Introduced by: Council Member Hippler
Date: April 13, 2010
Action: Failed
Vote:

CITY OF BETHEL, ALASKA

Resolution # 10-27

A RESOLUTION OF THE CITY OF BETHEL AUTHORIZING THE CITY MANAGER TO ENTER INTO DISCUSSIONS WITH DONLIN CREEK MANAGEMENT PERSONNEL AND ITS ASSOCIATED CORPORATIONS REGARDING THE PORT OF BETHEL'S ENVISIONED PLANS FOR POSSIBLE FUTURE EXPANSION.

WHEREAS, the City of Bethel is currently evaluating plans to expand its port with a new facility;

WHEREAS, the City of Bethel and the State of Alaska have not yet effected a satisfactory plan to transfer the City Dock ownership from the State to the City, due to its estimated cost of repairs;

WHEREAS, at times, the Port of Bethel is unable to service in a timely fashion the barges that come to Bethel due to limited mooring space;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to enter into informal discussions with Donlin Creek representatives for the purpose of determining if there might be an opportunity for the City and Donlin Creek to work jointly in partnership in solidifying the plans for Port expansion in the City of Bethel.

ENACTED THIS _ DAY OF APRIL 2010 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

_____
Joseph Klejka, Mayor

ATTEST:

_____
Lori Strickler, City Clerk

Introduced by: Council Member Hippler
Introduction Date: March 23, 2010
Public Hearing: April 13, 2010
Action: Failed
Vote:

CITY OF BETHEL, ALASKA

Ordinance #10-09

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 2.04 OF THE BETHEL MUNICIPAL CODE TO PROVIDE A STIPEND FOR COUNCIL MEMBERS

WHEREAS, most municipalities within the State of Alaska provided either annual or monthly compensation for elected officials;

WHEREAS, members of the City Council are required to devote personal time to the preparation and attendance of regular and special meeting of the City Council;

WHEREAS, members of the City Council also devote additional time to the ceremonial functions of elective office and to lobby on behalf of the City;

WHEREAS, compensation to a city council member would not be subject to the City's PERS and TRS program or any other benefits provided to city employees;

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

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

SECTION 2. Amendment. Chapter 2.04.106 and 2.52.060 of the Bethel Municipal Code is amended as follows: (new language is underlined and old language is stricken out):

Chapter 2.04.106 Compensation for Elected Officials

A. The Council may fix by ordinance a stipend for elected officials.
B. Each council member shall receive fifty dollars ($50.00) for each regular city council meeting attended in its entirety, in person or telephonically.

SECTION 3. Effective Date. This chapter shall become effective as of May 1, 2010.

ENACTED THIS DAY OF___2010, BY A VOTE OF_IN FAVOR AND_OPPOSED.

Introduced by:	Council Member Hippler
Introduction Date:	March 23, 2010
Public Hearing:	April 13, 2010
Action:	Failed
Vote:	

_____
Joseph Klejka, Mayor

ATTEST:

_____
Lori Strickler, City Clerk

Introduced by: Mayor Klejka
Date: April 13, 2010
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Resolution # 10-28

A RESOLUTION BY THE BETHEL CITY COUNCIL REQUESTING $150,000 IN FUNDING FOR A FEASIBILITY STUDY TO EVALUATE AND PLAN FOR THE POTENTIAL FOR A PUBLICLY OWNED CITY ELECTRIC UTILITY

WHEREAS, significant local citizen concern has been expressed over the possibility of new ownership and management of Bethel's privately owned electric utility,

WHEREAS, publicly owned power utilities provide citizens local control and incentives to ensure stability, reliability, and responsiveness to customer needs;

WHEREAS, a feasibility study would allow for the examination of the City's electricity load growth, project the cost of service from alternative power suppliers, and estimate the capital and operating costs of a publicly owned utility;

WHEREAS, the City recognizes that having local control over decisions regarding electricity generation use of waste heat, electricity prices, and service policies has the potential to positively impact bulk fuel purchases, and the economic health of Bethel;

WHEREAS, currently Bethel's cost of a kWh is approximately 40 cents, it has been as high as 61 cents; much greater than Alaska's average of 16.35 cents;

WHEREAS, lowering the average kWh cost of electricity in Bethel would significantly decrease Power Cost Equalization costs to the State of Alaska;

WHEREAS, a privately owned electrical utility is motivated to increase profitability for investors rather than to decrease electrical costs to users;

WHEREAS, the ultimate goal of this project is to determine the benefits and costs of a public electric utility, and to explore possible alternatives to achieve public ownership of an electric utility for the City of Bethel;

Introduced by: Mayor Klejka
Date: April 13, 2010
Action: Passed
Vote: 6-0

NOW, THEREFORE, BE IT RESOLVED the City of Bethel requests $150,000 from the State of Alaska to pay for a feasibility study to evaluate and plan for the potential for a publicly owned electric utility.

ENACTED THIS 6 DAY OF APRIL 2010 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Mayor Klejka
Date: April 13, 2010
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Resolution # 10-28

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WHEREAS, the ultimate goal of this project is to determine the benefits and costs of a public electric utility, and to explore possible alternatives to achieve public ownership of an electric utility for the City of Bethel;

Introduced by: Mayor Klejka
Date: April 13, 2010
Action: Passed
Vote: 6-0

NOW, THEREFORE, BE IT RESOLVED the City of Bethel requests $150,000 from the State of Alaska to pay for a feasibility study to evaluate and plan for the potential for a publicly owned electric utility.

ENACTED THIS 6 DAY OF APRIL 2010 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel City Council Meeting Minutes

March 9, 2010 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on March 9, 2010 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 6:30p.

II. ROLL CALL

Present:
Council Member Allen Hippler
Council Member Beverly Hoffman
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Heather Pike
Council Member Richard Robb
Council Member Williams

Absent: None

Also Present:
City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD-

No one wished to be heard.

IV. APPROVAL OF THE AGENDA

MOVED:	Middlebrook	Motion to approve the consent and regular agenda.
SECONDED:	Williams	

MOVED:	Middlebrook	Motion to move item G, Annual Pay Increase For The City Clerk, Contingent On The Passage Of A Satisfactory Evaluation From The City Council, to follow the Executive Session.
SECONDED:	Williams	
VOTE ON MOTION	All in favor	

MOVED:	Robb	Remove Resolutions 10-19 and 10-20 from the consent agenda.

MOVED:	Middlebrook	Remove Resolution 10-21 from the consent agenda.
VOTE ON MAIN MOTION	All in favor	

V. SPECIAL ORDER OF BUSINESS

Item A - Debrief From Stacie Toner, Community Service Patrol Grant Administrator.

VI. APPROVAL OF THE MEETING MINUTES

Item A- 02/23/2010 Regular City Council Meeting.

Passed on the consent agenda.

VII. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 10-07: Adopting A Land Use Amendment To The City's 1997 Comprehensive Plan Pertaining To Intoxicating Beverages.

Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.

MOVED:	Williams	Motion to adopt Ordinance 10-07.
SECONDED:	Hippler	

MOVED:	Williams	Motion to amend, to insert "Section 3. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	5-2 Motion passes, Robb and Middlebrook opposed	

I. NEW BUSINESS

Item A - Resolution 10-19: Creating A Separate Fund To Place Revenue Collected From One Half Of One Percent Sales Tax Rate To The Operation, Maintenance Of The BATH Facility.

MOVED:	Middlebrook	Motion to adopt Resolution 10-19.
SECONDED:	Hippler	

MOVED:	Hoffman	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Hoffman	Motion to amend, to insert "planning construction operation and maintenance" of the multiuse facility.
SECONDED:	Robb	
VOTE ON MOTION	Motion ruled out of order.	

MOVED:	Robb	Motion to refer to the Finance and Parks and Recreation Committees for review and advice.
SECONDED:	Pike	

MOVED:	Middlebrook	Motion to amend, to have the resolution come to the council by the second meeting in April.
SECONDED:	Robb	
VOTE ON MOTION	5-2 Motion passes Hoffman and Williams opposed	

VOTE ON MAIN MOTION	2-5 Motion fails, Hoffman and Robb in favor

VOTE ON MAIN MOTION	6-1 Motion passes, Hoffman opposed

MOVED:	Middlebrook	Motion to take a ten minute break.
SECONDED:	Williams	
VOTE ON MAIN MOTION	Hoffman Klejka and Hippler opposed.	

Item B - Resolution 10-20: Cama-i Dance Festival Donation In The Amount Of Sales Tax Collected On Admissions Sold To Attend The Festival.

MOVED:	Hippler	Motion to adopt Resolution 10-20.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

Item C – Resolution 10-21: Proceeding With The BATH 95% Completion.

