and consumption of  
379 alcoholic beverages between the hours of ~~1:00 a.m. 10:00 p.m. and 11:00 a.m.~~  
380 Monday through Friday, and between the hours of ~~2:00 a.m. and 11:00 a.m.~~  
381 ~~11:00 p.m. and 11:30 a.m.~~ on Saturday or Sunday or on a legal holiday  
382 recognized by the state under AS 44.12.010 with the exception of New Year's  
383 Day during which the establishment shall close ~~by~~ at ~~1:00~~ 3:00 am.

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B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale of alcoholic beverages between the hours of 11:00 p.m. and 11:00 a.m. ~~12:00 a.m. and 12:00 p.m. Monday through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and between the hours of 2:00 a.m. and noon on Sunday.~~

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C. A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on premises licensed under AS 04.11 during the hours of closure set forth in this section.

D. A licensee, an agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of closure set forth in this section.

~~E. A licensee, an agent, or employee may not permit a person to enter and a person may not enter premises licensed under AS 04.11 during the hours of closure set forth in this section. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for that day's or the next day's business.~~

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F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or City Election Days is not prohibited.

407 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

408 A licensee, their agent or employee may not permit the consumption of alcoholic  
409 beverages by any person within the licensed premises unless it is permitted by the  
410 license.

411 **5.08.100 Alcohol Server Training Course Requirement.**

412 A. A licensee, their agent or employee may not sell or dispense alcoholic beverages  
413 to the public prior to the successful completion of a liquor server awareness  
414 training program approved by the Board.

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~~B. A licensee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.~~

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420 C. Licensees, their agents and employee who sell or dispense alcoholic beverages  
421 must be able to show proof of completion of a liquor server awareness training  
422 program approved by the Board upon request by a peace officer, the city  
423 manager (or their designee) or the Board.

424 **5.08.110 Operation of Licensed Premises.**

425 ~~A. Except as otherwise provided in this section, the operations procedures set forth~~  
426 ~~in subsection B of this section shall apply to all persons seeking the issuance,~~  
427 ~~renewal or transfer of any license issued by the Board by virtue of AS Title 4 and~~  
428 ~~other applicable provisions of law allowing the sale or service of alcoholic~~  
429 ~~beverages. Subsections B1. of this section shall not apply to persons seeking the~~  
430 ~~issuance, transfer or renewal of licenses issued under AS Title 4 which do not~~  
431 ~~authorize the sale or service of alcoholic beverages for consumption on the~~  
432 ~~premises licensed.~~

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433 ~~B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board~~  
434 ~~under AS Title 4 and other applicable provisions of law shall comply with the~~  
435 ~~following operations procedures:~~

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436 ~~1. *Happy Hours.* No licensee may:~~

437 ~~i. Sell more than one (1) drink for the price of a single alcoholic drink,~~  
438 ~~or sell a drink with increased alcoholic content, or sell a multiple of~~  
439 ~~any number of drinks in a manner which has the effect of selling~~  
440 ~~more than one (1) drink for the price of a single drink.~~

441 ~~ii. Advertise, promote or put in public notice the giving of free~~  
442 ~~alcoholic drinks to customers.~~

443 ~~iii. Advertise, promote or put in public notice the sale of alcoholic~~  
444 ~~beverages at a reduced price at certain times of the day or days of~~  
445 ~~the week. Nothing in this subsection shall prohibit a licensee from~~  
446 ~~increasing prices during times when entertainment is provided.~~

447 ~~iv. This subsection shall not be construed to prohibit licensees from~~  
448 ~~giving away or selling at a reduced price food items to customers~~  
449 ~~and patrons.~~

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450 2. *Public Transportation.* Licensees shall make available to their patrons access  
451 to means of public transportation ~~or to~~ permit patrons to make arrangements  
452 for transportation off the premises.

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453 3. *Notice of Penalties.* Operators shall place, at conspicuous locations within  
454 licensed premises, a clear and legible sign describing applicable penalties for  
455 driving under the influence, and for service or sale of alcoholic beverages to  
456 minors or intoxicated persons.

457 4. *Availability of Nonalcoholic Drinks.* Operators shall have nonalcoholic drinks  
458 available for their patrons.

459 5. *Compliance Determination.* In order to determine whether applicants seeking  
460 the issuance, renewal or transfer of alcoholic beverage licenses have  
461 demonstrated complied with the provisions of this chapter, applicants shall, at  
462 the request of the City, submit to the city manager (or their designee) an  
463 alcoholic beverage licensee compliance form to ensure general assurance.  
464 Upon request, operators shall also provide the city manager with certificates  
465 from all current employees demonstrating that those employees have  
466 successfully completed a liquor service awareness training program such as  
467 the program for techniques in alcohol management (T.A.M.) as approved by  
468 the Board.

469 6. ~~*Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*~~  
470 ~~A person employed by a licensee shall not solicit or encourage any patron of~~  
471 ~~the licensed premises to purchase alcoholic beverages for consumption by the~~  
472 ~~employee or by any other employee. For the purposes of this subsection, the~~  
473 ~~term "employee" includes any contractual arrangement by which an individual~~  
474 ~~provides services to the licensee, whether compensation be in the form of~~  
475 ~~salary, commission, fee or otherwise.~~

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476 7. ~~*Warning Signs for Impoundment and Forfeiture of Vehicles Seized Pursuant to*~~  
477 ~~*an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*~~  
478 ~~*Chemical Tests. Upon adoption of a municipal code allowing for the forfeiture,*~~  
479 ~~operators shall display at conspicuous places in licensed premises two (2)~~  
480 ~~signs warning that vehicles are seized in cases of driving under the influence~~  
481 ~~or refusal to submit to chemical tests. One of these warning signs shall be at~~  
482 ~~least eleven (11") inches by fourteen (14") inches in size, and must read, in~~  
483 ~~lettering at least one-half (1/2") inch high and in contrasting colors or black~~  
484 ~~and white, "DRIVE UNDER THE INFLUENCE — LOSE YOUR CAR." The sign~~

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485 | ~~described in the preceding sentence must carry a logo or illustration approved~~  
486 | ~~by the chief of police or their designee which shows an automobile being~~  
487 | ~~towed. The second warning sign shall be at least eleven (11") inches by~~  
488 | ~~fourteen (14") inches and must read, in letters at least one quarter (1/4")~~  
489 | ~~inch high and in contrasting colors or black and white, "WARNING: IF YOU~~  
490 | ~~DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE~~  
491 | ~~UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE~~  
492 | ~~cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED~~  
493 | ~~for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if~~  
494 | ~~the driver has been convicted of DUI in the past ten (10) years."~~

495 | C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee  
496 | or licensee's employee or agent shall require any purchaser (and anyone  
497 | accompanying the purchaser) of alcoholic beverages to produce a current  
498 | government-issued identification with birth date and photograph for identification  
499 | check prior to any on-premises sale. The purpose of the identification check is to  
500 | verify age and eligibility to purchase alcoholic beverages. Failure to conduct the  
501 | mandatory identification check required by this section is a violation of code and  
502 | the licensee or licensee's employee or agent failing to conduct the mandatory  
503 | identification check shall be subject to the civil penalty provisions of this chapter.  
504 | For purposes of mandatory identification check required by this section:

- 505 | 1. "*Current government-issued*" means a state, federal, tribal, or passport in  
506 | force and effect for a specified period stated within the identification, when  
507 | presented prior to expiration of the period stated. A state government  
508 | identification with birth date and photograph issued by any state of the  
509 | United States is included within the meaning of "current government-issued"  
510 | if the period of validity is specified and the identification is presented prior to  
511 | expiration of the period stated.
- 512 | 2. The subsequent invalidation of the identification as a bona fide government-  
513 | issued identification does not invalidate the compliance.
- 514 | 3. An ongoing pattern of non-compliance with the mandatory identification  
515 | check required by this code may result in review of the conditions of use or  
516 | may result in the revocation of a special use permit previously approved by  
517 | the city council. Action by the city council on licensee's special use permit  
518 | under this section shall be in addition to any criminal or civil penalty  
519 | applicable to the individual making the sale without performing the  
520 | mandatory identification check.

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identification

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523 | ~~D. *Security Personnel.* Package stores and bars shall have security personnel on~~  
524 | ~~the premises at all times that the premises are open to the public.~~ Formatted: Strikethrough

525 | E. *Security Cameras.* ~~At least two (2) twenty four (24) hour time lapse security~~  
526 | ~~cameras are required to be installed and properly maintained on the exterior of~~  
527 | ~~the building at locations licensed to sell and/or store alcoholic beverages. At~~  
528 | ~~least one (1) two (2) additional twenty-four (24) hour time lapse security~~  
529 | ~~cameras are~~ is required to be installed and properly maintained in the interior of  
530 | the building at all locations licensed to sell and/or store alcoholic beverages. ~~At~~  
531 | ~~least one of the interior. The~~ cameras must be able to capture all sales  
532 | transactions. ~~All criminal and suspicious activities recorded on the surveillance~~  
533 | ~~equipment must be reported to law enforcement as soon as practicable. To the~~  
534 | ~~extent allowed by law, the establishment operators may be required to provide~~  
535 | ~~any tapes or other recording media from the security camera to the Police~~  
536 | ~~Department~~ with reasonable cause. Deleted: .

537 | ~~F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic~~  
538 | ~~beverage establishment of all persons, other than necessary employees, within~~  
539 | ~~fifteen (15) minutes after the closing hours.~~ Formatted: Strikethrough

540 | G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed  
541 | upon the premises and in the entrance to the premises of their establishments a  
542 | conspicuous sign in a prominent place visible from outside the establishment,  
543 | which shall in substance state: "No person under the age of 21 years permitted.  
544 | Any such person will be prosecuted to the full extent of the law." Excepting that  
545 | licensed establishments regularly serving meals may modify the sign in  
546 | accordance with the provisions of this chapter and AS 04.

547 | H. *Display signs stating the adverse effects of consuming alcoholic beverages during*  
548 | *pregnancy can cause birth defects.* Formatted: Bullets and Numbering

549 | ~~**5.08.120 — Restrictions on Purchase and Sale of Alcoholic Beverages.**~~ Formatted: Strikethrough

550 | A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100  
551 | (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package  
552 | Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the  
553 | alcoholic beverage being purchased, sold, or offered for sale was obtained from  
554 | a person licensed under:

555 | 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the  
556 | alcoholic beverage being purchased, sold, or offered for sale;

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558 | ~~2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,~~  
559 | ~~sold, or offered for sale was obtained from a person licensed under AS~~  
560 | ~~04.11.160 (wholesale) as a primary source of supply; or~~

561 | ~~3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170~~  
562 | ~~(licensed distillery).~~

563 | **5.08.130 Sale to Intoxicated Persons.**

- 564 | A. A licensee, his agent or employee may not knowingly or negligently:
- 565 | 1. Sell, give or barter alcoholic beverages to an intoxicated person;
  - 566 | ~~2. Allow another person to sell, give or barter an alcoholic beverage to an~~  
567 | ~~intoxicated person within the licensed premises;~~
  - 568 | 3. Allow an intoxicated person to enter and remain within the licensed  
569 | premises or to consume an alcoholic beverage within the licensed  
570 | premises; or
  - 571 | 4. Permit an intoxicated person to sell or serve alcoholic beverages.

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572 | **5.08.140 Eviction of Patrons.**

573 | The licensee and employees of the licensee are expressly permitted to verbally evict  
574 | any person suspected of being under the age of twenty-one (21) or intoxicated and  
575 | failure of such person to leave after oral request is unlawful and an offense on the part  
576 | of that person.

577 | **5.08.150 Open Container.**

- 578 | A. ~~It shall be unlawful to carry, transport or possess an open container of alcoholic~~  
579 | ~~beverages on the public streets, sidewalks, alleys, parks, or other public places~~  
580 | ~~throughout the city; except that an open container of alcoholic beverages may~~  
581 | ~~be carried in a vehicle in a locked trunk or other secured location inaccessible to~~  
582 | ~~the driver and passengers within the vehicle.~~
- 583 | B. Open containers are permitted on private residential property, with the consent  
584 | of the owner or legal occupant of the property.

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585 | ~~**5.08.160 Transportation of Alcohol.**~~

586 | ~~— The transportation of alcoholic beverages by common carrier or commercial~~  
587 | ~~carrier within the City of Bethel to a residential home or non-licensed alcohol~~  
588 | ~~distribution facility is strictly prohibited except as expressly authorized by AS 04.~~

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589 **5.08.170—Keg Registration.**

- 590 ~~A.—Obligations of seller. Any person who sells or offers for sale kegs or other~~  
591 ~~containers containing four (4) gallons or more of alcoholic beverages, or leases~~  
592 ~~kegs or other containers capable of holding four (4) gallons or more of alcoholic~~  
593 ~~beverage to consumers who are not licensed under AS 04.11 shall, prior to~~  
594 ~~surrendering physical possession of the keg or other container:~~
- 595 ~~1.—Require the purchaser of the alcoholic beverages to sign a declaration and~~  
596 ~~keg registration form for the keg or other container on a form approved by~~  
597 ~~the chief of police. The form shall contain:~~
- 598 ~~i.—The name and address of the seller and the purchaser;~~
- 599 ~~ii.—The type and identifying number of the identification presented by~~  
600 ~~the purchaser pursuant to AS 04.21.050~~
- 601 ~~iii.—A sworn statement, signed by the purchaser under penalty of~~  
602 ~~perjury, stating that the purchaser is twenty one (21) years of age~~  
603 ~~or older; will not allow persons under twenty one (21) years of age~~  
604 ~~to consume the alcoholic beverages purchased pursuant to AS~~  
605 ~~04.16.051, will not remove or obliterate or allow the removal or~~  
606 ~~obliteration of the temporary registration tag affixed to the keg or~~  
607 ~~other container, and will return the keg to the seller within the time~~  
608 ~~constraints set by the seller;~~
- 609 ~~iv.—The return date specified by the seller;~~
- 610 ~~v.—The particular address or addresses where the alcoholic beverages~~  
611 ~~will be consumed, and the date on which it will be consumed;~~
- 612 ~~vi.—A warning that it is illegal to obscure or remove the registration~~  
613 ~~tag; and~~
- 614 ~~vii.—The unique identifier of the temporary tag attached to the keg or~~  
615 ~~container as required under this section.~~
- 616 ~~2.—Affix an approved temporary tag with a unique identifier to all containers over~~  
617 ~~four (4) gallons or more of an alcoholic beverage prior to surrendering~~  
618 ~~possession or control thereof to a consumer; and~~

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- 619       ~~3. Require the purchaser to separately and prominently display a copy of the~~  
620       ~~keg registration form within five (5) feet of the keg or other container while~~  
621       ~~the keg or other container is in the purchaser's possession or control.~~
- 622       ~~4. Upon return of the keg or other container, the seller shall note the date~~  
623       ~~thereof and the initials of the person who accepts the return.~~
- 624       ~~5. The licensee shall retain a copy of the keg registration form and receipt,~~  
625       ~~which shall be retained on the licensed premises for a period of one (1) year.~~  
626       ~~The records shall be available for inspection and copying by any peace~~  
627       ~~officer, the city finance director or their designee, the Alcohol Beverage~~  
628       ~~Control Board investigator or agent.~~
- 629       ~~B. Obligations of purchaser. Any person who purchases or leases kegs or other~~  
630       ~~containers containing four (4) gallons or more of alcoholic beverages shall:~~
- 631       ~~1. Sign a declaration and keg registration form for the keg or other container on~~  
632       ~~a form provided by the seller pursuant to subsection A. of this section;~~
- 633       ~~2. Provide identification pursuant to AS 04.21.050;~~
- 634       ~~3. Be of legal age to purchase, possess, or use alcoholic beverages;~~
- 635       ~~4. Not allow any person under the age of 21 to consume the beverage except as~~  
636       ~~provided by AS 04.16.051;~~
- 637       ~~5. Not remove, obliterate, or allow to be removed or obliterated, the~~  
638       ~~identification required under subsection C. of this section;~~
- 639       ~~6. Return the keg or other container to the place of purchase no later than the~~  
640       ~~date indicated on the identification tag required under this section;~~
- 641       ~~7. Not move, keep, or store the keg or its contents, except for transporting to~~  
642       ~~and from the distributor, at any place other than that particular address~~  
643       ~~declared on the keg registration form; and~~
- 644       ~~8. Separately and prominently display a copy of the keg registration form within~~  
645       ~~five (5) feet of the keg or other container during the time that the keg or~~  
646       ~~other container is in the purchaser's possession or control.~~
- 647       ~~C. Identification of containers.~~

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- 648 1. ~~A keg registration form provided by licensees and approved by the Bethel~~  
649 ~~police chief shall be properly completed by the licensee for sales and leases~~  
650 ~~of kegs or other containers holding four (4) or more gallons of alcoholic~~  
651 ~~beverages for off-premises consumption, and shall contain:~~
- 652 2. ~~The keg registration form affixed to the keg or container may serve as the~~  
653 ~~purchaser's receipt.~~
- 654 3. ~~Kegs or other containers holding four (4) gallons or more of alcoholic~~  
655 ~~beverages shall have a properly completed keg registration form affixed~~  
656 ~~thereon when sold for off-premises consumption. Possession of a keg or~~  
657 ~~other container which holds four (4) gallons or more of alcoholic beverages,~~  
658 ~~other than on the seller's premises, without a properly completed registration~~  
659 ~~and declaration form either affixed thereon or in possession of the person~~  
660 ~~with the keg(s) or other container holding four (4) or more gallons of~~  
661 ~~alcoholic beverages shall be a violation of this chapter.~~

662 **5.08.180 Inspection of premises.**

- 663
- 664 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall  
665 be easily accessible for inspection by authorized personnel during all regular  
666 hours of the transaction of business upon the premises, and at any other time  
667 with reasonable cause and notice by the authorized personnel.
- 668
- 669 B. The police department may inspect any premises with an alcoholic beverage  
670 license for compliance with conditions on the license. Upon discovering a  
671 violation of such conditions, the police department shall submit a written report  
672 of the violation to the city clerk for review by the city council and provide a copy  
673 thereof to the licensee.
- 674
- 675 C. If at any time there appears to be a readily identifiable pattern or practice of  
676 recurring violent acts or unlawful conduct in a licensed premise, the City may  
677 send notice of possible protest to the licensee that he or she must submit and  
678 implement a plan for remedial action, identifying reasonable and realistic  
679 attainable short and long term goals, with identified logic and a sunset date; or  
680 be in jeopardy that a protest will be filed to any renewal, transfer of location or  
681 transfer of ownership sought by the licensee.
- 682
- 683 D. Upon receiving a report of conditions violation, the city council may:
- 684

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- 687 1. Revoke the premise's conditional use permit;  
688  
689 2. Protest the issuance, renewal, transfer, relocation or continued operation of  
690 the license;  
691 3. Recommend imposition of conditions on the state liquor license pursuant to  
692 AS 04.11.480(c); or  
693  
694 4. Notify the Board that a licensee has violated conditions and request that an  
695 accusation pursuant to AS 04.11.370 be brought against the licensee.  
696  
697 E. Prior to taking any of the actions listed in subsection c) of this section, the City  
698 shall give the permittee or licensee notice and an opportunity to be heard on the  
699 accusation(s) at a publicly noticed council meeting.

700 ~~5.08.190 — Access for Enforcement.~~

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- 701 ~~A. The public entrance of licensed alcoholic beverage establishments shall be open~~  
702 ~~and unlocked before and after the closing hour of such establishment if there are~~  
703 ~~any patrons in the establishment.~~  
704  
705 ~~B. Licensees of licensed alcoholic beverage establishments, their employees and all~~  
706 ~~patrons in such establishments shall permit and aid the entry of any law~~  
707 ~~enforcement officer during all hours of operation and at any other time when~~  
708 ~~there are two or more persons in such licensed alcoholic beverage establishment.~~  
709  
710 ~~C. Lack of knowledge, lack of intent and absence from the premises shall not be~~  
711 ~~defenses to any action brought under this section against any such employee in~~  
~~charge of such establishment or such licensee.~~  
712  
713 ~~D. The following evidence shall constitute a prima facie case of violation of this~~  
714 ~~section in any action under this section against any such employee in charge of~~  
~~such establishment or against any licensee:~~  
715  
716 1. ~~A law enforcement officer knocked heavily at the public entrance of a licensed~~  
717 ~~beverage dispensary or licensed alcoholic beverage establishment and such~~  
718 ~~entrance was not opened within one minute thereafter to permit his~~  
~~entrance; plus~~  
719  
720 2. ~~Evidence of sound emanating from the licensed alcoholic beverage~~  
721 ~~establishment, heard by such officer, and his opinion that he concluded that~~  
~~two or more persons were in such establishment.~~

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722 E. Licensees shall provide the Police Chief with their current hours of operation. Any  
723 changes to the hours of operation shall be communicated, in writing, to the  
724 Police Chief, at least three (3) business days prior to the change being  
725 implemented.

726 **5.08.200 Alcohol Offenses.**

- 727 A. Violation of any section of this chapter shall be an infraction.  
728 B. The Bethel Police Department shall have the authority to write and serve  
729 citations for violations of the provisions of any portion of this chapter.

730 **5.08.210 Penalties.**

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & B	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
<del>Premises Open during on non-permissible days</del>	<del>5.08.080A &amp; B</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming Alcohol on Premises during hours of Closure	5.08.080C	No	\$300 <u>per person</u>
Allowing person to consume alcohol on premises during hours of closure	5.08.080D	No	\$300 <u>per person</u>
<del>Allowing non-employee onto premises during hours of closure</del>	<del>5.08.080E</del>	<del>No</del>	<del>\$300</del>
Allowing consumption on premises in violation of license	5.08.090	No	\$500
<del>Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program</del>	<del>5.08.100A</del>	<del>Yes</del>	<del>\$1,000</del>

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Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
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Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000	
Failure to show proof of successful completion of a liquor server awareness training program	5.08.100C	Correctable	\$300	
<del>Violation of Happy Hour rules</del>	<del>5.08.110B1</del>	<del>No</del>	<del>\$300</del>	<b>Formatted:</b> Strikethrough
Failure to provide access to means of public transportation to patrons <u>or permit patrons to arrange transportation off premises.</u>	5.08.110B2	No	<u>\$500</u> <del>\$150</del>	<b>Formatted:</b> Underline, Not Strikethrough <b>Formatted:</b> Strikethrough
<del>Failure to permit patron to arrange for transportation off premises</del>	<del>5.08.110B2</del>	<del>No</del>	<del>\$500</del>	<b>Formatted:</b> Underline <b>Formatted:</b> Strikethrough
<del>Failure to <u>properly</u> post <u>a required sign</u> clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons</del>	<del>5.08.110B3</del>	<del>No</del>	<del>\$250</del>	<b>Formatted:</b> Strikethrough
Failure to have non-alcoholic drinks available	5.08.110B4	No	\$150	
Failure to submit an alcoholic beverage compliance form upon request	5.08.110B5	No	\$300	
<del>Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee</del>	<del>5.08.110B6</del>	<del>Yes</del>	<del>\$500</del>	<b>Formatted:</b> Strikethrough
<del>Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal</del>	<del>5.08.110B7</del>	<del>No</del>	<del>\$250</del>	<b>Formatted:</b> Strikethrough
<del>Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal</del>	<del>5.08.110B7</del>	<del>No</del>	<del>\$150</del>	<b>Formatted:</b> Strikethrough

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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<del>Failure to check identification of purchaser</del>	5.08.110C	Yes	<del>\$500</del>	<b>Deleted:</b> 1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
<del>Failure to check identification of purchaser</del>	5.08.110C	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700	<b>Deleted:</b> Acceptance of non-conforming identification for purchase of alcoholic beverage
<del>Failure to have security personnel on premises during hours of operation</del>	<del>5.08.110D</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<b>Formatted:</b> Strikethrough
<del>Failure to install or maintain security equipment</del>	5.08.110E	Yes	<del>\$200</del>	<b>Deleted:</b> 1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
<del>Failure to report suspicious activity from security cameras to law enforcement</del>	<del>5.08.110E</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<b>Formatted:</b> Strikethrough
Interior camera not positioned to capture sales transactions	5.08.110E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
<del>Failure to clear premises after closing</del>	<del>5.08.110F</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<b>Formatted:</b> Strikethrough
<del>Failing to post age limit signs</del>	<del>5.08.150</del>	<del>No</del>	<del>\$300</del>	<b>Formatted:</b> Strikethrough
Sale of alcoholic beverages improperly obtained	5.08.120	Yes	\$700	
Sale of alcohol to an intoxicated person	5.08.130	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	

Introduced by: Council Member Fansler on behalf  
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<del>Providing alcohol to an intoxicated person</del>	<del>5.08.130</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<del>Formatted: Strikethrough</del>
<del>Allowing another person to sell or provide alcohol to an intoxicated person</del>	<del>5.08.130A2</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<del>Formatted: Strikethrough</del>
<del>Allowing an intoxicated person to enter and remain within licensed premises</del>	<del>5.08.130A3</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
Permitting intoxicated person to consume alcoholic beverage within a licensed premise	5.08.130A3	Yes	300	Deleted: 1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an alcoholic beverage	5.08.130A4	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000	
<del>Carrying, transporting or possessing an open container in public</del>	<del>5.08.150</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
<del>Transportation of alcohol by common carrier</del>	<del>5.08.160</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<del>Formatted: Strikethrough</del>
<del>Transportation of alcohol by commercial carrier</del>	<del>5.08.160</del>	<del>Yes</del>	<del>1<sup>st</sup> Offense: \$500 2<sup>nd</sup> Offense: \$700 3<sup>rd</sup> &amp; subsequent offenses: \$1,000</del>	<del>Formatted: Strikethrough</del>
<del>Failure to Require or complete keg registration form</del>	<del>5.08.170</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>

Introduced by: Council Member Fansler on behalf  
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<del>Incomplete keg registration form</del>	<del>5.08.170</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
<del>Failure to tag or improperly tagged keg</del>	<del>5.08.170</del>	<del>No</del>	<del>1<sup>st</sup> Offense: \$150 2<sup>nd</sup> Offense: \$300 3<sup>rd</sup> &amp; subsequent offenses: \$700</del>	<del>Formatted: Strikethrough</del>
<del>Removal or damaging of tag on keg</del>	<del>5.08.170</del>	<del>No</del>	<del>\$500</del>	<del>Formatted: Strikethrough</del>
<del>Failure to display keg registration form</del>	<del>5.08.170</del>	<del>No</del>	<del>\$300</del>	<del>Formatted: Strikethrough</del>
<del>Failure to affix keg declaration form to keg</del>	<del>5.08.170</del>	<del>No</del>	<del>\$300</del>	<del>Formatted: Strikethrough</del>
<del>Failure to retain keg declaration forms for one (1) year</del>	<del>5.08.170</del>	<del>No</del>	<del>\$500</del>	<del>Formatted: Strikethrough</del>
Failure to make premises easily accessible for inspection by police officers	5.08.180A	Yes	\$700	
Failing to maintain premises unlocked while patrons are on premises	5.08.190A	Yes	\$1,000	
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.190B	Yes	\$700	
<del>Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises</del>	<del>5.08.190B</del>	<del>Yes</del>	<del>\$700</del>	<del>Formatted: Strikethrough</del>

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

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

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

City of Bethel, Alaska

Ordinance # 15-32  
26 of 27

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
October 20, 2015  
Action:  
Vote:

753 ATTEST:

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

# Suggested modifications to Ordinance 15-32 from the City Clerk

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Under 5.08.100 insert permittee to include those applying for a Caterer's permit, Special events permit, and Conditional contractor's permit

## **5.08.100 Alcohol Server Training Course Requirement.**

- A. A licensee/permittee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.
- B. A licensee/permittee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.
- C. Licensees/permittee, their agents and employee who sell or dispense alcoholic beverages must be able to show proof of completion of a liquor server awareness training program approved by the Board upon request by a peace officer, the city manager (or their designee) or the Board.

8.35.410 - Intoxicated persons on roadway.

A. It is unlawful for any person to be upon any public street, road, or highway while intoxicated in such a manner as to be hazardous to motor vehicle traffic.

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

(AO No. 2014-42, § 4, 6-21-14)

8.35.416 - Prohibited acts regarding alcohol consumption, sales and distribution corresponding to and adopted from Alaska Statutes.

A. The following sections described herein are intended to reflect the Alaska Statutes Title 4, chapter 16, as it currently exists and as may exist or be amended hereafter. The specific sections iterated in this chapter 8.35.416 which proscribe misdemeanor criminal and minor offense penalties regarding alcohol possession, consumption, sales and distribution are hereby adopted and incorporated in the Anchorage Municipal Code as they currently exist and as may exist or be amended hereafter. The digits of the section numbers after the title and chapter digits are 416 to indicate the section is adopted from Alaska Statutes Title 4, Chapter 16, followed by the corresponding section numbering of the statute section adopted by the code section; i.e., section 8.35.416.015 refers to the code section which corresponds to and adopts AS 04.16.015.

B. Sections of Alaska Statutes Title 4, Chapter 16, which relate to alcohol sales and distribution in areas of the state opting out of alcohol sales are not included in this section. Code section numbers, intended to mirror state code, may skip certain state statutes due to the omission of sections relating to dry areas of the state or regulating felony level offenses. Those offenses omitted here are not punishable under this Code.

C. If any section numbered beginning with 8.35.416 of this chapter is in conflict or inconsistent with the corresponding section of AS 04.16, the state statute shall govern; provided that the municipality may prosecute the offense under the code section with the statute section incorporated by reference.

D. All terms in this chapter are given the definitions assigned to them in AS 04.21.080, or as defined in sections of AS 04.16 corresponding to the offenses in 8.35.416, unless otherwise expressly provided herein. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.010 - Hours of sale and presence on licensed premises (standard closing hours).

A. A person may not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under AS 04.11 during the hours of closure set forth in section 10.50.010.

B. A licensee, an agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of closure set forth in section 10.50.010.

C. A licensee, an agent, or employee may not permit a person to enter and a person may not enter premises licensed under AS 04.11 during the hours of closure set forth in section 10.50.010. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for the next day's business. A person may enter or remain on the premises of a bona fide restaurant or eating place licensed under AS 04.11 to consume food or nonalcoholic beverages.

D. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.015 - Pricing and marketing of alcoholic beverages.