MOVED:	Hoffman	Motion to adopt Resolution 10-21.
SECONDED:	Pike	

MOVED:	Pike	Motion to suspend the rules to hear from John Sargent the Grants Manager.
SECONDED:	Robb	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Pike	Motion to table Resolution 10-21 until the first meeting in May.
SECONDED:	Williams	
VOTE ON TABLING MOTION	4-3 Motion passes, Middlebrook, Robb and Hoffman opposed	

Item D- AM 10-11: Bulletin Board To Display Each Council Members Photos And Interested, Get To Know Your Council Members

MOVED:	Middlebrook	Motion to approve AM 10-11.
SECONDED:	Pike	
VOTE ON MAIN MOTION	6-1 Motion passes, Klejka opposed	

Item E - AM 10-12: Approving The Hiring Of K&L Gates, Joan Trovostino, To Work On The Easement Purchases For The Port Facilities.

MOVED:	Middlebrook	Motion to approve AM 10-12.
SECONDED:	Pike	

MOVED:	Pike	Motion to suspend the rules to hear from the Port Director, Pet Williams.
SECONDED:	Robb	
VOTE ON MAIN MOTION	All in favor	

VOTE ON MAIN MOTION	All in favor

Item F- AM 10-13 Approval Of The City Of Bethel Equal Opportunity Policy.

MOVED:	Middlebrook	Motion to approve AM 10-13.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

Item H- Personal Leave Request For The City Clerk June 5th-16th.

MOVED:	Middlebrook	Motion to approve the City Clerk's personal leave request.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

II. REPORTS OF STANDING COMMITTEES

Port Commission –

- Still pursuing grants for the grant stabilization.

Public Safety and Transportation Commission-

- Cabs had a fare war and the outcome of that, there were 12 permits surrendered to the Police Department. One more will be submitted shortly.
- Private Bus and the bus operating as a cab.
- Cab rates.
- One vacancy and two alternates on the Commission.

Public Works Committee –

- No Report

Planning Commission –

- Amendment to the City of Bethel Plan and incorporated alcohol.
- Donut Hole

Finance Committee-

- Sales tax and delinquencies.

Cemetery Committee-

- No Report

Parks and Recreation Committee-

- No Report

III. MAYOR'S REPORT
IV. MANAGER'S REPORT
V. CITY CLERK'S REPORT
VI. COUNCIL MEMBERS COMMENTS

Council Member Williams –

- No Comment

Council Member Pike –

- Big thanks to the Yellow Ribbon Program and their efforts in assisting the Territorial Guard and Veterans.

Council Member Robb-

- The BATH Facility has a lot of community support even from everyone on the council. The finances of the facility is a major concern for members of the council and community.
- Good luck to local mushers out on the Iditarod trail.
- Cama-i festival coming up.

Vice-Mayor Middlebrook –

- Be safe out there.

Mayor Klejka –

- This was a very thought out meeting and very important.
- Wish the best to the young mushers out there.
- The community needs to talk to the council members about what they want with regard to the BATH Facility.

Council Member Hoffman-

- The BATH Facility is an emotional issue. There are conflicting thoughts on this issue, if people are not in support of this project they need to come forward and inform the council members.
- Solicitation of support to other people in the community will be a priority.

Council Member Hippler-

- Many old arguments were brought up during the discussion of the BATH Facility. Some believe the plan is ambitions and costly to counter that, there is $500,000 budgeted annually. The money for the 95% is saved already. If it is determined that it isn't possible to secure construction grants without going to the 95% level then spending the $500,000 to get to the 95% level will be something to support. Hopefully the City will begin to secure funds prior to making that commitment.

MOVED:	Middlebrook	Motion to extend the meeting past 10:00p.
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to go into executive session - Item A- Matters Pertaining To The Corporation's Legal Position; Legal Strategies On Contractual Agreement With Property Owners To Establish Land Use For The Purpose Of 2010 Water And Sewer System Improvements. Item B-Matters, Unless The Person Has Requested To Have The Subjects Discussed in public, subjects that tend To Prejudice The Reputation And Character Of A person- City Clerk Annual Evaluation. Item C-Matters, Matters That, By Law Or Municipal Charter Or Ordinance, Are Permitted To Be Kept Confidential From Public Disclosure; BMC 4.16.260 Disposition Of Tax Information -AM
SECONDED:	Pike	

		10-13: Nicholson's Auto.
VOTE ON MAIN MOTION	All in favor	

VII. EXECUTIVE SESSION

Item A- Matters Pertaining To The Corporation's Legal Position; Legal Strategies On Contractual Agreement With Property Owners To Establish Land Use For The Purpose Of 2010 Water And Sewer System Improvements.

Item B-_Matters, Unless The Person Has Requested To Have The Subjects Discussed in public, subjects that tend To Prejudice The Reputation And Character Of A person- City Clerk Annual Evaluation.

Item C-Matters, Matters That, By Law Or Municipal Charter Or Ordinance, Are Permitted To Be Kept Confidential From Public Disclosure; BMC 4.16.260 Disposition Of Tax Information -AM 10-13: Nicholson's Auto.

NEW BUSINESS

Item G- Annual Pay Increase For City Clerk, Contingent On The Passage Of A Satisfactory Evaluation From The City Council.

MOVED:	Middlebrook	Motion to approve the annual pay increase for the City Clerk.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to adjourn.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

VIII. ADJOURNMENT

ATTEST:

Lori Strickler, City Clerk

Joseph Klejka, Mayor

Introduced by: Vice-Mayor Middlebrook
Date: February 9, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-18

A RESOLUTION BY THE CITY OF BETHEL REQUESTING THE STATE OF ALASKA LEGISLATURE CONSIDER MODIFICATIONS TO ALASKA STATUTE TITLE 4 CREATING NEW OPTIONS WITHIN AS 4.11.491 (a) AND (b) ; RESTRICTING OR BANNING THE SALES OF ALCOHOL WITHOUT THE PROVISIONS OUTLINED UNDER AS 04.06.095, 04.11.010 AND 04.16.125-DATABASE,LIMITS AND LABELING

WHEREAS, The local option section of Title 4 gives the voters of a community the opportunity to place restrictions of alcohol within their own community

WHEREAS, since the adoption of a local option, communities have seen further restrictions placed upon them by the legislature without a vote of the community

WHEREAS, the majority of the voters who voted in the City of Bethel Regular Election October 6, 2009 voted out of the local option prohibiting the sale of alcoholic beverages within the City of Bethel;

WHEREAS, the majority of the voters who voted in the City of Bethel Special Election January 19, 2010 were opposed to the issuance of any liquor licenses within the City of Bethel;

WHEREAS, communities falling under local option face more restrictions than the rules outlines in Alaska Statute 4.11.491 prohibiting:

(a) If a majority of the persons voting on the question vote to approve the option, a municipality shall adopt a local option to prohibit
- **(1)** the sale of alcoholic beverages;
- **(2)** the sale of alcoholic beverages except by one or more of the following listed on the ballot:
  - **(A)** a restaurant or eating place licensee;
  - **(B)** a beverage dispensary licensee;
  - **(C)** a package store licensee;
  - **(D)** a caterer holding a permit under AS 04.11.230 to sell alcoholic beverages at a site within the municipality who is also

licensed under a beverage dispensary license for premises outside of the municipality;
(E) a winery licensee; or
(F) a winery licensee, except that sales may occur only to a person licensed under this title or in another state or country;
(3) the sale of alcoholic beverages except on premises operated by the municipality and under a type of licensed premises listed on the ballot, that may include one or more of the following:
(A) a restaurant or eating place license;
(B) a beverage dispensary license; or
(C) a package store license;
(4) the sale and importation of alcoholic beverages; or
(5) the sale, importation, and possession of alcoholic beverages.

WHEREAS, if a community falls under one of the above mentioned local options they are also forced to follow the restriction under:

AS 4.06.095 Statewide database. The board, after consulting with package store licensees, shall create and maintain a statewide database that contains a monthly record of the alcohol purchased by, and shipped to, a person who resides in a municipality or established village that has restricted the sale of alcoholic beverages under AS 04.11.491 (a)(1), (2), or (3) or (b)(1) or (2). Except as otherwise specifically provided in this section, the information contained in the database is confidential and is not subject to inspection or copying under AS 40.25.110 - 40.25.220. Information in the database shall be purged one year after entry unless it is needed for criminal investigation or prosecution. Information in the database is available only to
(1)) a package store licensee, agent, or employee to consult before shipping alcohol to a purchaser in a restricted area as provided in AS 04.11.150(g);
(2) a law enforcement officer;
(3) a probation or parole officer; and
(4) the board.

AS 4.11.010 License or permit required; presumption concerning possession for sale.
(c): Unless a municipality or established village has adopted a more restrictive local option under AS 04.11.491 (g), in a criminal prosecution for possession of alcoholic beverages for sale in violation of (a) of this section, the fact that a person

(1) possessed more than 10 1/2 liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages in an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491 creates a presumption that the person possessed the alcoholic beverages for sale;
(2) sends, transports, or brings more than 10 1/2 liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages to an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491 creates a presumption that the person sent, transported, or brought the alcoholic beverages for sale in the area;

AS 04.16.125. Alcoholic Beverages Transported By Common Carrier.