A. On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not:

1. Offer or deliver, as a marketing device to the general public, free alcoholic beverages to a patron;
2. Deliver an alcoholic beverage to a person already possessing two or more;
3. Sell, offer to sell, or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverages during the same calendar week, except at private functions not open to the general public;
4. Sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group of persons during a set period of time for a fixed price;
5. Sell, offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the general public;
6. Encourage or permit an organized game or contest on the licensed premises that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes.

B. A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, a practice prohibited under subsection A.

C. This section may not be construed as prohibiting a licensee or a licensee's agent or employee from offering free food or entertainment at any time, from serving wine by the bottle or carafe or beer by the pitcher with or without meals, or from including an alcoholic beverage as part of a meal package.

D. Notwithstanding A. and B. of this section, a licensee or a licensee's agent or employee when acting as a caterer may offer or deliver free alcoholic beverages to a political, charitable, or educational group or organization.

E. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.020 - Solicitation of alcoholic beverages; purchase on behalf of another.

A. A person may not pay or receive from another a salary, percentage, or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for a person other than the patron.

B. A licensee, an agent, or employee may not knowingly permit a person to loiter within or about premises licensed under AS 04.11 for the purpose of begging or soliciting a patron or visitor to purchase alcoholic or other beverages for the person who is begging or soliciting.

C. Violation of this section is a Class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.025 - Illegal presence on premises involving alcoholic beverages.

A. A person may not knowingly enter or remain on premises:

1. In which alcoholic beverages are manufactured, sold, offered for sale, possessed for sale or barter, trafficked in, or bartered in violation of

- a. AS 04.11.010; or

b. Any section of this code adopted under AS 04.21.010(a) or (b); or

2. Licensed under AS 04.11 during hours in which the person's presence on the premises is a violation of section 10.50.010 of this code or other municipal ordinance adopted under authority of AS 04.16.010(d) providing for hours of closure that are outside the hours of closure prescribed by AS 04.16.010(c).

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

(AO No. 2014-42, § 4, 6-21-14)

8.35.416.030 - Prohibited conduct related to drunken persons.

A. A licensee, an agent, or employee may not with criminal negligence

1. Sell, give, or barter alcoholic beverages to a drunken person;

2. Allow another person to sell, give, or barter an alcoholic beverage to a drunken person within licensed premises;

3. Allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises; or

4. Permit a drunken person to sell or serve alcoholic beverages.

B. A person receiving compensation for transporting alcoholic beverages may not knowingly deliver alcoholic beverages to a drunken person.

C. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.040 - Access of drunken persons to licensed premises.

A. A drunken person may not knowingly enter or remain on premises licensed under AS 04.11.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.045 - Obligation to enforce restrictions on licensed premises.

A. A licensee, an agent, or employee may not permit the consumption of alcoholic beverages by any person within licensed premises unless it is permitted by the license.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.047 - Access of persons with restriction on purchasing alcohol.

A. A person who is restricted from purchasing alcohol under AS 04.16.160 or section 8.35.416.160 may not knowingly enter or remain in premises licensed under AS 04.11 to obtain or consume alcohol.

B. A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of \$1,000.00 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.

C. Nothing in this section, section 8.35.416.160 or AS 04.16.160 creates a duty or imposes an obligation on a licensee to physically check the identification of any person entering licensed premises.

D. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.049 - Access of persons under the age of 21 to licensed premises.

A. A person under the age of 21 years may not knowingly enter or remain in premises licensed under AS 04.11 unless:

1. Accompanied by a parent, guardian, or spouse who has attained the age of 21 years;
2. The person is at least 16 years of age, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining; or
3. The person is under the age of 16 years, is accompanied by a person over the age of 21 years, the parent or guardian of the underaged person consents, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining.

B. Notwithstanding section 8.35.416.049 A., a licensee or an agent or employee of the licensee may refuse entry to a person under the age of 21 years to that part of licensed premises in which alcoholic beverages are sold, served, or consumed, may refuse service to a person under the age of 21 years, or may require a person under the age of 21 years to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

C. Notwithstanding any other provision in this section, a person 16 or 17 years of age may enter and remain within the licensed premises of a hotel, restaurant, or eating place in the course of employment if (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages; (2) the person has the written consent of a parent or guardian; and (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development. The board, with the approval of the municipal assembly and at the licensee's request, shall designate which premises are hotels, restaurants, or eating places for the purposes of this subsection.

D. Notwithstanding any other provision in this section, a person 18, 19, or 20 years of age may be employed within the licensed premises of a hotel, restaurant, or eating place, may enter and remain within those premises for the purpose of employment, but may not, in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

E. A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of \$1,500.00 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.

F. A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under AS 04.11 at the request of a peace officer, if the peace officer accompanies, supervises, or otherwise observes the person's entry or remaining on premises, and the purpose for the entry or remaining on premises is to assist in the enforcement of this section.

G. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.050 - Alcohol possession, control, or consumption by persons under the age of 21.

A. A person under the age of 21 years may not knowingly consume, possess, or control alcoholic beverages except those furnished persons under AS 04.16.051(b).

B. A person who violates subsection A. and who has not been previously convicted or received a suspended imposition of sentence under Subsection B.1. is guilty of minor consuming or in possession or

control. Minor consuming or in possession or control is not a misdemeanor. Upon conviction in the district court, the court:

1. May grant a suspended imposition of sentence under AS 12.55.085 and place the person on probation for up to one year if the person has not been convicted of a violation of this Subsection or AS 04.16.050(b) previously; among the conditions of probation, the court shall, with the consent of a community diversion panel, refer the person to the panel, and require the person to comply with conditions set by the panel, including counseling, education, treatment, community work, and payment of fees; in this paragraph, "community diversion panel" means a youth court or other group selected by the court to serve as a sentencing option for a person convicted under this section; or

2. Shall impose a fine of at least \$200.00 but not more than \$600.00, shall require the person to attend alcohol information school if the school is available, and shall place the person on probation for up to one year under subsection E.; the court may suspend a portion of the fine imposed under this paragraph that exceeds \$200.00 if the person is required to pay for education or treatment required under subsection E.

C. A person is guilty of repeat minor consuming or in possession or control if the person was previously granted a suspended imposition of sentence under subsection B.1. or AS 04.16.050(b)(1), has a prior conviction under subsection B.2. or AS 04.16.050(b)(2), or has been previously convicted once, and the person violates subsection A. Repeat minor consuming or in possession or control is not a misdemeanor. Upon conviction in the district court, the court shall

1. impose a fine of \$1,000.00 and require at least 48 hours of community work;
2. revoke the person's driver's license for three months;
3. take possession of the person's driver's license; and
4. suspend up to \$500.00 of the fine and place the person on probation for up to one year under subsection E.

D. A person is guilty of habitual minor consuming or in possession or control if the person has a prior conviction under subsection C., or has been previously convicted two or more times, and the person violates subsection A. Habitual minor consuming or in possession or control is a class B misdemeanor. Upon conviction, the court may impose an appropriate period of imprisonment and fine and place the person on probation under subsection E. for one year, or until the person is 21 years of age, whichever is later, and shall:

1. Impose at least 96 hours of community work;
2. Revoke the person's driver's license for six months;
3. Within five working days, notify the agency responsible for the administration of motor vehicle laws of the revocation; and
4. Take possession of the person's driver's license.

E.

The court shall place a person sentenced under subsections B.2, C. or D. on probation for the appropriate period. The person may not refuse probation. The court may require the person to pay for and enroll in a juvenile alcohol safety action program, if one is available. The court shall impose the following conditions of probation:

1. The person shall pay for and successfully complete any education or treatment recommended;
2. The person may not consume inhalants or possess or consume controlled substances or alcoholic beverages, except as provided in AS 04.16.051(b);
3. The person shall timely complete any community work ordered, as provided in subsection F.; and
4. Other conditions the court considers appropriate.

F. A person ordered to perform community work under this section shall perform the work within 120 days of the entry of judgment for a conviction. The court may expand the time period for up to 30 days upon a showing of good cause. The person shall submit verification of completion of community work to the clerk of court on a form provided by the court. If the verification is not provided within the time period required by this subsection, the court shall, within 30 days, schedule further proceedings in the case to determine whether a violation of probation has occurred.

G. The treatment recommended by a juvenile alcohol safety action program for a person placed on probation under subsection E. may include a period of inpatient treatment if the judgment specifies the maximum period of inpatient treatment authorized. A person who has been recommended for inpatient treatment may make a written request to the sentencing court for review of the referral. A person shall make a request for review within seven days after the recommendation and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

H. The juvenile alcohol safety action program to which a person is referred under this section shall inform the court or a minor's juvenile probation officer if the person fails to submit to evaluation or fails to complete successfully any education or treatment recommended. If the court finds that the person has failed to perform community work as ordered, to submit to evaluation, or to complete successfully the education or treatment recommended, the court may impose the suspended fine, and may impose any period of suspended incarceration. If the person was convicted under subsection C. or D, the court shall revoke the person's driver's license for an additional six months beyond the revocation imposed under subsection C. or D. A court revoking a person's driver's license under this subsection shall notify the agency responsible for the administration of motor vehicle laws of the revocation within five working days.

I. When considering the financial resources of a minor for purposes of determining eligibility for court-appointed counsel under this section, the court shall consider the resources of both the defendant and the defendant's parent or guardian, unless the court finds good cause to treat the defendant's or the defendant's parent's or guardian's resources as being unavailable to the defendant.

J. A driver's license revocation under this section is consecutive to a revocation imposed under another provision of law, but is concurrent with a revocation under another provision of law based on a prior conviction, adjudication of delinquency, or informal adjustment under AS 47.12.060.

K. Notwithstanding subsections B., C. and E., a person sentenced under subsection B. or C. may make a motion to the court to terminate probation of that person before the end of the probationary period required under those subsections. The court may grant the motion if the court finds, by clear and convincing evidence, that:

1. The person completed any community work ordered under Subsection F.;
2. The person has successfully completed any education or treatment program ordered by the court and, if required by the court, has either:

a. Paid for the programs; or

b. Made a good faith effort to pay for the programs, agreed to have the debt reduced to a civil judgment, entered into a repayment plan with the provider or the state, and agreed that the civil judgment may be enforced in the manner provided for restitution and fines in AS 12.55.051;

3. The person has either:

a. Paid the fine; or

b. Made a good faith effort to pay the fine, agreed to have the remaining fine amount reduced to a civil judgment, entered into a plan with the state, and agreed that the civil judgment may be enforced in the manner provided for restitution and fines in AS 12.55.051; and

4. The person has substantially complied with the other conditions of probation.

L. In this section,

1. "Driver's license" has the meaning given in AS 28.90.990;

2. "Previously convicted" means a conviction or an adjudication as a delinquent for a violation of AS 11.71, AS 28.35.030, 28.35.032, 28.35.280—28.35.290, or a violation of code section 8.35.010 (controlled substances), section 9.28.020 (operating under the influence), section 9.28.022 (refusal to submit to chemical tests), section 9.28.060 (minor operating a vehicle after consuming alcohol), section 9.28.070 (minor's refusal to submit to chemical test), section 9.28.080 (minor driving during the 24 hours after being cited for alcohol or breath test offenses), or a law or ordinance of another jurisdiction with substantially similar elements. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.052 - Furnishing of alcoholic beverages to persons under the age of 21 by licensees.

A. A licensee or an agent or employee of the licensee may not with criminal negligence:

1. Allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 21 years within licensed premises;

2. Allow a person under the age of 21 years to enter and remain within licensed premises except as provided in section 8.35.416.049;

3. Allow a person under the age of 21 years to consume an alcoholic beverage within licensed premises;

4. Allow a person under the age of 21 years to sell or serve alcoholic beverages;

5. While working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.055 - Room rental for purposes of consuming alcoholic beverages.

A.

A person may not rent a room in a hotel, motel, resort, or similar business for the purpose of providing alcoholic beverages to a person under the age of 21 years.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.057 - Permitting minor to illegally possess liquor in dwelling.

A. Except as provided by AS 04.16.051, a person who is physically in possession and exercising dominion and control over a dwelling may not knowingly permit a person under 21 years of age to possess an alcoholic beverage in the dwelling.

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

(AO No. 2014-42, § 4, 6-21-14)

8.35.416.060 - Purchase by or delivery to persons under the age of 21.

A. A person under the age of 21 years may not purchase alcoholic beverages or solicit another to purchase alcoholic beverages for the person under the age of 21.

B. A person may not influence the sale, gift, or service of an alcoholic beverage to a person under the age of 21 years, by misrepresenting the age of that person.

C. A person may not order or receive an alcoholic beverage from a licensee, an agent or employee of the licensee, or another person, for the purpose of selling, giving, or serving it to a person under the age of 21 years.

D. A person under the age of 21 years may not enter licensed premises where alcoholic beverages are sold and offer or present to a licensee or an agent or employee of the licensee a birth certificate or other written evidence of age, that is fraudulent or false or that is not actually the person's own, or otherwise misrepresent the person's age, for the purpose of inducing the licensee or an agent or employee of the licensee to sell, give, serve, or furnish alcoholic beverages contrary to law.

E. A person under the age of 21 who is seeking to enter and remain in a licensed premises under section 8.35.416.049 A.2. or 3. or equivalent state statute may not misrepresent the person's age or having obtained the consent of the parent or guardian required by that section.

F. A person does not violate this section if the person performs an act proscribed under this section, the person performs that act at the request of a peace officer, the peace officer accompanies, supervises, or otherwise observes the person's act, and the purpose of the act is to assist in the enforcement of this section.

G. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.080 - Sales or consumption at school events.

A. A person may not sell or consume alcoholic beverages during a school event at the site of the event.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.090 - Prohibition of bottle clubs.

A. A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under AS 04.11.

B. A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under AS 04.11.

C. For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

D. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.100 - Restriction on size of containers.

A. A person may not sell alcoholic beverages in 1 / 6 gallon or 1 / 10 gallon containers, nor may a person sell alcoholic beverages in a container deceptively similar in appearance to a container of a different volume.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.110 - Sale of certain alcoholic beverages prohibited.

A. A person may not sell an alcoholic beverage if it:

1. Is intended for human consumption and is in powdered form; or

2. Contains more than 76 percent alcohol by volume.

B.

Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.120 - Removal or introduction of alcoholic beverages.

A. A person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises.

B. Except as provided in this subsection, a person may not bring an alcoholic beverage into licensed premises for use or consumption by oneself or another person on the premises unless that person is a licensee, an agent, employee, or common carrier in the regular course of employment. With the permission of the licensee, a person may bring wine into premises licensed as a beverage dispensary or a restaurant or eating place for consumption by the person while eating food served at a table on the licensed premises. The beverage dispensary or restaurant or eating place may charge a corkage fee for serving wine supplied by a customer.

C. Notwithstanding subsection A., a person may remove from licensed premises the unconsumed portion of one or more bottles of wine that were partially consumed with a meal if

1. The original or a similar type of cork is reinserted in each bottle by the licensee and the cork can only be removed by a corkscrew or other similar device; or

2. Each bottle is sealed or packaged by the licensee in a manner set by the board. Notwithstanding another provision of law, each bottle of wine that is recorked, sealed, or packaged as provided in this subsection is not an open container if the cork reinserted by the licensee or the seal made by the licensee has not been disturbed.

D. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.130 - Stock confined to licensed premises.

A. Unless authorized under AS 04.21.060, a licensee may not store before sale any alcoholic beverages elsewhere than on the premises indicated on the license.

B. This section does not apply to stocks of beer carried on a delivery truck by a licensed wholesaler if carried for the purpose of sale and delivery to persons licensed under AS 04.11 in quantities of not less than 10 gallons for each sale.

C. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.140 - Sale or consumption of alcoholic beverages in a warehouse.

A. Alcoholic beverages may not be sold or consumed on premises approved for storage under AS 04.21.060.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.150 - Licensee responsible for violations.

A. A licensee may neither knowingly allow agents or employees to violate this title or AS Title 04 or regulations adopted thereunder, or to recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law, regulation or ordinance.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.160 - Restriction on purchasing alcoholic beverages.

A. Except as otherwise provided by law, a person who is 21 years of age or older may not purchase alcoholic beverages if the person has been ordered to refrain from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a sentence for conviction of a crime under AS 28.35.030, AS 28.35.032, section 9.28.020, section 9.28.022, or for conviction under a law of another jurisdiction with substantially similar elements, or as a condition of probation or parole from a conviction under AS 28.35.030, AS 28.35.032, section 9.28.020, section 9.28.022, or a conviction under a law of another jurisdiction with substantially similar elements. The restriction on purchasing alcoholic beverages applies during the period that the person is required to refrain from consuming alcoholic beverages under the sentence or condition of probation or parole.

B. A court imposing a restriction on a person under this section, and the Department of Corrections of the state, shall notify the person that an identification card issued under AS 18.65.310 must list the restriction imposed for the period of the person's probation or parole.

C. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.170 - Source of alcoholic beverages.

A. Alcoholic beverages for consumption by the purchaser may not be sold unless obtained from a person licensed under AS 04.11.

B. A person transporting alcoholic beverages into the municipality may not sell those alcoholic beverages to a person not licensed under AS 04.11, unless the alcoholic beverages are used for religious, industrial, pharmaceutical, or medical purposes.

C. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.172 - Restrictions on purchase and sale of alcoholic beverages.

A. A person licensed under AS 04.11.090, 04.11.100, 04.11.110, or 04.11.150 may not purchase, sell, or offer for sale an alcoholic beverage unless the alcoholic beverage being purchased, sold, or offered for sale was obtained from a person licensed under

1. AS 04.11.160 as a primary source of supply for the alcoholic beverage being purchased, sold, or offered for sale;

2. AS 04.11.150 and the alcoholic beverage being purchased, sold, or offered for sale was obtained from a person licensed under AS 04.11.160 as a primary source of supply; or

3. AS 04.11.130, 04.11.140, or 04.11.170.

B. Violation of this section is a class A misdemeanor. (AO No. 2014-42, § 4, 6-21-14)

8.35.416.175 - Furnishing alcoholic beverages in aid of gambling enterprise.

A. An agent or employee of a gambling enterprise may not furnish an alcoholic beverage to a player.

B. In this section, "gambling enterprise" and "player" have the meanings given them in AS 11.66.280.

C. Violation of this section is a class A misdemeanor.

**8.20.010 Sale on election day.**

The sale of intoxicating liquor is permitted within the city during election day for any federal, state or local election. (Ord. 74-3, 1974; Ord. 14-16 § 2 (part), 2014. Formerly 6.08.010.)

**8.20.020 Hours of sale of intoxicating liquor.**

A. For bar or eating establishments, alcohol sales will be prohibited between the hours of two a.m. Sunday morning until ten a.m. Monday morning. Alcohol sales will be prohibited between the hours of one a.m. to ten a.m. Tuesday through Friday. Alcohol sales will be prohibited between two a.m. Saturday morning and ten a.m. Saturday morning.

However, licensed bars and eating establishments may provide for alcohol sales on Super Bowl Sunday from twelve p.m. until nine p.m., and on New Year's Eve when the holiday falls on a Sunday from six p.m. until two a.m. the following Monday.

B. Packaged liquor stores shall be closed between the hours of nine p.m. and ten a.m., and on Sunday. (Ord. 97-5 § 1, 1997; Ord. 11-09 §§ 1, 2, 2012; Ord. 14-16 § 2 (part), 2014. Formerly 6.08.020.)

**8.20.030 Protest of liquor licenses of establishments that sell beverages containing more than ninety percent alcohol.**

A. The council finds that the sale of beverages containing more than ninety percent alcohol is a serious threat to public health and welfare.

B. The city shall protest the issuance, renewal or transfer of any liquor license for an establishment within the city unless the applicant notifies the city that it has not within the past thirty days, and will not in the future, sell beverages containing more than ninety percent, or one hundred eighty proof, alcohol.

C. The application for a liquor license for any establishment within the city that in fact sells beverages containing more than ninety percent, or one hundred eighty proof, alcohol after notifying the city that it would not do so shall also be protested.

D. The city manager is directed to take reasonable steps to ensure that this section is being enforced. Any establishment affected by this provision shall have the right to appear before the council at the public hearing and present evidence or arguments in its behalf.

E. Nothing in this chapter operates to prevent the city from protesting applications for liquor licenses on other reasonable grounds, as permitted by state law. (Ord. 90-04 § 1, 1990; Ord. 14-16 § 2 (part), 2014. Formerly 6.08.030.)

## Chapter 4.01 - LOCAL BEVERAGE CONTROL BOARD

### Sections:

#### 4.01.010 - Established.

Pursuant to the local option change passed by the voters of Kotzebue on October 6, 2009 and certified by the city council on October 12, 2009, there is hereby established a local beverage control board, hereinafter LBCB, which shall set hours of operation, terms of operation and all other conditions, as allowed by law, for the operation of the city's delivery site, also known as a distribution site, for the delivery of alcoholic beverages being shipped to individuals residing in the city and for the sale of alcoholic beverages at any city-owned-and-operated liquor store, bar and/or restaurant, subject to review and approval by the city council.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.020 - Composition—Appointment—Qualifications.

The LBCB shall consist of seven members appointed by the mayor, subject to city council confirmation and serving at the pleasure of the city council. Each LBCB member shall be a qualified city voter, at least twenty-one years of age at the time of appointment, a resident of the city for at least one year at the time of appointment and have no convictions for any alcohol-related offenses as set out in Titles 4, 11 and 28 of the Alaska Statutes or any type of felony within the ten years preceding appointment to the LBCB. There shall be no specifically designated seats on the LBCB. However, appointments shall be made by the mayor and confirmed by the city council in such a manner as to provide diversity and expertise for the LBCB to properly perform its powers and duties as set out in Section 4.01.150, below, using the application process set forth in Section 4.01.040, below.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.030 - Term.

A LBCB member's term shall be three years and until a successor is appointed and qualified; provided, that the initial LBCB members shall draw lots to divide the membership substantially into thirds, to serve terms of one, two and three years, respectively, so that the terms of LBCB members will be staggered.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.040 - Application process for appointment.

Residents of the city of Kotzebue who desire to serve on the LBCB shall complete an application on the form(s) provided by the city of Kotzebue. Such form(s) shall be returned to the city clerk along with any attachments required thereto. Completed application form(s) shall be forwarded

to the mayor and city council for review, consideration and appointment as set out in Section 4.01.020, above.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

4.01.050 - Meetings—Absence from.

A. No LBCB member shall be absent from any meetings of the LBCB, except for good and sufficient reason.

B. The reason shall be submitted in writing and approved by the LBCB. In the event of an emergency when a request to be excused cannot be submitted in advance, the request to be excused shall be considered at the next regular meeting.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

4.01.060 - Vacancies.

A. A vacancy on the LBCB shall be filled as provided in Sections 4.01.020 and 4.01.140 for the remainder of the term of the former member.

B. A vacancy occurs when:

1. A confirmed appointee fails to qualify and assume the duties of the office within thirty days of confirmation;
2. A member departs the city intending to remain outside the city for sixty days or more;
3. A member submits a resignation accepted by the LBCB;
4. A member, due to incapacity or absence from the city, cannot attend LBCB meetings for sixty days or more;
5. A member is absent from three consecutive, regular LBCB meetings without the LBCB excusing any such absence.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

4.01.070 - Removal of LBCB members.

A. Sitting members of the LBCB may be removed by a duly-passed resolution of the LBCB with approval of such removal confirmed by a majority vote of the city council. The city council, on its own initiative and without action by the LBCB, may also remove, with or without cause, a member of the LBCB by a majority vote of the city council.

B. Grounds for removal may include, but are not limited to, malfeasance of the LBCB member, misconduct by the LBCB member in the performance of LBCB duties and responsibilities,

misconduct by the LBCB member unrelated to LBCB duties and responsibilities that make the member's continued service on the LBCB inappropriate and detrimental to the best interests of the LBCB, the city council and/or the city of Kotzebue, negligence in carrying out LBCB duties by the member or reasonable suspicion that the LBCB member has violated any criminal statute(s) of the state of Alaska.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

4.01.080 - Compensation.

LBCB

members shall be compensated as provided by resolution of the city council and may be reimbursed for reasonable expenses incurred in the performance of their duties as pre-approved by the LBCB and city manager.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

4.01.090 - Agenda.

A. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the LBCB for consideration shall be delivered to the LBCB, or its designee, seventy-two hours prior to the meeting. The agenda deadline will be at 12:00 p.m., noon, on the Monday prior to a Wednesday meeting for regular meetings, and twenty-four hours prior to meeting, for special meetings.

B. The chairman shall organize an agenda of such matters according to the order of business and each LBCB member shall receive a copy of the same.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

4.01.100 - Meetings—Quorum.

A. Regular Meeting. The LBCB shall hold a regular meeting at least once a quarter on the second Wednesday of the month selected for this regular, quarterly meeting. The meeting place shall be the city council chambers in Kotzebue. The meetings shall start at 5:00 p.m. Notice of the regular, quarterly meeting shall be posted at least seven days prior to the LBCB meeting. Any change in the time and/or place of a meeting shall be noticed at least forty-eight hours prior to said meeting. Four LBCB members constitute a quorum.

B. Special Meetings. Special meetings may be called by the chairman or at the request of two LBCB members upon not less than twenty-four hours' public notice. Written or oral notice shall be communicated to each member of the LBCB not less than twenty-four hours prior to the meeting. Quorum requirements for special meetings shall be the same as for regular meetings.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009; Ord. No. 13-02, § 4(Exh. C), 10-4-2012)

#### 4.01.110 - Voting.

All LBCB actions shall be by vote, after a quorum is established. A minimum of four LBCB members must vote in favor of the proposed action in order for the action to become authorized.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.120 - Officers.

Annually, the LBCB shall select a chairperson and vice-chairperson from its membership. The chairperson shall preside at meetings of the LBCB and shall represent the LBCB as directed by its members. The vice-chairperson shall act in the absence of the chairperson.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.130 - Rules of procedure.

The LBCB, by resolution, may adopt its own written rules of procedure, consistent with this chapter, governing the conduct of its proceedings. In all matters of procedure not governed by such rules or this title, Robert's Rules of Order shall govern.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.140 - Rules, regulations and ordinances.

By a duly-adopted resolution, the LBCB shall recommend rules, regulations and ordinances for the establishment and operation of a city-owned-and-operated delivery site for the delivery of alcoholic beverages being shipped to individuals residing in the city and for the establishment and operation of a city-owned-and-operated liquor store, bar and/or restaurant and for the sale of alcoholic beverages at such facilities. All LBCB rules and regulations shall be reviewed and approved by the city council prior to implementation. Copies of all rules, regulations and non-code ordinances regarding the LBCB shall be available to the public in the office of the city clerk. All code ordinances shall be codified in the Kotzebue Municipal Code.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.150 - Powers and duties.

The LBCB shall, subject to city council review and approval, have powers and duties to the maximum extent possible, subject to available funding, and as allowed by local, state and federal law, in order to:

A. Establish and operate a designated site for the delivery of alcoholic beverages being shipped to individuals in the city of Kotzebue;

- B. Establish and operate a city-owned-and-operated liquor store, bar and/or restaurant licensed to serve beer and wine;
- C. Set hours of operation for the city-owned-and-operated facilities designated in subsections A. and B., above;
- D. Set the terms of operation for the city-owned-and-operated facilities designated in subsections A. and B., above;
- E. Set all other conditions for the city-owned-and-operated facilities designated in subsections A. and B., above;
- F. Set limits for the amount of alcoholic beverages that may be purchased from the city-owned-and-operated facilities designated in subsection B., above;
- G. Participate in the statewide database established by Alaska Statute 04.06.095;
- H. Monitor, to the extent possible and as funding is available, package store compliance with Alaska Statute 04.11.150 and report any violations to local and state law enforcement officials;
- I. Monitor, to the extent possible and as funding is available, personal importation limits as set out in Alaska Statute 04.11.491(f)(1) and Alaska Statute 04.16.125(b)(1) or as modified pursuant to Alaska Statute 04.21.010(a)(1) and report any violations to local and state law enforcement officials;
- J. Set all prices, fees and/or charges for alcoholic beverages delivered pursuant to subsection A., above, or purchased at the city-owned-and-operated facilities designated in subsection B., above;
- K. Ensure that all duly-imposed, city use and/or sales taxes are collected on all alcoholic beverages imported into the city through the delivery site or sold at the city-owned-and-operated liquor store, bar and/or restaurant;
- L. Prohibit the selling, giving or bartering of alcoholic beverages to a drunken person;
- M. Pursue civil actions under Alaska Statute 04.16.047 against persons who are restricted from purchasing alcohol under Alaska Statute 04.16.160;
- N. Enforce conditions of release, conditions of probation, conditions of parole or other such similar restrictions on the purchase or possession of alcoholic beverages imposed upon a person by a court or agency of competent jurisdiction;
- O. Recommend, if necessary, to the city council an ordinance that would set limits on the monthly amounts of alcoholic beverages a person may import into the city as permitted by Alaska Statute 04.21.010(a)(1);

P. Ensure that all city employees who sell or serve alcoholic beverages at any city-owned-and-operated liquor store, bar and/or restaurant or check identification of a patron at such facilities or delivers alcoholic beverages to persons at the city's delivery site shall have completed an alcohol server education course as set out in Alaska Statute 04.21.025; and

Q. Exercise all other powers and duties not specifically listed above and to adopt any and all rules, regulations and procedures, subject to city council review and approval, that are necessary and appropriate for the ownership, management and operation of the city-owned-and-operated facilities designated in subsections A. and B., above.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.160 - Rulemaking, resolutions and appeals.

A. Rulemaking. By resolution, the LBCB may adopt rules consistent with this title in order to conduct its business as set out in Section 4.01.130, above. Copies of these rules of procedure shall be available to the public in the office of the city clerk.

B. Resolutions. Acts of the LBCB that are required to be established by resolution shall be approved by a majority of the LBCB and signed by the chairman or vice-chairman of the LBCB.

C. Appeals. Any person or entity aggrieved by a decision of the LBCB may appeal the decision to the city council. Any decision of the LBCB is deemed final unless an appeal is filed within fifteen calendar days of the date of the LBCB decision with the city clerk. The notice of appeal must specifically state the reason for the appeal, relief sought and include payment of any appeal fee, if required. The city council shall hear and provide a decision on the appeal based upon the record developed before the LBCB and argument presented to the city council. No new evidence may be presented to the city council during the appeal process. The decision of the city council on the appeal shall be deemed final unless a timely appeal is filed with the Superior Court, Second Judicial District in Kotzebue, Alaska.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### 4.01.170 - Conflicts of interest.