(a) A person may not use a common carrier to transport alcoholic beverages into an area that has restricted the sale of alcoholic beverages under AS 04.11.491 (a)(1), (2), or (3) or (b)(1) or (2) unless:

(1) the shipping container holding the alcoholic beverages is clearly labeled as containing alcoholic beverages with letters that contrast in color to the shipping container and that are at least two inches in height; and
(2) an itemized invoice showing the quantity and purchase value of distilled spirits, of wine, and of malt beverages is attached to the outside of the shipping container.

(b) This section does not apply to

(1) a person transporting not more than
(A) two liters of wine;
(B) one gallon of malt beverages; or
(C) one liter of distilled spirits; or
(2) the transportation of alcoholic beverages for use on premises allowed under AS 04.11.491 (a)(2) - (3) or (b)(2) or for use under a permit allowed under AS 04.11.491 (a)(2).

(c) In this section,

(1) "common carrier" means a motor vehicle, watercraft, aircraft, or railroad car available for public hire to transport freight or passengers;
(2) "transport" has the meaning given in AS 04.11.499;

WHEREAS, AS 04.11.491 authorizes municipal voters to enact "local option" ordinance that restrict or prohibit the sale, importation or possession of alcohol;

Introduced by: Vice-Mayor Middlebrook
Date: February 9, 2010
Action: Passed
Vote: 7-0

WHEREAS, AS 29.35.080 expressly recognizes the authority of municipalities to regulate the possession, barter, sale, importation, and consumption of alcoholic beverages;

WHEREAS, the restrictions established under AS Title 4 are already too restrictive, therefore preventing the municipality the possibility to regulate the possession, barter, sale, importation, and consumption of alcoholic beverages;

WHEREAS, the Bethel City Council would like a modification of Title 4, to include an option under local option which only prohibit the items spelled out under 4.11.491, which does not limit the amount of alcohol an individual can possess; which does not require the marking of packaging when delivered or brought in to a local option community and does not require the information of the individual order to go into a state wide database;

WHEREAS, by establishing a new options which provides a question to the voters, that do not impose the requirements of AS 4.06.095, 4.11.010 and 4.16.125 will provide the majority of the voters who voted in the last City of Bethel Elections their rights and wishes as voters.

NOW, THEREFORE, BE IT RESOLVED the Bethel City Council requests the State of Alaska Legislature to consider modification to Alaska Statute Title 4 to contain language that creates new options under AS 04.11.491 allowing communities to restrict or ban sales without imposing the restrictions outlined in AS 04.06.095 Statewide database., 04.11.010 License or permit required; presumption concerning possession for sale (limits) or 04.16.125. Alcoholic beverages transported by common carrier. This would allow communities to choose not to participate in:

a) Statewide database;
b) presumption of sale and related penalties for possession of more than stated limits;
c) limits for importation and possession;
d) special packaging and marking of alcohol shipments.

BE IT FURTHER RESOLVED THAT the City of Bethel requests the legislature to adopt changes to local option provisions in AS Title 4 to the effect that, no further restrictions of a local option adopted by a community will be imposed by the legislature without a vote of the affected community.

Introduced by: Vice-Mayor Middlebrook
Date: February 9, 2010
Action: Passed
Vote: 7-0

ENACTED THIS 9 DAY OF FEBRUARY 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Public Safety and Transportation Commission
Introduction Date: March 23, 2010
Public Hearing: April 13, 2010
Action: Passed
Vote: 6-1

CITY OF BETHEL, ALASKA

Ordinance #10-08

AN ORDINANCE OF THE BETHEL CITY COUNCIL AMENDING BUS REGULATIONS

WHEREAS, specific regulations are needed to regulate bus permits;

WHEREAS, this ordinance helps achieve the purpose of regulating the buses in City of Bethel;

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

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):

5.30.030 Bus permit required.

A. A person may provide bus service within the city with a bus permit. A permit, or any interest in a permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.

B. A person may apply for an original or renewal bus permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to buses, he or she shall be issued a permit.

C. A bus must operate on a defined route. The route must be submitted to the transportation inspector. Any changes in the route must be submitted to the transportation inspector. Bus operators may deviate from the defined route up to 3/4ths of a mile to accommodate handicap passengers.

Introduced by:	Public Safety and Transportation Commission
Introduction Date:	March 23, 2010
Public Hearing:	April 13, 2010
Action:	Passed
Vote:	6-1

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

ENACTED THIS 13 DAY OF APRIL , 2010 BY A VOTE OF 6 IN FAVOR AND 1 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Lee Foley, City Manager
Date: April 13, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-30

ACCEPT AND APPROVE AN FY 2010 GRANT AWARD FROM THE DENALI COMMISSION TO PAY FOR DESIGN, PERMITTING, AND PRE-CONSTRUCTION WORK AT THE BETHEL SMALL BOAT HARBOR TO PREPARE FOR DREDGING

WHEREAS, Bethel City Council Resolution #09-34 authorized the City to pursue grant funding from the Denali Commission's Transportation Program and request funds for Bethel Small Boat Harbor dredging design, permitting, and pre-construction work;

WHEREAS, relative to the passage of Resolution #09-34, the City applied to the Denali Commission's Transportation Program and requested $239,200 in grant funds with the pledge to contribute $59,800 in match in order to fund a dredging design project at the Bethel Small Boat Harbor;

WHEREAS, in order to ensure that the grant award was sufficient to cover all expenses related to the dredging design project, the Denali Commission raised the grant award amount to $500,000 and the requisite City match to $100,000;

WHEREAS, the FY 2011 Port of Bethel Budget contains the $100,000 match for this grant from the City's undesignated net asset account;

WHEREAS, the Denali Commission intends to have the U.S. Army Corps of Engineers administer the project on behalf of the City of Bethel;

WHEREAS, the U.S. Army Corps of Engineers has a responsibility for maintenance dredging of the entrance channel and approximately 25% of the basin, so it is appropriate that the Corps be involved in the dredging design project;

WHEREAS, the scope of the project will be written such that any funds remaining after design, permitting, and pre-construction work are completed will be allocated to construction (dredging), making it easier for the City to obtain the full amount of construction money after the design is completed;

WHEREAS, the grant performance period is two years and will likely run from April 1, 2010 to March 31, 2012;

WHEREAS, the proposed dredging design and bank stabilization project may require 15 to 18 months to complete;

Introduced by: Lee Foley, City Manager
Date: April 13, 2010
Action: Passed
Vote: 7-0

WHEREAS, dredging the small boat harbor will involve excavating ice and earthen material during the winter months, preferably November-December;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council accepts and approves the $500,000 grant award from the Denali Commission, consents to the $100,000 cash match requirement, and pledges to comply with all grant requirements thereunto appertaining.

ENACTED THIS _ DAY OF APRIL 2010 BY A VOTE OF_ IN FAVOR AND _ OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Vice-Mayor Middlebrook
Date: April 13, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-29

SUPPORTING A FEDERAL CHANGE IN REGULATIONS FOR TRANSPORTATION IN COMMERCE OF CYLINDERS OF COMPRESSED OXYGEN AND OXIDIZING GASES WITHOUT RIGID OUTER PACKAGING [49 CFR, Part 173.302 (f)]

WHEREAS, on September 28, 2007, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule for Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft,

WHEREAS, when in effect, this requires special packaging for oxygen being transported by air;

WHEREAS, many areas of Alaska are operating under a special permit which authorizes the transportation in commerce of cylinders of compressed oxygen and oxidizing gases without rigid outer packaging when no other means of transportation exists ,however that is a special permit and may eventually expire;

WHEREAS, approximately 4,000 cylinders a month are being shipped through air cargo to rural clinics, hospitals, patients and EMS services;

WHEREAS, with an expected life span of 100 trips each, the packaging restriction for these items are expensive, costing approximately $2,240 per bottle, they are also very heavy and bulky weighing up to 55lbs each;

WHEREAS, not only is there increased shipping cost, there are concerns that the smaller aircrafts, serving the rural communities, may not be adequate in size to support the large containers;

WHEREAS, with so many rural communities located off the road system this regulation provides a unique hardship to the medical industry in Alaska;

Introduced by: Vice-Mayor Middlebrook
Date: April 13, 2010
Action: Passed
Vote: 7-0

WHEREAS, if the regulation is not modified or, if a permanent variance to transport cylinders of compressed oxygen and oxidizing gasses without rigid outer packaging, is not issued, or the regulation is not changed, there will be financial and medical hardships placed upon much of Alaska;

NOW, THEREFORE, BE IT RESOLVED the City of Bethel requests a change in 49 CFR, Part 173.302 (f) or a permanent variance to be issued to allow for the transportation of compressed oxygen and oxidizing gasses without rigid outer packaging.