A LBCB member shall not participate in deliberation or vote on a matter if:

A. The LBCB member or a member of his/her immediate family has a substantial financial interest in any matter before the LBCB; or

B. If it is foreseeable that the LBCB member or a member of his/her immediate family could profit in any material way through a favorable or unfavorable decision of the LBCB.

C. "Substantial financial interest" or "profit in any material way," for purposes of this section are a financial interest or profit that could be affected by an official action of the LBCB, which could reasonably result in a pecuniary gain or loss exceeding five hundred dollars.

D. Whether or not a conflict of interest exists requiring an excusal from participation in deliberation or voting on a matter shall be determined by the chairperson of the LBCB, whose decision may be overridden by a majority vote of the LBCB.

(Ord. No. 10-02, § 2(Exh. A), 11-25-2009)

#### Chapter 4.02 - ALCOHOLIC BEVERAGE DELIVERY SITE

##### Sections:

##### 4.02.010 - Definitions.

When used in this chapter, the following words and phrases have the meanings given unless the context in which the word or phrase is used clearly indicates a different meaning was intended.

A. "Alcoholic beverage" means a spirituous, vinous, malt or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by a person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

B. "ABC board" means the Alaska Alcoholic Beverage Control Board.

C. "City delivery site" means a delivery site established and operated by the city.

D. "Common carrier" means a motor vehicle, watercraft, aircraft or railroad car available for public hire to transport freight or passengers.

E. "Delivery site," "alcohol delivery site" and "alcoholic beverage delivery site" refer to a designated delivery site or a city delivery site.

F. "Designated receiving site" means a common carrier that has been designated as a receiving site pursuant to Section 4.02.020.C.

G. "Distilled spirits" shall have the same meaning as is applied to the phrase in Title 4 of the Alaska Statutes.

H. "Domicile" means the place that the person has established as a residence in Kotzebue which is the person's only home and is the place to which the person intends to return whenever the person is away.

I. "Drunken person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the over consumption of alcoholic beverages.

J. "Import" means to bring personal property into the city by any means of transportation, whether transported while in the possession or control of the owner or intended recipient or transported in response to the request or arrangements made by or for the owner or intended recipient, but does not include personal property brought into the city by a common carrier that remains in control and possession of a common carrier until it is transported outside the city by a common carrier.

K. "Local beverage control board" means the local beverage control board established by Chapter 4.01 of the Kotzebue Municipal Code and shall be referred to herein as the "LBCB."

L. "Malt beverage" shall have the same meaning as is applied to the words in Title 4 of the Alaska Statutes.

M. "Minimum permitted delivery time" means the time between the date the delivery site mails or otherwise gives notice to a permittee of the arrival of alcoholic beverages for the permittee and the twenty-second day following the day of notice.

N. "Permit" means a permit issued under this chapter and/or Chapter 4.03.

O. "Permittee" means an individual holding a current, valid permit issued under this chapter and/or Chapter 4.03.

P. "Site" and "delivery site" mean the Kotzebue alcoholic beverage delivery site established or designated pursuant to this chapter.

Q. "Wine" shall have the same meaning as is applied to the word in Title 4 of the Alaska Statutes.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.020 - Establishment.

A. There is established the Kotzebue Alcoholic Beverage Delivery Site, which shall be at such location as the LBCB recommends and the city council approves. Designated receiving sites shall be such common carriers as are offered and accept a designation pursuant to subsection C., below. The alcoholic beverage delivery site should be in a well-lighted, developed area with reasonable public access and where it may be easily monitored. The proximity to a police or other public safety facility that is manned twenty-four hours a day is encouraged.

B. The delivery site shall be clean, heated and well-secured against break-in or other unauthorized entry. Inside the delivery site there shall be an area adequate to securely store alcoholic beverages delivered to the site. The LBCB, after consulting with such advisors, security professionals, law enforcement agencies and other persons shall devise and have installed or constructed such security systems, areas or arrangements as may be appropriate to ensure the security and safekeeping of alcoholic beverages delivered to the city delivery site.

C. The LBCB shall examine the facilities of each common carrier serving the city of Kotzebue after receiving permission from the carrier. If the LBCB determines that the facilities and procedures of the carrier meet or could meet the requirements for a designated receiving site including specific security requirements set by the LBCB, the LBCB shall submit to the city council a report on each carrier facility inspected. Each report shall contain:

1. A summary of how freight and checked luggage, if applicable, is received, processed and delivered or released to the addressee;
2. How alcoholic beverages are received, processed and delivered or released to the addressee;
3. How undelivered freight, including alcoholic beverages, are disposed of;
4. A description of the facilities and procedures of the carrier that exist or that could be used to ensure that shipments of alcoholic beverages received will be secure and that delivery is made only to an individual authorized to receive the shipment; and
5. Changes that would need to be made to the carrier's facilities and procedures for it to be able to satisfactorily serve as a designated receiving site.

The LBCB shall discuss a preliminary draft report with the carrier and shall consider alternatives suggested by the carrier. The final report on each carrier that indicates an interest in being designated as a receiving site shall be submitted to the city council. The report shall contain the recommendation of the LBCB as to whether the carrier should be offered a designation as a receiving site and the specific conditions that must be met by the carrier before the designation, if recommended by the LBCB, may become effective. The LBCB's recommendations may be implemented by the LBCB unless, at the city council meeting at which the LBCB's recommendations are scheduled for council consideration and action, the city council affirmatively rejects or disapproves the recommendations. The LBCB's recommendations shall be deemed approved unless there are four affirmative votes on a motion to reject the LBCB's recommendations.

D. The LBCB may impose new requirements and may modify existing requirements applicable to a designated receiving site to ensure effective operation of the delivery site system. The LBCB, following delivery of written notice of intent and reasons for revocation or other proposed action, and after an opportunity for the common carrier to be heard and respond to the

reasons set out in the notice, may take action that the LBCB determines to be appropriate under the circumstances found. The action may be revocation of the designation of the common carrier as a receiving site or may be a lesser deprivation or burden on the common carrier.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.030 - Notice of establishment.

A. Upon the establishment of an alcohol delivery site under this chapter the LBCB shall give notice of the establishment to the ABC board. The notice shall include:

1. The name by which the site is to be known if other than the "Kotzebue Alcoholic Beverage Delivery Site;"
2. The address of the site;
3. A request that the ABC board notify all holders of package store licenses who are authorized to ship alcoholic beverages in response to a written solicitation that the delivery site has been established and that all orders sent to a person in Kotzebue must thereafter be sent, shipping prepaid, to the purchaser at the delivery site address, or to such other delivery sites as are approved by the City; and
4. A request that the ABC board provide to the delivery site current and updated lists of the names of persons who, under A.S. 04.15.200, are convicted after October 24, 1987 of a violation of A.S. 04.11.01.

B. The LBCB shall provide to common carriers, whether or not designated as a receiving site, copies of the notice required to be posted under subsection C. of this section. The notice shall set out the delivery requirements of this chapter and the maximum penalty that may be imposed for violations. The notice shall be appropriate for the carrier with respect to whether designated receiving sites are used and whether the carrier is or is not a designated receiving site.

C. Common carriers shall post the notice provided by the city under this section in one or more conspicuous places in each of the following locations:

1. Where cargo or baggage is handled;
2. On bulletin boards where notices to employees required by law are posted;
3. Where persons claiming baggage or receiving cargo shipments claim their baggage or shipments; and
4. Where baggage and cargo shipments are physically delivered to the traveler, shipper or claimant.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

4.02.040 - Delivery site operation responsibility.

A. As set forth in Section 4.01.150.A. of this title, the LBCB shall, subject to city council review and approval, have the power and duty to the maximum extent possible, subject to available funding, and as allowed by local, state and federal law, to establish and operate a delivery site.

B. A designated receiving site shall be operated by officers, employees or agents of the common carrier in accordance with this chapter and the conditions of the designation.

C. The LBCB shall prescribe rules, policies and procedures, as approved by the city council, which are consistent with the provisions of this chapter, as it determines to be appropriate.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

4.02.050 - Delivery site hours of operation.

A. The LBCB shall establish a schedule of days and hours of operation for the delivery site, through regulations. Unless otherwise required under conditions of a designation of a common carrier as a receiving site, the common carrier may establish its own days and hours of operation consistent with subsection B. below. The schedule shall be posted at each entrance to the delivery site.

B. The delivery site shall be open for receipt and redelivery of alcoholic beverages as established in regulations by the LBCB. The LBCB may establish a schedule for receipt of alcoholic beverages at a city delivery site that is different from the schedule for redelivery.

C. Through regulations, the LBCB may authorize additional, unscheduled hours of operation on a temporary basis to accommodate special situations.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

4.02.060 - Importation limits.

A. Within any calendar month, a person may not import into the city more than twelve gallons of malt beverages, twenty-four liters of wine and ten and one-half liters of distilled spirits, as set forth in A.S. 04.11.150(g).

B. A person may not import any amount of alcoholic beverage containing more than seventy-six percent alcohol by volume, as set out in A.S. 04.16.110. However, the LBCB, with city council approval, may impose a limit for distilled spirits of not less than forty percent or more than seventy-six percent alcohol by volume as permitted by A.S. 04.21.010(a)(2).

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

4.02.070 - Delivery to alcohol delivery site.

A. All alcoholic beverages sent into the city by a package store shall be sent, shipping prepaid, and shall be addressed to the purchaser at the delivery site.

B. A person importing alcoholic beverages into the city in a quantity exceeding one liter of distilled spirits, or two liters of wine, or one gallon of malt beverage in a single day or single shipment shall ship such alcoholic beverages into the city, shipping prepaid, addressed to and for delivery to the delivery site. Said alcoholic beverages shall be shipped separately, in packages clearly marked as "alcoholic beverages" in lettering at least two inches high and drawn in lines one-quarter inch wide. Said shipments shall contain only alcoholic beverages and such alcoholic beverage shipments shall not be packed with other nonalcoholic beverage items. The person who is in possession of alcoholic beverages subject to this subsection B. at the time they are imported into the city or who is a common carrier that is not a designated receiving site and to which the shipment is transferred for delivery to the Kotzebue addressee, shall deliver or cause such alcoholic beverages to be delivered to a delivery site; provided, alcoholic beverages transported as checked baggage accompanying a traveler on a regularly scheduled air carrier that is not a designated receiving site may not be claimed by the traveler at the air terminal, but shall be delivered to a delivery site by the air or other common carrier immediately or at the earliest time the delivery site is next open to receive alcoholic beverages if the alcoholic beverages exceed one liter of distilled spirits, two liters of wine or one gallon of beer; amounts that are at or below these limits are not required to be delivered to or processed through a delivery site.

C. A person may not open, consume or transfer to another, any alcoholic beverage required to be delivered to the delivery site until after such alcoholic beverage has been delivered as required by this section and redelivered to the purchaser or owner.

D. A person transporting alcoholic beverages into Kotzebue via common carrier shall comply with the labeling requirements in A.S. 04.16.125.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

4.02.080 - Receipt and processing—Package store shipments.

A. Upon the receipt of alcoholic beverages shipped from a package store, the delivery site shall:

1. Receive the shipping container;
2. Note on the delivery site records and on any shipping document tendered at delivery any damage that appears to have occurred to the container or its contents and notify parties responsible for the damage;
3. Ensure that the date received, name of the purchaser and the invoice number are clearly marked on the shipping container;

4. Remove the invoice from the shipping container; however, if no invoice of the contents is provided, the delivery site shall prepare an inventory of the contents and that inventory shall be deemed the contents of the shipping container;
  5. Record the quantities of each kind of alcoholic beverage contained in the shipping container and enter the quantities on the permittee's monthly record or on another log or record kept by the city;
  6. Record sales or use tax and other information as may be required by the LBCB;
  7. Determine whether the purchaser is authorized to receive the alcoholic beverages on the invoice; and
  8. provide the purchaser with notice of receipt of the alcoholic beverages and the amount due the city for sales or use taxes, handling and storage fees and any other charges, levies, or taxes.
- B. If the purchaser is not authorized to receive the alcoholic beverages, the alcoholic beverages may not be delivered to that person or to another person and the delivery site shall retain all alcoholic beverages that cannot be delivered until the earlier of the time they may be lawfully delivered or until they are disposed of by the common carrier if held by a designated receiving site or until they are transferred to the city's package store for sale to an authorized purchaser under the provisions of this chapter, if held by a city delivery site.
- C. If the purchaser is authorized to receive the alcoholic beverages, they shall be delivered to the person upon payment of all taxes, handling and storage fees, and other charges, levies or taxes owing.
- D. The records created or maintained by a delivery site for the purpose of monitoring the amount of alcoholic beverages received by an individual within a month are confidential and are not public records. Such records shall be disclosed only to those delivery site employees who require access to such records for the purpose of making entries of new receipts or deliveries and to determine whether the person has or will exceed their monthly limits under KMC § 4.02.060. The city employee designated by the LBCB to consolidate the individual delivery records and issue the permits shall also have access to such records. All other access to the records shall be only as required by law and the LBCB regulations that establish procedures by which local, state and federal law enforcement may have access to delivery site and/or package store records. The provisions of this subsection apply to alcohol received or processed through a delivery site under Sections 4.02.080 and 4.02.090 and alcohol purchased under Chapter 4.03 of this title.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

4.02.090 - Receipt and delivery—Other shipments.

A. Alcoholic beverages required to be delivered to the delivery site that are not delivered under Section 4.02.080 shall be delivered at the earliest opportunity by the person importing the alcoholic beverages or the person otherwise required under Section 4.02.070.B. to deliver the alcoholic beverages to the delivery site. Upon delivery, the delivery site shall remove and examine the invoice and may require a container delivered to be opened for inspection. Based on the invoice or actual inspection, the delivery site shall make an inventory of the contents of each container and shall process the alcoholic beverages as provided in Section 4.02.080.A., except the addressee or owner shall be substituted for the purchaser.

B. If the owner or the person to whom the alcoholic beverages are addressed is not authorized to receive the alcoholic beverages, the alcoholic beverages may not be delivered to that person or to any other person and the delivery site shall retain the alcoholic beverages that cannot be delivered until the earlier of the time that they may be lawfully delivered or until they are disposed of by a common carrier held by a designated receiving site or are transferred to the city's package store for sale to an authorized purchaser.

C. If the owner or addressee is authorized to receive the alcoholic beverages, the alcoholic beverages shall be delivered only to the owner or addressee upon payment of all taxes, handling and storage fees and other charges, levies or taxes owing.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.100 - Re-delivery of alcoholic beverages.

A. Delivery of alcoholic beverages by the delivery site may occur only at the delivery site and may be made only by an authorized officer or employee of the city. Delivery by the designated receiving site to the delivery site may be made only by an officer, employee or agent of the common carrier authorized by the common carrier to make such deliveries.

B. The following persons are not authorized to receive alcoholic beverages and no delivery may be made to such person:

1. A person believed to be a drunken person by the delivery site employee in charge of the delivery site at the time of the delivery request is made;
2. A person who is unable to provide to the delivery site the person's current, valid permit;
3. A person who is unable to satisfy the delivery site employee by means of duly-issued, official identification, with such identification requirements as set by regulations approved by the LCB, that he/she is the person to whom the permit was issued;
4. A person who has received during the current calendar month the maximum quantity of one or more of the types of alcoholic beverages permitted to the person under this chapter or Chapter 4.03; or who, upon delivery of the alcoholic beverages would exceed a limit established by this

chapter or Chapter 4.03; provided so much of the beverages sought may be delivered to the extent the delivery does not cause the person to exceed their monthly limit for the alcoholic beverage as established by this chapter or Chapter 4.03;

5. A person who fails or refuses to pay all amounts owing the city with respect to the alcoholic beverages;

6. A person who, under A.S. 04.16.200 has been convicted within the preceding two years of a violation of A.S. 04.11.010;

7. For so long as the court order is in effect, a person whom a court has ordered not to consume or possess alcohol if the delivery site has been so notified by the Kotzebue Police Department;

8. For so long as the condition is in effect, a person who has been released from custody pending trial or who has been released on probation, parole or under similar circumstances, if a condition of the release is that the person not consume or possess alcoholic beverages if the delivery site has been so notified by the Kotzebue Police Department;

9. A person who is not able to satisfactorily prove that their domicile is the place shown on the permit; or

10. A person who has voluntarily placed himself/herself on a "no delivery list" on such terms and conditions as established by duly-adopted LBCB regulations.

C. An authorized delivery site employee may not deliver alcoholic beverages to a person who is not authorized to receive alcoholic beverages.

D. A person who is not authorized to receive alcoholic beverages may not receive them at the delivery site or elsewhere.

E. Before the delivery site may refuse delivery to a person for reasons set out in subsections B.6., 7. or 8., above, the delivery site must be in possession of a copy of the court order or judgment or either a copy of the conditioned release or written confirmation of the conditioned release and the terms of the conditions relating to alcohol consumption, or a confirmation by the court, the chief of police or the LBCB of the criminal judgment. The burden of showing that the order, condition of release or condition of probation or parole, above, is no longer in effect is upon the person to whom the order or condition or criminal judgment applied. The LBCB shall adopt regulations, as approved by the city council, for the implementation and enforcement of B.6., 7. and 8., above.

F. Alcoholic beverages not delivered to a permittee for any reason shall be held at the delivery site for not less than twenty-one days from the date of notice of availability to the permittee. After such time, the alcoholic beverages may be transferred to the city's package store as provided in Section 4.02.110.

G. Alcoholic beverages not delivered to the delivery site by a designated receiving site shall be retained and disposed of under laws applicable to the common carrier, or, if the common carrier elects, as provided for undelivered alcoholic beverages at a city delivery site.

H. A person who is refused delivery shall be provided with a written statement from the delivery site employee refusing delivery clearly stating the reason for the refusal to deliver and stating the date, if applicable, after which the alcoholic beverages may be transferred to the city's package store, if not sooner delivered. If the delivery is refused at the city delivery site or a designated receiving site that has elected under subsection G., above, to be bound by the city delivery site transfer procedures to the city's package store refuses to deliver to the city delivery site, the person whose delivery has been refused shall be informed of their right to appeal the refusal to deliver to the LBCB.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.110 - Transfer of undelivered alcoholic beverages.

A. Alcoholic beverages that have not been delivered within the minimum permitted delivery time may be transferred to the city's package store for sale to an authorized purchaser under the procedures set out in this section, with the exception of alcoholic beverages that are:

1. The subject of an appeal to the LBCB or the court under this chapter; or
2. The subject of a decision of the LBCB or a court for which the time for appeal of the decision has yet to expire, if prepayment of storage fees required under this section have been paid.

B. At any time following the expiration of the minimum permitted delivery time, the delivery site shall give notice to the purchaser or addressee of the alcoholic beverages for which the minimum permitted delivery time has expired. The notice shall identify the alcoholic beverages and shall inform the purchaser or addressee:

1. That the minimum permitted delivery time has expired; and
2. That after an additional seven days from the date the written notice is mailed, the delivery site will take action to transfer the undelivered beverages to the city's package store for sale to an authorized purchaser unless the permittee picks up the beverages, if authorized, prepays storage fees or files an appeal to the LBCB.

C. The permittee shall be notified that the permittee may file a written appeal at the delivery site not later than the close of business on the seventh day following the date the notice is mailed and that the timely filing of such an appeal will stay the transfer of the alcoholic beverages during the pendency of the appeal. At any time before or after the filing of an appeal, and before the alcoholic beverages are transferred, the owner may make arrangements to have the alcoholic beverages shipped back to the package store that originally shipped the beverages to the delivery

site; provided, all handling, storage and other delivery site charges and city taxes must be paid before the delivery site may release the beverages for reshipment. The arrangements for reshipment must include prepayment of all shipping and handling charges and assurances that the beverages will be in the possession of common carriers from the time released by the delivery site until delivered back to the package store.

D. Upon receipt of a timely-filed appeal, or a late appeal regarding alcoholic beverages that have not yet been transferred to the city's package store for sale to an authorized purchaser, the city delivery site shall segregate the undelivered alcoholic beverages subject to the appeal and note prominently on the container that the alcoholic beverages within the container are the subject of the appeal. The city delivery site shall note on the appeal the date and time received, shall retain a copy for its files and shall forward the original to the LBCB along with the copy of the records of the city delivery site showing all relevant activities relating to the alcoholic beverages and their non-delivery from the date of receipt of the alcoholic beverages at the delivery site through the date of receipt of the appeal.

E. Upon receipt of an appeal by the LBCB, the LBCB shall hear the appeal in the manner provided under Section 4.02.130.

F. Storage and applicable charges shall continue to accrue during the pendency of the appeal to the LBCB. If the LBCB determines that the alcoholic beverages should have been delivered when delivery was refused, storage and other related charges that accrued following the refusal to deliver shall be waived, provided the alcoholic beverages are delivered to the appellant within three delivery site operating days of the date the LBCB's decision is mailed or delivered to the appellant; provided, further, the appellant must be qualified and authorized to receive the alcoholic beverages subject to the appeal at the time the appellant requests delivery of the alcoholic beverages at the delivery site.

G. If the LBCB determines that the refusal to deliver was appropriate, the appellant may appeal the LBCB's decision to the superior court as provided in the applicable Alaska Rules of Appellate Procedures. If the appellant intends to appeal the LBCB's decision to the superior court, the appellant may avoid the transfer of the alcoholic beverages to the city's package store, for sale to any other authorized person, by paying, within three delivery site operating days of the date of the LBCB's decision, all taxes and charges due on the alcoholic beverages from the date of the receipt through the thirty-third day following the appellant's receipt of the LBCB's written decision. If the appellant files a notice of appeal to the superior court of the LBCB's decision, and, in addition, serves a copy of the notice of appeal on the delivery site, with a prepayment for storage and other charges that will come due within the six months that follow the date of the notice of appeal, the delivery site may not transfer the alcoholic beverages to the city's package store for sale to any other authorized person and shall continue to store them for the period covered by their prepayment or until they are lawfully delivered to the appellant, whichever occurs first. If the alcoholic beverages have not been delivered to the appellant and the final

decision of the superior court on the appeal has not been issued before the expiration of the period covered by the prepayment, the appellant shall pay for an additional six-month period. Upon the issuance of a final, appealable decision by the superior court, the alcoholic beverages shall be subject to the same procedures and prepayment requirements as applied upon delivery of the LBCB's decision to the appellant. If the alcoholic beverages are delivered to the appellant at any time prior to the expiration of a prepayment, the amount of the prepayment attributable to the time beyond the date of delivery shall be refunded to the appellant.

H. Upon the failure of a permittee to timely appeal or to make a prepayment or take other required action under this section to preserve his or her right to have the delivery site continue to store his or her alcoholic beverages, the person thereby forfeits all rights, title and claims to such alcoholic beverages and the alcoholic beverages may be transferred to the city's package store for sale to any other authorized person. Upon certification by an authorized delivery site employee that there is no pending appeal of the delivery refusal decision, or that the period covered by the last storage prepayment has expired, and that written notice of the expiration of the prepayment or appeal period was mailed to the appellant at least seven days prior to the date of the certification, the alcoholic beverages may be transferred to the city's package store for sale to any other authorized person.

I. The delivery site shall forward the certification of transfer to the LBCB. The delivery site shall maintain an inventory of all alcoholic beverages transferred to the city's package store for sale to an authorized person.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.120 - Permit.

A. Upon receipt of a complete application and a nonrefundable application fee in an amount set by the LBCB, the city employee designated by the LBCB shall issue an alcoholic beverage delivery permit to a person who meets the qualifications set out in this section. Permit applications must contain the mailing address or phone number at which the applicant may be notified of the arrival of alcoholic beverages at the delivery site and receive other notices required to be given under this chapter. The application shall contain the applicant's driver's license number, voter registration number and such other information as the LBCB may establish in regulations and/or the designated city employee may require as proof of domicile in Kotzebue and for identification purposes. Permits shall be numbered sequentially and shall be valid for a period of one year. Permits are the property of the city of Kotzebue and may be revoked, suspended and/or surrendered to the city as provided by law, ordinance, statute and regulation. If a permit is lost by the permittee or must be replaced for any reason, a nonrefundable replacement fee in an amount set by the LBCB shall be paid by the permittee.

B. A permit may be renewed by a person who continues to meet the qualifications for a permit upon the filing of a renewal application accompanied by a nonrefundable renewal fee in an

amount set by the LBCB and proof of the applicant's qualification for renewal. A lost, stolen or destroyed permit may be replaced under this renewal procedure.

C. To qualify for a permit, a person must:

1. Be at least twenty-one years of age;
2. Be domiciled within the city limits of the city of Kotzebue with proof of domicile as required by regulations established by the LBCB;
3. Not have any amounts owing to the city of Kotzebue for delivery site handling, storage, other delivery site charges, and/or sales/use taxes on alcoholic beverages;
4. Within two years of the date of the application not have been convicted of, pleaded guilty or no contest to a violation of:
  - (a) Any provision of Title 4 of the Alaska Statutes;
  - (b) A.S. 28.33.030, 28.35.030 or 28.35.032; or
  - (c) Any provision of federal law regulating the manufacture, possession, transportation, sale or use of alcoholic beverages or any provision of the Kotzebue Municipal Code involving the importation, sale, delivery, possession or use of alcohol.
5. Not be subject to a court order or conditions as set out, above, in Section 4.02.100.B.7. and B.8.; and
6. Not be a person who has been issued a permit under this chapter whose permit has been suspended or revoked unless the period of the revocation or suspension has expired and any fines paid in full and all conditions imposed have been met.

D. Upon receipt of a completed application and the required fee, the designated city employee shall undertake such investigation as may be necessary to verify statements and claims made in the application and separately provided proofs submitted by the applicant. If the designated city employee determines the applicant is qualified for a new permit or a renewal of an existing permit, designated city employee shall issue the permit and provide a copy of the permit and application to the alcohol delivery site. Permits may be delivered by the designated city employee only to the applicant in person and to no other person except to the qualified, designated agent of a physically disabled person who has been issued a disabled person's permit pursuant to Section 4.02.140.E., below.

E. If the designated city employee determines that an applicant is not qualified or that an essential claim, statement or proof is doubtful and unsupported by adequate, reliable evidence or other defect, the applicant shall have fourteen calendar days from the date the designated city employee mails the notice within which to submit documentation or other proof to overcome the

deficiencies set out in the notice prepared by the designated city employee. If the designated city employee is satisfied that the person is qualified for a permit, the designated city employee shall issue the permit as provided in subsection D. of this section. If the designated city employee determines, based on the submissions by the applicant and the results of the investigation by the designated city employee that the applicant has not satisfactorily shown that the applicant is qualified for a permit, the designated city employee shall deny the permit and shall notify the applicant in writing of the denial and of the reasons for the denial. The denial of the permit may be appealed to the LBCB who shall hear the appeal on the record established by the designated city employee. The notice of denial from the designated city employee shall contain a statement advising the applicant of the right to appeal the denial to the LBCB by filing a written notice of appeal to the LBCB within thirty days of the date the notice of denial is mailed by the designated city employee.

F. A person may not provide or make untrue or misleading statements or provide false, altered or misleading documents in connection with an application for a permit under this chapter.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.130 - Appeals to LBCB.

A. In an appeal by a permit applicant from a decision of the designated city employee, the LBCB shall hear the appeal on the record made by the designated city employee. New evidence that could have been provided to the designated city employee during the application process may not be submitted as a part of the appeal to the LBCB. After receiving written arguments or oral argument, if permitted by the LBCB, from the applicant and the designated city employee, the LBCB shall determine whether, upon the record before the designated city employee at the time the appealed decision was made, there was substantial evidence to support the decision of the designated city employee.

B. In an appeal from a decision of the delivery site to refuse delivery, confiscate a permit, or to take or refuse to take other action, the aggrieved person shall file a written notice of appeal with the delivery site within seven calendar days of the delivery or mailing of the decision unless a longer period of time is permitted under this chapter. The delivery site shall immediately forward the notice of appeal to the LBCB.

C. In all appeals, the LBCB shall provide notice to the appellant whether oral arguments and testimony will be permitted and the date:

1. Upon which oral arguments and oral testimony will be heard, if permitted;
2. By which additional documents, if permitted, must be received; and
3. By which written arguments must be received.

The LBCB shall inform the appellant where the record on appeal may be reviewed and shall provide a copy to the appellant upon request and payment of any copying charges that apply.

D. The LBCB shall schedule the receipt of argument, testimony and documents to ensure that the appellant has reasonable time to prepare and make submission to the LBCB. The first request by the appellant to extend a submission date or to reschedule an oral argument or testimony date shall be freely granted unless doing so would create a hardship for the designated city employee or the delivery site. Any additional extensions for appellant must be fully justified.

E. The LBCB may retain a hearing officer, who may be the city attorney or other appropriate city employee, to hear an appeal under this chapter. The hearing officer shall make scheduling and other procedural decisions and, after receipt of the written argument by the appellant and the designated city employee, shall prepare a proposed decision for the LBCB. The proposed decision by the LBCB or the hearing officer shall set out the evidence in the record upon which the decision is based, a conclusion and an appropriate order. If the LBCB does assign a hearing officer to hear an appeal, the LBCB may accept and sign the proposed decision of the hearing officer, redraft or modify it before signing it or refer it back to the hearing officer for further specified action. Upon signing of the decision, it becomes the LBCB's decision.

F. If the LBCB hears and decides the appeal, it shall prepare a written decision setting out the evidence relied upon, conclusions and an appropriate order.

G. The LBCB's decision may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure applicable to administrative decisions. The LBCB's decision shall contain such notice of the right of appeal as may be required by the Alaska Rules of Appellate Procedure.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.140 - Use and possession of permit.

A. A permittee may not authorize, permit or acquiesce in the use or possession, for any purpose, by another person of the permit issued to the permittee.

B. A permittee may not fail to prevent another person from possessing or using the city-issued permit of the permittee. It shall be a defense to a violation of this subsection if the permittee, upon discovery the loss of the permit or that the permit is in the possession of another person, immediately notified the city delivery site and the Kotzebue Police Department of the loss of the permit and the name of the person possessing the permit, if known.