ENACTED THIS 13 DAY OF APRIL 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Lee Foley, City Manager
Date: April 13, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-30

ACCEPT AND APPROVE AN FY 2010 GRANT AWARD FROM THE DENALI COMMISSION TO PAY FOR DESIGN, PERMITTING, AND PRE-CONSTRUCTION WORK AT THE BETHEL SMALL BOAT HARBOR TO PREPARE FOR DREDGING

WHEREAS, Bethel City Council Resolution #09-34 authorized the City to pursue grant funding from the Denali Commission's Transportation Program and request funds for Bethel Small Boat Harbor dredging design, permitting, and pre-construction work;

WHEREAS, relative to the passage of Resolution #09-34, the City applied to the Denali Commission's Transportation Program and requested $239,200 in grant funds with the pledge to contribute $59,800 in match in order to fund a dredging design project at the Bethel Small Boat Harbor;

WHEREAS, in order to ensure that the grant award was sufficient to cover all expenses related to the dredging design project, the Denali Commission raised the grant award amount to $500,000 and the requisite City match to $100,000;

WHEREAS, the FY 2011 Port of Bethel Budget contains the $100,000 match for this grant from the City's undesignated net asset account;

WHEREAS, the Denali Commission intends to have the U.S. Army Corps of Engineers administer the project on behalf of the City of Bethel;

WHEREAS, the U.S. Army Corps of Engineers has a responsibility for maintenance dredging of the entrance channel and approximately 25% of the basin, so it is appropriate that the Corps be involved in the dredging design project;

WHEREAS, the scope of the project will be written such that any funds remaining after design, permitting, and pre-construction work are completed will be allocated to construction (dredging), making it easier for the City to obtain the full amount of construction money after the design is completed;

WHEREAS, the grant performance period is two years and will likely run from April 1, 2010 to March 31, 2012;

WHEREAS, the proposed dredging design and bank stabilization project may require 15 to 18 months to complete;

Introduced by: Lee Foley, City Manager
Date: April 13, 2010
Action: Passed
Vote: 7-0

WHEREAS, dredging the small boat harbor will involve excavating ice and earthen material during the winter months, preferably November-December;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council accepts and approves the $500,000 grant award from the Denali Commission, consents to the $100,000 cash match requirement, and pledges to comply with all grant requirements thereunto appertaining.

ENACTED THIS 13th DAY OF APRIL 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel City Council Meeting Minutes

March 17, 2010 | Special Meeting | Bethel, Alaska

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on March 17, 2010 at, 2:00p in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 2:00p.

II. ROLL CALL

Present:
Council Member Beverly Hoffman
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Heather Pike
Council Member Richard Robb
Council Member Thor Williams

Absent:
Council Member Allen Hippler

Also Present:
City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD

Willie Keppel –Stressed the importance of moving forward with the purchase of BUC.

Jody Malus –Explained there are many people with many years of research and work on this project.

MOVED:	Middlebrook	Motion to extend the time limit to ten minutes.
SECONDED:	Pike	
VOTE ON MAIN MOTION	3-2 Motion fails, Williams and Klejka opposed	

IV. APPROVAL OF THE AGENDA

MOVED:	Williams	Motion to approve the agenda.
SECONDED:	Middlebrook	

VOTE ON MAIN MOTION	All in favor

V. NEW BUSINESS

Item A –AVEC Representative Meera Kohler Discuss Cooperative Purchase Of BUC.

MOVED:	Pike	Motion to go into executive session Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the corporation; AVEC Representative Meera Kohler Discuss Cooperative Purchase Of BUC.
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

Council Entered into Executive Session at 3:15p

VI. EXECUTIVE SESSION

Item A- Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the corporation; AVEC Representative Meera Kohler Discuss Cooperative Purchase Of BUC

Council exited executive session at 4:00p.

MOVED:	Pike	Motion to adjourn.
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

VII. ADJOURNMENT

Mayor, Joseph Klejka

ATTEST:

Lori Strickler, City Clerk

City of Bethel City Council Meeting Minutes

March 23, 2010 | Regular Meeting | Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on March 23, 2010 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 6:30p.

II. ROLL CALL

Present:
Council Member Allen Hippler
Council Member Beverly Hoffman
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Heather Pike
Council Member Richard Robb
Council Member Thor Williams

Absent: None

Also Present:
City Manager Lee Foley
City Recorder Andrew Martinez

III. PEOPLE TO BE HEARD-

Michelle Dewitt & Jenn Peeks-
Community Walkathon sponsored by TWC. Celebration March 31 where outstanding community citizens will be honored, all are welcome.

Buck Bukowski –
Replaced tattered flag at Pinky's Park. New flag donated by VFW.

Dave Trantham –
Enjoys his freedom from local option does not want to return to local option. Expressed concern about the upcoming vote on May 4th. Local option is wrong.

IV. SPECIAL ORDER OF BUSINESS

Item A - Michelle Drew City of Bethel Audit - Minor deficiencies with payroll. Major deficiencies with PERS reporting amounts and what was actually paid out.

V. APPROVAL OF THE AGENDA

MOVED:	Hoffman	Motion to approve the agenda.
SECONDED:	Robb	

MOVED:	Middlebrook	Motion to table the Introduction of Ordinance 10-10 due to it being mislabeled.
SECONDED:	Pike	
VOTE ON MOTION	6-1, Motion passes, Robb opposed	

MOVED:	Hippler	Remove Resolution 10-24, from the consent agenda.
MOVED:	Williams	Remove Resolution 10-26, from the consent agenda.

VOTE ON MAIN MOTION	All in favor

VI. APPROVAL OF THE MEETING MINUTES

Item A- 03/09/2010 Regular City Council Meeting.

Passed on the consent agenda.

VII. UNFINISHED BUSINESS

Item A – Legal Strategies On Contractual Agreement With Property Owners To Establish Land Use For The Purpose Of 2010 Water And Sewer System Improvements.

MOVED:	Williams	Motion to release non confidential information discussed in the executive session.
SECONDED:	Robb	

MOVED:	Middlebrook	Motion to amend to have the clerk review and evaluate the information released in executive session and provide a confidential memo which may be released to the council and community.
SECONDED:	Williams	
VOTE ON MOTION	2-5 Motion fails, Robb and Williams in favor	

MOVED:	Middlebrook	Motion to table until the next regular meeting.
SECONDED:	Hippler	
VOTE ON TABLING MOTION	4-3 Motion passes, Robb, Williams, Pike opposed	

MOVED:	Middlebrook	Motion to take a ten minute break.
SECONDED:	Williams	
VOTE ON MAIN MOTION	2-5 Motion fails, Klejka, Pike, Hippler, Hoffman, Robb opposed	

MOVED:	Klejka	Motion to take a five minute break.
SECONDED:	Williams	
VOTE ON MAIN MOTION	5-2 Motion passes, Middlebrook and Robb opposed	

VIII. NEW BUSINESS

Item A - Resolution 10-22: Requesting FY 2011 Payment In Lieu Of Taxes Funding From The Department Of Commerce, Community And Economic Development.

Passed on the consent agenda.

Item B - Resolution 10-23: Approval Of The Submission Of A Public Transportation Grant.

Passed on the consent agenda.

Item C – Resolution 10-24: Preparation And Submission Of Grant Application To Alaska's Rural Transit Assistance Program To Request Training And Travel Funds.

MOVED:	Hoffman	Motion to adopt Resolution 10-24.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

Item D- Resolution 10-25: Opposing The Passage Of House Bill 340 In The 26th Legislature, Which Would Limit The Amount Of Sales Tax Charged By Municipalities On Gasoline And Diesel, When Used As Motor Fuel On Alaska's Highways, To $0.08 Per Gallon.

Passed on the consent agenda.

Item E – Resolution 10-26: Preparation And Submission Of A Grant Application To The Bethel Community Services Foundation To Request Construction Funds For The Bethel Aquatic Training And Health Center.

MOVED:	Hoffman	Motion to adopt Resolution 10-26.
SECONDED:	Pike	
MOVED:	Williams	Motion to amend, to change the second whereas striking ~~100%~~ and inserting 95%.
SECONDED:		
VOTE ON MOTION	Does not carry due to a lack of a second.	
VOTE ON MAIN MOTION	All in favor	

Item F- Introduction of Ordinance 10-08: Amending Bus Regulation.

Passed on the consent agenda.

Item G- Introduction of Ordinance 10-09: Amending Chapter 2.04 Of The Bethel Municipal Code To Provide A Stipend For Council Members.

Passed on the consent agenda.

Item H- Introduction of Ordinance 10-10: Bethel City Council Approving The Acquisition Of Right Of Entry.

Item tabled until the next regular meeting.

Item I – Introduction of Ordinance 09-11(g): Budget Modification.

Passed on the consent agenda.

Item J – AM 10-14: Travel To Juneau For Mayor and Vice Mayor To Lobby On Behalf Of The City.

MOVED:	Middlebrook	Motion to approve AM 10-14.
SECONDED:	Pike	
MOVED:	Hippler	Motion to call for the question.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

Item K- AM 10-15_– Approving Eddie's Electric As Contractor For Electrical Work On The QFC #2 Forcemain Construction Project.

MOVED:	Hippler	Motion to approve AM 10-15.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

Item L- AM 10-16 –Approve Larson Consulting Group As The Third Party Engineer For Proposed Review During The Bethel Fire Department Renovation Project.

MOVED:	Middlebrook	Motion to approve AM 10-16.
SECONDED:	Robb	
VOTE ON MAIN MOTION	All in favor	

Item M- AM 10-17: Budget Adjustment To FY10 Library Consortium Agreement Requested by UAF.

MOVED:	Middlebrook	Motion to approve AM 10-17.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

IX. REPORTS OF STANDING COMMITTEES

Port Commission –
- Two Alternate Seats Available

Public Safety and Transportation Commission-
- There Is One Opening And Two Alternate Seats Available

Public Works Committee –
- Large Items In Dumpsters Damaging Trucks

Planning Commission –
- There Is One Opening On The Commission

Finance Committee-
- Two Openings And Two Alternates Needed

Cemetery Committee-
- No Report

Parks and Recreation Committee-
- One Alternate Seat Is Available
- After School Volunteers Are Needed
- Looking For Additional Ideas For Funding Of the BATH Center
-

X. MAYOR'S REPORT
XI. MANAGER'S REPORT
XII. CITY CLERK'S REPORT
XIII. COUNCIL MEMBERS COMMENTS

Council Member Williams –
- Community Break-ins At Local Businesses And Hangars
- Encouraged Citizens To Talk To Council Members

Council Member Pike –

- Lovely Meeting
- AD/HOC Alternative Energy Committee Meeting

Council Member Robb-

- Most Harmonious Meeting Ever
- Cama'i Festival Upcoming
- Ducks Unlimited Event Upcoming

Vice-Mayor Middlebrook –

- No Comment

Mayor Klejka –

- Thanked The Galley
- This Weekend Is The K300 Camp Out Race

Council Member Hoffman-

- Thanked Cama'i Members
- Visited Nome
- Congratulates the Napaskiak Hawks
- Parent/Teacher Conferences Soon
- Thanked AC/Swanson's Purchase Of Biodegradable Plastic
- Good Meeting

Council Member Hippler-

- Chamber of Commerce Annual Banquet
- Feedback From Citizens About The BATH center

MOVED:	Middlebrook	Motion to adjourn.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

XIV. ADJOURNMENT

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel City Council Meeting Minutes

April 1, 2010 | Special Meeting | Bethel, Alaska

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on April 1, 2010 at, 12:00p in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 12:00p.

II. ROLL CALL

Present: Council Member Beverly Hoffman
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Heather Pike
Council Member Richard Robb
Council Member Thor Williams

Absent: Council Member Allen Hippler

Also Present: City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD

IV. APPROVAL OF THE AGENDA

MOVED:	Williams	Motion to approve the agenda.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

V. NEW BUSINESS

Item A – Meeting With Tiffany Zulkosky, Senator Mark Begich's Rural Advisor, To Discuss: Federal Funding Priorities.

MOVED:	Pike	Motion to adjourn.
SECONDED:	Williams	
VOTE ON MAIN MOTION	All in favor	

VI. ADJOURNMENT

Mayor Joseph Klejka

ATTEST:

Lori Strickler, City Clerk

Introduced by: City Manager Foley
Date: March 23, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL

Resolution # 10-22

A RESOLUTION REQUESTING FY 11 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT

WHEREAS, 3 AAC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, COmm8unity and Economic Development;

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

WHEREAS, regular meeting of the governing body are held in the city and a record of the proceedings is maintained;

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

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council requests distribution from the FY 11 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law.

ENACTED THIS 23th DAY OF MARCH 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Lee Foley, City Manager
Date: March 23, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-23

SUPPORT FOR THE PREPARATION AND SUBMISSION OF SFY 2011 ALASKA COMMUNITY TRANSPORTATION, PUBLIC TRANSPORTATION, GRANT APPLICATION

WHEREAS, the City of Bethel and Orutsararmiut Native Council are partners in the funding and operation of the Bethel Public Transit System;

WHEREAS, the Bethel Public Transit System depends on grant funding for its continued operation;

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities, Transit Division, is currently accepting SFY 2011 public transportation applications requesting funds to cover administrative, operating, and/or capital expenses of public transportation systems in the state;

WHEREAS, the City of Bethel will review its SFY 2011 projected operating budget and expected grant revenue to determine the maximum amount of funding it can apply for in this application;

WHEREAS, the City of Bethel will make an effort to use in-kind resources as match and rely on expenditures paid with Indian Reservation Roads from ONC for its required match;

WHEREAS, applications are due April 5, 2011;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports the preparation and submission of an SFY 2011 Alaska Community Transportation, Public Transportation grant application to request administration and operating funds for the Bethel Public Transit System.

ENACTED MARCH 23, 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Lee Foley, City Manager
Date: March 23, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-24

SUPPORT FOR THE PREPARATION AND SUBMISSION OF GRANT APPLICATION TO ALASKA'S RURAL TRANSIT ASSISTANCE PROGRAM TO REQUEST TRAINING AND TRAVEL FUNDS

WHEREAS, the City of Bethel relies on grant funding to support the training needs of Bethel Public Transit System personnel;

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities, Transit Division, is currently accepting applications for Alaska's Rural Transit Assistance Program (RTAP), a Federal Transit Administration program providing funds to train transit system personnel;

WHEREAS, there is an on-going need to train the City's transit manager and transit bus drivers in order to meet federal, state, and local requirements and to elevate the level of service capability;

WHEREAS, the City of Bethel will request training and travel expenses that will likely be in the range of $3,000 to $5,000;

WHEREAS, there is no match required for RTAP funds;

WHEREAS, applications are due March 26, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports the preparation and submission of a grant application to request funds from the SFY 2011 Alaska's Rural Transit Assistance Program.

ENACTED MARCH 23, 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Vice-Mayor Middlebrook
Date: March 23, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-25

OPPOSING THE PASSAGE OF HOUSE BILL 340 (HB 340) IN THE 26TH LEGISLATURE, WHICH WOULD LIMIT THE AMOUNT OF SALES TAX CHARGED BY MUNICIPALITIES ON GASOLINE AND DIESEL, WHEN USED AS MOTOR FUEL ON ALASKA'S HIGHWAYS, TO $0.08 PER GALLON

WHEREAS, Alaska Statutes 29.45.650 provides for the municipalities to levy a sales tax for goods and services;

WHEREAS, House Bill 340 intends to limit the about of sales tax charged for a gallon of fuel for vehicles;

WHEREAS, revenue from sales tax is relied upon to keep the basic services of the City functioning;

WHEREAS, HB340 would have a huge fiscal impact to the City of Bethel;

WHEREAS, passage of HB 340 will most likely force the City of Bethel to cut essential and basic services;

WHEREAS, on October 6, 2009 the majority of the people voting at the regular City of Bethel Election voted to maintain the sales tax rate of 6% therefore showing the citizens of Bethel are responsive to the need for increased revenue to the City and support the revenue stream from sales tax;

WHEREAS, if the City is required to minimize their revenue stream due to the passage of this bill, the community of Bethel will be faced with great hardship and the citizens of the community will feel the impact;

WHEREAS, HB340 Will place the duty of creating to create a multi tiered tax system upon the city and business within in the city with no benefit to business and a significantly reduced revenue stream for the City.

Introduced by: Vice-Mayor Middlebrook
Date: March 23, 2010
Action: Passed
Vote: 7-0

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council opposes the passage of HB 340 in the 26th Legislature which would limit the sales tax charged by municipalities on gasoline and diesel, when used as motor fuel on Alaska's highways, to $0.08 per gallon.

ENACTED THIS 23 DAY OF MARCH 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Lee Foley, City Manager
Date: March 23, 2010
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 10-26

SUPPORT FOR THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION TO THE BETHEL COMMUNITY SERVICES FOUNDATION TO REQUEST CONSTRUCTION FUNDS FOR THE BETHEL AQUATIC TRAINING AND HEALTH CENTER

WHEREAS, the City of Bethel has in its possession, the 65% design development plans for the Bethel Aquatic Training and Health Center;

WHEREAS, the Bethel City Council will decide whether to pursue 100% construction-ready documents at its regular May 10, 2010 meeting;

WHEREAS, the Bethel City Council expressed its desire that the City pursue construction funds for the Bethel Aquatic Training and Health Center;

WHEREAS, the Bethel Aquatic Training and Health Center contains a four-lane competition size pool, a large shallow family pool, a kiddie pool, an aerobics fitness room, and a room for weights and exercise machines;

WHEREAS, the construction cost of the building, separate from the purchase and installation of wind turbines, is expected to be $17,426,002;

WHEREAS, a five-year business plan developed by Mikunda Cottrell & Co. revealed that that the City of Bethel can afford to operate and maintain the designed aquatic center with its planned annual half percent sales tax contribution;

WHEREAS, Bethel Community Services foundation Project Manager Jerry Drake suggested the City request no more than $50,000 in construction funds from the foundation;

WHEREAS, a $50,000 contribution from the Bethel Community Services Foundation represents a significant local commitment that will likely be perceived favorably by other funding entities;

Introduced by: Lee Foley, City Manager
Date: March 23, 2010
Action: Passed
Vote: 7-0

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports the preparation and submission of a grant to the Bethel Community Services Foundation to request $50,000 in construction funds for the Bethel Aquatic Training and Health Center.