C. A person other than the permittee may not possess or use or attempt to possess or use for any purpose, a permit issued under this chapter to another person.

D. The delivery site employee shall retain any permit displayed by a person who is not the permittee to whom the permit was issued.

E. Subsections A., B., C. and D. of this section do not apply when the permittee is a disabled person who has met the terms and conditions set by the LBCB for a disabled person's permit and who has been issued a disabled person's permit and the permit is in the possession of the person designated on the permit as the permittee's qualified agent the disabled person's qualified agent also has a valid permit under this chapter.

F. A person may not alter in any way a permit issued under this chapter.

G. A person may not make, by any means, an imitation or copy of a permit issued or authorized to be issued, under this chapter.

H. A person may not use or attempt to use for identification or any similar purpose a permit that has been altered or that is an imitation or copy of a permit issued or authorized to be issued, under this chapter.

I. A delivery site employee shall confiscate and retain any altered, copy or imitation permit displayed by the holder.

J. A delivery site employee, upon receiving the permit, shall confiscate and retain the permit of a person whose permit has been revoked or suspended.

K. The LBCB shall be promptly notified of the confiscation or retention of a permit by the delivery site.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.150 - Permit revocation or suspension.

A. The permit of a person shall be revoked or suspended upon a determination by the LBCB, or the LBCB's designee, that any of the following have occurred:

1. The permittee has allowed another person to use the permittee's permit for any purpose;
2. The permittee's permit has been altered, copied or used as the basis for the making of a false or imitation permit;
3. The permittee has been convicted of, pleaded guilty or no contest to any of the violations or is under a court order or on conditions as set out in Section 4.02.120.C.4.(a), (b) or (c) and Section 4.02.120.C.5.;
4. The permittee has failed or refused to pay an amount owing the city for fees, charges or taxes due for alcoholic beverages received by the delivery site addressed to or for the permittee if such

amount remains unpaid more than thirty days following the mailing to the permittee of an invoice for the amount owing;

5. The permittee has used the permit of another person for any purpose;
6. The permittee submitted untrue or misleading statements or false, altered or misleading documents in connection with an application for a permit;
7. The permittee is no longer domiciled in Kotzebue; or
8. The permittee has violated any of the provisions of this chapter.

B. Upon receiving notice from the delivery site or a city officer or employee that any of the conditions set out in subsection A. of this section exist, the LBCB or the LBCB's designee shall immediately notify the permittee of the allegation and that the permit will be suspended or revoked ten days from the date the notice is mailed unless the permittee files an appeal to the LBCB. An appeal to the LBCB shall be processed as provided in Section 4.02.130.

C. Upon a finding that one or more of the conditions set out in Section 4.02.150.A. have occurred, the LBCB shall suspend or revoke the person's permit, as determined to be appropriate under the circumstances by the LBCB, or the LBCB's designee. The order of suspension or revocation shall state the length of time the suspension or revocation shall remain in effect and any additional requirements, including fines, the permittee must meet before a new permit may be issued to a person whose permit has been revoked. A suspended permit shall be retained by the LBCB and returned to the permittee when the period of suspension ends. A revoked permit shall be destroyed by the LBCB after the time for the appeal of the LBCB's decision has expired.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.160 - Fees, charges and storage limits.

The LBCB, with the approval of the city council shall, by LBCB resolution, establish a schedule of fees and charges for receipt, storage, stocking, handling, delivery, processing, transfer to the city package store and any other services or activities performed by the city and the delivery site.

The LBCB shall establish limits on the amount of alcoholic beverages a permittee may have stored at the delivery site at any one time. Amounts in excess of the limits established shall be charged additional fees and surcharges as determined by the LBCB and as approved by the city council and/or transferred to the city's package store for sale to an authorized person.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.170 - Penalties for violations.

A. Upon a violation of this chapter, the person shall be fined and penalized in accordance with terms, conditions and penalties as set by regulations duly adopted by the LBCB and approved by the city council.

B. All outstanding conditions, penalties and fines must be satisfied and paid in full before a permit may be renewed or re-issued.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

#### 4.02.180 - Severability.

If any provision of this chapter shall be declared invalid or void it shall not invalidate or void the other provisions of this chapter. Such invalid or void provisions shall be severed from this chapter and not adversely affect the lawful enforcement of the other provisions.

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

### Chapter 4.03 - ALCOHOLIC BEVERAGE PACKAGE STORE

#### Sections:

#### 4.03.010 - Definitions.

When used in this chapter, all words and phrases have the meanings set out in Section 4.02.010, Definitions, of this title, unless the context in which the word or phrase is used clearly indicates a different meaning was intended.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.020 - Establishment.

A. There is established the Kotzebue Alcoholic Beverage Package Store, which shall be at such location as the LBCB recommends and the city council approves. The package store should be located in a well-lighted, developed area with reasonable public access and where it may be easily monitored. The proximity to a police or other public safety facility that is manned twenty-four hours a day is encouraged.

B. The package store shall be clean, heated and well-secured against break-in or other unauthorized entry. Inside the package store there shall be an area adequate to securely store alcoholic beverages delivered to the site. The LBCB, after consulting with such advisors, security professionals, law enforcement agencies and other persons shall devise and have installed or constructed such security systems, areas or arrangements as may be appropriate to ensure the security and safekeeping of alcoholic beverages delivered to the city package store.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.030 - Notice of establishment.

Upon the establishment of an alcohol package store under this chapter, the LBCB shall give notice of the establishment to the ABC board, as required by state law. The notice shall include, at a minimum:

1. The name by which the site is to be known if other than the "Kotzebue Alcoholic Beverage Package Store;" and
2. The address of the site.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.040 - Package store operation responsibility.

A. As set forth in Section 4.01.150.B. of this title, the LBCB shall, subject to city council review and approval, have the power and duty to the maximum extent possible, subject to available funding, and as allowed by local, state and federal law, to establish and operate a package store.

B. The LBCB shall prescribe rules, policies and procedures, as approved by the city council, which are consistent with the provisions of this chapter, as it determines to be appropriate.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.050 - Package store hours of operation.

A. The LBCB by regulation shall establish a schedule of days and hours of operation for the package store. The schedule shall be posted at each entrance to the package store.

B. The hours of operation of the package store may be the same as the hours of operation of the delivery site established by Chapter 4.02 of the Kotzebue Municipal Code. However, the LBCB may establish different hours of operation for the package store, even if the package store and the delivery site are located in the same facility.

C. Through regulations, the LBCB may authorize additional, unscheduled hours of operation on a temporary basis to accommodate special situations.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

4.03.060 - Daily sale limits. The LBCB may, through regulations approved by the city council, set daily limits on the amount of alcoholic beverages an authorized individual may purchase at the package store.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.070 - Monthly sale limits.

The LBCB may, through regulations approved by the city council, set monthly limits on the amount of alcoholic beverages an authorized individual may purchase at the package store.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.080 - Purchase of alcoholic beverages.

A. The purchase of alcoholic beverages in Kotzebue may occur only at the package store established by this chapter until such time as a city-owned-and-operated beverage dispensary, licensed bar and/or city-owned-and-operated licensed restaurant is opened and in operation, at which time alcoholic beverages may also be purchased at such city-owned-and-operated facilities. Sales transactions for alcoholic beverages may be made only by an authorized officer or employee of the city.

B. The following persons are not authorized to purchase alcoholic beverages and no sales shall be made to such persons:

1. A person believed to be a drunken person by the package store employee in charge of the package store at the time the request to purchase is made;
2. A person who is unable to provide his/her current, valid permit to the package store employee;
3. A person who is unable to satisfy the package store employee by means of a duly-issued, official identification, with such identification requirements as set by regulations approved by the LBCB, that he/she is the person to whom the permit was issued;
4. A person who fails or refuses to pay all amounts owing the city with respect to the alcoholic beverages;
5. A person who, under A.S. 04.16.200 has been convicted within the preceding two years of a violation of A.S. 04.11.010;
6. For so long as the court order is in effect, a person whom a court has ordered not to consume or possess alcohol if the package store has been so notified by the Kotzebue Police Department;
7. For so long as the condition is in effect, a person who has been released from custody pending trial or who has been released on probation, parole or under similar circumstances, if a condition of the release is that the person not consume or possess alcoholic beverages if the package store has been so notified by the Kotzebue Police Department;
8. A person who is not able to satisfactorily prove that their domicile is the place shown on the permit; or
9. A person who has voluntarily placed himself/herself on a "no sale list" on such terms and conditions as established by duly-adopted LBCB regulations.

C. An authorized package store employee may not sell alcoholic beverages to a person who is not authorized to purchase alcoholic beverages.

D. A person who is not authorized to purchase alcoholic beverages may not buy them at the package store or elsewhere.

E. Before the package store employee may refuse to sell alcohol to a person for reasons set out in subsections B.5., 6. or 7., above, the package store must be in possession of a copy of the court order or judgment or either a copy of the conditioned release or written confirmation of the conditioned release and the terms of the conditions relating to alcohol consumption, or a confirmation by the court, the chief of police or the LBCB of the criminal judgment. The burden of showing that the order, condition of release or condition of probation or parole, above, is no longer in effect is upon the person to whom the order or condition or criminal judgment applied.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.090 - Permit.

A. Upon receipt of a complete application and a nonrefundable application fee in an amount set by the LBCB, the city employee designated by the LBCB shall issue an alcoholic beverage package store permit to a person who meets the qualifications set out in this section. Permit applications must contain the mailing address and phone number of applicant. The application shall contain the applicant's driver's license number, voter registration number and such other information as the LBCB may establish in regulations and/or the city employee designated by the LBCB may require as proof of domicile in Kotzebue and for identification purposes. Permits shall be numbered sequentially and shall be valid for a period of one year. Permits are the property of the city of Kotzebue and may be revoked, suspended and/or surrendered to the city as provided by law, ordinance, statute and regulation. If a permit is lost by the permittee or must be replaced for any reason, a nonrefundable replacement fee in an amount set by the LBCB shall be paid by the permittee.

B. A permit may be renewed by a person who continues to meet the qualifications for a permit upon the filing of a renewal application accompanied by a nonrefundable renewal fee in an amount set by the LBCB and proof of the applicant's qualification for renewal. A lost, stolen or destroyed permit may be replaced under this renewal procedure.

C. To qualify for a permit, a person must:

1. Be at least twenty-one years of age;

2. Be domiciled within the city limits of the city of Kotzebue with proof of domicile as required in regulations established by the LBCB or have a permit as set forth in Section 4.03.090.G., below;

3. Not have any amounts owing to the city of Kotzebue for delivery site handling, storage, other delivery site charges, sales/use taxes on alcoholic beverages;

4. Within two years of the date of the application not have been convicted of, pleaded guilty or no contest to a violation of:

(a) Any provision of Title 4 of the Alaska Statutes;

(b) AS 28.33.030, 28.35.030 or 28.35.032; or

(c) Any provision of federal law regulating the manufacture, possession, transportation, sale or use of alcoholic beverages or any provision of the Kotzebue Municipal Code involving the importation, sale, delivery, possession or use of alcohol.

5. Not be subject to a court order or conditions as set out above in Section 4.03.080.B.6. and B.7.; and

6. Not be a person who has been issued a permit under this chapter whose permit has been suspended or revoked unless the period of the revocation or suspension has expired and any fines paid in full and all conditions imposed have been met.

D. Upon receipt of a completed application and the required fee, the designated city employee shall undertake such investigation as may be necessary to verify statements and claims made in the application and separately provided proofs submitted by the applicant. If the designated city employee determines the applicant is qualified for a new permit or a renewal of an existing permit, the designated city employee shall issue the permit and provide a copy of the permit and application to the alcohol package store. Permits may be delivered by the designated city employee only to the applicant in person and to no other person except to the qualified, designated agent of a physically disabled person who has been issued a disabled person's permit pursuant to Section 4.03.110.E., below.

E. If the designated city employee determines that an applicant is not qualified or that an essential claim, statement or proof is doubtful and unsupported by adequate, reliable evidence or other defect, the applicant shall have fourteen calendar days from the date the designated city employee mails the notice within which to submit documentation or other proof to overcome the deficiencies set out in the notice prepared by the designated city employee. If the designated city employee is satisfied that the person is qualified for a permit, the designated city employee shall issue the permit as provided in subsection D. of this section. If the designated city employee determines, based on the submissions by the applicant and the results of the investigation by the designated city employee that the applicant has not satisfactorily shown that the applicant is qualified for a permit, the designated city employee shall deny the permit and shall notify the applicant in writing of the denial and of the reasons for the denial. The denial of the permit may be appealed to the LBCB who shall hear the appeal on the record established by the designated

city employee. The notice of denial from the designated city employee shall contain a statement advising the applicant of the right to appeal the denial to the LBCB by filing a written notice of appeal to the LBCB within thirty days of the date the notice of denial is mailed by the designated city employee.

F. A person may not provide or make untrue or misleading statements or provide false, altered or misleading documents in connection with an application for a permit under this chapter.

G. Notwithstanding Section 4.03.090.C.2., above, the LBCB may, through duly adopted regulations as approved by the city council, establish a permit process for visitors, transients, temporary residents and/or seasonal workers who are not permanently domiciled in Kotzebue.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.100 - Appeals to LBCB.

A. In an appeal by a permit applicant from a decision of the designated city employee, the LBCB shall hear the appeal on the record made by the designated city employee. New evidence that could have been provided to the designated city employee during the application process may not be submitted as a part of the appeal to the LBCB. After receiving written arguments or oral argument, if permitted by the LBCB, from the applicant and the designated city employee, the LBCB shall determine whether, upon the record before the designated city employee at the time the appealed decision was made, there was substantial evidence to support the decision of the designated city employee.

B. In an appeal from a decision of the package store to refuse to sell, confiscate a permit, or to take or refuse to take other action, the aggrieved person shall file a written notice of appeal with the package store within seven calendar days of the delivery or mailing of the decision unless a longer period of time is permitted under this chapter. The package store shall immediately forward the notice of appeal to the LBCB.

C. In all appeals, the LBCB shall provide notice to the appellant whether oral arguments and testimony will be permitted and the date:

1. Upon which oral arguments and oral testimony will be heard, if permitted;
2. By which additional documents, if permitted, must be received; and
3. By which written arguments must be received.

The LBCB shall inform the appellant where the record on appeal may be reviewed and shall provide a copy to the appellant upon request and payment of any copying charges that apply.

D. The LBCB shall schedule the receipt of argument, testimony and documents to ensure that the appellant has reasonable time to prepare and make submission to the LBCB. The first request by

the appellant to extend a submission date or to reschedule an oral argument or testimony date shall be freely granted unless doing so would create a hardship for the designated city employee or the package store. Any additional extensions for appellant must be fully justified.

E. The LBCB may retain a hearing officer, who may be the city attorney or other appropriate city employee, to hear an appeal under this chapter. The hearing officer shall make scheduling and other procedural decisions and, after receipt of the written argument by the appellant and the designated city employee or package store, shall prepare a proposed decision for the LBCB. The proposed decision by the LBCB or the hearing officer shall set out the evidence in the record upon which the decision is based, a conclusion and an appropriate order. If the LBCB does assign a hearing officer to hear an appeal, the LBCB may accept and sign the proposed decision of the hearing officer, redraft or modify it before signing it or refer it back to the hearing officer for further specified action. Upon signing of the decision, it becomes the LBCB's decision.

F. If the LBCB hears and decides the appeal, it shall prepare a written decision setting out the evidence relied upon, conclusions and an appropriate order.

G. The LBCB's decision may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure applicable to administrative decisions. The LBCB's decision shall contain such notice of the right of appeal as may be required by the Alaska Rules of Appellate Procedure.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.110 - Use and possession of permit.

A. A permittee may not authorize, permit or acquiesce in the use or possession, for any purpose, by another person of the permit issued to the permittee.

B. A permittee may not fail to prevent another person from possessing or using the city-issued permit of the permittee. It shall be a defense to a violation of this subsection if the permittee, upon discovery the loss of the permit or that the permit is in the possession of another person, immediately notified the city package store and the Kotzebue Police Department of the loss of the permit and the name of the person possessing the permit, if known.

C. A person other than the permittee may not possess or use or attempt to possess or use for any purpose, a permit issued under this chapter to another person.

D. The package store employee shall retain any permit displayed by a person who is not the permittee to whom the permit was issued.

E. Subsections A., B., C. and D. of this section do not apply when the permittee is a disabled person who has met the terms and conditions set by the LBCB for a disabled person's permit and who has been issued a disabled person's permit and the permit is in the possession of the person

designated on the permit as the permittee's qualified agent and the disabled person's qualified agent also has a valid permit under this chapter.

F. A person may not alter in any way a permit issued under this chapter.

G. A person may not make, by any means, an imitation or copy of a permit issued or authorized to be issued, under this chapter.

H. A person may not use or attempt to use for identification or any similar purpose a permit that has been altered or that is an imitation or copy of a permit issued or authorized to be issued, under this chapter.

I. A package store employee shall confiscate and retain any altered, copy or imitation permit displayed by the holder.

J. A package store employee, upon receiving the permit, shall confiscate and retain the permit of a person whose permit has been revoked or suspended.

K. The LBCB shall be promptly notified of the confiscation or retention of a permit by the package store.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.120 - Permit revocation or suspension.

A. The permit of a person shall be revoked or suspended upon a determination by the LBCB, or the LBCB's designee, that any of the following have occurred:

1. The permittee has allowed another person to use the permittee's permit for any purpose;
2. The permittee's permit has been altered, copied or used as the basis for the making of a false or imitation permit;
3. The permittee has been convicted of, pleaded guilty or no contest to any of the violations or is under a court order or on conditions as set out in Section 4.03.090.C.4.(a), (b) or (c) and Section 4.03.090.C.5.;
4. The permittee has used the permit of another person for any purpose;
5. The permittee submitted untrue or misleading statements or false, altered or misleading documents in connection with an application for a permit;
6. The permittee is no longer domiciled in Kotzebue; or
7. The permittee has violated any of the provisions of this chapter.

B. Upon receiving notice from the package store or a city officer or employee that any of the conditions set out in subsection A. of this section exist, the LBCB or the LBCB's designee shall immediately notify the permittee of the allegation and that the permit will be suspended or revoked ten days from the date the notice is mailed unless the permittee files an appeal to the LBCB. An appeal to the LBCB shall be processed as provided in Section 4.03.100.

C. Upon a finding that one or more of the conditions set out in Section 4.03.120.A. have occurred, the LBCB shall suspend or revoke the person's permit, as determined to be appropriate under the circumstances by the LBCB, or the LBCB's designee. The order of suspension or revocation shall state the length of time the suspension or revocation shall remain in effect and any additional requirements, including fines, the permittee must meet before a new permit may be issued to a person whose permit has been revoked. A suspended permit shall be retained by the LBCB and returned to the permittee when the period of suspension ends. A revoked permit shall be destroyed by the LBCB after the time for the appeal of the LBCB's decision has expired.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.130 - Prices, fees and charges.

The LBCB shall set prices or establish a mechanism for setting prices for all items sold in the package store, as well as all fees and charges for the operation of the package store. The city administration shall report, quarterly, to the city council on prices set by the city administration for the past quarter and prices anticipated for the upcoming quarter.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010; Ord. No. 12-05, § 4(Exh. C), 5-17-2012)

#### 4.03.140 - Penalties for violations.

A. Upon a violation of this chapter, the person shall be fined and penalized in accordance with terms, conditions and penalties as set by regulations duly adopted by the LBCB and approved by the city council.

B. All outstanding conditions, penalties and fines must be satisfied and paid in full before a permit may be renewed or re-issued.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

#### 4.03.150 - Severability.

If any provision of this chapter shall be declared invalid or void it shall not invalidate or void the other provisions of this chapter. Such invalid or void provisions shall be severed from this chapter and not adversely affect the lawful enforcement of the other provisions.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

## Chapter 4.04 - ALCOHOLIC BEVERAGE DISPENSARY

### Sections:

#### 4.04.010 - Definitions.

When used in this chapter, all words and phrases have the meanings set out in Section 4.02.010, Definitions, of this title, unless the context in which the word or phrase is used clearly indicates a different meaning was intended.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.020 - Establishment.

A. There is established the Kotzebue Alcoholic Beverage Dispensary, which shall be at such location as the LBCB recommends and the city council approves.

B. No alcoholic beverages for consumption by the drink may be sold at retail locations anywhere within the city of Kotzebue except at the city-owned alcoholic beverage dispensary or city-owned restaurant or eating place established by Chapter 4.05 of this title.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.030 - Notice of establishment.

Upon the establishment of the alcoholic beverage dispensary under this chapter, the LBCB shall give notice of the establishment to the ABC board, as required by state law.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.040 - Alcoholic beverage dispensary operation responsibility.

A. As set forth in Section 4.01.150.B. of this title, the LBCB shall, subject to city council review and approval, have the power and duty to the maximum extent possible, subject to available funding, and as allowed by local, state and federal law, to establish and operate an alcoholic beverage dispensary.

B. The LBCB shall prescribe rules, policies and procedures, as approved by the city council, which are consistent with the provisions of this chapter, as it determines to be appropriate.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.050 - Alcoholic beverage dispensary hours of operation.

A. As set forth in Section 4.01.150.B. of this title, the LBCB, by regulation, shall establish a schedule of days and hours of operation for the alcoholic beverage dispensary as permitted by A.S. 04.16.010 and A.S. 04.21.010.

B. Through regulations, the LBCB may authorize additional, unscheduled hours of operation on a temporary basis to accommodate special situations, so long as those unscheduled hours of operation are consistent with A.S. 04.16.010, A.S. 04.16.070 and any local hours of operation established under A.S. 04.21.010.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.060 - Prices.

The LBCB, with the approval of the city council, shall set prices or establish a mechanism for setting prices for all items sold in the alcoholic beverage dispensary.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.070 - Penalties for violations.

Upon a violation of this chapter or the regulations adopted pursuant to this chapter, the person shall be fined and penalized in accordance with terms, conditions and penalties as set by regulations duly adopted by the LBCB and approved by the city council.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

#### 4.04.080 - Severability.

If any provision of this chapter shall be declared invalid or void it shall not invalidate or void the other provisions of this chapter. Such invalid or void provisions shall be severed from this chapter and not adversely affect the lawful enforcement of the other provisions.

(Ord. No. 12-01, § 2(Exh. A), 8-18-2011)

### Chapter 4.05 - ALCOHOLIC RESTAURANT OR EATING PLACE

#### Sections:

#### 4.05.010 - Definitions.

When used in this chapter, all words and phrases have the meanings set out in Section 4.02.010, Definitions, of this title, unless the context in which the word or phrase is used clearly indicates a different meaning was intended.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.020 - Establishment.

A. There is established the Kotzebue Alcoholic Restaurant or Eating Place, which shall be at such location as the LBCB recommends and the city council approves.

B. No alcoholic beverages for consumption by the drink may be sold at retail locations anywhere within the city of Kotzebue except at the city-owned restaurant or eating place or at the city-owned alcoholic beverage dispensary established by Chapter 4.04 of this title.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.030 - Notice of establishment.

Upon the establishment of the alcoholic restaurant or eating place under this chapter, the LBCB shall give notice of the establishment to the ABC board, as required by state law.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.040 - Alcoholic restaurant or eating place operation responsibility.

A. As set forth in Section 4.01.150.B. of this title, the LBCB shall, subject to city council review and approval, have the power and duty to the maximum extent possible, subject to available funding, and as allowed by local, state and federal law, to establish and operate an alcoholic restaurant or eating place.

B. The LBCB shall prescribe rules, policies and procedures, as approved by the city council, which are consistent with the provisions of this chapter, as it determines to be appropriate.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.050 - Alcoholic restaurant or eating place hours of operation.

A. As set forth in Section 4.01.150.B. of this title, the LBCB, by regulation, shall establish a schedule of days and hours of operation for the alcoholic restaurant or eating place as permitted by A.S. 04.16.010 and A.S. 04.21.010.

B. Through regulations, the LBCB may authorize additional, unscheduled hours of operation on a temporary basis to accommodate special situations, so long as those unscheduled hours of operation are consistent with A.S. 04.16.010, A.S. 04.16.070 and any local hours of operation established under A.S. 04.21.010.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.060 - Prices.

The LBCB, with the approval of the city council, shall set prices or establish a mechanism for setting prices for all items sold in the restaurant or eating place.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.070 - Penalties for violations.

Upon a violation of this chapter or the regulations adopted pursuant to this chapter, the person shall be fined and penalized in accordance with terms, conditions and penalties as set by regulations duly adopted by the LBCB and approved by the city council.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

#### 4.05.080 - Severability.

If any provision of this chapter shall be declared invalid or void it shall not invalidate or void the other provisions of this chapter. Such invalid or void provisions shall be severed from this chapter and not adversely affect the lawful enforcement of the other provisions.

(Ord. No. 12-01, § 3(Exh. B), 8-18-2011)

### Chapter 4.06 - PROHIBITION OF PUBLIC INTOXICATION

#### Sections:

#### 4.06.010 - Intent and purpose.

This section is intended to provide for the safety, welfare and health of the public. Being publicly intoxicated makes a person vulnerable to injury, robbery, assault, and a number of other dangers. This section addresses the behavior of the individual, rather than his or her blood alcohol content level, thus encouraging responsible behavior while consuming alcohol. This provides benefit to the individual and the public.

(Ord. No. 13-03(Amd.), § 2(Exh. A), 11-1-2012)

#### 4.06.020 - Definitions.

1. "Incapacitated person" means a person who, as the result of the use of alcohol, drugs or another controlled substance, is unconscious or whose judgment is so impaired that he or she is incapable of making rational decisions, as evidenced objectively by indicators such as extreme physical debilitation, physical harm or threats of harm to himself/herself or to any other person or to property.

2. "Intoxicated person" means a person whose mental or physical functioning is impaired as a result of the use of alcohol, drugs or another controlled substance. Evidence of an intoxicated person shall include a combination of the following indicators:

(a) Odor of intoxicants on the breath;

(b) Bloodshot eyes;

(c) Dilated pupils;

- (d) Stumbling or staggering;
- (e) Slurred speech; and/or
- (f) Failure of Standard Field Sobriety Test.

3. "Public nuisance" means conduct by an individual that is:

- (a) A disturbance of the peace, including, but not limited to, endangering one's self or other persons or property;
- (b) Acting in an unruly or combative manner;
- (c) Creating loud noises to the disturbance of other persons;
- (d) Refusing to follow the instructions of a police officer;
- (e) Refusing to follow instructions to leave a residence or place of business by the owner, employee or other person in charge thereof; and/or
- (f) Otherwise disturbing the peace in any public place.

4. "Public place" means a place to which the public has access and includes, but is not limited to places owned or controlled by the city, borough or state; any public street, highway, sidewalk, parking lot, alley, parks, schools, places of worship and places of business. Places of business include premises open to the public where alcohol is consumed, including a licensed alcohol establishment, as provided pursuant to Chapter 4.04, Alcoholic Beverage Dispensary, and Chapter 4.05, Alcoholic Restaurant or Eating Place.

(Ord. No. 13-03(Amd.), § 2(Exh. A), 11-1-2012)

4.06.030 - Intoxication in public places prohibited.

No person in a public place shall conduct himself or herself in such a manner as to become an intoxicated or incapacitated person and to create a public nuisance.

(Ord. No. 13-03(Amd.), § 2(Exh. A), 11-1-2012)

4.06.040 - Penalty.

A. Persons found in violation for the first time shall be provided a one-time, written warning with conditions in lieu of a citation. The warning shall be conditioned on such person attending and successfully completing an alcohol education program approved by the city. All costs and expenses for such alcohol education program shall be paid by the person committing the violation. Failure to timely complete the city-approved, alcohol education program shall result in the issuance of a citation. Successful and timely completion of the alcohol education program

shall result in no further enforcement of the violation giving rise to the warning. Successful and timely completion shall be done within ninety days of the warning.

B. Any person violating the provisions of this section shall pay a fine of one hundred fifty dollars for the first offense. A second violation will be assessed a fine of three hundred dollars and result in suspension of the person's permit, if any, issued pursuant to Chapter 4.02 and/or Chapter 4.03 for a period of six months and payment of a two hundred dollar administrative fee before a permit is reissued. A third violation will be assessed a fine of five hundred dollars and result in a five-year revocation of the person's permit, if any, issued pursuant to Chapter 4.02 and/or Chapter 4.03 and payment of a three hundred dollar administrative fee before a new permit is issued. These fines and administrative fees are separate and apart from any fines and fees set out in Chapter 4.02 and/or Chapter 4.03 and the regulations adopted pursuant thereto.

(Ord. No. 13-03(Amd.), § 2(Exh. A), 11-1-2012)

#### 4.06.050 - Appeal rights.

A person determined liable for fines and/or permit suspension and/or revocation under this chapter may, within thirty days of receipt of a notice of imposition of fines, apply for a hearing on the determination. The application shall be in writing and filed with the chief of police. The hearing shall be held within fifteen days of receipt of a timely application before the chief of police or his designee. The hearing shall be limited to the issue of whether the person is liable for the fines and administrative fees imposed under this chapter and/or the permit suspension and/or revocation. Within thirty days of the written decision of the chief of police, a person aggrieved by the decision may appeal to the Superior Court of the Second Judicial District, in Kotzebue, in accordance with the Alaska Rules of Appellate Procedure.

(Ord. No. 13-03(Amd.), § 2(Exh. A), 11-1-2012)

### **3.05.010 Advisory board—Established—Membership.**

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(a) There is established a Nome alcoholic beverage advisory board consisting of five members appointed for overlapping three-year terms. The mayor shall appoint the members of the board, subject to confirmation by the city council. The first board shall consist of one member appointed for a term of one year, two members appointed for terms of two years, and two members appointed for terms of three years. Successors to the members of the first board shall be appointed for three-year terms.

(b) All members of the board shall be residents of the city during the term of their appointment. Two members of the board may be actively engaged in the alcoholic beverage industry. No member of the board may hold any other municipal, state or federal office, either elective or appointive. No three members of the board may be engaged in the same business, occupation or profession.