ENACTED MARCH 23, 2010 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel City Council Meeting Minutes

February 9, 2010 | Regular Meeting | Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 9, 2010 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order at 6:30p.

II. ROLL CALL

Present:
Council Member Allen Hippler
Council Member Beverly Hoffman
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Heather Pike
Council Member Richard Robb
Council Member Thomas Valadez

Absent: None

Also Present:
City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD-

Skyler Sargent-
Spoke in favor of the Bethel Aquatic Training and Health Facility.

Zane Sargent-
Spoke in favor of the Bethel Aquatic Training and Health Facility.

Dave Trantham-

- Stated the city council should not be subject to bulling by community members and perhaps something should be done to prevent that from happening.
- Constitutional rights will be taken if the community decides to opt back into local option on May 4th.

IV. APPROVAL OF THE AGENDA

MOVED:	Hoffman	Motion to approve the consent and regular agenda.
SECONDED:	Hippler	

MOVED:	Hippler	Motion to amend, to pull Resolution 10-08 through Resolution 10-14 from the consent agenda.

MOVED:	Middlebrook	Motion to amend, to pull Resolutions 10-16 and 10-18 from the consent agenda.

VOTE ON MAIN MOTION	All in favor

MOVED:	Hoffman	Motion to table, Special Order of Business item A, until Angie Pinsonneault is able to call back in.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

V. APPROVAL OF THE MEETING MINUTES

Item A- 01/12/2010 Regular City Council Meeting.

MOVED:	Middlebrook	Motion to approve the meeting minutes from January 12, 2010.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

Item B – 1/25/2010 Special City Council Meeting.

Passed on the consent agenda.

Item C - 1/26/2010 Regular City Council Meeting.

Passed on the consent agenda.

VI. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 09-39: Allowing For The Abatement Of Taxes And Penalties And Interest Related To Taxes.

Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.

MOVED:	Hoffman	Motion to adopt Ordinance 09-39 was made at the January 12th meeting.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	1-6 Motion fails, Hoffman in favor	

Item B - Public Hearing Of Ordinance 09-47: Amending The BMC Chapter 5.08, Alcoholic Beverage Sales In The City Of Bethel Jurisdiction.

Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.

MOVED:	Hippler	Motion to adopt Ordinance 09-47.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All opposed	

MOVED:	Middlebrook	Motion to pull from the table Item A, under Special Order of Business.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	All in favor	

SPECIAL ORDER OF BUSINESS

Item A- Bethel Aquatic Training and Health Center Business Plan Discussion, teleconference with Angie Pinsonneault, Mikunda Cottrell & Company.

MOVED:	Hoffman	Motion to suspend the rules to hear from the Parks and Recreation Director, Janet Athanas, during this discussion.
SECONDED:	Middlebrook	

VOTE ON MAIN MOTION	All in favor

MOVED:	Hoffman	Motion to suspend the rules to hear from the Grants Development Manager, John Sargent.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

NEW BUSINESS

Item C- Public Hearing Of Ordinance 10-02: Adding Section 5.08.200 Protest, To The Bethel Municipal Code Establishing A Method To Protest All Liquor Licenses Within The City Of Bethel.

Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.

MOVED:	Pike	Motion to adopt Ordinance 10-02.
SECONDED:	Hippler	

MOVED:	Robb	Motion to amend, to strike ~~"in favor of"~~ and insert "vote on" the protest.
SECONDED:	Pike	
VOTE ON MOTION	All in favor	

MOVED:	Middlebrook	Motion to table until there is a legal review by the city attorney.
SECONDED:	Hippler	
VOTE ON TABLING MOTION	4-3 Motion passes, Robb, Klejka and Valadez opposed	

Item D – Public Hearing Of Ordinance 10-03: Amending Chapter 4.04 Regarding The Submission Date For The Annual Budget Estimate And Estimate of Revenues.

Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.

MOVED:	Pike	Motion to adopt Ordinance 10-03.
SECONDED:	Hoffman	

MOVED:	Pike	Motion to suspend the rules to hear from the Finance Director, Laurie Walters.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to amend, to strike "~~April 15~~" and to insert "April 1".
SECONDED:	Hippler	
VOTE ON MOTION	4-3 Motion passes, Klejka, Hoffman and Pike opposed	

VOTE ON MAIN MOTION	All in favor

Item E –Introduction Of Ordinance 10-04: Authorizing Individual Council Members One Hour Each Month Of Attorney Services To Discuss City Related Issues.

MOVED:	Hoffman	Motion to introduce Ordinance 10-04.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item F- Public Hearing Of Ordinance 10-05: Amending Section 5.20.160 Taxicab Fees To Strike The Term "In Lieu Of Sales Tax".

MOVED:	Hippler	Motion to adopt Ordinance 10-05.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All opposed	

MOVED:	Robb	Motion to take a five minute break.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

Item G- Public Hearing Of Ordinance 09-11 (f): Budget Modification.

Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.

MOVED:	Hippler	Motion to adopt Ordinance 09-11 (f).
SECONDED:	Hoffman	

MOVED:	Hoffman	Motion to suspend the rules to hear from the Port Director, Pete Williams.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Robb	Motion to amend to insert "$200,000" under line item 4050771 and "(200,000) from line 4050643".
SECONDED:	Pike	
VOTE ON MOTION	All in favor	

MOVED:	Hoffman	Motion to amend, to insert "$900.00" from "~~$300.00~~" for social security for the volunteers.
SECONDED:	Hippler	
VOTE ON MOTION	All in favor	

MOVED:	Robb	Motion to amend, under 10-66-510 Social Security to strike "~~$900.00~~".
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	

VOTE ON MAIN MOTION	All in favor

Item H- Resolution 10-06: Protesting The Issuance Of A State Of Alaska Alcoholic Package Store License For Alaska Commercial Company AC Value Center: Located At 514 Ridgecrest Street: Owned By North West Company International Inc.

MOVED:	Middlebrook	Motion to pull from the table the adoption of Resolution 10-06.
SECONDED:	Hippler	
VOTE ON MAIN	All in favor	

MOTION	

Item I- Alaska Court System Requests Small Name Revision To Nora Guinn Courthouse Complex.

MOVED:	Hippler	Motion to approve was made at the January 12 meeting.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

I. NEW BUSINESS

Item A – Resolution 10-08: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish The Database Of Alcohol Purchases And Shipments To Local Options Communities.

MOVED:	Robb	Motion to adopt Resolution 10-08.
SECONDED:	Middlebrook	

MOVED:	Middlebrook	Motion to suspend the rules to move to Resolution 10-18.
SECONDED:	Pike	
VOTE ON MAIN MOTION	5-2 Motion passes, Hippler and Robb opposed	

Item K – Resolution 10-18: Requesting Changes To Title 4 In Alaska Statutes.

MOVED:	Middlebrook	Motion to adopt Resolution 10-18.
SECONDED:	Hippler	

MOVED:	Middlebrook	Motion to amend, to approve the amendments provided in the packet.
SECONDED:		
VOTE ON MOTION	All in favor	

MOVED:	Middlebrook	Motion to amend, to put into parenthesis the word "limits" after the last or in the NOW THEREFORE, BE IT RESOLVED.
SECONDED:	Pike	
VOTE ON MOTION	All in favor	

MOVED:	Robb	Motion to amend, to insert under NOW THEREFORE, BE IT RESOLVED THAT "This would allow communities to choose not to participate in a a) statewide database b) Presumption of sale and related penalties for possession of more than stated limits c) Limits for importation and possession d) Special packaging and marking of alcohol shipments".
SECONDED:	Pike	
VOTE ON MOTION	6-1 Motion passes Middlebrook opposed	

VOTE ON MAIN MOTION	All in favor

Item A – Resolution 10-08: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish The Database Of Alcohol Purchases And Shipments To Local Options Communities.

MOVED:	Robb	Motion to adopt Resolution 10-08 made earlier in the meeting.
SECONDED:	Middlebrook	

MOVED:	Middlebrook	Motion to amend to strike all references to "~~onerous~~" and insert
SECONDED:	Valadez	

		"oppressive" in all of the resolutions.
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item B - Resolution 10-09: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish Statutes That Limit The Amount And Timing Of Local Option Elections In A Community If The Community Wants To Have Additional Elections Regardless Of Whether The Proposed Changes Would Make The Local Option Laws Of The Community More Restrictive Or Less Restrictive.

MOVED:	Robb	Motion to adopt Resolution 10-09.
SECONDED:	Pike	

MOVED:	Hippler	Motion to amend, under NOW THEREFORE, BE IT RESOLVED THAT abolish statutes that "unequally" limit the amount and timing...
SECONDED:	Middlebrook	
VOTE ON MOTION	All in favor	

VOTE ON MAIN MOTION	All in favor

MOVED:	Middlebrook	Motion to extend the meeting past 10:00p.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to combine Resolution 10-09 and 10-12 by combining the whereas clauses and making the 10-12 NOW THEREFORE, BE IT RESOLVED become the NOW THEREFORE BE IT FURTHER RESOLVED.
SECONDED:		

VOTE ON MAIN MOTION	Motion does not carry due to a lack of a second.

Item C – Resolution 10-10: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Changing Restrictions On The Amount Of Alcohol One Can Legally Order And Ship To Local Option Communities That Allow Alcohol Importation And Possession. The Legal Limit For Beer Shall Be Increased To 16 Gallons.

MOVED:	Robb	Motion to adopt Resolution 10-10.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	6-1 Motion passes, Middlebrook opposed	

Item D- Resolution 10-11: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To: Abolish State Imposed Special Packaging And Marking Of Alcohol Shipments.

MOVED:	Robb	Motion to adopt Resolution 10-11.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	2-5 Motion fails, Robb and Valadez in favor	

Item E- Resolution 10-12: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To End These Onerous Regulations Regarding Local Option Communities Including But Not Limited To Make The Crime Of Selling Alcohol Without A License (Bootlegging) A Felony In Local Option Communities But A Misdemeanor In Other Parts Of The State, The Crime Should Be Punished The Same Regardless Of Where It Occurs.

MOVED:	Robb	Motion to adopt Resolution 10-12.
SECONDED:	Valadez	

VOTE ON MAIN MOTION	3-4 Motion fails, Pike, Middlebrook and Robb in favor

Item F – Resolution 10-13: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Take Up Changes In Alaska Statute To Abolish State Statute Regarding Presumption Of Sale And Related Penalties For Possession Of More Than Stated Limits.

MOVED:	Robb	Motion to adopt Resolution 10-13.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item G- Resolution 10-14: Encourages Our Legislators Bob Herron And Lyman Hoffman To Propose, Support; And Encourage The Alaska Legislature, To Abolish State Imposed Restrictions On The Amount Of Alcohol One Can Legally Order And Ship To Local Option Communities That Allow Alcohol Importation And Possession.

MOVED:	Robb	Motion to adopt Resolution 10-14.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	1-6 Motion fails, Robb in favor	

Item H - Resolution 10-15: Capital Priorities Revised.

Passed on the consent agenda.

Item I – Resolution 10-16: Protesting The Issuance Of A State Of Alaska Alcoholic Club License For The VFW: Located At 150 Akiak Dr.

MOVED:	Pike	Motion to adopt Resolution 10-16.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

Item J – Resolution 10-17: Congressional Priorities 2011.

Passed on the consent agenda.

Item L – Introduction Of Ordinance 10-06: Amending BMC Title 14 Regarding Logs In Port Facilities.

Passed on the consent agenda.

Item M- AM 10-08: Appointment Of Rich Pope To The Port Commission.

Council concerned to Mayor Kejka's appointment.

Item N- AM 10-09: Options To Outsourcing Payroll For The City.

MOVED:	Middlebrook	Motion to suspend the rules to hear from the Assistant Finance Director, Ryan Cope.
SECONDED:	Pike	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to approve the city manger proceeding with the ADP Contract.
SECONDED:	Hippler	
VOTE ON MAIN MOTION	All in favor	

Item O- IM 10-02: Timeline Of Donut Hole Land Relinquished ANCSA Land

MOVED:	Hippler	Motion to table until the next meeting.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	1-6 Motion passes, Middlebrook opposed	

Item P- IM 10-03: BATH Business Plan And Financial Forecast.

MOVED:	Middlebrook	Motion to suspend the rules to go to the mayor's report.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

II. MAYOR'S REPORT
III. MANAGER'S REPORT
IV. CITY CLERK'S REPORT

V. COUNCIL MEMBERS COMMENTS

Council Member Valadez –
His official resignation date is February 22nd has faith in the Councils ability.
Art Freitas, one of the City's volunteer firefighters and EMTs assisted a man having a heart attack on a flight into Anchorage.

Council Member Pike –
Thanked Council Member Valadez for his service and encouraged people to submit their letter of interest.

Council Member Hoffman –
Encouraged all interested parties to submit their letters of interest for the vacant city council seat.

Council Member Hippler –
Hope that the long discussions on alcohol are coming to a close however appreciated the conversations regarding alcohol.

Council Member Robb-
Thanked Council Member Valadez for his service.
Was thankful to see a favorable business plan for the BATH facility.
Thanked the council for working through all of the resolutions.

Vice-Mayor Middlebrook –
Thanked the council members for working through all of the resolutions on alcohol.
Had a busy visit to Juneau, the lobbying efforts are hoped to be effective.
At the AML Board meeting, not too much affected the communities in the region.
They did touch on emergency services and the response to the surrounding communities.
The State is still working on the jail expansion and looked for the City's support.
Emerging Energy Technology Fund is lending hands to a possible pilot project with the liquefied compressed natural gas.
Visited with Martha Scott who used to live in the area.

Mayor Klejka –
Teleconferenced with Senator Begich and tried to stress the need for funding on the seawall.

Thanked Council Member Valadez for his service.

MOVED:	Middlebrook	Motion to adjourn.
SECONDED:	Valadez	
VOTE ON MAIN MOTION	All in favor	

VI. ADJOURNMENT

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member Pike
Introduction Date: February 9, 2010
Public Hearing: February 23, 2010
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Ordinance 10-06

AN ORDINANCE AMENDING 14.10.010 THROUGH 14.10.045 OF THE BETHEL MUNICIPAL CODE REGARDING LOGS AND LOG RAFTS ON PORT FACILITIES

WHEREAS, 14.10.010 The port director and required assistants will supervise and manage the Port Facilities. The port director will hire a harbor master or other designee, and delegate duties as necessary for the operation and maintenance of the Port facilities.

WHEREAS, 14.10.020 Transactions to be conducted

WHEREAS, 14.10.030 Registration

WHEREAS, 14.10.040 Classification and use of mooring facilities.

WHEREAS, 14.10.045 Logs and log rafts on port facilities

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

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. Section 14.10.010 through 14.10.045 of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out):

Chapter 14.10
SMALL BOAT HARBOR & PORT FACILITIES

Sections:

14.10.010 Port director.
14.10.020 Transactions to be conducted.
14.10.030 Registration.
14.10.040 Classification and use of mooring facilities.
14.10.045 ~~Permit allowing~~ Logs ~~or a~~ and Log rafts on ~~in the small boat harbor~~ Port Facilities
14.10.050 Unlawful acts.
14.10.060 Acts prohibited without the approval of the port director.

14.10.070 Rentals and fees.
14.10.080 ~~Small boat harbor~~ Port Facilities privilege agreement.
14.10.090 Duties of boat owners and operators.
14.10.100 Revocation of privileges.
14.10.110 Lien.
14.10.120 Removal of abandoned property.

14.10.010 Port director.

A. The port director and required assistants will supervise and manage the ~~small boat harbor~~ Port facilities. The port director may hire a harbor master or other designee, and delegate duties as necessary for the operation and maintenance of the ~~small boat harbor~~ Port Facilities

B. The port director shall supervise and manage the assignment of moorage stalls, the assignment of dry land storage and the use of the boat lift, launching ramps, grid iron and all other facilities made available by the city. The port director may, in the interest of safety or convenience, require any boat owner to change from one (1) moorage to another and may, in the absence of the boat owner, move the boat without incurring liability to the city.

C. The port director may, at his discretion, refuse moorage or storage to any boat which is cumbersome or may become a menace to the safety or welfare of another boat or its occupants. He may refuse the use of any facilities to a boat that may cause damage to the facilities. He may, at his discretion, refuse berthing to boathouses, floats, scows, log rafts, barges and other cumbersome floating structures.

D. Use of the ~~small boat harbor~~ port facilities by floating boat shelters, floating storage buildings, or houseboats is prohibited. The port director may refuse moorage or use of any of the ~~small boat harbor~~ port facilities to any boat or boat owner violating any provision of this code.

E. The port director shall have the duty and exclusive power to post signs and to thereby designate the limit of ~~small boat harbor~~ port facilities speeds, classification and use of ~~small boat harbor~~ port facilities moorage and storage areas, and such other signs and notices necessary to inform the public, and is authorized to direct all waterborne and vehicular traffic within the limits of the ~~small boat harbor~~ port facilities boundaries, including designated parking and storage areas.

14.10.020 Transactions to be conducted.

All registration of boats, payments of moorage and other charges, and other ~~small boat harbor~~ port facilities business shall be conducted at the port office.

14.10.030 Registration.

Every boat owner using the ~~small boat harbor~~ port facilities shall register his/her name, address, telephone number and the name and/or number of the boat with the port director on forms provided for that purpose.