(c) Three members of the board constitute a quorum for the conduct of business. The board shall meet at least once each year, and at such other times as directed by the city council. (Ord. O-93-6-6 § 1 (part), 1994)

### **3.05.020 Advisory board—Powers and authority.**

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(a) The board shall conduct studies and investigations to insure the proper administration of municipal liquor regulations in a manner that will protect the public health, safety and welfare, and shall report to the city council at least one time each year.

(b) The board shall be advisory by nature, and shall possess none of the legal powers or authorities of the city unless specifically delegated by ordinance hereafter. (Ord. O-93-6-6 § 1 (part), 1994)

### **3.05.030 Prohibitions.**

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(a) All laws and regulations of the state of Alaska regarding licensed alcoholic beverage sales, service, distribution, and consumption apply within the city of Nome unless otherwise stated, except that the city of Nome has not adopted the local option pursuant to AS [04.11.491](#).

(b) It is unlawful to carry or transport an open container of intoxicating liquor on the public streets, alleys, parks or other public places, except that an open container of intoxicating liquor

may be carried in a vehicle in a locked trunk or other secured location inaccessible to drivers and passengers of the vehicle.

(c) It is unlawful to consume intoxicating liquor on the public streets, alleys, parks or other public places, except as otherwise provided in NCO Section [3.05.070](#). (Ord. O-14-01-02 § 3, 2014)

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**3.05.035 Sale of intoxicating beverages permitted.** 

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The provisions of AS [04.16.070](#)(a) do not apply within the limits of the city when elections are being held. (Ord. 11-01-07 § 2, 2011)

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**3.05.040 Hours of sale.** 

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(a) No person may consume, sell, offer for sale, give, furnish or deliver from an authorized licensee of a package store license any intoxicating liquor on any such licensed package store premises between the hours of ten p.m. and eleven a.m. on Mondays through Saturdays, and between the hours of ten p.m. and one p.m. on Sundays.

(b) No person may consume, sell, offer for sale, give, furnish or deliver from an authorized licensee of any type of license provided in AS [04.11.080](#)(1) through (6) and (8) through (20), any intoxicating liquor on any such licensed premises between the hours of two a.m. and ten a.m. on Mondays through Fridays, three a.m. and ten a.m. on Saturdays, and three a.m. and one p.m. on Sundays.

(c) The exception to subsections (a) and (b) of this section shall be from the day the first dog team arrives in the city from the Iditarod Dog Sled Race until the day of the Iditarod Banquet, from the first day of the Iditarod Basketball Tournament until the day of the Iditarod Basketball Banquet, from the first day of the Iditarod Dart Tournament and Iditarod Pool Tournament until the day of the Iditarod Dart and Iditarod Pool Tournament Championship Game, and on New Year's Eve, when liquor establishments except package store license holders are authorized to remain open until five a.m. on the following day; provided, however, that no exception period described above shall exceed five days in total. On the Sunday of the Bering Sea Open Golf Tournament and on the Sunday known as "Super Bowl Sunday," liquor establishments described in subsection (b) of this section are authorized to open at ten a.m.

(d) The council may provide by resolution for other exceptions to subsection (b) of this section; provided, however, that no exception period under this section shall exceed five days in total. Exceptions authorized under this provision expire upon completion of any exception period. Permanent exceptions must be adopted by ordinance. (Ord. 11-01-07 § 3, 2011; Ord. O-99-1-7 § 2, 1999; Ord. O-93-6-6 § 1 (part), 1994)

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**3.05.050 Sale of nonbeverage items.** 

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(a) No person shall solicit or engage in the sale, barter or exchange of any item on the licensed premises, except that the licensee, or his or her employees or agents, may sell intoxicating liquors, other beverages, food items prepared on or for the licensed premises, tobacco supplies and the use of legal game equipment.

(b) It is unlawful for a licensee, his or her employees or agents, to permit a person who violates subsection (a) of this section to remain upon the licensed premises. If the licensee, or his or her employees or agents, has actual or constructive knowledge of a violation of subsection (a) of this section, he or she permits that person to remain if he or she fails to demand that that person leave the premises, or if such a demand is refused, fails to notify the Nome police department or Alaska State Troopers. As used in this subsection, “constructive knowledge” means the awareness a licensee, or his or her employees or agents, could have through the diligence in the operation of the licensed premises.

(c) The licensee premises occupied by a holder of a retail license or a beverage dispensary license or a roadhouse license shall not be connected by a door, opening or other means of passage for the purpose of sales or for the purpose of passage by the general public to any other retail business establishment. (Ord. O-93-6-6 § 1 (part), 1994)

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**3.05.060 Off-duty police.** 

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No off-duty law enforcement officer shall enter any licensed premises with a firearm in his or her possession. Officers engaged in surreptitious or undercover duties may enter licensed premises with a firearm, provided such a designation as surreptitious or undercover duties has been approved previously by a superior officer, and has been logged previously in an appropriate duty book as surreptitious or undercover law enforcement duties. (Ord. O-93-6-6 § 1 (part), 1994)

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**3.05.070 Consumption in public places—Exceptions.** 

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The city manager shall promulgate regulations governing the service and consumption of intoxicating liquor at group functions conducted in city parks and at municipal buildings and facilities. The regulations shall require that a permit be obtained and shall set qualifications for the issuance of a permit. All proposed regulations shall be approved by resolution by the city council. It shall be unlawful for any person to violate the regulations promulgated under this section. (Ord. O-93-6-6 § 1 (part), 1994)

### **3.05.080 Definitions.**

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As used in this chapter:

“Intoxicating liquor” means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, venous, malt or other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume.

“Licensed premises” means premises licensed under AS [04.11.080](#).

“Licensee” means the holder of any type of license classified by AS [04.11.080](#), any person responsible for the lawful conduct of the business licensed and all persons acting as agents or employees on the licensed premises.

“Minor” means any person under twenty-one years of age.

“Open container” means any original container or package without the internal revenue strip stamp intact upon the container or package; any original container or package that has been opened at least once since retaining purchase; and any container or package other than the original container or package. (Ord. O-93-6-6 § 1 (part), 1994)

### **3.05.090 Violation—Penalty.**

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(a) A person who violates any provision of this chapter is guilty of an infraction, and upon conviction shall be fined as set forth in NCO Section [1.20.040](#) or if no fine is there established, not more than five hundred dollars plus any surcharge required to be imposed by AS [12.55.039](#). Each violation is a separate offense.

(b) Upon conviction of a licensee for a violation of any provision of this chapter or of the laws or regulations of the state of Alaska pertaining to alcoholic beverages and operation of licensed premises, the city police department shall send a notification of conviction together with a

certified copy of the transcript of the trial proceeding and conviction to the Alaska Alcoholic Beverage Control Board. (Ord. O-14-01-02 § 4, 2014; Ord. O-99-11-3 § 3, 1998; Ord. O-99-11-2 § 2, 1998; Ord. O-98-1-3, 1998; Ord. O-93-6-6 § 1 (part), 1994)

**Alaska Statutes Sec. 14.50.020.** Definition of public schools for purposes of Statehood Act. Public schools, for the purpose of Public Law 85-508, 72 Stat. 339, 85th Congress, Second Session (Alaska Statehood Act), includes public elementary schools, public high schools, the University of Alaska, and other public educational institutions which may be established. Nothing in this section includes schools for Alaska aborigines under the control of the federal government and which are administered and supervised through the Department of the Interior or the United States Department of Health, Education, and Welfare.

**20 AAC 30.985. Definitions** In this chapter (1) "advisory panel" means a panel composed of professionals in a certain art form, knowledgeable members of the public, and designated council members convened to review an application to a council's grant program and provide a funding recommendation; (2) "arts organization" means a nonprofit organization whose primary mission, goal, or activity relates to presentation or production of an arts program, project, exhibition, service, or other activity relating to the arts; (3) "council" means the Alaska State Council on the Arts; (4) "fiscal year" has the definition of that term under [AS 37.05.990](#); (5) "full-time student" means a student who is enrolled in an accredited secondary or post-secondary program and who is carrying sufficient credits to be considered full time by the student's accredited institution; (6) "indirect costs" means overhead costs incurred for common or joint objectives not readily allocated to specific activities; (7) "in-kind contribution" is the estimated dollar value of service or material contributed to support a project or organization; for purposes of this paragraph, (A) service or material may be of almost any nature, but does not include a cash contribution; (B) the valuation of donated supplies may not exceed the fair market value of the property at the time of the donation; and (C) volunteer time must be calculated at a "fair market" price, that is, at a minimum wage that a person paid to do the same work would be paid; (8) "master artist" means a recognized traditional visual artist, master crafts worker, musician, dancer, storyteller, or singer; (9) "resident" means a person who is present in the state at the time of the application to the council and who intends to remain indefinitely; (10) "school" means a primary or secondary public or private school located in the state; (11) "sources of funding" means revenue from governmental, individual, private corporate sources, and projected income from services sold to the public; (12) repealed 7/1/2011; (13) "travel costs" means air fare or surface mileage at the rate accorded state employees, and does not include costs of tuition, workshop fees, per diem, or in-town transportation costs; (14) "tribal entity" means a tribal entity that the United

States Department of the Interior, Bureau of Indian Affairs, has recognized in this state and put on the list adopted by reference in 20 AAC 30.983(15).

### **Alaska Statutes**

#### 11.71.900 Definitions

(29) "school grounds" means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school;

#### **AS 14.60.010. Definitions.**

(6) "public schools" include elementary schools, high schools, citizenship night schools for adults, and other public educational institutions that may be established;

Introduced by: Council Member Herman  
Date: October 27, 2015  
Public Hearing: November 10, 2015  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-33**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 3.64, PERSONNEL RULES AND REGULATIONS, SPECIAL PROVISIONS**

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

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

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

#### **Chapter 3.64 Special Provisions**

Sections:

- 3.64.010 Benefits.
- 3.64.020 Outside employment.
- 3.64.030 Unlawful acts prohibited.
- 3.64.040 Gifts and gratuities.
- 3.64.050 Employment of immediate family members.
- 3.64.060 Political activity.
- 3.64.070 Safety program.
- 3.64.080 Drug testing.

#### **3.64.010 Benefits.**

A. Insurance Benefits. The city will provide full-time employees who are normally scheduled to work thirty (30) or more hours a week with group medical, dental, vision, life and long-term disability insurance benefits in accordance with the terms of the applicable plan documents; provided, however, that employees subject to written employment agreements may have different benefits specified. Seasonal employees and part-time employees shall not be eligible for health, dental, long-term disability and life insurance benefits.

B. Other Benefits.

Introduced by: Council Member Herman  
Date: October 27, 2015  
Public Hearing: November 10, 2015  
Action:  
Vote:

1. a. Utility Benefit. Full-time and part-time employees shall receive water, sewer, and garbage services from the city for a fee of seventy-five dollars (\$75) per month; provided, however, that employees subject to written employment agreements may have different benefits specified. Water and sewer services shall be provided on the established delivery schedule, up to a maximum of twice a week. The maximum amount of water that shall be provided is one thousand five hundred (1,500) gallons per week. Seasonal employees, and employees who reside in multifamily dwellings with shared water and sewer tanks, shall not be eligible for this benefit.

b. Suspension. All employees must complete an application to receive the utility benefits. It must then be approved by the city manager. Any employee who fails to notify the utility service department to disconnect services within one (1) week after they change residences may be denied the utility benefit in the future.

c. Deposit. Employees are not required to pay the established deposit for utility services. When the employee no longer works for the city, the employee shall not receive the benefits provided for in this section.

2. The employer shall continue the deferred compensation program to be funded entirely by employee contributions.

### **3.64.020 Outside employment.**

A. No employee shall be employed by or engage in work for an employer other than the city, including but not limited to self-employment, during the employee's work hours.

B. Any employee intending to do business with the city shall notify the city manager in writing of the proposal to do business at the time of his or her application or proposal to the city. The city manager may recommend for or against the application, but in no case shall the city manager authorize an employee to do business with the city if doing so would constitute a conflict of interest.

### **3.64.030 Unlawful acts prohibited.**

A. No employee shall ~~wilfully~~ willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit or attempt to commit any fraud with respect to reports, paperwork, or other duties that are required of the employee under this title, city rules, policies or procedures, or federal, state, or local laws.

Introduced by: Council Member Herman  
Date: October 27, 2015  
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Vote:

B. No person seeking appointment to, or promotion in, the city service shall either directly or indirectly give, promise, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

C. No employee of the city, examiner or other person shall defeat, deceive or obstruct any person in his or her right to examinations, eligibility certification or appointment under these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the city service.

D. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration because of ~~political or religious opinions or affiliations or because of race, color, creed, sex, religion, national origin or ancestry, age and disability, except where physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, is prohibited.~~ race, national origin, color, age, creed, religion, sex, sexual orientation, gender identity, political affiliation, marital status, ancestry, disability, or status as a disabled veteran, is strictly prohibited.

### **3.64.040 Gifts and gratuities.**

It is the responsibility of each city employee to remain free from indebtedness or favors which could tend to create a conflict of interest on the part of such employee. If an employee is tendered or offered a gift or gratuity under circumstances which could reasonably be construed to create the appearance of a conflict of interest, the employee shall immediately report such offer to the city manager. Any employee who knowingly accepts any gift or gratuity without the prior approval of the city manager in violation of this section may be subject to discipline.

### **3.64.050 Employment of immediate family members.**

A. No person may be employed in any position who is an immediate family member of the city manager or human resources director.

B. No person may serve in a supervisory capacity over a member of the employee's immediate family.

C. No person may be hired as a management employee as defined by BMC 3.12.070 who is an immediate family member of a member of the city council.

Introduced by: Council Member Herman  
Date: October 27, 2015  
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D. No person may be hired, transferred, or otherwise put into a position to be a direct supervisor or direct report of an immediate family member.

E. If two (2) employees marry or otherwise become related, as defined by immediate family member, neither of the employees will be allowed to hold supervisory authority over the other one (1).

F. The city may, at any time, correct appointments and continued employment prohibited in this section by transfer, layoff, demotion or termination of employment.

1. In doing so, the city manager shall take such corrective action which has the least adverse impact on the employees necessary to cure the prohibited appointment or continued employment, provided such corrective action shall always be in the best interests of the city.

### **3.64.060 Political activity.**

A. An employee who is elected as a member of the Bethel city council or to a state or national elected political office shall immediately resign from city employment. In this section, "elected" means the status of a candidate upon certification of a local election or at the time the candidate is sworn into a state or national office following an election.

B. It is not an incompatible office for a city councilmember to serve simultaneously as a councilmember and in a volunteer public safety position. For purposes of this section a city councilmember serving as a public safety volunteer is not a city employee.

C. It is not a conflict of interest to serve as a councilmember addressing public safety issues and as a public safety volunteer.

### **3.64.070 Safety program.**

A. Safety rules, policies and procedures of the city, which the city may modify from time to time, are incorporated by reference and made part of this chapter. All employees must at all times comply with such safety rules, policies and procedures. Any employee who is injured on the job must make an immediate report to the personnel office, no matter how slight the injury. Failure of employees to follow safety rules, including the immediate reporting of injuries, may result in discipline, up to and including dismissal.

B. The city shall provide all devices, apparel or equipment necessary for an employee's safety in accordance with applicable laws. Additionally, the city shall provide special tools, equipment, clothing and uniforms it deems necessary to accomplish work

Introduced by: Council Member Herman  
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assignments. All items provided to employees in accordance with this section are property of the city and shall be returned in good working order upon separation from city service.

**3.64.080 Drug testing.**

Employees of the city required to be tested for alcohol and drugs under any applicable federal or state law or regulation shall be tested by the city as required by law or regulation or in accordance with any written drug testing policy adopted by the city and approved by the city council.

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

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

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

ATTEST:

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

Introduced by: Council Member Herman  
Date: October 27, 2015  
Public Hearing: November 10, 2015  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-34**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 4.20.050, PURCHASING, SPECIFICATIONS GENERALLY FOR BIDS AND PROPOSALS**

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

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

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

#### **Chapter 4.20**

#### **Purchasing**

#### **4.20.050 Specifications generally for Bids and Proposals**

- A. Requests for bids/proposals should clearly and accurately describe the technical requirements for the goods or services to be purchased. The specifications should not contain features that unduly restrict competition. A qualified products list may be used. It is the responsibility of the vendor to demonstrate to the City's satisfaction that its product is "equal" to that specified. Requests for approval of substitutions must be made with sufficient time to allow the City to adequately review the substitution request, including time for vendors to respond to questions and requests for additional information or clarification. The City has no obligation to accept proposed substitutions or to hire outside experts to evaluate proposed substitutions. Acceptance of a substitute product proposed as an "equal" to that specified will be made in writing and, if made prior to award, other firms/individuals will be notified if practical and convenient.
- B. Public Notice. Adequate public notice of the invitation for bids/proposals shall be given a reasonable time, not less than twenty (20) calendar days prior to the date set forth therein for the opening of bids/proposals. Such notice may include publication in a newspaper of general circulation for a reasonable time prior to bid/proposal opening.

Introduced by: Council Member Herman  
Date: October 27, 2015  
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1. The public notice shall state the place, date and time of bid/proposal submission and opening.
  2. The contents of the notice shall be sufficient to inform interested readers of the general nature of the supplies, services or construction being procured and the procedure for submitting a bid/proposal.
  3. The failure of any person to receive notice under this subsection shall not affect the validity of any award or contract.
- C. The purchasing agent, at the request of the using department director, may provide for a pre-bid/proposal conference to be held at least seven (7) business days before the last day for submitting bids/proposal.
- D. The terms of an invitation for bid/proposals may be modified or interpreted only by written addenda issued by the purchasing agent or the designee. Only a bid/proposal which acknowledges receipt of all addenda may be considered responsive. If an addendum is issued less than five (5) business days before the last day on which bids/proposals are to be accepted, the time for accepting bids shall be extended by at least five (5) business days after the date on which the addendum was sent.
- E. All requests for bids or requests for proposals shall require the bidder to attach to his proposal, a sworn declaration:
1. Stating that neither he nor any of his representatives or third party mandated by him has attempted to contact City representatives or members of the selection committee, when applicable, for the purpose of influencing their choice, judgment or recommendation relating to the contract, or with members of the City council to influence their decision; and
  2. Stating that he has produced his proposal without collusion, communication, agreement or arrangement with a competitor with regards to prices, methods, factors or formulas for setting prices, to the decision to submit or not submit a proposal or to present a proposal that does not comply, directly or indirectly, with specifications contained in the request.
  3. Stating that neither he nor any of his representatives engaged in ~~discrimination~~, intimidating measures, influence peddling or corruption or entered into any form of collusion, communication, agreement or arrangement with other suppliers or third parties relating to a contract with the City.
  4. Stating that if selected, during the performance of a contract, the contractor agrees, neither he nor any of his representatives will engage in discriminating against any person because of race, national origin, color, age, creed, religion, sex, sexual orientation, gender identity, political

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affiliation, marital status, ancestry, disability, or status as a disabled veteran.

- F. All requests for bids or request for proposals must clearly state that:
1. A bidders/proposers failure to attach the sworn declarations required above shall result in automatic rejection of the proposal/bid, and
  2. That in the event that a bidder or proposer, or a representative or third party mandated by them, has been in violation of the statements called for above, the bidder's proposal shall be automatically rejected, and
  3. That the City of Bethel may cancel a contract that has been awarded if the City becomes aware, during the course of the contract, of a situation contravening a sworn statement required by this section.
- G. Sealed bids/proposals shall be designated as such on the outer envelope and shall be submitted by mail, in person, e-mail or facsimile at the place and no later than the time specified in the invitation for bids/proposals. Bidders/Proposers who submit their bids/proposals via facsimile or e-mail do so at their own risk. The City is not responsible for failures or delays in transmission. Bids/proposals not submitted at the proper place or within the time specified shall not be opened or considered.
- H. Awards shall be made by written notice to the bidder/proponent whose final proposal is determined to be most advantageous to the City. No criteria other than those set forth in the request for bids/proposals may be used in bid/proposal evaluation.
- I. If the City manager determines that it is in the best interest of the City to do so, the City may reject all bids/proposals.

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

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

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

ATTEST:

\_\_\_\_\_  
Lori Strickler, City Clerk  
City of Bethel, Alaska

Ordinance #15-34

### Ridership for the fiscal years of 2011, 2012, 2013, 2014, 2015

Fiscal Year 2011	July	August	Sept	October	November	December	January	February	March	April	May	June	Month Totals
\$1 Passengers	426	459	374	430	415	449	444	139	622	622	559	618	5557
\$2 Passengers	213	230	187	215	103	225	222	70	311	311	283	309	2679
\$3 Passengers	962	965	777	953	1042	1116	1060	1499	1637	1777	1562	1638	14988
# Disabled Passengers	31	45	64	87	82	87	144	78	119	94	77	127	1035
Revenue Miles													64,779
Fiscal Year 2012	July	August	Sept	October	November	December	January	February	March	April	May	June	Month Totals
\$1 Passengers	625	598	598	532	480	406	445	393	645	612	449	392	6175
\$2 Passengers	313	295	300	266	240	203	223	197	322	306	259	299	3223
\$3 Passengers	1405	1643	1601	1468	1411	1376	1489	1442	2138	743	747	573	16036
# Disabled Passengers	162	67	119	51	48	68	86	57	52	50	64	63	887
Revenue Miles													63,208
Fiscal Year 2013	July	August	September	October	November	December	January	February	March	April	May	June	Month Totals
\$1 Passengers	236	227	203	129	121	113	193	161	182	228	351	252	2396
\$2 Passengers	175	142	89	76	44	27	112	69	52	83	140	71	1080
\$3 Passengers	651	769	718	536	403	372	630	692	615	756	713	439	7294
# Disabled Passengers	58	53	22	52	97	113	192	160	183	50	52	209	1241
Revenue Miles													34140
Fiscal Year 2014	July	August	September	October	November	December	January	February	March	April	May	June	Month Totals
\$1 Passengers	283	313	267	97	582	403	457	435	353	282	414	352	4238
\$2 Passengers	180	141	152	14	122	69	88	93	86	108	126	200	289
\$3 Passengers	711	682	582	74	682	567	581	612	535	610	813	548	6997
# Disabled Passengers	145	79	81	11	87	78	60	71	79	96	174	145	1106
Revenue Miles													48453
Fiscal Year 2015	July	August	September	October	November	December	January	February	March	April	May	June	Month Totals
\$1 Passengers	336	259	261	427	328	381	334	284	235	279	226	243	3593
\$2 Passengers	93	60	149	131	97	115	66	68	94	117	118	130	1238
\$3 Passengers	433	542	559	746	498	605	304	392	489	610	470	433	6081
# Disabled Passengers	141	133	205	224	190	254	187	191	232	273	216	235	2481
Revenue Miles													47155

## Bethel Transit System Data Report

Bethel Transit data report, spread sheet, is for the fiscal years, 2011, 2012, 2013, 2014 and 2015.

### 1. Fiscal Year 2011

- Employees: Two full time drivers (8 hours / day), two part-time drivers (5 hours / day), one on-call driver (3 hours / day), and one full time Transit Manager.
- Two bus routes, 10 hours per day and Saturday route 5 hours.

### 2. Fiscal Year 2012

- Employees: Two full time drivers (8 hours / day), two part-time drivers (5 hours / day), one on-call driver (3 hours / day), and one full time Transit Manager.
- Two bus routes: one route 10 hours / day, the second route 9 hours / day, and Saturday route 5 hours.

### 3. Fiscal Year 2013.....ONC reduced their match amount and the State and Federal Grant was reduced accordingly.

- Employees: One full time driver (8 hours / day), one part-time driver (5 hours / day), one on-call driver (3 hours / day) and one full time Transit Manager.
- Two bus routes: one route 8 hours / day, second route 4 hours / day and Saturday route 4 hours.

### 4. Fiscal Year 2014

- Employees: One full time driver (8 hours / day), one part-time driver (5 hours / day), one on-call driver (3 hours / day) and one full time Transit Manager.
- Two bus routes: one route 10 hours / day, second route 5 hours / day and Saturday route 4 hours part of the year.

### 5. Fiscal Year 2015.... Again ONC reduced their match amount and the State and Federal Grant was reduced accordingly.

- Employees: One full time driver (8 hours / day), one part-time driver (5 hours / day), one on-call driver (3 hours / day) and one full time Transit Manager.
- Two bus routes: one route 10 hours / day, and second route 5 hours / day.

**FY 2017 Transit System Budget for FTA Section 5311 Grant**

**Operating Expenses**

			<b>Match</b>
			↓
Labor & Benefits	120,627		
Gasoline & Diesel	36000		
Vehicle Maintenance	19136		
Minor Equipment	3000		
Tires/Wheels/Chains	2800		
	\$ 181,563		43.14%
Less Passenger Fares & Donations	\$ 33,000		Match
Net Operating Expenses	\$ 148,563	\$	64,090

**Administrative Expenses**

Transit Manager Salary & Benefits	117,737		
Supplies	2300		
Electricity	12000		
Telephone	457		
Heating Fuel	15450		
Water/Sewer/Garbage	5976		
Drug Testing	2000		
IT Services	14869		
Other Purchased Services	1725		
Insurance	8000		
Dues & Subscriptions	300		
Advertising	1500		9.03%
Miscellaneous	300		Match
	Total \$ 182,614	\$	16,490

**Capital**

			9.03%
			Match
New Bus	0	\$	-
	Total \$ 331,177	\$	80,580

Bethel Public Transit System (56-50)		FY 2012 Actuals	FY 2013 Actuals	FY 2014 Actuals	FY 2015 Approved Budget	FY 2015 Revised Budget	FY 2016 Approved BUDGET	FY 2017 Approved BUDGET
<b>PERSONNEL:</b>								
	Salaries, Benefits & Taxes minus EGHB	296,057	125,050	219,347	230,413	230,413	257,498	205,220
	Overtime	5,404	5,727	167	-	-	-	-
	Employee Group Health Benefits	33,250	24,000	33,898	26,400	26,400	33,144	33,144
	<b>Total Personnel</b>	<b>334,711</b>	<b>154,777</b>	<b>253,412</b>	<b>256,813</b>	<b>256,813</b>	<b>290,642</b>	<b>238,364</b>
<b>MATERIALS, SUPPLIES, &amp; SERVICES</b>								
545	Training/Travel	5,953	192	-	-	-	-	-
561	Supplies	2,501	4,109	10,607	2,300	2,300	2,300	2,300
600	Tires/Wheels/Chains	6,473	773	8,285	2,750	2,750	2,800	2,800
602	Gasoline/Diesel/Oil	51,746	31,569	39,894	36,225	36,225	36,000	36,000
621	Electricity	2,657	3,067	9,943	18,000	18,000	12,000	12,000
622	Telephone	778	473	601	457	457	457	457
623	Heating Fuel	2,839	3,281	22,685	15,000	15,000	15,450	15,450
626	Water/Sewer/Garbage	245	240	3,167	1,600	1,600	5,976	5,976
646	Drug Testing/Background Checks	1,806	928	1,032	2,000	2,000	2,000	2,000
661	Vehicle Maint/Repair (Int. Svc. Fund 57)	18,275	24,813	24,369	19,983	19,983	19,136	19,136
664	IT Services (Internal Service Fund)	-	-	-	-	-	-	-
669	Other Purchased Services	520	3,220	-	1,725	1,725	1,725	1,725
683	Minor Equipment	2,080	-	3,184	2,875	2,875	3,000	3,000
721	Insurance	8,419	7,256	5,581	9,000	9,000	9,000	8,000
722	Insurance -Ded Exp & Other	-	-	-	-	-	-	-
724	Dues & Subscriptions	30	1,250	250	300	300	300	300
727	Advertising	840	42	-	1,500	1,500	1,500	1,500
799	Miscellaneous	20	40	50	300	300	300	300
996	I.T. Services Charges	11,503	14,070	16,936	16,168	16,168	14,869	14,869
	<b>Total MS&amp;S</b>	<b>116,685</b>	<b>95,323</b>	<b>146,584</b>	<b>130,183</b>	<b>130,183</b>	<b>126,813</b>	<b>125,813</b>
	<b>Total Operating Expenses</b>	<b>451,396</b>	<b>250,100</b>	<b>399,996</b>	<b>386,996</b>	<b>386,996</b>	<b>417,455</b>	<b>364,177</b>
<b>DEBT PAYMENTS:</b>								
	<b>Total Debt Payments</b>				-	-	-	-
<b>CAPITAL EXPENSES (56-50-69X)</b>								
690	Capital Expenditures				63,000	63,000	63,000	-
	<b>Total Capital Expenses</b>				<b>63,000</b>	<b>63,000</b>	<b>63,000</b>	<b>-</b>
	<b>Total Operating, Debt, Projects &amp; Capital</b>	<b>451,396</b>	<b>250,100</b>	<b>399,996</b>	<b>449,996</b>	<b>449,996</b>	<b>480,455</b>	<b>364,177</b>

PERSONNEL:			FY 2017 Budget
R6 I	29101	Transit Manager	69,440
R4	29102	Bus Driver - Full time	42,296
R4	29201	Bus Driver - Part time (25 hours/Week)	26,439
			-
<b>SALARIES</b>			138,176
<b>Subtotal</b>			-
Leave Cashout/Payout (5% of Base Salary)			6,909
Social Security (6.2% of Temp Salary)			-
Medicare (1.45% of Salary)			2,004
Employee Group Health Benefits (\$1,381/Month x 12 months x 2 FTE)			33,144
			-
Unemployment (0.80% of Salary)			1,105
Workers' Compensation			15,000
PERS On Behalf Of Contribution			-
PERS (22.00% of Salary )			30,399
Utility Benefits (\$425 per month x 12 months x 3 FTE x 76%)			11,628
<b>BENEFITS &amp; TAXES</b>			100,188
<b>TOTAL PERSONNEL</b>			238,364

Introduced by: Vice-Mayor Albertson  
Date: April 28, 2015  
Action: Passed  
Vote: 4-3

## *CITY OF BETHEL, ALASKA*

### **Resolution # 15-08**

#### **PROTESTING THE ISSUANCE OF A PACKAGE STORE LICENSE TO BETHEL SPIRITS, LLC. DOING BUSINESS AS BETHEL SPIRITS-LICENSE ID #5384, LOCATED AT 905 CHIEF EDDIE HOFFMAN HIGHWAY, SUITE B, BETHEL, ALASKA**

- Whereas,** the results of the Special Election held January 19, 2010 indicate that 287 voters favor and 498 oppose the issuance of package store liquor licenses in the community;
- Whereas,** the Kipusvik building set out in the application for a package store license is located across the street from the State's Juvenile Justice Facility which offers educational courses from Lower Kuskokwim School District's approved curriculum;
- Whereas,** Alaska Statute 04.11.410 prohibits the operation of a package store within 200 feet of a school building as measured by the shortest pedestrian route from the outer boundaries of the school ground;
- Whereas,** Bethel Municipal Code 5.08.011 prohibits a package store within 300 feet of school buildings, measured by the most direct route of travel on the ground, from the main parking lot entrance of the establishment in a straight line, regardless of obstructions to the nearest public sidewalk, walkway, street, road or highway by the nearest route, to the nearest portion of the school grounds;
- Whereas,** Alaska Statute 04.11.150 (e) prohibits the business premises occupied by a package store to be connected by a door, opening, or other means of passage intended for the access of the general public to an adjacent retail business not also licensed under AS Title 4, unless approved by the board;
- Whereas,** Kipusvik contains a movie theater, which shares the same main entrance as the proposed liquor store;
- Whereas,** the Kipusvik building has an open floor plan with a shared entrance that offers patrons tables and chairs similar to that of a cafeteria and presents an opportunity for loitering in a public space in the vicinity of proposed alcohol sales;
- Whereas,** at the March 24, 2015 Bethel City Council meeting, 43 people provided public testimony on potential sales of alcoholic beverages in the community, and 37 people spoke in opposition;

Introduced by: Vice-Mayor Albertson  
Date: April 28, 2015  
Action: Passed  
Vote: 4-3

**Whereas,** in 2014 the Bethel Fire Department Emergency Medical Services Unit reported a majority of the calls for service were for individuals under the influence of alcohol;

**Whereas,** Police Department figures for 2014 show the number of calls for "Intoxicated Pedestrians" to be 3,198 out of a total of 9,844 calls for the year, representing 32.49% of the total calls received by the department;

**Whereas,** the Police Dispatch Center reported a majority of their calls for service were alcohol related;

**Whereas,** the City protest stands based on the opposition of the people of Bethel, regardless of the presence or lack thereof of Bethel municipal Code or State Statute violations;

**NOW, THEREFORE, BE IT RESOLVED** the Bethel City Council does hereby protest the application for the above identified package store license and requires the City Clerk to send this resolution to the Alcohol Beverage Control Board by June 5, 2015.

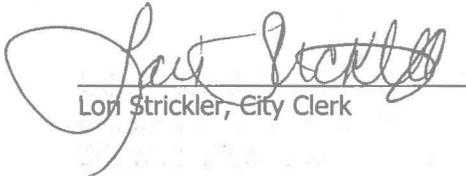
**ENACTED THIS 28th DAY OF APRIL 2015, BY A VOTE OF 4 IN FAVOR AND 3 OPPOSED,**



Richard Robb, Mayor

4/28/2015

ATTEST:



Lori Strickler, City Clerk

Introduced by: Council Member Herman  
Date: September 22, 2015  
Action: Passed  
Vote: 5-0

## *CITY OF BETHEL, ALASKA*

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

#### **A RESOLUTION BY THE CITY OF BETHEL PROTESTING THE ISSUANCE OF A STATE OF ALASKA ALCOHOLIC PACKAGE STORE LICENSE FOR AC QUICKSTOP; LOCATED AT 131 AKAKEEK STREET; OWNED BY NORTH WEST COMPANY INC.; LICENSE ID# - 5418**

- WHEREAS,** in 2010, the City held an advisory vote and asked the following question to the citizens of Bethel: "Should the City of Bethel support a liquor license application for a liquor store within the City of Bethel?;"
- WHEREAS,** in response to the question, 498 citizens (63%) voted no, they did not want the City Council to support the issuance of a liquor license application for a liquor store within the City and 287 (37%) voted in favor;
- WHEREAS,** public policy dictates the Bethel City Council represent the will, desires and opinions of the voters and citizens of Bethel, Alaska Administrative Code 3 AAC 304.145 states, "the board will not substitute its judgment for that of the local governing body on matters of public policy that have reasonable factual support;"
- WHEREAS,** at the March 24, 2015 Bethel City Council meeting, 43 people provided public testimony on potential sales of alcoholic beverages in the community, and with 37 of those individuals, or 73% speaking in opposition;
- WHEREAS,** at the April 6, 2015 town hall meeting, 50 people provided public testimony on potential sales of alcoholic beverages in the community and 40 of those people spoke in opposition;
- WHEREAS,** in the Anchorage Police Department 2013, Annual Statistical Report (the 2014 report was not available on the Municipal website), 4.58% of the calls for service were for Drunken Problems/Drunken Transports;
- Whereas,** in contrast to Anchorage's statistics, the Bethel Police Department reports show that in 2014, thirty-three (33%) percent of the calls for service were in response to Intoxicated Pedestrians;
- WHEREAS,** State Trooper's calls for service in the community of Bethel for the years 2013 and 2014 totaled 242 with 29.3% being alcohol related;

Introduced by: Council Member Herman  
Date: September 22, 2015  
Action: Passed  
Vote: 5-0

- WHEREAS,** the Yukon Kuskokwim Juvenile Detention Facility's statistics show over 19% of their referrals involved alcohol;
- WHEREAS,** over a three year period, 2012 through 2014, the State of Alaska Court System reports an average of 127 Minor Alcohol Related cases per year;
- WHEREAS,** the Yukon Kuskokwim Health Corporation (YKHC) Sobering Center Program provides sleep-off and other services to intoxicated individuals through close collaboration with the Bethel Police Department, Yukon Kuskokwim Correctional Center, YKHC Emergency Department and YKHC Behavioral Health, YKHC reports;
- WHEREAS,** the sobering center intake numbers for 2014 totaled 1n686 and the YKHC Sobering Center reports that half of the people served were residents of Bethel, indicating the impacts of alcohol in Bethel are not limited to citizens of this community;
- WHEREAS,** a review of the statistics kept by the Alaska Court System revealed that Driving While Intoxicated (DUI's) has remained steady both before and after going wet, however, bootlegging appears to have increased significantly;
- WHEREAS,** determining just how much bootlegging goes on in Bethel is a figure that cannot be ascertained to any degree of certainty, all that can be stated with any certainty is that bootlegging does occur both in Bethel and more greatly impacts the villages surrounding Bethel;
- WHEREAS,** the Bethel WAANT unit indicates that since going wet, rates of bootlegging in Bethel appear to have remained steady while bootlegging to the surrounding communities appears to have increased, this is supported by the statistics obtained from the Bethel courthouse;
- WHEREAS,** in 2009, the year Bethel went wet, there were 53 importation (bootlegging) convictions, these offenses are typically attempts to take alcohol from Bethel to the surrounding dry communities, the 2009 figure was a stark increase from the damp years of 2007 (1 conviction) and 2008 (12 convictions), following 2009, the figures remained high: 91 in 2010, 93 in 2011, 52 in 2012 and 67 in 2013, these figures would appear to support the City Council's concerns that the more readily available alcohol is in Bethel, the more of it that will flow to the surrounding villages to feed its bootlegging/importation businesses;

Introduced by: Council Member Herman  
Date: September 22, 2015  
Action: Passed  
Vote: 5-0

**WHEREAS,** while the AC Quickstop is not located within three (300) feet of a school, it is located on a heavily traveled access road utilized by school children;

**WHEREAS,** AC Quickstop's proximity to two elementary schools and the high school, and located on a main thoroughfare will mean that large numbers of vulnerable children will have to travel in front of the package store daily;

**WHEREAS,** the legislative intent behind AS 04.11.410 is to protect children attending school from direct exposure to some of the demoralizing circumstances which, by the authority of common knowledge, are incident to the traffic in intoxicating liquor. *Application of Wakefield*, 10 Alaska 599 (D. Alaska 1975);

**WHEREAS,** the Lower Kuskokwim School District (LKSD) tends to and addresses the impact of alcohol on its students daily;

**WHEREAS,** alcohol abuse is prevalent for some of the children's families and has caused the school to offer showers, laundry facilities and extra meals in order to help provide some of the basic needs of its students, needs are not being met at home, often times due to significant alcohol abuse;

**WHEREAS,** the more easily accessible alcohol is in Bethel the more influx of people from surrounding dry communities traveling to Bethel to not casually drink but binge drink causing more strain on the Police Department and interrupting the peaceful enjoyment of community members;

**WHEREAS,** AC Quickstop is applying for a package store license, to be located in the Housing Subdivision, which is primarily made up of Alaska Housing Finance Corporation, State subsidized housing;

**WHEREAS,** the Housing Subdivision is approximately one square mile;

**WHEREAS,** between May 11, and July 31, 2015, 41 of the 141 (30%) calls for service to the Housing Subdivision were alcohol related;

**WHEREAS,** a study by Rutgers, Center of Alcohol Studies, titled, *Varying Impacts of Alcohol Outlet Densities on Violent Assaults: Explaining Differences Across Neighborhoods*, states,

"Assaults were related to outlet densities in local and surrounding areas, the mix of outlet types, and neighborhood characteristics. The addition of one outlet per square mile was related to a small 0.23% increase in assaults. A 10% greater proportion of bars in a ZIP code was related to 7.5% greater assaults, whereas a 10% greater proportion of bars in surrounding areas was related to 6.2% greater

Introduced by: Council Member Herman  
Date: September 22, 2015  
Action: Passed  
Vote: 5-0

assaults. The impacts of bars were much greater in areas with low incomes and dense populations. Conclusion - The effect of bar density on assault injuries was well supported and positive, and the magnitude of the effect varied by neighborhood characteristics. Posterior distributions from these models enabled the identification of locations most vulnerable to problems related to alcohol outlets;"

**WHEREAS,** the conclusion of this study as well as the statistical information from the Bethel Police Department, specific to the neighborhood, provide reasonable factual support that the impacts to the surrounding neighborhood if alcohol sales was available would be significant;

**NOW, THEREFORE, BE IT RESOLVED** the Bethel City Council opposes the issuance of a package store license for the AC Quickstop.

**ENACTED THIS 22 DAY OF SEPTEMBER, 2015 BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**



Richard Robb, Mayor

ATTEST:

  
Lori Strickler, City Clerk

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# ***New Business***

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# CITY OF BETHEL

## Resolution # 15-17

### CITY OF BETHEL PRIORITIES FOR THE FY 2017 STATE OF ALASKA CAPITAL BUDGET

**WHEREAS**, the Bethel City Council is a seven-member body elected by resident voters of Bethel to act in the best interest of the community and intends to exhibit transparency, oversight, and accountability for all funds awarded through this request;

**WHEREAS**, the priorities established herein are rank-ordered and vital to the well-being of the community and municipality of Bethel;

**WHEREAS**, a summary of the City of Bethel’s priorities and requested funding amounts are listed in the following table:

<b>Five Priorities</b>	<b>Request</b>
1. Sewage Lagoon Rehabilitation and Excavation	\$9,200,000
2. Bethel Heights Water Quality Solutions Study	\$100,000
3. Water and Sewer Trucks	\$488,000
4. Bethel Small Boat Harbor Improvements – Final Phase	\$2,500,000
5. Institutional Corridor Water Delivery System - Phase 2	\$4,500,000
Total	\$16,788,000

<b>#1</b>	<b>Sewage Lagoon Rehabilitation and Excavation</b>	<b>\$9,200,000</b>
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**WHEREAS**, the City of Bethel provides hauled sewage service to 1,318 buildings and piped sewage service to 424 buildings;

**WHEREAS**, all sewage for the 6,278 residents and 1,000 visitors is deposited into the City’s sewer lagoon, which is divided into two cells that occupy 61.7 acres;

Introduced by: Ann K. Capela, City Manager  
Date: November 10, 2015  
Action:  
Passed:

**WHEREAS**, the lagoon capacity is steadily shrinking every year as solids settle on the bottom, having never been removed because the City has no way to remove them;

**WHEREAS**, the fact that a portion of the upper lagoon cell wall breached in 2005 causing the discharge of thousands of gallons of effluent onto open tundra underscores the need for lagoon rehabilitation;

**WHEREAS**, a letter to the City from the compliance manager at the Alaska Department of Environmental Conservation dated June 27, 2013, summarized the City's lagoon facility problem by saying, "Therefore, the risk to human health of waterborne disease as a result of exposure to partially treated sewage effluent will persist until a replacement wastewater treatment facility can be put into place;"

**WHEREAS**, the City receives an administrative extension from the Alaska Department of Environmental Conservation each year to discharge 220 million gallons of effluent into the Kuskokwim River with the understanding that the City is actively pursuing lagoon remediation efforts;

**WHEREAS**, two engineer studies recently completed described the poor condition of the lagoon and recommended replacing the truck dump site, excavating sludge, replacing baffles, and installing aeration equipment;

**WHEREAS**, the State of Alaska awarded the City of Bethel \$700,000 in FY 2015 to "repair the truck dump site," which is currently being used to fund part of this project;

**WHEREAS**, the purchase, installation, and operation of aeration equipment at the lagoon will serve as a demonstration project, the results of which stand to benefit neighboring communities;

**NOW, THEREFORE, BE IT RESOLVED** that the Bethel City Council hereby requests that the State of Alaska provide \$9,200,000 in the FY 2017 Alaska Capital Budget for Bethel to fund the Sewage Lagoon Rehabilitation and Excavation project.

<b>#2</b>	<b>Bethel Heights Water Quality Solutions Study</b>	<b>\$100,000</b>
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**WHEREAS**, the Bethel Heights Water Treatment Plant was constructed in 1969 to remove iron and manganese and provide disinfection and fluoride;

**WHEREAS**, the Bethel Height Water treatment Plant serves the Lower Kuskokwim School District offices, the high school, two elementary schools, and the Bethel Heights Subdivision, Tundra North, and Ptarmigan subdivisions;

**WHEREAS**, according to the Preliminary Engineering Report for Water Loops A, B & C and Wastewater Upgrades (June 2012), water loops A and B, constructed in 1977, have

Introduced by: Ann K. Capela, City Manager  
Date: November 10, 2015  
Action:  
Passed:

exceeded the end of their useful life and the "galvanized interior of the carrier pipe has worn off, causing surficial corrosion and adversely impacting water quality;"

**WHEREAS**, residents connected to the A, B, or C loops have complained for years about the smell, sight, and taste of the brown water that is delivered to them through the piped system;

**WHEREAS**, the Preliminary Engineering Report recommends replacing the A, B, and C loops with high-density polyethylene (HDPE) pipe at a cost of \$42,340,579 in 2012 dollars;

**WHEREAS**, the City has tried a variety of methods over the years to improve the quality of the water with limited success, including chemical treatment and high pressure flushing of the pipes;

**WHEREAS**, new ideas to improve the piped water quality of those on A, B, or C loops continue to emerge, such as the installation of pipe liners at a cost of \$26,462,862;

**WHEREAS**, to fully understand the alternatives available to the City and residents of the community, and to know what the best alternative is today, a detailed engineer study is needed;

**NOW, THEREFORE, BE IT RESOLVED** that the Bethel City Council hereby requests that the State of Alaska provide \$100,000 in the FY 2017 Alaska Capital Budget for the City to fund the Bethel Heights Water Quality Solutions Study.

<b>#3</b>	<b>Water and Sewer Trucks</b>	<b>\$488,000</b>
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**WHEREAS**, the City of Bethel provides hauled water and sewer service to 1,318 households six days a week throughout the year because only 424 Bethel households are on piped service;

**WHEREAS**, Approximately 3 million gallons of water are delivered each month and 2.5 million gallons of sewage is evacuated each month;

**WHEREAS**, the City currently owns and operates ten 3,000-gallon Stirling brand water trucks manufactured between 1999 to 2007 and seven 3,000-gallon Stirling brand sewer trucks manufactured between 2000 to 2007;

**WHEREAS**, Stirling closed their factory in 2008 and no longer manufactures water and sewer truck chassis or parts, making it extremely difficult for the City to acquire parts to repair the vehicles in its fleet;

**WHEREAS**, the proliferation of Stirling trucks in use across the globe, the advent of few after-market parts makers, and high demand for parts have created severe parts shortages and if parts are available, the prices are usually sky high;

Introduced by: Ann K. Capela, City Manager  
Date: November 10, 2015  
Action:  
Passed:

**WHEREAS**, One City diesel mechanic and two assistants spend 130 hours of their time each week diagnosing problems on water and sewer trucks, searching for parts, and completing the repairs when possible;

**WHEREAS**, the number of new buildings and planned subdivisions coming online in Bethel is adding pressure on the City's overworked water and sewer trucks to make reliable deliveries;

**WHEREAS**, the City has an immediate need for two water trucks and two sewer trucks;

**WHEREAS**, The City's water and sewer services are nearly self-sustainable after the Bethel City Council approved an ordinance in fall 2014 that raised water and sewer rates community-wide and contains automatic annual increases;

**WHEREAS**, the City created a special fleet replacement fund years ago that currently has \$491,000 in it, which will allow the City to buy one water truck and one sewer truck as match for this project;

**NOW, THEREFORE BE IT RESOLVED** that the Bethel City Council hereby requests that the State of Alaska provide \$488,000 in its FY 2017 Capital Budget to fund the purchase of one water truck and one sewer truck;

<b>#4</b>	<b>Bethel Small Boat Harbor Improvements</b>	<b>\$2,500,000</b>
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**WHEREAS**, the City of Bethel received funding from the U.S. Army Corps of Engineers, Denali Commission, and State of Alaska for improvements to the Bethel Small Boat Harbor over the last five years;

**WHEREAS**, three sections of bank encompassing 1,300 feet are all that are left to improve with webbing and gravel in order to stabilize 100% of the banks, thereby reducing slough-off and the need for dredging;

**WHEREAS**, several culverts are needed to improve the parking lot and road access to the harbor;

**WHEREAS**, the Harbor allows Bethel residents easy, convenient, and inexpensive access to the Kuskokwim River for subsistence harvest of fish and game, access to fish camps, recreational uses, commercial fishing, commercial birding/guiding, wood gathering, and transportation to and from villages on the river;

**WHEREAS**, nearby villagers depend on the Harbor when they travel by boat to Bethel for medical appointments, vocational training, college attendance, conferences/workshops, government services, shopping, employment, air transportation to Anchorage and points beyond, and to visit friends and relatives;

Introduced by: Ann K. Capela, City Manager  
Date: November 10, 2015  
Action:  
Passed:

**WHEREAS**, the Bethel Small Boat Harbor was officially designated a "harbor of refuge" by the U.S. Army Corps of Engineers and provides protection for small boaters from storms, high seas, and other natural hazards;

**WHEREAS**, great strides have been made to improve the Harbor over the last five years and this project represents the final bank stabilization effort needed to complete the Harbor;

**NOW, THEREFORE BE IT RESOLVED** that the Bethel City Council hereby requests that the State of Alaska provide \$2,500,000 in its FY 2017 Capital Budget to fund the Small Boat Harbor Improvements Project;

<b>#5 Institutional Corridor Water Delivery System – Phase 2 \$4,500,000</b>
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**WHEREAS**, the State of Alaska provided the City of Bethel with \$7,000,000 from the FY 2014 Alaska Capital Budget to fund more than half of the Institutional Corridor Water Delivery System project, which left the City with a shortfall of \$5,187,742;

**WHEREAS**, the City worked with DOWL engineers to design the project such that the project now requires less linear feet of pipe at less cost to accomplish the same number of institutional connections;

**WHEREAS**, once the entire project is completed, the City will receive a net gain from water sales to the institutions and three of the institutions will be able to close their water plants for good, eliminating the hardship of well management and proper water treatment;

**NOW, THEREFORE BE IT RESOLVED** that the Bethel City Council hereby requests that the State of Alaska provide \$4,500,000 in its FY 2017 Capital Budget to fund the Institutional Corridor Water Delivery System – Phase 2 project;

**THEREFORE, BE IT FURTHER RESOLVED** that the Bethel City Council hereby sets and affirms the following five project priorities for the City's FY 2017 State of Alaska Capital Budget funding request: (1) Sewage Lagoon Rehabilitation and Excavation, (2) Bethel Heights Piped Water Quality Solutions Study, (3) One Water and One Sewer Truck, (4) Bethel Small Boat Harbor Improvements, and (5) Institutional Corridor Water Delivery System – Phase 2.

**ENACTED THIS 10<sup>th</sup> DAY OF NOVEMBER 2015 BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ OPPOSED.**

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

ATTEST:

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

City of Bethel, Alaska

Resolution #15-17  
5 of 5

## 2016 Board Of Directors Elections – Declaration of Candidacy

AML officers and members of the Alaska Municipal League Board of Directors are elected each year at the Annual Meeting by the entire membership. The Board of Directors is the governing body of the League and directs the administration and policy of the AML throughout the year on behalf of the members.

Notice is hereby given that Election of Officers and Directors will be held at the Annual Meeting of the Alaska Municipal League on November 21, 2014, for the election of:

### *First Vice – President – due to vacancy*

First Vice-President for a one-year term, with automatic succession to President, to be elected at large by the qualified member municipalities of the League.

### *Second Vice – President*

Second Vice-President for a one-year term, with automatic succession to First Vice-President and President, to be elected at large by the qualified member municipalities of the League.

*NOTE: Article II, Section 3, of the AML Bylaws specifies that the “President, Vice Presidents, and Immediate Past President shall be chosen from different director districts.*

*Therefore, nominees for First and Second Vice-President positions cannot be from:*

District 3:Kenai Peninsula

District 8:North, Northwest, Norton Sound

### AML Districts

Five (5) directors for two-year terms to be elected by the qualified member municipalities of the League from each of the following districts:

District 1: Southeast Alaska (except Juneau)

District 3: Kenai Peninsula

District 5: Anchorage

District 7: Fairbanks Area

District 9: Interior Rivers, Lower Kuskokwim

### Director At-Large

One (1) director for a one-year term to be elected at-large by the qualified member municipalities of the League from any of the ten director districts.

National League of Cities (NLC) Representative (two-year term)

One (1) director for a two-year term to be elected at-large by the qualified City member.

### Qualification of Candidates

A candidate for officer or a director position must be a mayor or an elected member of the governing body of the individual's member municipality.

### Method of Nomination

Nomination of an eligible candidate must be made by filing a "Declaration of Candidacy and Financial Commitment" form prior to the meeting of the Nominations Committee. Candidates may also be nominated from the floor at the annual meeting.

### Deadline for Declaration

Declaration of Candidacy forms must be returned to the AML office via mail or fax by 4:00 p.m. Thursday 11/12/15, or by hand no later than 5:00 p.m. Wednesday 11/18/15 at the Annual Conference registration desk. Declarations of Candidacy form is available on the AML website at [www.akml.org](http://www.akml.org) or you can call the AML office at 1-877-636-1325.

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# *Mayor's Report*

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# ***City Manager's Report***

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## MEMORANDUM

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

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1. Water Operations Plant Assessment – Attached to the PW Director's report is the report as requested by Councilman Albertson. There is no doubt that the City benefited from a third party evaluation of the water plant operations. As noted in the report from the PW water plant Supervisor, there are several operational items being implemented immediately and the City has posted an RFP for purchase of anthracite. With these operational changes and addition of the anthracite, the City may be able to extend the life of the water filtration system possibly up to 5 years. Moreover, the water operations staff will be vigilant in learning new operational practices that will have a impact on the use of fuel.
2. Staff Training – November 2<sup>nd</sup> and 3<sup>rd</sup> at least 20% of the City's staff participated in leadership and supervision training at YUUT. This training class was a cooperative effort and with the leadership of YUUT Executive Director and his staff. There were at least 38 students participating in this training of which most were City of Bethel employees. There was sufficient amount of participation to enable the training consultant to come to Bethel instead of sending employees to Anchorage or other training facilities. We anticipate this training to be of a demonstration project and conduct similar training here in Bethel. During the FY 2015/16 budget process, Council emphasized and allocated funds for staff training and this class was definitely the most economical way of training. No doubt with the training consultant coming to Bethel, some of the funds stayed in Bethel. Attached is a list of participants from City staff.
3. Congratulations to COBEA Local #6055 of on the new elections of its Executive team
4. City Audit – will be conducted during starting the week of November 9, 2015. The audit is has been delayed but is expected to be conducted in a timely manner. The recently appointed company of Altman Rogers will have their audit staff in Bethel for at least 2 weeks. The City Finance staff will be very busy assisting the auditors.
5. PILT funding – attached is a news article and distribution of funds for the small addition to the PILT fund. As you are aware, PILT (Payment in Lieu of Taxes) is a federal program that, in theory, is to replace (in lieu of) funds that the City could have had an opportunity to generate if the Federal government did not own the land within the City limits. The funding which is allocated to Bethel, is to the "Bethel census area" – thus the State of Alaska divides the total allocated

funds to communities in the Bethel region that qualify for PILT funds. For FY 2015/16 the City estimated and budget \$892K but information received later only showed the City being allocated \$787,853 for this year. The slight increase to the region at this time will have a minor dollar impact on the City's revenue from PILT. This is one funding source the City of Bethel will need to fight for every year, because every year the federal legislators try to eliminate the program.

6. School Fire – The Fire Marshall was in Bethel on November 4, 2015. The result of the Fire Marshal's investigation are forthcoming.

City Administration is in constant contact with the LKSD staff to ensure the plans for site reclamation is going forward in the most efficient way possible. The U of A 4-H has offered to the School District the use of the Teen Center, Parks and Rec has offered the use of the Log Cabin for classroom space, and we have discussed the use of the City's Senior Center as a possible location for multiple use. While it is recognized that the Senior Center may need renovation, the Center has excellent Possibilities for a multiuse center for students instructional area, a kitchen area and conversion of space for living quarters.

The Fire Department, Police Department as well as Public Works Department overtime as well as use of equipment were severely impacted by the school fire. All these reports will take time but we hope to get these to Council as soon as practicable.

On a personal note, Bethel Fire Fighters, Police Officers, Community Services Officers performed magnificently and have my profound admiration for working under such harsh conditions and with whatever available equipment.

I have notified the City's insurance broker and APEI about this disaster and future possible claims. Both the City and LKSD are insured by APEI.

7. We continue to work with U of A regarding the Teen Center lease. The complexity remains in the area of insurance and indemnification.
8. New Planner – The City's new Planner, Ted Meyer, will be starting with the City on November 16<sup>th</sup>. Ted Meyer has been working and living in Alaska for over 20 years: Planning Director – Kawerak Inc. (Tribal Consortium), Arctic Slope Consulting as a Planner and the Office Manager, Afognak as a Development Specialist. Ted Meyer has a B.A. in Geography from San Francisco State University and a Masters Degree in Urban and Regional Planning from San Jose State University, CA. Ted is no stranger to Bethel since he has passed through and stayed in Bethel on many occasions during his posts to various planning positions in Alaska.
9. Bethel Staff Holiday celebration will be held Saturday, December 12, 2015 at the Cultural Center.



## CITY OF BETHEL

Post Office Box 1388  
Bethel, Alaska 99559  
Phone: 907-543-2017

TO: Jeremy Osborne, via email  
FROM: Laura Cloward, Human Resources Manager  
SUBJECT: City of Bethel Commitment for Leadership/Supervisory Training

DATE: August 28, 2015

The City commits to the following participation (18) for the November 3-4 leadership training:

Department Heads or equivalent:

Lori Strickler, City Clerk  
Hansel Mathlaw, Finance Director  
Bill Howell, Fire Chief  
Muzaffar Lakhani, Public Works Director

Supervisory Staff:

Daron Solesbee, Fire Captain  
Clair Grifka, Building Maintenance Foreman  
Bill Arnold, Utilities Maintenance Foreman  
David Stovner, Landfill Manager  
Jim Colonel, Hauled Utilities/Vehicle & Equipment Foreman  
Bill Ferguson, Transit Manager  
Matt Ross, Parks and Recreation Specialist

Other Staff:

Port:

Allen Wold, Harbor Attendant  
Administrative Assistant

Finance:

Douglas Hoffman, Accounting Specialist  
Christine Amos, Accounting Specialist

Technology:

Roberto "Bo" Foley, IT Technician

Police Department

Two Staff Members, names/positions yet unassigned.

Please advise soonest regarding the final price per person so that we may remit payment from each of the participating departments.

# Leadership & Influence Workshop

They say that leaders are born, not made. While it is true that some people are born leaders, some leaders are born in the midst of adversity. Often, simple people who have never had a leadership role will stand up and take the lead when a situation they care about requires it. A simple example is parenting. When a child arrives, many parents discover leadership abilities they never knew existed in order to guide and protect their offspring.

Once you learn the techniques of true Leadership And Influence, you will be able to build the confidence it takes to take the lead. The more experience you have acting as a genuine leader, the easier it will be for you. It is never easy to take the lead, as you will need to make decisions and face challenges, but it can become natural and rewarding.

## Workshop Objectives:

Define "leadership"

Explain the Great Man Theory

Explain the Trait Theory

Understand Transformational Leadership

Understand the people you lead and how to adapt your leadership styles

Explain leading by Directing

Explain leading by Participating

Explain leading by Delegating

Kouzes and Posner

Conduct a personal inventory

Create an action plan

Establish personal goals



### Module One: Getting Started

Workshop Objectives

### Module Two: The Evolution of Leadership

**TrainUp**

A Tillman Learning Company

4500 West Eldorado, 3<sup>rd</sup> Floor, McKinney, Texas 75070

866-540-9677



Defining Leadership

Characteristics of a Leader

Leadership Principles

A Brief History of Leadership

Three Theories of Leadership

**Module Three: Situational Leadership**

Situational Leadership: Telling

Situational Leadership: Selling

Situational Leadership: Participating

Situational Leadership: Delegating

**Module Four: A Personal Inventory**

An Introduction to Kouzes and Posner

A Personal Inventory

Creating an Action Plan

**Module Five: Modeling the Way**

Determining Your Way

Being an Inspirational Role Model

Influencing Others' Perspectives

**Module Six: Inspiring a Shared Vision**

Choosing Your Vision

Communicating Your Vision

Identifying the Benefit for Others

**Module Seven: Challenging the Process**

Think Outside the Box

**TrainUp**

A Tillman Learning Company

4500 West Eldorado, 3<sup>rd</sup> Floor, McKinney, Texas 75070

866-540-9677



Developing Your Inner Innovator

Seeing Room for Improvement

Lobbying for Change

**Module Eight: Enabling Others to Act**

Encouraging Growth in Others

Creating Mutual Respect

The Importance of Trust

**Module Nine: Encouraging the Heart**

Sharing Rewards

Celebrating Accomplishments

Making Celebration Part of Your Culture

**Module Ten: Basic Influencing Skills**

The Art of Persuasion

The Principles of Influence

Creating an Impact

**Module Eleven: Setting Goals**

Setting SMART Goals

Creating a Long-Term Plan

Creating a Support System

**Module Twelve: Wrapping Up**

Words from the Wise

**TrainUp**

A Tillman Learning Company

4500 West Eldorado, 3<sup>rd</sup> Floor, McKinney, Texas 75070

866-540-9677

# Supervising Others Workshop

Supervising others can be a tough job. Between managing your own time and projects, helping your team members solve problems and complete tasks, and helping other supervisors, your day can fill up before you know it.

The Supervising Others workshop will help supervisors become more efficient and proficient, with information on delegating, managing time, setting goals and expectations (for themselves and others), providing feedback, resolving conflict, and administering discipline.

## Workshop Objectives:

- Define requirements for particular tasks
- Set expectations for your staff
- Set SMART goals for yourself
- Help your staff set SMART goals
- Assign work and delegate appropriately
- Provide effective, appropriate feedback to your staff
- Manage your time more efficiently
- Help your team resolve conflicts
- Understand how to manage effectively in particular situations
- Understand what a new supervisor needs to do to get started on the right path



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### Module One: Getting Started

Workshop Objectives

Pre-Assignment Review

### Module Two: Setting Expectations

Defining the Requirements



Identifying Opportunities for Improvement and Growth

Setting Verbal Expectations

Putting Expectations in Writing

**Module Three: Setting Goals**

Understanding Cascading Goals

The SMART Way

The Three P's

Helping Others Set Goals

**Module Four: Assigning Work**

General Principles

The Dictatorial Approach

The Apple-Picking Approach

The Collaborative Approach

**Module Five: Degrees of Delegation**

Level One: Complete Supervision

Level Two: Partial Supervision

Level Three: Complete Independence

**Module Six: Implementing Delegation**

Deciding to Delegate

To Whom Should You Delegate?

Providing Instructions

Monitoring the Results

Troubleshooting Delegation



## **Module Seven: Providing Feedback**

Characteristics of Good Feedback

Feedback Delivery Tools

Informal Feedback

Formal Feedback

## **Module Eight: Managing Your Time**

The 80/20 Rule

Prioritizing with the Urgent-Important Matrix

Using a Productivity Journal

Using Routines and Rituals to Simplify Your Workday

## **Module Nine: Resolving Conflict**

Using a Conflict Resolution Process

Maintaining Fairness

Seeking Help from Within the Team

Seeking Help from Outside the Team

## **Module Ten: Tips for Special Situations**

What to Do If You've Been Promoted from within the Team

What To Do If You're Leading a Brand New Team

What to Do if You're Taking on an Established Team

## **Module Eleven: A Survival Guide for Supervisors**

Ask the Right Questions of the Right People

Go to Gemba

Keep Learning!

Words from the Wise

# Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Feds roll out another \$20 million in rural funding grants for Alaska

Erica Martinson <sup>(1)</sup>

October 31, 2015

WASHINGTON -- The Obama administration is sending more than \$20 million to help with heating, transportation and other needs in rural areas as part of funding announced by three federal agencies in the last week.

Rural communities in Alaska will get \$2.2 million from the Interior Department as part of a Payments in Lieu of Taxes (PILT) program. The funds come in addition to \$26.2 million Alaska communities received in June.

The PILT program doles out federal money to mostly rural local governments to offset losses in property taxes for nontaxable federal lands.

“Rural communities help define the character of our diverse and beautiful country, contributing significantly to our nation's economy,” said Interior Deputy Secretary Michael L. Connor. The program’s funding goes to rural public services like housing, transportation, emergency services and outdoor recreation, Connor said.

Sen. Lisa Murkowski said the PILT program payments are “essential to local communities with federal lands within their jurisdictions. In Alaska, over 60 percent of land in Alaska managed by the federal government.”

Murkowski, who chairs the Appropriations subcommittee overseeing Interior funding, said she ensured the funds were part of this year’s funding. The state has garnered \$28.4 million in PILT payments in 2015, Murkowski said.

The PILT payout follows \$15 million in low income heating assistance paid to the state as of Oct. 23 via a program run by the Department of Health and Human Services.

More than \$9 million of that funding came from the department’s Division of Public Assistance and another \$6.5 million went directly to Native tribes and tribal associations.

Murkowski pledged to use her spot as chair of the Senate Energy and Natural Resources Committee implement energy saving programs that keep Alaskans from needing the federal assistance.

And on Thursday, the White House and the Department of Transportation announced this year’s winners of 39 “TIGER” grants -- \$500 million in funding for innovative transportation projects. Point Hope was among the winners selected from 627 applications.

“In this round of TIGER, we selected projects that focus on where the country’s transportation infrastructure needs to be in the future; ever safer, ever more innovative, and ever more targeted to open the floodgates of opportunity across America,” said Transportation Secretary Anthony Foxx. The program has awarded \$4.6 billion to 381 projects since 2009, according to the Department of Transportation.

The Native Village of Point Hope Council will receive \$2,899,922 to cover 100 percent of the cost of a project to redesign and build five “critical” roads, build sidewalks and improve access for pedestrians, bicyclists and handicapped people.

**Source URL:** <http://www.adn.com/article/20151031/feds-roll-out-another-20-million-rural-funding-grants-alaska>

**Links:**

[1] <http://www.adn.com/author/erica-martinson>

COUNTY	JUNE PAYMENT	OCTOBER PAYMENT	TOTAL PAYMENT
ALEUTIANS EAST BOROUGH	\$489,495	\$41,718	\$531,2
ALEUTIANS WEST	\$889,537	\$75,811	\$965,3
BETHEL	\$1,632,135	\$139,099	\$1,771,2
BRISTOL BAY BOROUGH	\$148,294	\$12,638	\$160,9
DENALI BOROUGH	\$295,565	\$25,190	\$320,7
DILLINGHAM	\$791,551	\$67,460	\$859,0
FAIRBANKS NORTHSTAR BOROUGH	\$399,674	\$34,063	\$433,7
HAINES BOROUGH	\$317,302	\$27,042	\$344,3
HOONAH-ANGOON CENSUS AREA	\$339,575	\$28,941	\$368,5
JUNEAU CITY & BOROUGH	\$1,916,143	\$163,304	\$2,079,4
KENAI PENINSULA BOROUGH	\$2,651,067	\$225,937	\$2,877,0
KETCHIKAN GATEWAY BOROUGH	\$1,017,188	\$86,690	\$1,103,8
KODIAK ISLAND BOROUGH	\$1,370,176	\$116,773	\$1,486,9
LAKE & PENINSULA BOROUGH	\$260,895	\$22,235	\$283,1
MATANUSKA SUSITNA BOROUGH	\$3,149,012	\$268,376	\$3,417,3
MUNICIPALITY OF ANCHORAGE	\$603,106	\$51,399	\$654,5
MUNICIPALITY-SKAGWAY	\$139,441	\$11,885	\$151,3
NONE	\$1,107,911	\$94,422	\$1,202,3
NORTH SLOPE BOROUGH	\$1,107,911	\$94,422	\$1,202,3
NORTHWEST ARTIC BOROUGH	\$1,036,368	\$88,325	\$1,124,6
PETERSBURG CENSUS AREA	\$596,631	\$50,848	\$647,4
PRINCE OF WALES	\$889,537	\$75,811	\$965,3
S.E. FAIRBANKS	\$977,138	\$83,277	\$1,060,4
SITKA CITY BOROUGH	\$604,742	\$51,539	\$656,2
VALDEZ/CORDOVA	\$1,107,911	\$94,422	\$1,202,3
WADE HAMPTON	\$1,036,368	\$88,325	\$1,124,6
WRANGELL BOROUGH	\$379,944	\$32,381	\$412,3
YAKUTAT BOROUGH	\$101,635	\$8,662	\$110,2
YUKON KOYUKUK	\$889,537	\$75,811	\$965,3
<b>TOTAL</b>	<b>\$26,245,789</b>	<b>2,236,806</b>	<b>28,482,5</b>

**CITY OF BETHEL EMPLOYEES ASSOCIATION (COBEA) LOCAL #6055**

Updated: 10/22/15

**PRESIDENT**

Gary Watson

**VICE PRESIDENT**

Dave Stovner

**SECRETARY/TREASURER**

Betsy Jumper

**NEGOTIATORS**

<b>Police</b>	Joe Corbett
<b>Public Works</b>	Gary Watson
<b>Public Works</b>	Michael Mendenhall
<b>Administration/General Service</b>	Betsy Jumper
<b>Administration/General Services</b>	John Sargent

**EMPLOYEE REPRESENTATIVES**

Joe Corbett (Police)

Michael Mendenhall

John Sargent



**CITY OF BETHEL EMPLOYEES ASSOCIATION**

**CONTRACT RATIFICATION MEETING**

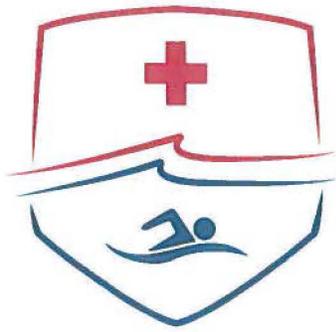
**MONDAY NOVEMBER 16<sup>TH</sup> AT 5:30 PM**

**AT THE LOG CABIN**

**COBEA Members only**

**Please come to discuss the Tentative Settlement we have reached with the City  
on a new Collective Bargaining Contract!**





# UNITED POOL MANAGEMENT

## YUKON-KUSKOWKIM FITNESS CENTER ADVERTISING PLAN 2015 4<sup>TH</sup> QUARTER

The purpose of local marketing will be to gain positive perceptions within the community and develop a strong working relationship with local schools, organizations, businesses, United Pools, and the City of Bethel. The majority of the 4<sup>th</sup> Quarter Advertising Plan is the installation of new facility calendars, special events, recurring monthly events and pushing programming to a new level as we close out 2015 and continue into 2016.

### MARKETING TACTICS

1. Website
2. Social Media
3. Print Materials
4. Radio
5. Sponsorships

### ONGOING DAILY ADVERTISING:

#### **Facebook:**

At the beginning of each month, we will create Facebook ads that will run for the entire month. These ads will target people who like our page. Each ad will include that month's events (ongoing and special events).

Ads will range from \$100-\$300 per month depending on how often they run, this will be based on events going on at the facility.

#### **Radio:**

We have an ongoing PSA that is played on KYUK 5 days a week. This PSA gives information about hours of operation, contact information as well as information on upcoming events. As special events are approaching we will alternate the ongoing PSA with an event specific PSA giving the community details about each event (date/times/etc.).

Radio ads are run at \$20/play, we anticipate 20 plays per month totaling \$400. Production for new ads is \$100 (this is only a cost if we produce new radio ads – we will be producing multiple ads at one time so this will not be a monthly cost).

***Newspaper:***

We will run a monthly newspaper ad that has our calendar of events for that month. Hours of operation and contact information will also be included in the ads. Ads will begin running in November.

Newspaper ads will be run every other week at \$131.04 per 1/8 page each week.

***Flyer distribution:***

Flyers will be hung around town (AC, restaurants, library, etc.). These flyers will contain the monthly calendar of events, hours of operation, admission information and contact information. We will have flyers distributed by the first of every month.

Cost per month for printing \$200.00

***Schools:***

Flyers will be sent to the school district to be sent home with students. Stickers will be made to give to teachers to send home on their student's shirts on days of events or the days leading up to the event.

**4<sup>TH</sup> QUARTER RECURRING EVENTS:**

***Dive in Movie 6pm***

***Saturday, November 28<sup>th</sup>***

***Saturday, December 12<sup>th</sup>***

Dive in movie nights will allow the whole family to come enjoy a night at the facility. We will have a family friendly movie for all to enjoy while on the pool deck or in the pool.

***Parents Night Out 6-8pm***

***Wednesday, December 2<sup>nd</sup>***

***Wednesday, December 16<sup>th</sup>***

This event gives parents the opportunity to work out while their children are in the fitness room doing age appropriate activities with our YKFC staff. Children ages 2-8.

***Toddler Time 6:30-7:30pm***

***Thursday, November 5<sup>th</sup>***

***Thursday, December 3<sup>rd</sup>***

***Thursday, December 17<sup>th</sup>***

This is a mommy (or daddy) and me class for toddlers. Toddlers and their parents meet in the fitness room to do age appropriate activities to emphasis and a healthy lifestyle. Children ages 1-4.

***Elder's Night 5pm***

***Tuesday, December 8<sup>th</sup>***

Elder's night is an event that will encourage YKFC guests to bring their parents and/or grandparents to the facility. Elders get in free with a paying escort.

***Family Night 5pm***

***Tuesday November 24<sup>th</sup>***

***Tuesday, December 22<sup>nd</sup>***

Family night is an event that encourages families to attend the facility. One child admission is free with each paying adult.

There will be fewer events scheduled in November due to the facility maintenance in the middle of the month.

#### **4<sup>TH</sup> QUARTER SPECIAL EVENTS:**

##### ***Halloween Party***

***Saturday, October 31<sup>st</sup>***

Advertising will begin the last week of October. Advertising includes: KYUK PSA, flyers and social media outlets. The event will have activities going throughout the day to include all age levels.

##### ***Thanksgiving Celebration***

***Sunday, November 22<sup>nd</sup>***

Advertising will begin the first week of November. Advertising includes: KYUK PSA, flyers, facebook ads, website information and newspaper ad.

##### ***Christmas Party***

***Saturday, December 19<sup>th</sup>***

Advertising will begin the last week of November. Advertising includes: KYUK PSA, flyers, facebook ads, website information and newspaper ad. The event will have activities going throughout the day to include all age levels.

##### ***Camp H2O***

***Session 1 December 21<sup>st</sup>-23<sup>rd</sup> (Monday- Wednesday)***

***Session 2 December 28<sup>th</sup>-January 1<sup>st</sup> (Monday-Friday)***

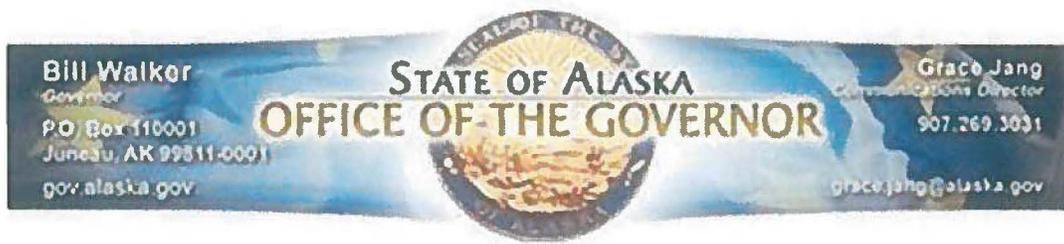
Advertising will begin the first week of November. Advertising includes: KYUK PSA, flyers, facebook ads, website information and newspaper ad.

##### ***New Years Eve***

***Thursday, December 31<sup>st</sup>***

Advertising will begin the second (2<sup>nd</sup>) week of December. Advertising includes: KYUK PSA, flyers, facebook ads, website information and newspaper ad.

***Calendars are attached separately for the month of November.***



**FOR IMMEDIATE  
RELEASE**

No. 15-145

**Contact:** Katie Marquette, Press Secretary – (907) 269-7447  
Aileen Cole, Deputy Press Secretary – (907) 269-7458

**Governor Walker and Lawmakers Extend Condolences to Community of Bethel**

November 4, 2015 JUNEAU - Governor Bill Walker, Representative Bob Herron, and Senator Lyman Hoffman joined together to commit their support to the community of Bethel as residents cope with a structure fire and loss of a Yup'ik language immersion school. On Tuesday, a fire completely destroyed Ayaprun Elitnaurvik and essential systems like boilers, a water plant, and a large kitchen were complete losses. The fire also caused extensive damages to a boarding school that was housed in the same building.

“This is a devastating loss for the Bethel community,” said Governor Walker. “I thank all of the members of the Bethel community who joined together to fight the fire, and I am proud of all the emergency personnel and volunteers who have been working together to protect Alaskans. Our thoughts go out to the entire community as they begin recovering from this tragedy.”

“Like many people in Bethel, Margaret and I sent all of our children through Kilbuck and this loss is difficult,” said Representative Herron. “Though in Juneau, I am very proud of how our community is coming together. Governor Walker and I met with the LKSD leadership this morning by telephone and we pledged to help and assist the school district. Tough decisions lay ahead, but supporting the Immersion teachers, students and parents is very important. Also, I am grateful that the Kuskokwim Learning Academy students have found a temporary home so quickly.”

“Many Bethel residents have fond memories of the Kilbuck School,” said Senator Hoffman. “I was a graduate of Kilbuck and spent all my K-12 school days in that building as did many others in the region.”

Ayaprun Elitnaurvik serves 175 students and Kuskokwim Learning Academy serves 125 students from Bethel, surrounding villages, and other parts of Alaska.

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# ***Management Team Reports***

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## CITY OF BETHEL

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

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

DATE: October 30, 2015

### Position Descriptions:

Position Description revisions for the month included Account Specialist position(s) specific to Accounts Payable and Payroll and the Parts Inventory Clerk. To date, nineteen (19) position descriptions have been updated to include ADA accommodation statements, associated essential functions, and the physical demands and work environment associated with the positions.

### Position Numbers:

Audit is in process of Position Control Numbers (PCNs) are related to the budget allocations and actual wages. Working with Department Heads to reassign individuals as necessary and formalize assignments within the Caselle system.

### Recruitment/Employment Processes:

Placed advertising for GL Accountant and completed Letters of Intent for two candidates pursuing Commercial Drivers' Licenses at Yuut Elitnaurviat. Streamlined pre-employment checks for safety-sensitive positions (transit drivers, mechanics, hauled utility, and streets and roads) to facilitate quicker turn-around time for these critical positions.

### Transit Program Drug and Alcohol Review:

The City is still awaiting final close-out of the review from the Department of Transportation.

### Training:

Workplace Violence and Sexual Harassment Awareness training is continuing with Target Solutions, a free web-based products. Feedback has generally been positive, with the majority of challenges relating to the login process and ID/password inconsistencies.

### Benefits:

Coordinated visit by Deferred Comp provider (ICMA-RC) to discuss voluntary retirement savings options with employees.

# 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: October, 2015 Managers Report

## PORT ADMINISTRATION ACTION ITEMS AND ACTIVITIES

- **SMALL BOAT HARBOR-** The SBH has been cleaned up for winter except for picking up the skiffs scattered along the embankments. We held off on removing the boats due to people still using them .Nov.2<sup>nd</sup> we will picking up skiffs and putting them in *storage for twenty-five dollars a month*. Notices will be posted that if vehicles are left in the SBH a charge of \$50.00 month will be charged as per the Terminal Tariff under our storage rates.
- **City Dock/Beach one-** They were forty-two (42) vessel arrivals and departures with 2,900T of material and goods.  
There are seven (7) vessels the City Dock and five (5) vessels pulled up onto Beach One that will be stored for the winter. All equipment, containers and materials that were left on the City Dock have been accounted for.  
We have one vessel and barge still moored on the Seawall. The vessel needs a repair and the barge is waiting for tug that is in Seward to arrive. ETD is unknown at this time. I've expressed my concerns to the owners that the season is getting late and the vessels needs to be removed before the river freezes up.
- **Jung/Active Parcels-** Personnel from the BIA arrived in Bethel and performed a walk to look at the parcels belonging Active and Jung Estates. It appears a new trespass has been identified. The property lines of Lind Ave have not been adhered too and the road way as it is being currently used is trespassing on land belonging to the Actives. BIA personnel looked at Tundra Ridge Road. They took some pictures and left.
- **Brown Slough-** There will be no vessels moored in the slough this winter.
- **Slough Shop at 251 East Ave -** Plywood have been installed on the walls. Tec-Pro has performed a walk around and will submit a estimate for electrical work that will need to be completed before the shop is ready to use. We are pricing out overhead LED lights along with a heater/furnace to heat the building.
- **Beach 2-** There were four (4) arrivals and departures that delivered 19T of sand and gravel. Dockage and Wharfage rates are billed as stated in the Terminal Tariff.

- **Personnel-** There are two temps still helping out with one leaving the 30<sup>th</sup> of Oct. For November they will be one temp and three full time employees. The full time employees have passed the Sexual Harassment and Workplace Violence courses. Two employees will attend Leadership Training courses at Yuut Ctr. November 3 and 4. Other courses we hope to complete this winter are Hazardous Material Training and I'm hoping to take advantage of courses offered by UAS for ports and harbor personnel. HR has been a big help working with Target Solutions and our Department for this training.
- **Petro Yard/Sand Shed- Standard Oil Rd.** -We have added four new companies to our list of containers being stored in this yard. They are paying a monthly fee year around. The Sand Shed will be utilized for storage and repairing the floats from the SBH.
- **Petro-Port** – Five (5) vessels arrived and departed with 2,000,000 gals.( 47,690 bbls.) delivered to the tank farm. The Petro Dock has been decommissioned for the winter.
- **Public Access Areas-** The areas used to access the river after freeze for vehicles have been cleared of debris. . These areas are: *Beach Two* (Standard Oil Rd.) - *Floatplane Area* ( Lomack Buildg.) -*Boat ramp on Brown Slough* – the beach across from Anvils Gun Shop on Brown Slough – *Kuskokwim Way* (Corinas Groc. ) - *Beach on East Ave by the SBH*. They are times during the winter when the overflow makes passage through these areas risky. The Port has been approached in the past about improving this situation. We have explored various methods but because none are fool proof and there has been some concern what the City would be liable for after we were too make the improvements the Port has not attempted make any improvements. For now these areas are used at the publics own risk. The winters appear to being getting wetter and this situation, in my opinion, will not improve in the future.

Peter Williams  
Port Director



## Memorandum

DATE: November 1, 2015  
TO: Ann K Capela, City Manager  
FROM: Hansel L Mathlaw, Finance Director  
SUBJECT: Manager's Report – November 2015

### **Finance Committee**

The committee convened on October 27, 2015. No new agenda items. Several non-profit representatives spoke at people to be heard. Their concern was sales tax related to gaming, bingo and pull tabs. Their concern is sales tax is too high.

### **Finance Department**

The Finance Department is seeking a General Ledger Accountant.

The Accounting Specialist-Payroll has been filled by a city employee who has worked in payroll in the past. The prior practice was one employee was assigned to payroll and accounts payable. I am splitting the assignments into two personnel. Any down time for payroll or accounts payable will help in utility billing or sales tax.

The FY15 audit is scheduled for November 9, 2015. It will be up to me to prepare audit journal entries. From my experience in other organizations in Bethel, my equivalent position in those organizations would rarely perform journal entries.

### **Sales Tax**

For the last two months, the Sales Tax Specialist has been aggressive on sending out assessments. We are waiting for several more businesses to respond to assessments and demand for payments.

### **Finance Budget**

Because of the departure of the General Ledger Accountant several line items are three months behind. Once the General Ledger Accountant has been hired we will be up to date.

## **MEMORANDUM**



DATE: November 2, 2015

TO: Ann K. Capela, City Manager

FROM: John Sargent, Grant Manager

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

### **Sewage Lagoon Rehabilitation Project**

#### **Truck Dump Site**

The City Manager turned over the management of the USDA-RD grant application process to the Public Works Director. USDA authorized the beginning of the environmental compliance documentation phase. The PER is being revised to include the use of the lift station at the site of the City's old Laundromat.

#### **Dredging and Lagoon Rehabilitation**

The City Manager turned over the management of the EPA/DEC grant application process to the Public Works Director. The scope, budget, and schedule were due to USDA-RD on 10/23/15.

### **Water and Sewer Trucks**

The City's two applications for water and sewer trucks to the Sanitation Deficiency System overseen by Indian Health Service are active and received a high score relative to other projects submitted. One grant requires the City to buy one water truck as match to receive funding for one water truck. The other grant requires the City to buy one sewer truck to receive funding for one sewer truck. Final decisions on funding are expected in April 2016.

### **RFBs and RFPs**

#### **Accounting Services**

I prepared and issued an RFP for accounting services. Respondents to the RFP will be scored and placed on a list to be contacted when the City needs services. On-site and remote work is expected. The range of duties include: sales tax audits, audit preparation, and general ledger related tasks. Proposals are due November 19, 2015.

#### **Anthracite**

I prepared a Request for Bids to purchase 600 cubic feet of anthracite for use in the water filtration system at both water treatment plants. Half will be flown in to cover the City's immediate need and half will be barged in next spring. Bid packages are due November 23, 2015.

### **Grant Applications**

I am preparing the Transit Grant to secure funding to pay operating, administration, and capital costs for the next fiscal year, which runs from July 1, 2016 to June 30, 2017. The community must come up with cash match to secure grant funding. The grant deadline is December 11, 2015.

**City of Bethel  
Grant Summary  
Calendar Year 2015**

**Preparing**

<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts. (Partners)</b>	<b>Date</b>	<b>\$ Grant \$ City Match</b>
Alaska Dept. of Transportation and Public Facilities	SFY 2017 AK Community Transportation Grant	Transit operations, admin., and capital.	PW- Transit	12/11/15	\$320,000 est. ??
Alaska Public Entity Insurance	Grant	Playground surface material	Parks & Rec.	Feb. 2015	\$10,000
Alaska Public Entity Insurance	Grant	Safety equipment/supplies	Public Works	Feb. 2015	\$1,000 0

**Approved in Calendar Year 2015**

Most recent first

<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts.</b>	<b>Date</b>	<b>\$ Grant \$ Match</b>
Alaska Dept. of Health and Social Services	Bethel Community Service Patrol	CSPs to assist those unable to care for themselves	Police	4/1/15	\$346,829 \$91,121 (In-kind)
Alaska Dept. of Transportation & Public Facilities, Transit Division	FTA Section 5311 Community Transit Grant	Capital, operating, and administrative expenses for transit system.	PW- Transit System	12/16/14	\$419,067 \$98,892 (City)
Alaska Housing Finance Corporation	SFY 2015 Public Safety Housing Grant Program	Housing for public safety personnel.	Police, Fire	10/13/14	\$1,000,000 15% (paid by BCSF)
<b>Total</b>					<b>\$1,765,896</b>

**Not Approved in Calendar Year 2015**

<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts. (Partners)</b>	<b>Date</b>	<b>\$ Grant \$ Match</b>
AK Div. of Homeland Security & Emerg. Mgmt.	State Homeland Security Grant	Port: video cameras, portable light banks, cold water entry gear, road signs/barricades.	Port	5/29/15	\$141,180 0
State of Alaska, Capital Budget	FY 2016 Capital Budget	Capital priorities being decided by Bethel City Council	Admin.	12/8/14	\$22,977,400 0
<b>Total</b>					<b>\$23,118,580</b>

# **MEMORANDUM**

**DATE:** 11/01/2015  
**TO:** Ann Capela, City Manager  
**FROM:** Muzaffar Lakhani, Public Works Director  
**SUBJECT:** Manager's Report

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## **Programs/Divisions:**

### **Utility Maintenance (Foreman Bill Arnold):**

We are finishing up with the fall discharge of the lagoon. We started the discharge of the Lagoon on 9/14/15 with a total of 235million gallons of sewage discharged. The city had an engineer to come out and look at CS Water Treatment Plant on Oct. 12<sup>th</sup> 2015 to help confirm some of the operational issues (draft report attached). We are taking actions per the recommendations of this report. i) The request for Bids to purchase Anthracite is been sent out. ii) The differential pressure gauges have been adjusted to accommodate the absence of some of the filter media (Anthracite). iii) Temperature Controls on the loops were not functioning properly. We have ordered new Honeywell Controls to replace the old ones. iv) Energy audit of the Treatment plant is recommended. We are in process of getting the quotes for this. v) Preheating of water has been made dormant per the recommendation of the report. vi) Air scour limit switch has been opened full to avoid the dead zone in the bed. Vii) The water storage tank is kept at minimum temperatures using mixers. Viii) With regards to the well pump: We have fixed frequency drive installed. The electrician is working upon a quote to install the VFD (Variable Frequency Drive). ix) The backwash meter was not functional; this has been sent out for calibration. x) The turbidity meter has been adjusted as required by the Hach to correct the amount of flow.

The sewer lines in Bethel Heights subdivision are still a challenge as always, because of the heaving and sinking piles with the change in the weather.

**Hauled Utilities (Foreman Jim Colonel):** For October, we delivered nearly 2.75 million gallons of water, with an average of 37 stops per truck per day, and 2.3 million gallons of sewage with an average of 39 stops per

driver per day. The garbage truck collected approximately 3500 cubic yards of trash, delivered to the landfill, with an average of 53 stops per day. The on-going and ever growing problem of citizens dropping their furniture, equipment, mattresses, appliances etc. in front of, and around the dumpsters continues. The city staff faces this problem every. This takes a lot of man hours and equipment hours for the city to clean this on a regular basis. Some kind of camera system around the dumpsters should be installed to catch the violators. Educational announcements on radio and in news papers shall be helpful. This kind of solid waste should be brought directly to the landfill and not be dumped at the dumpster sites.

**Property Maintenance (Foreman Clair Grifka):**

We have been going through some employee training this past month and more to follow. Maintaining heat in our buildings with our fluctuating temperatures is a constant chore (to warm or to cold) to keep everyone happy. Equipment generally shows signs of wear/ replacement with the change of the seasons. We have been installing more exterior L.E.D. lighting when we can. We did get a Contracted Electrician, Tec-Pro, to help with projects that we don't have the experience/expertise to do in house.

We have been assisting other departments with some of their projects and preparing buildings for winter. Windows, doors and plumbing issues are always keeping us busy with adjustments and worn out parts. Thank you.

**Road Maintenance, Foreman Jimmy Flemings:**

Streets and Roads crews have been hauling gravel to patch the bad roads throughout the city, hoping that they will hold during the winter freeze. Keeping the roads smooth and safe is the goal.

Streets and Roads arranged with Knick to open their yard for a day enabling us to haul the gravel for Bethel Police Department parking lot. We capped of the PD parking lot in the back of the building with the gravel and made it smooth. Worked extending the Fire Department parking lot by adding few loads of gravel and leveling it off. Added few loads of gravel to the city hall parking lot and leveled it off. Dug up and reinstalled several culverts in front and back of the properties around the town. Hauled dirt to landfill and laid the cover on the trash before the snow and freeze. We are now hauling more dirt and mixing with the road salt to make a pile at the north side of the shop for use this winter. Hauling more dirt at the dump to use as cover over the winter. We used 76 super sacks of salt to mix the road sand pile that we will be used this winter. Last year we used the most sand on the roads in the 22 years, that I have worked at the city, due to all

the rain we had last year. This is what we will use in our road sander this winter when the roads are ices and slippery

**Vehicles and Equipment (Foreman Jim Colonel):** For October in the shop, it has been a tough month, given we have lost 2 mechanics in as many months with no applicants it is going to be difficult for 2 mechanics to keep pace or even catch up and keep pace with the rolling stock within all of the city of Bethel. The police and fire dept should have their own mechanics and budgets. This would, I feel alleviate a lot of friction between all departments throughout the city. Especially since the placement of the new p-card system.

**Transit System (transit Manager Bill Ferguson):**

As you're aware the roads are full of pot holes and covered with mud. They're starting to take a toll on the buses, as I'm sure it does on all vehicles. Bus 436 is down and the rear axle will need to be replaced. We've had several flats and I replace the summer tires on Bus 439 with the winter snow studded tires. I ordered new studded snow tires, for bus 437 and 438, last spring (April) and the company hasn't sent them yet. I need to check with them and see when they'll ship them out...we don't need them next summer. I've had to wash the buses everyday and sometimes twice a day to keep them somewhat clean. Being able to house them in the Transit Bus Barn has helped us to provide routine maintenance and with all the vandalism it's a secure place for them

John Sargent, City Grant Manager, has finished the RFP for the Bus Stop Shelters and the administration and City Council will review it for approval. Hopefully it'll be on the street by the end of the month. He's working on the RFP for the new buses. The State has just finished the draft of the RFP for Cut Away Buses and it should be finalized by the end of the month. In the mean time John is working on one, that parallels, the State's and he should be finished with it by next week and it should go to the Administration /City Council for their approval by the end of the month. It's important to get the bus RFP out and back before Christmas as it takes 4 to 6 months for the company to put the bus together and get it ready for shipment. The new Bus Stop Shelters will play a critical role in the increase in our ridership; it not only will provide protection from the weather for the ridership but it will also provide identification for the Transit System. The new buses will help in providing dependability and reliability for service.

DOT has the new FY 17 grant application available and it's due back to them the first part of December. We know that the grant will require a matching fund and we're in hopes that some of the local business and agencies will help here. We're in the process of contacting ONC, AVCP, Calista, and YKHC to see if they'd be willing to help in providing part of the match amount. It's important for the various agencies to know that the Transit system is the back bone for transportation for many of the local people. Last year, July 1, 2014 to June 30, 2015, the total ridership was 18,708, of which about 25% (4,593) were elders, with a marginal fixed income, and about 38% (7,177) went to and

from the YKHC hospital/dental/optometry services. Of the total ridership ninety to ninety-five percent (17,700+) are regular riders of which fifty percent (8,800+) of these go to and from work.

Bethel Transit System goal for the FY 2016 is to show a 20-25 percent increase in ridership / revenue. I think we can do this by providing **better and more dependable / reliable service** for our passengers.

### **Landfill / Recycle Center (Landfill Manager David Stovner):**

The landfill has been covering trash as dump trucks come available to haul cover material. We have covered a good portion of the dumpster trash and the construction debris this month. Before covering the construction debris I put a layer of dumpster trash on it and compacted it so it would be easier to cover by not having stuff sticking up, therefore it took less cover material. I will continue to do this as we move on toward the back of this debris field. Since this is what we have been doing this month it was necessary to start a new construction debris site which will eventually tie into the old site. Jonathan Phillips brought all the cover material up here and even pushed it and he did a great job,

The surface water sampling outside the landfill was done in a timely manner and at this time I am still waiting for the results so that I can send a report to the DEC.

At this time we have not as yet received the landfill inspection report. The inspection was done by Doug Huntman a couple of months ago and I am eager to receive the report so I can pat myself and Gary McElwee on the back for a job well done. I might add that Gary buried a bunch more steel this fall thus far. He has done outstanding work for the landfill as time allows away from his main job as a grader operator for streets and roads.

### **Staffing Issues/Concerns/Training:**

Having a hard time getting applications for the positions of V&E Mechanics, two positions are vacant currently. We are short of two utility drivers positions. The parts clerk got transferred to Finance department, so we are looking to fill up this position as well.

These recommendations address operational improvements and are based on discussions with the WTP operators/owners and on-site inspection by Art Ronimus, PE, MPH, on May XX, and with Sarah Ramey, ARWA on October 12, 2015. With this memo, there is additional correspondence describing some of the issues and concerns. Please consult this material (attached)

### Filter Performance

During the October 12 visit, Filter No. 2 was opened to exam internal media condition and to observe the air scour system in action. The drain down to the proper water depth via the automated system (Panel View) was satisfactory. Unfortunately this filter (similar to No. 3 in May XX) is missing all the Anthracite media (approximated 18" depth). This condition places the filtering vessel in a very poor status, and has been explained in the prior documentation; the cause is excessive backwash rates blowing the media into the waste water collection system. The air scour system was turned on, using plant settings. It was anemic and weak, not the vigorous boiling expected. This was without the anthracite media (only the greensand media was present). As mentioned in prior documentation, the air blower/piping is not functioning well. During this inspection, the air scour valves were opened all the way (one blower on) and much improved performance was observed, but with a "dead zone" centered above the underdrain header. The 3 filters in this facility are reported to only operate approximately 8 hours before differential pressures rise on the vessels. This condition (short runs, and high differential pressure) is due to loss of the anthracite media.

### Observations and recommendations:

1. The anthracite media must be replaced ASAP. Using original specifications, the media should be installed per manufactures instructions and facility O&M manual. **Until this media is installed, the performance capability of this WTP is severely compromised, both for water quality and economically.**
2. Current water production efficiency is about 80%. This means about 20 % of the water produced is used in production of the water (this is water for backwash, monitoring, in plant uses, etc). A filter backwash cycle for one filter uses about 12,000 gallons of water (to the sewer) to produce about 62,000 gallons of finished water (about 8 hours of operation). This facility has operated upwards of 95% efficient in the past (about 32 hours), and has potential to operated at this level and better. Wasted water or inefficient operations has a great cost burden; heating of the raw water or storage tank water, chemical costs, power costs, wear and tear on the media and equipment, sewer lagoon overloading, etc. An operational goal of greater than 95% water production is justified and is achievable after the new media is installed.
3. The back wash meter must be operational and functioning to factory specifications. It is the only direct means to monitor the rate and quantity of water used in backwash processes. Backwash waste streams must be monitored for media content. No media should be observed. (see prior listing)
4. Backwash processes and waste streams must be monitored. Rates are adjusted for wear and tear, water temperature, and on actual quality of the backwash waste water. As mentioned, a rate of 800 GPM is probably an upper limit, but when new media is installed, this must be revisited to guarantee no media is washed out.
5. The backwash process needs to be fine tuned to save water and to be assured the process is effective at removing the iron/manganese contaminants (flocculated precipitates). These are suggested means:
  - Install air flow mass meter to measure gross air supply header.
  - Remove overhead air/water trap and install inline check valves
  - Perform functional air scour tests when anthracite media replaced, Add potential to increase air scour rates with two blowers running simultaneously. Air scour will always be only partially effective, as the

underdrain manifold is a retro fit for air scour. There will be a dead zone in the bed, but air scour is beneficial.

- Monitor timing and effectiveness of backwash; slow BW, HR BW, Slow BW, rinse, etc. Adjust flow rates for quality of backwash water and filter effluent. A substantial savings in use of backwash water is possible.
  - Each filter should be checked for product water quality to be assured operations are consistent and each filter, being identical, produces similar water quality.
  - Filter control valves should be rebuilt to factory specifications. These in line controllers limit each filter to 130 GPM, are subject to wear (15 years so far?). It is important these filters perform as a group, operating in parallel. Their performance should be comparable. Iron removal, filter head loss, etc should be charted and reviewed periodically
6. For the WTP staff to report on overall water plant production, metering is crucial of water pumped out of the well and water produced for "distribution" to the storage tank; and then to trucks and loops. These figures will be used to calculate overall plant efficiency.
  7. The greensand must be confirmed and/or maintained as being reactive; this means a slight pink color of KMNO<sub>4</sub> entering the filter vessel continuously, but none leaving the filter vessel. Iron and Manganese removal should be good. When new anthracite media is installed, the greensand should be reactivated one time via the soaking method.

### Operational efficiencies; Power, labor, chemicals, and energy

This facility uses a large amount of fuel and electricity. Here are operations suitable for great conservation and money savings. Water systems like this in rural Alaska are often referred to as water production and heating plants, with concerns about keeping pipes from freezing and water tanks from icing up.

1. Water heating of raw water is not required for water treatment or chemical dosing. This pre-heating function should be isolated and turned off. To get an idea of potential savings, if 100,000 gallons of water is heated 10 Deg F, from 33 (well water temp.) to 43 De F (often set goal for winter mode), the cost to the city with fuel at \$ 3.75 per gallon is about \$312.75 per day or \$9,382. Per month. Water heating during freezing weather is a necessity for the loops, but not for the storage tank or raw water. There are significant savings to be realized.

During this last visit on October 12, two very significant "heating controls" were compromised, the storage tank where the temperature setting was set to maximum; about 85 and the circulating loops heat sensor was stuck at 56 D F. Both were adjusted way down to 40 D, which is a temporary solution. It is recommended the water storage tank not be heated routinely, but operated in a cold weather mode with lots of turnover, running the tank level up and down with water consumption and newly produced water. A tank mixer is also recommended; this mixes the tank to an even temperature and prevents icing.

(Anchorage has installed 12 of this mixers in their reservoirs to prevent icing) A very modest investment is required, but savings are large because water is not heated. Imagine saving 50% or more of the fuel consumed in this building. Reduced energy operations is a sustainable mode for this plant. In addition, clear set of operating guides are needed for energy use in the building. (room heating, ventilation, etc.) Trucks get their water directly from the water storage tank, heated water is not needed during the short haul time to a customer. Emphasis on freeze protection are in the loops. A graduated heating scenario is recommended; warmer water (more heating) when very cold (below zero) say to 40 D plus, and a lower water temperatures when air temperatures are above Zero (say 38) , and even less heating when air temperatures are close to 32 D F (water to 35 D). The huge savings in fuel is this: instead of heating a 100,000 gallons of water of which some is wasted by plant operations (5-20 %) , only approximately 25,

000 gallons are heated, water only going to the loops and piped customers. Colder water is also more efficient at backwashing; a 20% savings in backwash water is possible.

2. Currently this WT plant is configured to operate with 3 filters wide open, all on or off, 3 going or none. There is very little operator flexibility to operate more efficiently, such as on a different schedule (all night, fewer backwashes, one or two filters, etc). This could be investigated to see what savings might accrue. Testing for possible more efficient operations is straight forward; the results whether beneficial or detrimental will be useful.
3. More than half the energy of the 40 HP well pump is wasted due to being over sized (and the likely waste is higher), excess water pressure is bled off via the main inlet control valve (it has been damaged by this condition) and flow rate controllers mounted in the discharge of the filters (set 130 GPM). A variable frequency drive (VFD) should be installed, and the control valve removed. The WTP would adjust pump speed to match treatment conditions and flow rates. This pumps runs about 4 hours a day approximately, savings per year are roughly calculated at \$0.14 KW-hr. is estimated to be over \$3,000/year, and are likely to be higher. These fixes would correct the existing situation and greatly improve operational efficiencies and give the operator flexibility. To describe this in another way; only enough energy would be used to lift the water out of the well, pump it through the filters and dump into the water storage tank. A VFD has this capability and has become a standard in the water industry. Additional analysis is justified to demonstrate the merits of this investment.
4. The differential pressure gauges are working now, they are an important process monitoring variable, but when greensand is the only media at work, this must be kept to below 8 psi. When the anthracite filter media is installed, 10 psi is ok if water quality is monitored.
5. This facility should immediately install fuel metering equipment for each boiler. This will allow accounting of fuel burning, be used to verify fuel deliveries, and be used in energy analysis of boiler performance and system optimization efforts. Fuel burning "tune ups" of these boilers should be monthly! When you are burning 20-30 gallons per hour of fuel, the need for peak efficiency is paramount.
6. An energy audit of this facility will have immediate benefits. Lighting, ventilation, set back conditions summer/winter, fuel burner efficiencies, etc. would permit rationale decisions to apply energy use where needed. First; this facility must think of minimizing energy use, then seek out the most affordable and efficient energy supply.
7. All water streams in the plant used for in-house purposes should be checked and keep to a minimum. For instance, a 5 GPM flow in a line used for sampling turbidity is wasteful, when the unit can get by with 0.5 GPM if piped in properly. The turbidity meter flow sample line must be cut back to that required by the Hach unit. A desk top unit for measuring turbidity should be on-site to validate the on line instrumentation.
8. This WTP facility has a feature which gives it potential to be a "**Green WTP Plant**", that is the backwash holding tank. Recycling of backwash water for a facility of this kind is standard in the lower 48. Saves water, energy, chemicals, and reduces overall impacts on the lagoon. Many benefits accrue when the bulk of these waters are routed back through the filters, while only the settled sludge is sent to the lagoon. This is readily feasible as the settling characteristics of the waste water are good. If this plant approached 98% or greater water production, this would be a very noteworthy event. Additional Money savings would accrue.
9. Filter aid dosing (Nalco Product), must be confirmed at about 0.5 mg/l, with appropriate follow up using filter runs length, product water quality (NTU and Fe/Mn concentration) to adjust concentrations up or down.

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# ***City Clerk's Report***

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# City of Bethel, Alaska

## City Clerk's Office

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### **Council Meetings and Events**

November 16-20, 2015 Alaska Municipal League Conference  
November 24, 2015 Regular City Council Meeting

### **Alaska Municipal League Conference**

Arrangements for four council members have been made to attend the Conference/Newly Elected Officials Training.

### **Committees and Commission**

There are five committee/commission members' whose terms will expire December 31, 2015. The Office has mailed notice of expiration to the Officials.

### **Document Retention**

The Office is still in the process of inputting the information of burial permits for the Bethel Memorial Cemetery into the electronic filing system our goal is to have this complete by the end of the year.

### **Joint Task Force Meeting**

Communicating with Orutsararmiut Native Council to arrange the next Joint Task Force meeting; a meeting was scheduled for November 11, however is being rescheduled.

### **Training**

The City Clerk has obtained the designation of Certified Municipal Clerk and is working on continual education toward the designation of Master Municipal Clerk; both are internationally recognized designations.

The City Clerk attended training on leadership on November 3 and 4.

The City Clerk will be attending Alaska Association of Municipal Clerk's Conference in November.

### **Research**

When time permits, the Office is reviewing the most updated modifications to the proposed State marijuana regulations as well as the City's property ownership.

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# *Additional Information*

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# City of Bethel Finance Department

## Monthly City Council Financial Report

Period thru September 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 September 30, 2015. It is possible that not all of the September 30, 2015 aforementioned transactions may be recorded by the date of this report. The un-audited 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.

PLEASE, if you have any questions, contact Finance Director Hansel L Mathlaw,  
(907) 543-1376, [hmathlaw@cityofbethel.net](mailto:hmathlaw@cityofbethel.net)

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 September 30, 2015**

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

<u>Description</u>	Balance 8/31/2015	Balance 9/30/2015	Year-to-Date Increase (Decrease)
Wells Fargo-General/Sweep Accounts	\$7,737,129	\$7,908,845	\$ 171,716
Wells Fargo-Payroll Account	(522,875)	900,495	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) *	430,019	430,019	-
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	-	-	-
<b>Total</b>	<b><u>\$7,659,046</u></b>	<b><u>\$9,254,131</u></b>	<b><u>\$414,787</u></b>

\* - Restricted Funds

CITY OF BETHEL  
FINANCIAL REPORT  
Bank and Investment Accounts

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

Description	Market Value 8/31/2015	Market Value 8/31/2015	Year-to-Date Increase (Decrease)
01-12700 Wells Fargo Investments	\$1,733,057	\$1,733,057	\$0
01-12800 Wells Fargo Investments (Lease Revenue Bond Pmt Acct)	\$319,186	\$319,186	-
01-12900 Time Value Investments	\$1,129,595	\$1,129,595	-
01-12500 Alaska Municipal League Investment Pool	\$154,794	\$154,794	-
<b>Total</b>	<b>\$3,336,632</b>	<b>\$3,336,632</b>	<b>\$0</b>

**3. Restricted Accounts \*  
As of September 30, 2015**

Description	Market Value 8/31/2015	Market Value 8/31/2015	Year-to-Date Increase (Decrease)
90-12600 Piper Jaffray Investments *	\$ 1,878,186	\$ 1,878,186	\$ -
40-12200 BATH Center Account *	4,803,446	4,803,446	-
52-12300 Deferred Seawall Maintenance Account *	1,871,114	1,871,114	-
52-12500 Pro Equities - Dock Deferred Maintenance *	482,395	482,395	-
<b>Total</b>	<b>9,035,140</b>	<b>9,035,140</b>	<b>-</b>

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

Description	Balance 8/31/2015	Balance 8/31/2015	Year-to-Date Increase (Decrease)
Cash, Deposits, and Certificates of Deposit	\$7,659,046	\$9,254,131	\$1,595,086
Investments	\$3,336,632	\$3,336,632	\$0
Restricted Accounts	9,035,140	9,035,140	\$0
<b>Total</b>	<b>\$20,030,818</b>	<b>\$21,625,904</b>	<b>\$1,595,086</b>

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

**\$ 12,146,642**

**Total Restricted Funds as of September 30, 2015:**

**9,479,262**

**\$ 21,625,904**

\* - Restricted Funds

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
TAXES	10,439.26	210,189.13	7,993,889.00	7,783,699.87	2.6
STATE & FEDERAL REVENUES	100.00	100.00	1,848,284.00	1,848,184.00	.0
CHARGES FOR SERVICES	148.75	25,865.50	154,500.00	128,634.50	16.7
RENTAL INCOME	100.00	515.00	3,000.00	2,485.00	17.2
LICENSES, PERMITS & FEES	11,902.65	62,546.13	663,300.00	600,753.87	9.4
OTHER FINANCING SOURCES	.00	.00	5,000.00	5,000.00	.0
MISCELLANEOUS	1,977.00	9,162.75	40,700.00	31,537.25	22.5
<b>TOTAL FUND REVENUE</b>	<b>24,667.66</b>	<b>308,378.51</b>	<b>10,708,673.00</b>	<b>10,400,294.49</b>	<b>2.9</b>
<u>EXPENDITURES</u>					
ADMINISTRATION	37,987.46	122,576.77	516,778.00	394,201.23	23.7
CITY CLERKS OFFICE	10,444.24	33,740.02	179,696.00	145,955.98	18.8
FINANCE	76,220.82	208,319.86	858,246.00	649,926.14	24.3
PLANNING	6,047.06	18,865.93	315,679.00	296,813.07	6.0
TECHNOLOGY DEPARTMENTS	39,681.52	118,732.77	485,715.00	366,982.23	24.4
CITY ATTORNEY'S OFFICE	30,953.08	64,875.89	260,802.00	195,926.11	24.9
FIRE DEPARTMENT	54,994.03	224,764.54	1,159,078.00	934,313.46	19.4
POLICE	150,160.79	485,713.53	3,045,612.00	2,559,898.47	16.0
PUBLIC WORKS-ADMIN	11,879.52	35,177.36	148,457.00	113,279.64	23.7
PW-STREETS & ROADS	41,737.06	146,996.18	1,697,798.00	1,550,801.82	8.7
PROPERTY MAINTENANCE	33,623.23	120,266.54	723,954.00	603,687.46	16.6
PARKS & REC/BYC	14,927.51	59,736.31	377,718.00	317,981.69	15.8
COMMUNITY SERVICE	.00	.00	193,220.00	193,220.00	.0
IN KIND MATCH & TRANSFERS	.00	.00	745,828.00	745,828.00	.0
<b>TOTAL FUND EXPENDITURES</b>	<b>508,656.32</b>	<b>1,639,765.70</b>	<b>10,708,581.00</b>	<b>9,068,815.30</b>	<b>15.3</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>( 483,988.66)</b>	<b>( 1,331,387.19)</b>	<b>92.00</b>	<b>1,331,479.19</b>	<b>(14471)</b>

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 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 3 MONTHS ENDING SEPTEMBER 30, 2015

YK REG AQUA HLTH & SAFETY CTR

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
SOURCE 43	.00	.00	578,000.00	578,000.00	.0
TRANSFERS IN	.00	.00	570,833.00	570,833.00	.0
<b>TOTAL FUND REVENUE</b>	<b>.00</b>	<b>.00</b>	<b>1,148,833.00</b>	<b>1,148,833.00</b>	<b>.0</b>
<u>EXPENDITURES</u>					
LOCAL FUNDED EXPENDITURES	93,063.96	224,113.32	1,510,754.00	1,286,640.68	14.8
STATE FUNDED EXPENDITURES	.00	3,000.00	.00	( 3,000.00)	.0
<b>TOTAL FUND EXPENDITURES</b>	<b>93,063.96</b>	<b>227,113.32</b>	<b>1,510,754.00</b>	<b>1,283,640.68</b>	<b>15.0</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>( 93,063.96)</b>	<b>( 227,113.32)</b>	<b>( 361,921.00)</b>	<b>( 134,807.68)</b>	<b>( 62.8)</b>

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

E-911 SYSTEM/SURCHARGE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
E-911 SURCHARGE	14,088.91	37,622.79	233,000.00	195,377.21	16.2
TOTAL FUND REVENUE	14,088.91	37,622.79	233,000.00	195,377.21	16.2
<u>EXPENDITURES</u>					
E-911 SERVICES	31,430.33	53,554.84	316,852.00	263,297.16	16.9
TOTAL FUND EXPENDITURES	31,430.33	53,554.84	316,852.00	263,297.16	16.9
NET REVENUE OVER EXPENDITURES	( 17,341.42)	( 15,932.05)	( 83,852.00)	( 67,919.95)	( 19.0)

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

SOLID WASTE SERVICES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
STATE AND FEDERAL SOURCES	.00	.00	52,034.00	52,034.00	.0
SOLID WASTE & RECYLING	99,671.95	305,372.41	1,126,883.00	821,510.59	27.1
TOTAL FUND REVENUE	99,671.95	305,372.41	1,178,917.00	873,544.59	25.9
<u>EXPENDITURES</u>					
HAULED REFUSE	13,678.94	47,697.80	387,024.00	339,326.20	12.3
LANDFILL OPERATIONS	11,191.84	37,764.87	448,240.00	410,475.13	8.4
RECYCLING OPERATIONS	841.87	2,603.89	14,879.00	12,275.11	17.5
TOTAL FUND EXPENDITURES	25,712.65	88,066.56	850,143.00	762,076.44	10.4
NET REVENUE OVER EXPENDITURES	73,959.30	217,305.85	328,774.00	111,468.15	66.1

CITY OF BETHEL  
FUND SUMMARY  
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

WATER & SEWER SERVICES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
STATE FUNDING	.00	.00	252,751.00	252,751.00	.0
WATER	335,912.29	987,448.38	3,528,562.00	2,541,113.62	28.0
SEWER	229,528.52	669,886.93	2,735,097.00	2,065,210.07	24.5
MISCELLANEOUS	59.24	( 680.71)	303,778.00	304,458.71	( .2)
MISCELLANEOUS	281.54	1,050.68	100.00	( 950.68)	1050.7
<b>TOTAL FUND REVENUE</b>	<b>565,781.59</b>	<b>1,657,705.28</b>	<b>6,820,288.00</b>	<b>5,162,582.72</b>	<b>24.3</b>
<u>EXPENDITURES</u>					
UTILITY BILLING	6,990.60	23,967.26	317,643.00	293,675.74	7.6
HAULED WATER	50,330.63	161,449.76	1,732,057.00	1,570,607.24	9.3
PIPED WATER	23,267.27	71,299.21	456,786.00	385,486.79	15.6
BETHEL HTS WTR TREATMENT	29,447.12	114,312.92	983,404.00	869,091.08	11.6
CITY SUB WTR TREATMENT	17,740.21	124,773.80	885,725.00	760,951.20	14.1
HAULED SEWER	63,117.49	208,078.04	1,639,239.00	1,431,160.96	12.7
PIPED SEWER	38,069.78	103,163.95	796,598.00	693,434.05	13.0
SEWER LAGOON	6,577.60	20,413.25	143,481.00	123,067.75	14.2
<b>TOTAL FUND EXPENDITURES</b>	<b>235,540.70</b>	<b>827,458.19</b>	<b>6,954,933.00</b>	<b>6,127,474.81</b>	<b>11.9</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>330,240.89</b>	<b>830,247.09</b>	<b>( 134,645.00)</b>	<b>( 964,892.09)</b>	<b>616.6</b>

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

MUNICIPAL DOCK

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
INTEREST & PENALTIES	.00	1,383.80	12,000.00	10,616.20	11.5
STATE FUNDING	.00	.00	15,500.00	15,500.00	.0
CHARGES FOR SERVICES	.00	166,764.72	928,500.00	761,735.28	18.0
LEASE REVENUE	.00	4,000.00	24,000.00	20,000.00	16.7
MISCELLANEOUS	605.00	9,303.50	42,000.00	32,696.50	22.2
MISCELLANEOUS	105.00	330.00	6,000.00	5,670.00	5.5
<b>TOTAL FUND REVENUE</b>	<b>710.00</b>	<b>181,782.02</b>	<b>1,028,000.00</b>	<b>846,217.98</b>	<b>17.7</b>
<u>EXPENDITURES</u>					
DOCK EXPENDITURES	31,669.58	189,260.74	1,013,470.00	824,209.26	18.7
SMALL BOAR HARBOR	14,390.09	40,137.82	.00	( 40,137.82)	.0
<b>TOTAL FUND EXPENDITURES</b>	<b>46,059.67</b>	<b>229,398.56</b>	<b>1,013,470.00</b>	<b>784,071.44</b>	<b>22.6</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>( 45,349.67)</b>	<b>( 47,616.54)</b>	<b>14,530.00</b>	<b>62,146.54</b>	<b>(327.7)</b>

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

LEASED PROPERTIES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
LEASE INCOME	.00	106,477.07	662,488.00	556,010.93	16.1
TRANSFERS	.00	.00	26,977.00	26,977.00	.0
MISCELLANEOUS	.00	.00	15,000.00	15,000.00	.0
TOTAL FUND REVENUE	.00	106,477.07	704,465.00	597,987.93	15.1
<u>EXPENDITURES</u>					
LEASED PROPERTIES-MISC	195.00	390.00	23,900.00	23,510.00	1.6
LEASED PROP-COURT COMPLEX	14,769.17	101,498.61	606,347.00	504,848.39	16.7
TOTAL FUND EXPENDITURES	14,964.17	101,888.61	630,247.00	528,358.39	16.2
NET REVENUE OVER EXPENDITURES	( 14,964.17)	4,588.46	74,218.00	69,629.54	6.2

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

EMPLOYEE GROUP HEALTH BEN.

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
EMP GROUP BENEFITS REVENUES	289.18	289.18	1,738,857.00	1,738,567.82	.0
TOTAL FUND REVENUE	289.18	289.18	1,738,857.00	1,738,567.82	.0
<u>EXPENDITURES</u>					
EMPLOYEE GROUP HEALTH BENEFITS	45,292.54	166,611.77	2,667,509.00	2,500,897.23	6.3
TOTAL FUND EXPENDITURES	45,292.54	166,611.77	2,667,509.00	2,500,897.23	6.3
NET REVENUE OVER EXPENDITURES	( 45,003.36)	( 166,322.59)	( 928,652.00)	( 762,329.41)	( 17.9)

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

BETHEL PUBLIC TRANSIT SYSTEM

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
FEDERAL SOURCES	.00	.00	342,270.00	342,270.00	.0
CHARGES FOR SERVICES	5,946.00	11,952.00	33,000.00	21,048.00	36.2
TOTAL FUND REVENUE	5,946.00	11,952.00	375,270.00	363,318.00	3.2
<u>EXPENDITURES</u>					
TRANSIT SYSTEM EXPENDITURES	17,949.15	64,043.71	483,455.00	419,411.29	13.3
TOTAL FUND EXPENDITURES	17,949.15	64,043.71	483,455.00	419,411.29	13.3
NET REVENUE OVER EXPENDITURES	( 12,003.15)	( 52,091.71)	( 108,185.00)	( 56,093.29)	( 48.2)

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

VEHICLES & EQUIP MAINTENANCE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
STATE AND FEDERAL FUNDING	.00	.00	55,865.00	55,865.00	.0
CHARGES FOR SERVICES	.00	.00	1,162,631.00	1,162,631.00	.0
<b>TOTAL FUND REVENUE</b>	<b>.00</b>	<b>.00</b>	<b>1,218,496.00</b>	<b>1,218,496.00</b>	<b>.0</b>
<u>EXPENDITURES</u>					
VEHICLE & EQUIP MAINT	40,409.93	194,467.77	1,218,498.00	1,024,030.23	16.0
<b>TOTAL FUND EXPENDITURES</b>	<b>40,409.93</b>	<b>194,467.77</b>	<b>1,218,498.00</b>	<b>1,024,030.23</b>	<b>16.0</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>( 40,409.93)</b>	<b>( 194,467.77)</b>	<b>( 2.00)</b>	<b>194,465.77</b>	<b>(97233)</b>

CITY OF BETHEL  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2015

BETHEL ENDOWMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUE</u>					
TRANSFERS	.00	.00	( 3,500.00)	( 3,500.00)	.0
MISCELLANEOUS	.00	.00	5,000.00	5,000.00	.0
TOTAL FUND REVENUE	.00	.00	1,500.00	1,500.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	1,500.00	1,500.00	.0