Introduced by: Council Member Pike
Introduction Date: February 9, 2010
Public Hearing: February 23, 2010
Action: Passed
Vote: 5-0

14.10.040 Classification and use of mooring facilities.

A. All of the mooring spaces in the ~~small boat harbor~~ port facilities can be classified as either open mooring or reserved mooring. The use of either classification of mooring facilities is contingent upon payment of the appropriate fee as set forth in this chapter.

B. Areas designated as open mooring shall be open to all members of the public. Such areas shall be used primarily for temporary mooring. Open mooring spaces shall be utilized on a first- (1st-) come, first- (1st-) served basis. No boat owner shall have exclusive rights to open mooring space. Should any boat leave, it shall have no exclusive right to return to the same space.

C. Use of Reserved Mooring Facilities.

1. Every boat owner desiring to guarantee the availability of a mooring space, or to moor temporarily at any vacant reserved mooring space, shall apply to the port director. No such space shall be so reserved or assigned until the mooring fee has been paid.

2. Possession of a reservation for a reserved mooring space does not guarantee the holder any right to exclusive use of the reserved mooring for the duration of the reservation agreement. Possession of a reservation is a guarantee that the reserved mooring shall be available for the use of the holder of the reservation during those periods when the boat is within the ~~small boat harbor~~ port facilities. The port director may temporarily assign another boat to a reserved mooring as he determines it expedient when the boat assigned to a reserved mooring is away from the ~~small boat harbor~~ port facilities.

3. In the event that the holder of a reserved mooring returns to the ~~small boat harbor~~ port facility and finds his reserved mooring occupied, the holder shall contact the port director. The port director will cause the temporarily assigned boat to be moved to another location.

4. The boat owner who possesses a reserved mooring shall not sublease or in any other manner permit the use of the mooring by another boat owner without prior notification of the port director.

5. No property rights are created by this section. The holder shall only have a permit to use the mooring reserved to him as provided for in this chapter.

6. A waiting list will be maintained by the port director of names of persons requesting reserved moorings at times when no reserved moorings exist. As reserved moorings become available they will be offered to the first (1st) name on the waiting list whose LOA fits the criteria for the mooring available.

D. No boat shall be moored in any area designated by the port director as a loading area any longer than it is necessary for loading/unloading the boat. No unattended boats shall be left at any loading area.

E. No boat shall block or be moored in any area designated by the port director as a launching area any longer than necessary for launching/hauling out the boat.

F. Any person moving a boat they do not own shall report to the port director where the boat was moved from and where the boat has been moved to.

G. Any person having knowledge of a petroleum spill within the ~~small boat harbor~~ port facilities shall immediately report such spill to the port office; if the port office is closed, the spill shall be reported to the police department.

H. No person shall bring into, moor or berth within the ~~small boat harbor~~ port facilities any boat which is unseaworthy or is in such a badly deteriorated condition that it is liable to sink or damage ~~small boat harbor~~ port facilities or other boats or which may become a menace to navigation, except in cases of extreme emergency, in which case the boat owner shall be liable for any damage caused by such boat. In the event a boat sinks within the ~~small boat harbor~~ port facilities, the boat owner shall mark its location and provide for the raising and disposition of the boat and assume all liabilities for damage to city property and other boats in the ~~small boat harbor~~ port facilities.

I. No aircraft or float plane shall land, operate within, or take off from the ~~small boat harbor~~ port facilities or the entrance thereto.

J. Vehicles and boat trailers must be removed from the launching areas after the boat has been launched and parked only in areas designated and posted by the port director as parking areas. Vehicles and boat trailers parked in areas not designated and posted as parking areas may be removed and impounded.

K. Launching or hauling out of boats on skids is prohibited; trailers or other wheeled conveyances shall be used for launching or hauling out boats. Boats shall be launched at designated launching areas only.

L. Beach storage of supplies, merchandise, or other property of boat owners shall be limited to areas designated by the port director. Boat owners shall obtain a space assignment for storage of property from the port director and pay storage fees in advance.

M. Except as provided in BMC 14.10.045, no logs or firewood shall be unloaded and placed on the beach of the ~~small boat harbor~~ port facilities, and no log rafts shall be allowed within the ~~small boat harbor~~ port facilities or the entrance thereto.

N. No vessels will be allowed to be more than one (1) beam's width from the dock.

14.10.045 ~~Permit allowing~~ Logs ~~or a~~ and Log rafts on ~~in the small boat harbor~~ port facilities.

A. Any person may ~~submit a permit application on a form provided by the port director~~ request permission from the port director or designee to bring logs or a log raft into ~~the small boat harbor~~ port facilities for off-loading. The purpose for the logs must be for personal use and not commercial use, commercial operations use the cargo dock or beach #1. Personal use includes use of the logs for home heating, artistic purposes, steambaths, or constructing shelters, fish racks, or fences.

B. ~~The application~~ A request must be submitted to the port director at least ~~twenty-four (24) hours~~ eight (8) hours in advance. ~~before the requested effective date of the permit. No fee is required to obtain a permit~~.

1. The port director has the sole discretion to grant, deny, or cancel a ~~permit~~ request.

2. The decision of the port director to deny or cancel a ~~permit~~ request may only be reversed for abuse of discretion if appealed under subsection I of this section.

C. The ~~permit~~ request will ~~designate~~ state the ~~maximum~~ size and number of logs, method for removing logs from the water, the location for storing and off-loading the logs or log raft, ~~and the rules for transporting,~~ cutting, off-loading, and/or removing the logs in the ~~small boat harbor~~ port facilities.

D. A ~~permit~~ request is good for; allowing logs or a log raft in the ~~small boat harbor~~ port facilities ~~expires~~ for three (3) days ~~after it is issued~~. The logs or log raft, as well as all debris from the logs or log raft, must be removed ~~by the expiration of the permit. The permit will only be extended after the three- (3-) day period has expired for good cause, which means circumstances beyond the control of the permittee that has prevented the complete removal of the logs, log raft and/or debris~~ within three (3) days, from the ~~small boat harbor~~ port facilities.

Unless extended at the discretion of the port director or designee.

E. Any logs, log raft, and/or debris that remains after ~~expiration of the permit~~ the three (3) day request shall be declared abandoned and a public nuisance, and may be impounded, removed, sold, or otherwise disposed of in the following manner:

1. The port director shall send a registered or certified letter, with a return receipt, notifying the ~~permittee~~ person at the address listed on the ~~permit application~~ users request, that the logs, log raft, and/or debris has been impounded and may be removed, sold or otherwise disposed of within seven (7) days after the date of the letter, unless the ~~permittee~~ user:

a. Redeems the property by payment of all the charges listed in the letter, which shall include expenses for clearing and storing the logs, log raft, and/or debris; or

b. Timely submits a written appeal to the port commission under subsection I of this section.

2. If the property is not redeemed and no appeal is filed, the logs, log raft, and/or debris may be disposed of by public auction if valued by an independent appraiser at over one thousand dollars ($1,000), or if valued at one thousand dollars ($1,000) or less, may be disposed of as junk, donated to a governmental agency, local nonprofit agency, or destroyed.

F. The ~~permittee~~ user is liable for any expenses incurred by the city for the removal, storage, and/or disposal of the logs, log raft, and/or debris. Additionally, even if the logs, log raft, and/or debris are sold, the ~~permittee~~ user shall be liable for any remaining charges not covered by the sales proceeds. Interest and collection costs shall be included regarding any charges that are not paid within thirty (30) days of the billing by the port director under subsection E of this section. Penalties may also be imposed and the city may seek injunctive relief in accordance with BMC 14.02.086. Additionally, the ~~permittee~~ user shall be subject to loss of privileges for use of the ~~small boat harbor~~ port facilities until all charges, interest, collection costs, and any penalties are paid.

G. ~~Any person issued a permit under this section shall sign a written agreement to assume all risk of loss or damage to property and risk of injury to persons, as well as to defend, indemnify and hold the city harmless from any and all claims and damages to~~

~~his or her own property, or the property of another person or entity, or injury to persons, including costs and attorney fees, caused by or resulting from any act or omission involving the log raft or logs while entering into or while in the small boat harbor~~ port ~~facilities.~~

H. In accordance with BMC 14.02.070, any person ~~issued a permit~~ acting under this section shall be strictly liable to the city without regard to fault or negligence for any damage to the port facilities or any property owned by the city caused directly or indirectly by the log raft or logs while entering into or while in the ~~small boat harbor~~ port facilities.

I. Any appeal must be filed in writing with the port commission within seven (7) days after the port director denies or cancels a permit, or issues a letter that assesses charges, interest, collection costs, and/or penalties, or denies the ~~permittee~~ user use of the ~~small boat harbor~~ port facilities. Any appeal of a decision of the port commission issued under this subsection shall be in writing and filed with the city council within seven (7) days of the date of the written decision by the port commission.

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

ENACTED THIS 23 DAY OF FEBRUARY 2010, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk