



# City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

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**Regular City Council Meeting**

January 8, 2013

6:30 P.M.

Council Chambers; Bethel, Alaska





**City Council Meeting Agenda  
 Regularly Scheduled Meeting  
 January 8, 2013-6:30 pm  
 City Hall 300 State Highway, Bethel, AK  
 City of Bethel Council Chambers**

Joseph Klejka  
 Mayor  
 Term Expires 2014  
 543-2984  
[jklejka@cityofbethel.net](mailto:jklejka@cityofbethel.net)

Gene Peltola Jr.  
 Vice-Mayor  
 Term Expires 2013  
 543-3151  
[gpeltola@cityofbethel.net](mailto:gpeltola@cityofbethel.net)

Rick Robb  
 Council Member  
 Term Expires 2013  
 543-1879  
[rrobb@cityofbethel.net](mailto:rrobb@cityofbethel.net)

Mary Sattler  
 Council Member  
 Term Expires 2013  
 545-4954  
[msattler@cityofbethel.net](mailto:msattler@cityofbethel.net)

Mark Springer  
 Council Member  
 Term Expires 2013  
 545-1450  
[mspringer@cityofbethel.net](mailto:mspringer@cityofbethel.net)

Eric Whitney  
 Council Member  
 Term Expires 2014  
 545-1309  
[ewhitney@cityofbethel.net](mailto:ewhitney@cityofbethel.net)

Sharon Sigmon  
 Council Member  
 Term Expires 2014  
 543-3452  
[ssigmon@cityofbethel.net](mailto:ssigmon@cityofbethel.net)

Lee Foley  
 City Manager  
 543-2047  
[lfoley@cityofbethel.net](mailto:lfoley@cityofbethel.net)

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

Patty Burley  
 City Attorney  
 543-2047  
[pburley@cityofbethel.net](mailto:pburley@cityofbethel.net)

Paul Richards  
 Lobbyist  
[paul\\_richards@gci.net](mailto:paul_richards@gci.net)

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PEOPLE TO BE HEARD – Five minutes per person**
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. APPROVAL OF MEETING MINUTES**
  - a) **P3** \*11-27-2012 Special City Council Meeting Minutes
  - b) **P5**\*12-11-2012 Regular City Council Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEES**
  - a) Port Commission
  - b) Planning Commission
  - c) Finance Committee
  - d) Public Works Committee
  - e) Energy Committee
  - f) Parks And Recreation Committee
  - g) Public Safety And Transportation Commission
- VIII. SPECIAL ORDER OF BUSINESS**
  - a) Presentation From Todd O'Hara From University Of Alaska Fairbanks Veterinary Medicine (Mayor Klejka)
- IX. UNFINISHED BUSINESS**
  - a) **P31** Public Hearing Of Ordinance 12-06(b): Budget Modification For FY 2013 (City Manager Foley)
  - b) **P35** Public Hearing Of Ordinance 12-10: An Ordinance Amending Sections 4.20.030 M, 4.20.90 E, and 4.20.100 E Under Revenue And Finance, Purchasing Of The Bethel Municipal Code To Amend Local Preference (Finance Committee)
  - c) **P39** Motion To Amend Something Previously Adopted: Amendment To Ordinance 12-09: An Ordinance By the Bethel City Council Amending The Bethel Municipal Code to Enact Section 4.17 Excise Tax on Cigarettes and Tobacco Products (Council Member Whitney) [The Ordinance has already been adopted, the council will be voting on an amendment to that ordinance only]
- X. NEW BUSINESS**
  - a) **P57** \*Resolution 13-01: Supporting City Of Akiak's Efforts To Secure Technical Assistance And Funding To Address Severe River Erosion (City Manager Foley)
  - P61** \*Introduction Of Ordinance 13-01: An Ordinance Limiting The Amount Of Time Proposed Revisions To The Bethel Municipal Code May Remain In Committee/Commission For Consideration And/Or Review (City Manager Foley)

Agenda posted on January 2, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

(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 January 22, 2013**)





**City Council Meeting Agenda  
Regularly Scheduled Meeting  
January 8, 2013-6:30 pm  
City Hall 300 State Highway, Bethel, AK  
City of Bethel Council Chambers**

- b) **P63** \*Introduction Of Ordinance 13-02: Establishing Title 12 Complete Streets Ordinance (Public Safety And Transportation Commission)
- c) **P67** \*Introduction Of Ordinance 13-03: Amending Bethel Municipal Code 4.16.040 F, Sales And Use Tax Exemptions (City Manager Foley)

**XI. MAYOR'S REPORT**

**XII. MANAGER'S REPORT**

**XIII. CLERK'S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

**XV. EXECUTIVE SESSION**

- a) **P113** Executive Session: To Discuss The Annual Evaluation of the City Manager As Per Alaska Statutes 44.62.310: Personnel 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 Manager Foley)
- b) Executive Session: To Permit The City Attorney To Advise Counsel Regarding Potential Litigation, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The City. AS 44.62.310(c)(1) (City v. Nicolson's Auto) The Counsel May Direct The City Attorney To Take Specific Legal Action During Executive Session In Accordance With AS 44.62.310(b) (City Manager Foley)

**XVI. ADJOURNMENT**

Agenda posted on January 2, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

(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 January 22, 2013**)



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*Bethel City Council*

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# **Approval of the Minutes**

# Approval of the Minutes

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# City of Bethel City Council Meeting Minutes

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November 27, 2012

Special Meeting

Bethel, Alaska

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## I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on November 27, 2012 at 6:00 pm in the Council Chambers, Bethel, Alaska.

Mayor Klejka called the meeting to order at 6:00 pm.

## II. PLEDGE OF ALLEGIANCE

## III. ROLL CALL

### PRESENT:

Council Member Joseph Klejka  
Council Member Mary Sattler  
Council Member Rick Robb  
Council Member Eric Whitney.  
Council Member Mark Springer (Arrived at 6:02pm)  
Council Member Sharon Sigmon (Arrived at 6:05pm)

### ABSENT:

Council Member Gene Jr. Peltola

### STAFF:

Acting City Clerk KaJena Baty  
City Manager Lee Foley.

## IV. PEOPLE TO BE HEARD

No one present to be heard.

## V. APPROVAL OF THE AGENDA

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

**VI. NEW BUSINESS**

City Of Bethel Fiscal Year 2012 Financial Statements And Audit Presentation

**VII. ADJOURNMENT**

<b>Moved:</b>	Robb	Motion to adjourn
<b>Seconded:</b>	Springer	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

*Meeting adjourned at 6:27p*

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Joseph Klejka, Mayor

ATTEST:

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KaJena Baty, Acting City Clerk

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## City of Bethel City Council Meeting Minutes

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December 11, 2012

Regular Meeting

Bethel, Alaska

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### **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on December 11, 2012 at 6:30 pm, at the City Council Chambers, Bethel, Alaska.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL**

**PRESENT:** Council Member Gene Jr. Peltola  
Council Member Joseph Klejka  
Council Member Mary Sattler  
Council Member Mark Springer  
Council Member Rick Robb  
Council Member Eric Whitney

**EXCUSED ABSENT:** Council Member Sharon Sigmon

**STAFF:** City Clerk KaJena Baty  
City Manager Lee Foley

### **IV. PEOPLE TO BE HEARD**

David Trantham- Spoke on behalf of the Alaska Territorial Guard  
Rahnia Boyer- Spoke in support of Ordinance 12-09  
Donna Bach- Spoke in support of Ordinance 12-09  
Melinda Norwood- Spoke in support of Ordinance 12-09  
Wileina Rose- Spoke in support of Ordinance 12-09  
Agnes Phillips- Spoke in support of Ordinance 12-09  
Doug Boyer- Spoke in support of Ordinance 12-09  
Graham Knapp- Spoke in support of Ordinance 12-09  
Mary Weiss- Spoke in support of Ordinance 12-09  
Brian Knutson- Spoke in support of Ordinance 12-09  
Johnny Furlong- Spoke against Ordinance 12-09  
Bob Ellsworth- Spoke in support of Ordinance 12-09  
Zach Fansler- Spoke in support of the armory and Ordinance 12-09  
Grace Haas- Spoke in support of Ordinance 12-09

Katie Ellsworth- Spoke in support of Ordinance 12-09

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

<b>MOVED:</b>	Robb	Motion to approve the consent and regular agenda.
<b>SECONDED:</b>	Springer	
<b>MOVED:</b>	Springer	Motion to move the proclamation up to the next order of business after approval of the agenda.
<b>SECONDED:</b>	Robb	
<b>VOTE ON MOTION</b>	6-0 All in favor. None opposed	
<b>MOVED:</b>	Robb	Motion to remove Ord. 12-06(b) from the consent agenda.
<b>MOVED:</b>	Robb	Motion to remove 11-06-2012 Special Meeting Minutes from the consent agenda.
<b>MOVED:</b>	Sattler	Motion to remove AM 12-38 from the consent agenda.
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**VI. SPECIAL ORDER OF BUSINESS**

**Item A- Proclamation:** Peter Atchak: Our Appreciation For Years of Service in Search & Recue Activities in the Community and Area.

**VII. APPROVAL OF THE MEETING MINUTES**

<b>MOVED:</b>	Robb	Motion to approve the Special City Council Meeting Minutes of 11-06-2012.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item B – 11-27-2012 Regular City Council Meeting Minutes**  
*Passed on the consent agenda.*

### **VIII. REPORTS OF STANDING COMMITTEES**

Port Commission- Council Member Springer: Cost of maintaining the small boat harbor is going to have to get picked up somewhere. There may be a proposal to the council to increase the throughput fee at the port by a penny for maintenance of the small boat harbor and upcoming tariff amendments.

Planning Commission- Council Member Robb: December meeting has been cancelled due to the holidays and lack of an agenda. There is one opening on the commission and two alternates.

Finance Committee- Finance Director, Bobby Sutton: There was no quorum at the last meeting. There will be no meeting in the month of December. The next meeting will be the fourth Thursday in January.

Public Works Committee- Mayor Klejka: Was not at the last meeting, the minutes are in the packet. It was discussed that the road going across H-Marker lake is now safe.

Energy Committee- Council Member Whitney: Met last week, there are two openings available on the committee.

Parks & Recreation Committee- Council Member Sattler: Met on the 3<sup>rd</sup> of December. Discussed the various parks around Bethel and plans for improvements and Rhonda Sargent will develop a volunteer list for the Softball Parks in the summer. There was a consensus from the Committee that if the excise tax is approved there is a desire for the money appropriated from that tax to go to adults and youths' healthy activities.

Public Safety & Transportation Committee- No one present to be heard.

### **IX. UNFINISHED BUSINESS**

**Item A – Public Hearing: Ord. #12-09: An Ordinance By The Bethel City Council Amending The Bethel Municipal Code To Enact Section 4.17 Excise Tax On Cigarettes And Tobacco Products.**

People to be heard:

Bing Santamour- Spoke against Ordinance 12-09

Melinda Norwood- Spoke in support of Ordinance 12-09

Melanie Jayne- Spoke in support of Ordinance 12-09  
 Jennifer Huff- Spoke in support of Ordinance 12-09  
 Emily Nenon- Spoke in support of Ordinance 12-09  
 Tiffany Zulkowski- Spoke in support of Ordinance 12-09  
 Brian Knutsen- Heard at public hearing, for Ordinance 12-09  
 Johnny Furlong- Heard at public hearing, against Ordinance 12-09  
 Doug Boyer- Spoke in support of Ordinance 12-09.  
 Donna Bach- Spoke in support of Ordinance 12-09. Would like to use the revenue to support the armory.  
 Grace Haas- Spoke in support of Ordinance 12-09. Would like to use the revenue to educate why tobacco products are bad.  
 Laura Ellsworth- Spoke in support Ordinance 12-09  
 David Trantham- Spoke against Ordinance 12-09 in its current format

<b>MOVED:</b>	Robb	Motion to extend the public hearing time for Dave Trantham
<b>SECONDED:</b>	Springer	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

<b>MOVED:</b>	Springer	Motion for 10 minute break
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	3-3 Motion fails. Peltola, Klejka and Whitney opposed	

<b>MOVED:</b>	Whitney	Motion to amend the effective date of Ordinance 12-09 to 60 days from time of passing
<b>SECONDED:</b>	Sattler	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

<b>MOVED:</b>	Whitney	Motion to suspend the rules to hear from a member of the gallery, Emily Nenon.
<b>SECONDED:</b>	Springer	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

<b>MOVED:</b>	Springer	Motion to suspend the rules to hear from Bobby Sutton, Finance Director
<b>SECONDED:</b>	Robb	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

<b>MOVED:</b>	Whitney	Motion to amend Ordinance 12-09 be amended regarding definition of distribution to remove the final words "or distributes them to others for resale in the city." And replace the words with "these tobacco products."
<b>SECONDED:</b>	Peltola	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**ROLL CALL VOTE FOR PASSAGE OF ORDINANCE 12-09**

<b>VOTE ON MAIN MOTION</b>	4-2 Motion passes, Springer and Robb opposed
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<b>MOVED:</b>	Whitney	10 minute break
<b>SECONDED:</b>	Springer	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor.	

**Item B – Public Hearing:** Ord. #12-10: an Ordinance Amending Sections 4.20.030m, 4.20.90e, 4.20.100e of the Bethel Municipal Code to Amend Local Preference

People to be heard

Ana Hoffman- In favor of the existing Local Preference Provision

<b>MOVED:</b>	Springer	Motion to adopt Ordinance 12-10 contained on pg. 47-49 of the council packet.
<b>SECONDED:</b>	Whitney	

<b>MOVED:</b>	Springer	Motion to adopt the changes made by the City Attorney to Ordinance 12-10 contained on pg. 50-52 of the council packet.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	3-3 Motion fails Jr. Peltola, Sattler and Robb opposed	

<b>MOVED:</b>	Springer	Motion to postpone until the next regular meeting.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	5-1 Motion passes, Robb opposed	

**Item C – Public Hearing: Ord. #12-11:** Land Disposal Ordinance Authorizing the City Manager to Enter Into a Lease Agreement for Part of Tower Road Property

People to be heard

*No one wished to be heard*

<b>MOVED:</b>	Springer	Motion to adopt Ordinance 12-11
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item D – Funding of City Armory MOU**

**X. NEW BUSINESS**

**Item A - Introduction Of Ord. 12-06(b):** Budget Modification for FY2013

<b>MOVED:</b>	Robb	Motion to introduce Ordinance 12-06 Budget Modification
<b>SECONDED:</b>	Springer	
<b>VOTE ON MAIN MOTION</b>	6-0 All in favor. None opposed	

**Item B – AM 12-37:** Establishing Council Meeting Dates for Calendar Year 2013.

*Passed on consent agenda*

**Item C – Request for Clarification of BMC 04.16.040F**

*Council Member Sattler and Vice Mayor Peltola disconnected at 10:20 pm*

**Item D - AM 12-38:** Appointment of Johnny Furlong to the Public Safety & Transportation Committee.

<b>MOVED:</b>	Springer	Motion to adopt AM 12-38: Appointment of Johnny Furlong to the Public Safety & Transportation Committee.
<b>SECONDED:</b>	Whitney	
<b>MOVED:</b>	Springer	Move to postpone AM 12-38
Motion does not carry due to a lack of a second.		

<b>VOTE ON MAIN MOTION</b>	3-1 Motion fails, Klejka opposed
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**XI. MAYOR'S REPORT**

**XI. MANAGER'S REPORT**

**XII. CITY CLERK'S REPORT**

**XIII. ADDITIONAL INFORMATION**

**XIV. COUNCIL MEMBER COMMENTS**

Council Member Peltola- Disconnected at 10:20 pm

Council Member Robb- Would like to commend Peter Atchak. Thanks everyone that came out. Merry Christmas and a Happy New Year.

Council Member Sattler- Disconnected at 10:20 pm

Council Member Sigmon- Not present to be heard.

Council Member Springer- Condolences to the Swope and Kashatok families for the tragic and needless deaths of their family members. Minimum shelter is available to the homeless around Bethel. It's a shame people are freezing to death in our community and no one is speaking out about it.

Council Member Whitney- Be careful on the icy road. Chamber of Commerce Meeting last week. Thank you to those who came to comment on the tobacco issue.

Mayor Klejka- Be very careful on the roads. Attended the City Christmas Party. City manager Foley got his 5 year award. Merry Christmas and a Happy New year.

**XV. ADJOURNMENT**

<b>MOVED:</b>	Springer	Motion to adjourn.
<b>SECONDED:</b>	Whitney	
<b>VOTE ON MAIN MOTION</b>	4-0 All in favor. None opposed	

*Council adjourned at 10:39pm.*



**Reports of  
Standing  
Committees**

Reports of  
Standing  
Committees



## Public Works Committee Agenda

Wednesday December 19, 2012 – 6:30PM  
City Shop Conference Room

### MEMBERS

Frank Neitz  
Chair  
Term Expires  
12/2013

Jennifer Dobson  
Vice-Chair  
Term Expires  
12/2014

Joseph A Klejka  
Council Rep.  
Term Expires  
11/2012

Bill Schreiner  
Committee Member  
Term Expires  
12/2013

Jeff Sanders  
Committee Member  
Term Expires  
12/2013

Scott Guinn  
Committee Member  
Term Expires  
12/2014

VACANT  
Committee Member  
Term Expires  
.

Chuck Willert  
Ex-Officio Member

Cheryl Roberts  
Secretary/Recorder

### AGENDA

- I. CALL TO ORDER
  - II. ROLL CALL
  - III. PEOPLE TO BE HEARD – (15 Minute Limit)
  - IV. APPROVAL OF MINUTES
    - A. Minutes from the previous regular meetings - October 17, 2012.
  - V. APPROVAL OF AGENDA
  - VI. DIRECTOR'S REPORT
  - VII. UNFINISHED BUSINESS
    - A. Update - Closeout of 2 Outstanding Grants/ ABC Loop - Update
    - B. Update - Sewer Lagoon
    - C. Update - 5 Year Plan/ RFP - Water & Sewer Master Plan - Update
    - D. Update - Recycle Center
    - E. Institutional Corridor - Feasibility Study
    - F. RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities
    - G. Complete Streets Ordinance
    - H. City Shop Floor - Chuck Willert
    - I. New BNC/Swansons Complex Road Access
    - J. Wind Generation 100kw per Public Building
  - VIII. NEW BUSINESS
    - A. Discussion of Sewage Lagoon Rehabilitation
    - B. Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project
- MEMBER COMMENTS
- IX. ADJOURNMENT



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# City of Bethel, Alaska

## Public Works Committee Minutes

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December 19, 2012

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

A regular meeting of the Public Works Committee Meeting was held on December 19, 2012 at 6:40p.m. in the City Shop Conference Room, Bethel, Alaska was called to order by Committee Member Chair Frank Neitz.

### ROLL CALL

Present: Frank Neitz, Jennifer Dobson, Joseph Klejka, Scott Guinn

Excused absence(s): Bill Schreiner

Unexcused absence(s): Jeff Sanders

Also in attendance were the following:

Chuck Willert, Public Works Director

Cheryl Roberts, Public Works Admin, Recorder of Minutes

### PEOPLE TO BE HEARD

None.

### APPROVAL OF MINUTES

<b>Moved By:</b>	J. Klejka	To approve the minutes of the special meeting of November 28, 2012.
<b>Seconded By:</b>	J. Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### APPROVAL OF AGENDA

<b>Moved By:</b>	J. Klejka	Motioned carried to approve the agenda.
<b>Seconded By:</b>	J. Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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### DIRECTOR'S REPORT

We didn't have enough money to fly all of the New Trucks here. So the ones that are not here are going back to Kendall Ford and they will store them there until the first Barge is ready to come out. Chuck was glad to hear that at the last City Council Meeting that Mayor Joe Klejka, had mentioned how frivolous it was to be sanding the roads when it's raining.

### UNFINISHED BUSINESS

#### Item A - Update - Closeout of 2 Outstanding Grants/ ABC Loop - Update

They're still working on the ABC Loop. The funding for the Sewer Lagoon isn't looking good, but the Construction Grant is closed out.

#### Item B - Update - Sewer Lagoon

The Capitol Project possibly won't go through and may end up looking for funding elsewhere.

**City of Bethel, Alaska  
Public Works Committee Minutes**

December 19, 2012      Regular Meeting      Bethel, Alaska

**CALL TO ORDER**

A regular meeting of the Public Works Committee Meeting was held on December 19, 2012 at 6:00pm in the City Council Conference Room, Bethel, Alaska was called to order by Committee Member Chair Frank Neff.

**ROLL CALL**

Present: Frank Neff, Committee Chairman, Joseph Kjelvik, Scott Gustin, Eric Ross, and Joseph W. Johnson. Absent: (Listed absent member(s))

After roll call, the meeting went into the following order of business: Public Works Committee Chair Joseph W. Johnson presented the following items for the committee's review:

**PEOPLE TO BE HEARD**

**APPROVAL OF MINUTES**

MOVED BY: Joseph W. Johnson  
 SECONDED BY: Joseph W. Johnson  
 APPROVED BY: A majority of the committee.

**VOTE ON MOTION**

Motion carried by unanimous vote.

**APPROVAL OF AGENDA**

MOVED BY: Joseph W. Johnson  
 SECONDED BY: Joseph W. Johnson  
 APPROVED BY: A majority of the committee.

**VOTE ON MOTION**

Motion carried by unanimous vote.

**COMMITTEE REPORT**

The committee reported that they had no items to report to the council. The committee also reported that they had no items to report to the council. The committee also reported that they had no items to report to the council.

**UNFINISHED BUSINESS**

There was no unfinished business. The committee also reported that they had no items to report to the council. The committee also reported that they had no items to report to the council.

**Item 8 - Update - Sewer System**

The committee reported that they had no items to report to the council. The committee also reported that they had no items to report to the council.

**Item C - Update - 5 Year Plan/ RFP - Water & Sewer Master Plan - Update**

Should be done in February 2013, when the deadline was set for.

**Item D - Update - Recycle Center**

The Budget process for this is taking place in January 2013, and going to propose that the City operate it. They are thinking of possibly having it open on Saturday for everyone to have access to it. The committee had a discussion of doing a Recommendation to Council.

**Item E - Institutional Corridor - Feasibility Study**

Chuck mentioned that if we can get YK on, it might help us better to get it.

**Item F - RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities**

The deadline was extended to January/February of 2013.

**Item G - Complete Streets Ordinance**

There were some misunderstandings on the Ordinance, there were some changes made, our committee approved it again. It then went back to the Public Safety & Transportation Commission, they approved that revision, and now it's ready to be re-submitted to City Council with a few changes and some clarification.

**Item H - City Shop Floor - Chuck Willert**

We are bringing an Engineer out in early January 2013 and then put it out to bid.

**Item I - New BNC/Swansons Complex Road Access**

<b>MOVED BY:</b>	J. Klejka	To make a recommendation to the Planning Committee to require BNC, in a timely manner, to consult a Traffic Engineer to do an analysis and make recommendations on how traffic congestion can be alleviated in the future for when the New BNC/Swanson Complex goes into place/open.
<b>SECONDED BY:</b>	J. Dobson	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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The committee had a discussion on having BNC/Swansons getting a Traffic Engineer due to the congestion of traffic now and for the future.

**Item J - Wind Generation 100kw per Public Building**

Chuck would like to get a 100kw on the Public Works Bldg and on both Water Plants. We have the money, but we don't have a contract with BUC yet. Whose attention is this on? The committee is worried about the grant funding going away. 85% of what it produces has to be put back into the grid.

**NEW BUSINESS**

**Item A - Discussion of Sewage Lagoon Rehabilitation**

The committee already talked about this at the last meeting.

**Item B - Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project**

The committee had a discussion and they think that it may not go through.

Item A - Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project  
The committee had a discussion and they have that they are not on the agenda

Item A - Rehabilitation of Sewage Lagoon Rehabilitation  
The committee also discussed the Rehabilitation

NEW BUSINESS

Item B - With a goal to get a 100% funding for the building  
The committee discussed the funding for the building and the water treatment plant

The committee had a discussion regarding the traffic signal and the traffic  
signal at the intersection of the highway and the highway

VOLE ON MOTION

Item C - The committee discussed the traffic signal  
The committee discussed the traffic signal at the intersection of the highway and the highway  
The committee discussed the traffic signal at the intersection of the highway and the highway

MOVED BY  
SECOND BY

Item D - City Stop Sign - Central Expressway  
The committee discussed the traffic signal at the intersection of the highway and the highway

Item E - Complete Street Guidelines  
There were some discussions regarding the guidelines for the complete street guidelines  
The committee discussed the traffic signal at the intersection of the highway and the highway

Item F - RFP - Cost Analysis of the City of Dallas Water & Sewer Utilities  
The committee discussed the traffic signal at the intersection of the highway and the highway

Item G - Institutional Growth - Feasibility Study  
The committee discussed the traffic signal at the intersection of the highway and the highway

Item H - Updates - RFP - Water & Sewer Master Plan - Updates  
The committee discussed the traffic signal at the intersection of the highway and the highway

Item I - Update - 5 Year Plan / RFP - Water & Sewer Master Plan - Updates  
The committee discussed the traffic signal at the intersection of the highway and the highway

**MEMBER COMMENTS**

Frank Neitz - No comments. Do we need to make a Recommendation for the Lagoon or the Wind Mills, or do I need to talk to John Sargent.

Joe Klejka - Wants Lee Foley to give us Updates & Deadlines on our Agenda Items; wind mills, recycle center, sewage lagoon. I was also wondering about the Wind Mills for the pool. The school decided that they would fund the Armory themselves so they can use it.

Jennifer - No additional comments.

Scott - Nothing new. Myself and Jennifer will to get together and discuss the Ballpark. The concession stand needs to be moved to another spot so it's safe for everyone. Merry Christmas.

**ADJOURNMENT**

<b>MOVED BY:</b>	J. Klejka	Motion to adjourn the meeting.
<b>SECONDED BY:</b>	S. Guinn	

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

With no further business before the Committee, the meeting adjourned at 7:42 p.m.

APPROVED THIS \_\_\_\_\_ DAY OF JANUARY, 2012.

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

\_\_\_\_\_  
Cheryl Roberts  
Recorder of Minutes

MEMBER COMMENT

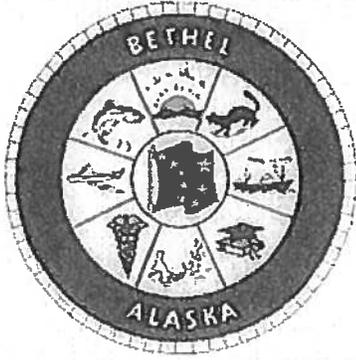
Back here - comments - we need to make a recommendation for the Lagoon at the Wind Mills. or do I need to talk to our parent.

Joe Kiska - Wants authority to give us feedback & feedback on our Agents Items; will mail, recycle center, sewage lagoon. I was also wondering about the Wind Mills for the pool. The school decided that they would have the Annual themselves so that can give it.

Transfer - for additional comments.

Just - looking for physical and mental well to get started and check the Bank. The location should be a good location for the school. The school should have a good location.

AGREEMENT

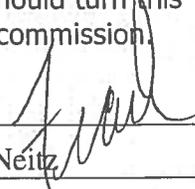


# City of Bethel

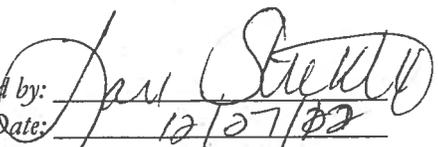
## Committees and Commissions

### Recommendation to City Council

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

<b>Committee/Commission:</b> Public Works	<b>Chairman:</b> Frank Neitz 
<b>Date Submitted:</b> 12/28/2012	<b>Council Rep:</b> Joseph Klejka
<b>Issue:</b>	
To alleviate traffic congestion at the New BNC/Swansons, Yukon Kuskokwim Health Corporation at the said intersection and to protect the pedestrians at the crosswalk.	
<b>Recommendation:</b>	
To make a recommendation to the Planning Committee to require BNC, in a timely manner, to consult a Traffic Engineer to do an analysis and make recommendations on how traffic congestion can be alleviated in the future for when the New BNC/Swanson Complex goes into place/open.	

**Other:**

Received by:   
 Date: 12/27/12

# City of Bethel Committees and Commissions



## Department of the City Council

The City Council is the governing body of the City of Bethel. It is responsible for the overall management of the City and for the adoption of the City Charter, the City Code, and the City Budget. The City Council also has the authority to appoint and remove the Mayor and the members of the various committees and commissions.

City Council Meeting



# City of Bethel

## Port Commission Meeting Agenda

Regularly Scheduled Meeting

December 17 - 7 pm

City Council Chambers, City Hall, Bethel, AK

### **Commissioners**

Alan Murphy  
Chair

Term Expires 2011  
(907)543-2805

Greg Roczicka  
Vice-Chair

Term Expires 2013  
(907)543-2903  
[groczicka@hotmail.com](mailto:groczicka@hotmail.com)

Mark Springer  
Council Rep.

Term Expires 2013  
(907)543-1297  
[mspringer@cityofbethel.net](mailto:mspringer@cityofbethel.net)

Richard Pope  
Port Commissioner  
Term Expires 2013

(907)543-1900  
[bethelalaskapc@gci.net](mailto:bethelalaskapc@gci.net)

John Dickens  
Port Commissioner

Term Expires  
(907)543-0684

Pat Jennings  
Port Commissioner

Term Expires  
(907)543-3838

### **Ex-Officio**

Peter A. Williams,  
Port Director

(907)545-4150  
[pwilliams@cityofbethel.net](mailto:pwilliams@cityofbethel.net)

i. **CALL TO ORDER**

ii. **ROLL CALL**

iii. **PEOPLE TO BE HEARD**

iv. **APPROVAL OF AGENDA**

v. **APPROVAL OF MINUTES FROM THE REGULAR MEETINGS**

vi. **DEPARTMENT HEAD COMMENTS**

vii. **UNFINISHED BUSINESS**

viii. **NEW BUSINESS**  
-SBH Terminal Tariff public hearing

ix. **COMMISSION MEMBER'S COMMENTS**

x. **ADJOURNMENT**

**City Council of Chicago**  
**Regularly Scheduled Meeting**  
**Monday, January 14, 2008**  
**7:00 PM**  
**City Council Chamber, City Hall, Chicago, IL**



Item	Description	Amount
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*Bethel City Council*

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# **Special Order of Business**

Special Order  
of Business

# **Unfinished Business**

Unfinished  
Business

Action:  
 Vote:

**CITY OF BETHEL, ALASKA**  
**ORDINANCE #12-06(b) PROPOSED**

**An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2013 Budget**

**Be it Enacted by the Bethel City Council** that the FY 2013 Annual Budget be amended as follows:

**Section 1.** That the following sums of money as may be needed or deemed necessary to provide for increased expenses and liabilities of the City of Bethel are hereby appropriated for the corporate purposes and objects of the City hereinafter specified for Fiscal Year 2013, July 1, 2012 to June 30, 2013.

**Section 2.** The following is a summary of the changes by fund and department:

**GENERAL FUND (10)**

**Budget Modification 13-2(A)**

Changes to General Fund Revenues

<b>Increases</b>		
1040405	Fish Tax	2,436
1042414	Community Dividend	168,960
1042418	PILT Program	7,351
1043422	Ambulance Revenue	8,644
1049495	Miscellaneous Revenue	34,475
	<b>Total Increases</b>	<b>221,866</b>
<b>Decreases</b>		
	<b>Total Decreases</b>	<b>0</b>
<b>TOTAL</b>	<b>Net Change to General Fund Revenues</b>	<b>221,866</b>

**Budget Modification 13-2(B)**

Changes to Administration Department line items

<b>Increases</b>		
1051642	Legal Fees	25,000
	<b>Total Increases</b>	<b>25,000</b>
<b>Decreases</b>		
	<b>Total Decreases</b>	<b>0</b>
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>	<b>25,000</b>

**Budget Modification 13-2(C)**

Changes to City Attorney's Office Budget

<b>Increases</b>		
1056501	Salaries	55,000
1056508	Leave Cashout	4,950
1056511	FICA Medicare	798
1056515	Unemployment	440
1056516	Workers Comp	475
1056518	PERS	12,100
1056519	Utility Benefit	2,452
1056545	Training and Travel	6,250
1056561	Supplies	1,000
1056622	Telephone	500
1056683	Minor Equipment	500
1056724	Dues and Subscriptions	1,250
	<b>Total Increases</b>	<b>85,715</b>
<b>Decreases</b>		
1056520	Relocation Expense	(7,216)

1056602	Gasoline	(1,200)
1056721	Insurance	(750)
	Total Decreases	(9,166)
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>	<b>76,549</b>

**Budget Modification 13-2(D)**

Changes to Community Services Line Items

	<b>Increases</b>	
1072754	Armory After-Hours Recreational Expense	40,000
	Total Increases	40,000
	<b>Decreases</b>	
	Total Decreases	0
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>	<b>40,000</b>

**Budget Modification 13-2(E)**

Changes to In-Kind and Transfers Line Items

	<b>Increases</b>	
1073660	Transfer to Water & Sewer Capital Project Fund	80,317
	Total Increases	80,317
	<b>Decreases</b>	
	Total Decreases	0
<b>TOTAL</b>	<b>Net Change to General Fund Appropriations</b>	<b>80,317</b>

	<b>TOTAL CHANGE TO GENERAL FUND REVENUES</b>	
	Total Increases	221,866
	Total Decreases	0
	<b>Cumulative Change to General Fund Revenues</b>	<b>221,866</b>

	<b>TOTAL CHANGE TO GENERAL FUND APPROPRIATIONS</b>	
	Total Increases	231,032
	Total Decreases	(9,166)
	<b>Cumulative Change to General Fund Revenues</b>	<b>221,866</b>

	<b>TOTAL CHANGE TO GF FUND BALANCE</b>	
	Change to General Fund Revenues	221,866
	Change to General Fund Appropriations	221,866
	<b>Cumulative Increase/Decrease to GF Fund Balance</b>	<b>0</b>

**YUKON KUSKOKWIM REGIONAL AQUATIC HEALTH AND SAFETY CENTER CAPITAL PROJECT FUND (40)**

**Budget Modification 13-2(F)**

Changes to YK Regional Aquatic Health & Safety Center Revenues

	<b>Increases</b>	
4042411	State of Alaska Designated Legislative Grant	23,075,000
	Total Increases	23,075,000
	<b>Decreases</b>	
	Total Decreases	0
<b>TOTAL</b>	<b>Net Change to YK Regional Aquatic Health &amp; Safety Center Revenues</b>	<b>23,075,000</b>

**Budget Modification 13-2(G)**

Changes to YK Regional Aquatic Health & Safety Center Appropriations

	<b>Increases</b>	
4051562	Materials	927,810
4051643	Engineering Fees	52,500
4051646	Contractor Fees	20,000,000

4051646	Project Manager Fees	791,600
4051669	Other Professional Services	1,253,090
5355621	Electricity	50,000
	Total Increases	<b>23,075,000</b>
	Decreases	
	Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to YK Regional Aquatic Health &amp; Safety Center Appropriations</b>	<b>23,075,000</b>

	<b>TOTAL CHANGE TO YK REG AQUATIC HEALTH &amp; SAFETY CTR REVENUES</b>	
	Total Increases	23,075,000
	Total Decreases	0
	<b>Cumulative Change to YK Reg Aquatic Health &amp; Safety Ctr Revenues</b>	<b>23,075,000</b>
	<b>TOTAL CHANGE TO YK REG AQUATIC HEALTH &amp; SAFETY CTR APPROPRIATIONS</b>	
	Total Increases	23,075,000
	Total Decreases	0
	<b>Cumulative Change to YK Reg Aquatic Health &amp; Safety Ctr Appropriations</b>	<b>23,075,000</b>

	<b>TOTAL CHANGE TO YK REG AQUATIC HEALTH &amp; SAFETY CENTER FUND</b>	
	Change to YK Regional Aquatic Health & Safety Center Revenues	23,075,000
	Change to YK Regional Aquatic Health & Safety Center Appropriations	23,075,000
	<b>Cumulative Increase/Decrease to YK Reg Aquatic Hlth &amp; Safety Ctr Fund</b>	<b>0</b>

**WATER & SEWER CAPITAL PROJECT FUND (43)**

**Budget Modification 13-2(H)**

Changes to Water & Sewer Capital Project Fund Revenue Line Items

	<b>Increases</b>	
4346490	Transfer in from General Fund	80,317
	Total Increases	<b>80,317</b>
	Decreases	
	Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to W/S Capital Project Fund Revenues</b>	<b>80,317</b>

**Budget Modification 13-2(I)**

Changes to Water & Sewer Capital Project Fund Appropriations

	<b>Increases</b>	
4353669	Other Purchased Services (Master Plan Update and Cost Analysis)	80,317
	Total Increases	<b>80,317</b>
	Decreases	
	Total Decreases	<b>0</b>
<b>TOTAL</b>	<b>Net Change to W/S Capital Project Fund Appropriations</b>	<b>80,317</b>

	<b>TOTAL CHANGE TO WATER AND SEWER CAPITAL PROJECT FUND BALANCE</b>	
	Change to Water and Sewer Capital Project Fund Revenues	80,317
	Change to Water and Sewer Capital Project Fund Appropriations	80,317
	<b>Cumulative Increase/Decrease to W/S Capital Project Fund Balance</b>	<b>0</b>

**TOTAL CHANGE TO OVERALL CITY BUDGET**

	Change to Revenues Increase/(Decrease)	<b>23,377,183</b>
	Change to Appropriations Increase/(Decrease)	<b>23,377,183</b>
	<b>These changes INCREASE ↑ the overall expenditures/expenses of the City by</b>	<b>0</b>

**Section 3.** Effective Date. This ordinance becomes effective immediately upon adoption.

**PASSED AND APPROVED THIS \_\_\_ DAY OF JANUARY 2013 BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

200,000	200,000
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STATEMENTS OF FINANCIAL POSITION

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Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Public Hearing: January 8, 2013  
Action:  
Vote:

Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Public Hearing: January 8, 2013  
Action:  
Vote:

## CITY OF BETHEL, ALASKA

### Ordinance #12-10

#### AN ORDINANCE AMENDING SECTIONS 4.20.030M, 4.20.090E, 4.20.100E OF THE BETHEL MUNICIPAL CODE, TO AMEND LOCAL PREFERENCE

**WHEREAS**, a local bidders preference has been a long standing provision within the Bethel Municipal Code,

**WHEREAS**, it is imperative to provide to local businesses a bidding preference based on its operation within Bethel, while remaining fair toward businesses that are not primarily based within the City of Bethel but wish to bid on City projects,

**WHEREAS**, the City of Bethel must balance the need for a local preference with that of rising project costs with limited funds available,

**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. Amending BMC 4.20.030M.** The Bethel Municipal Code section 4.20.030M, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.030 Definitions (M). Local Business "Local business" means:

1. A business with fixed offices or distribution points located within the boundaries of the city of Bethel for a period of at least six (6) months immediately preceding the date of the bid who intends to permanently maintain such place of business;
2. Who has a current City of Bethel and State of Alaska business license to provide such goods or services; and submits a bid for goods and services under the name of the business appearing on the current city and state of Alaska business license;
3. Who is at the time of bidding or proposing in compliance with all requirements of the city sales tax ordinance; and is not delinquent in the payments of any taxes, charges or assessments owing to the City of Bethel.

Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Public Hearing: January 8, 2013  
Action:  
Vote:

Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Public Hearing: January 8, 2013  
Action:  
Vote:

4. The City Manager, Request for Proposals or Bid Solicitation may require such documentation or verification by the bidder claiming to be a local business as deemed necessary to establish the requirements of this section.

5. A Bethel post office box number or residential address may not be used solely to establish status as a local business.

6. It is not sufficient that a subsidiary or parent company has local offices and is based locally in Bethel. To be considered local, the business seeking local preference must have a physical presence in the City separate and distinct from that of the parent or subsidiary company.

**SECTION 3. Amending BMC 4.20.090E.** The Bethel Municipal Code section 4.20.090E, is amended as follows (new language is underlined and ~~old language is stricken out~~):

**4.20.090E Competitive sealed bidding.** Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as otherwise authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for awards shall be objectively measurable, such as discounts, transportation costs, and total life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. Whenever applicable and not disallowed by the funding source, the bid solicitation shall include a statement that any local business submitting a bid shall be awarded a local bidder preference of:

5% for the first \$1 to \$500,000 of the price submitted;

2.5% for bid prices within \$501,000 to \$1,000,000 of the price submitted;

No additional adjustments will be made above \$1,000,000 in bid prices submitted

~~receive a five (5) percent preference in determining the lowest responsible and responsive bidder. No criteria may be used in bid evaluation that is not set forth in the invitation for bids.~~

**SECTION 4. Amending BMC 4.20.100E.** The Bethel Municipal Code section 4.20.100E, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.100 Competitive sealed proposals. E. Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors. The evaluation factors shall include a statement that, whenever granting sources allow, any local business submitting a proposal shall receive a ~~five (5) percent preference in evaluating the proposed price~~ local bidder preference to be applied as follows:

Introduced by: Finance Committee  
Date: November 27, 2012  
Public Hearing: December 11, 2012  
Public Hearing: January 8, 2013  
Action:  
Vote:

5% for the first \$1 to \$500,000 of the price submitted;  
2.5% for the next \$501,000 to \$1,000,000 of the price submitted;  
No additional adjustments will be made above \$1,000,000 in bid prices submitted.

SECTION 5. Effective Date. This section shall become effective immediately upon the passage by the City Council.

ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2013, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.

\_\_\_\_\_  
Joseph A. Klejka , Mayor

ATTEST:

\_\_\_\_\_  
Kajena Baty, Acting City Clerk

Introduced by: Finance Committee  
Date: November 17, 2013  
Public Hearing: December 11, 2013  
Public Hearing: January 8, 2014  
Action:  
Vote:

For the first \$1,000,000 of the price adjustment  
The additional adjustments will be made based on \$1,000,000 in bid price adjustment.  
Section 1, Effective Date: This section shall become effective immediately upon the  
approval by the City Council.

APPROVED AND ORDERED BY THE CITY COUNCIL  
ON THIS 17th DAY OF NOVEMBER, 2013.

Mayor & Council Members

City of Bethel, Alaska

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

# CITY OF BETHEL, ALASKA

## Ordinance #12-09

### AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE TO ENACT SECTION 4.17 EXCISE TAX ON CIGARETTES AND TOBACCO PRODUCTS

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

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

**SECTION 2. Enactment.** Sections 4.17 of the Bethel Municipal Code Excise Tax on Cigarettes and Tobacco Products, is enacted as follows.

#### Chapter 4.17 Excise Tax on Cigarettes and Tobacco Products

- 4.17.010 Definitions
- 4.17.020 Tax on Cigarettes
- 4.17.030 Tax on Other Tobacco Products
- 4.17.040 Intent and Purpose of Chapter
- 4.17.050 Exemptions
- 4.17.060 Exemption Cards
- 4.17.070 License Required for Dealers in Sellers of Cigarette or Tobacco Products - Issuance
- 4.17.080 License Fee
- 4.17.090 Expiration and Renewal of Licenses
- 4.17.100 Transfer of License
- 4.17.110 Refund of Tax or License Fee
- 4.17.120 Display of License; Surrender of License; Suspension or Revocation of License
- 4.17.130 Tax Returns
- 4.17.140 Involuntary Returns
- 4.17.150 Amended Tax Returns
- 4.17.160 Application of Payments

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

- 4.17.170 Prohibited Acts and Penalties
- 4.17.180 Civil Fraud
- 4.17.190 Tax Lien
- 4.17.200 Interest on Unpaid Tax
- 4.17.210 Taxpayer, licensee, cardholder, or other person remedies
- 4.17.220 Reports by Manufacturers Distributors
- 4.17.230 Inspection and Maintenance of Documents and Records
- 4.17.240 Administrative Regulations
- 4.17.250 Confidential and Non-Confidential Tax Information

4.17.010 – Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "Cardholder or Exemption Cardholder" means a person in whose name a valid and current exemption card has been issued by the Finance Director.
- B. "Cigarette" means a roll for smoking of any size or shape, made wholly or partly of tobacco, whether the tobacco is flavored, adulterated, or mixed with another ingredient, if the wrapper or cover of the roll is made of paper or a material other than tobacco.
- C. "Department" means the finance department of the City.
- D. "Distributor" means: (a) a person who brings cigarettes or other tobacco products or causes them to be brought into the city, and who sells or distributes them to others for resale in the city these tobacco products or (b) a person who supplies cigarettes to retailers for sale.
- E. "Exemption Card" means a city cigarette and tobacco products card issued under this chapter.
- F. "Finance Director" means the finance director of the City of Bethel or their designee.
- G. "Other tobacco products" means:
  - o A cigar;
  - o A cheroot;
  - o A stogie;
  - o A perique;
  - o Ikmik
  - o Snuff and snuff flour
  - o Smoking tobacco, including granulated, plug cut, crimp-cut, and ready-rubbed tobacco, and any form of tobacco suitable for smoking in a pipe or cigarette;

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Vote: 4-2  
Amendment: January 8, 2013  
Proposed

- o Chewing tobacco, including Cavendish, twist, plug, or scrap tobacco, and tobacco suitable for chewing; or
  - o An article or product made of tobacco or a tobacco substitute, but not including a cigarette as defined in this section or a tobacco substitute prescribed by a licensed physician.
- H. "Person" includes an individual, company, partnership, joint venture, joint agreement, association (mutual or otherwise), corporation, syndicate, or political subdivision of this State, or combination acting as a unit including individuals who are employees or officers of any of the such entities who are under a duty to perform an act concerning which a violation of this chapter could occur. It is the intent of this chapter that such persons be personally liable for unremitted taxes.
- I. "Place of business" means a place where cigarettes or other tobacco products are sold, or where they are brought or kept for the purpose of sale or consumption, including a vessel, vehicle, airplane or train.
- J. "Retailer" means a person who brings cigarettes or other tobacco products or causes them to be brought into the City and who is engaged in the business of selling cigarettes or other tobacco products at retail.
- K. "Sale" includes a sale, barter, exchange, and every other manner of transferring the ownership of personal property.
- L. "Tax" means the cigarette and other tobacco products excise tax assessed pursuant to this chapter.
- M. "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a distributor or other person, after deduction of a discount or other reduction received by the distributor for quantity or cash.

4.17.020 – Tax on Cigarettes

- A. The City hereby levies an excise tax of 100 mills, adjusted annually as provided in subsection B of this section, on each cigarette brought into the City for sale. Cigarettes upon which the tax is imposed are not again subject to the tax when acquired by another person.
- B. The annual Consumer Price Index adjustment shall be based on the August release date of the semiannual report for the Municipality of Anchorage from the United States Department of Labor statistics and determined to be the percent change to the current year from the average of the first and second half of the prior year, and will be effective January 1 of each year following the August release date. The first such adjustment date shall be January 1, 2014.

4.17.030 – Tax on Other Tobacco Products

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
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Amendment: January 8, 2013  
Proposed

An excise tax of forty-five (45%) percent of the wholesale price is levied on tobacco products, other than cigarettes, brought into the City for sale. Tobacco products upon which this tax is imposed are not again subject to this tax when acquired by another person.

#### 4.17.040 – Intent and Purpose of this Chapter

A. It is the intent and purpose of this chapter to provide for the collection of the excise tax from the ~~distributor~~ retailer who brings cigarettes or other tobacco products into the City for sale. The excise tax is levied when a ~~distributor~~ retailer:

1. First acquires the cigarettes or other tobacco products within the city;
2. Brings or causes cigarettes or other tobacco products to be brought into the city;
3. Makes, manufactures, or fabricates cigarettes or other tobacco products in the city; or
4. Ships or transports cigarettes or tobacco products into the city.

B. Notwithstanding anything to the contrary contained in this chapter, the taxpayer shall be those persons described in this section and no others.

#### 4.17.050 – Exemptions

A. Military. Cigarettes and other tobacco products brought into or acquired in the City by a military exchange, commissary, or ship's store operated by one of the uniformed services of the United States as defined in 5 USC section 2101 are exempt from tax under this chapter if the cigarettes and other tobacco products are sold to and for the sole use of authorized personnel according to current military regulations.

B. The tax imposed under this chapter does not apply to cigarettes and other tobacco products if the United States Constitution or other federal laws prohibit the levying of this tax on such products by the city.

#### 4.17.60 – Exemption Cards

A. Except as otherwise provided herein, no person may acquire cigarettes or other tobacco products in the City exempt of the tax unless that person has been issued an exemption card in accordance with this chapter. No licensee shall claim any exemption under this chapter unless cigarettes or other tobacco products for which exemption is claimed have been sold or transferred to a person presenting a valid and current exemption card issued by the department in accordance with this chapter prior to such sale or transfer.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

1. Any person with a current City of Bethel business license may apply for an exemption card under this section as an agent for merchants whose principal places of business are located outside of the City and who acquire from an agent cigarettes or other tobacco products exempt from the tax imposed under this chapter, provided each merchant has a valid State of Alaska business license with a tobacco endorsement and the line of business (LOB) code or equivalent thereon.
  2. A merchant acquiring cigarettes and other tobacco products through an agent under this section shall be considered an exemption cardholder for all purposes under this chapter.
  3. A person or licensee issued an exemption card as an agent under this section shall comply will all provisions of this chapter except the agent shall not be required to maintain records to prove that cigarettes and other tobacco products for which an exemption is claimed under the agent's exemption card have been resold outside of the City by the merchant. Violation of any provision of this chapter relating to exemption cardholders by a licensee as agent for a merchant shall be grounds for revocation of the licensee's license issued under this chapter.
  4. Notwithstanding anything to the contrary contained in or implied by other provisions of this chapter, the licensee shall be and remain the taxpayer liable for the payment of taxes due under this chapter.
- B. Application for an exemption card is restricted to person with an active physical business presence in the City of Bethel acting as an agent for merchants whose principal places of business are located outside of the City, shall be on a form provided by the department, and shall include the following information and such other information as the department may require:
1. The applicant's name and address;
  2. A copy of the applicant's current State of Alaska business license, including a tobacco endorsement and the line of business (LOB) code or equivalent;
  3. The merchant names and locations where cigarettes and tobacco products will be sold;
  4. Each application for an exemption card shall be accompanied by a fee of \$50.
- C. All exemption cardholders must maintain a valid, current business license, with a tobacco endorsement and line of business (LOB) code or equivalent, issued by the State of Alaska.
- D. Each exemption card, unless suspended or revoked by the Finance Director, is valid from its date of issue until the end of that calendar year and may be renewed each year upon application and payment of the fee to the department.

Introduced by: Council Member Eric Whitney  
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Amendment: January 8, 2013  
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Vote: 4-2  
Amendment: January 8, 2013  
Proposed

E. The Finance Director may suspend, revoke or refuse to issue an exemption card under this section for any violation of or failure to comply with the requirements of this chapter by agent or cardholder, including any act or omission by such person which withholds, misstates or provides false or misleading information required by the department.

4.17.70 – License Required for Dealers in Cigarettes or Tobacco Products

- A. No person may sell, purchase, possess or acquire cigarettes or tobacco products in the City as a manufacturer, distributor, direct-buying retailer, vending machine operator or buyer without a license issued under this chapter.
- B. The department, upon application and payment of the fee, shall issue a license to each manufacturer, distributor, direct-buying retailer, vending machine operator or buyer. A copy of the applicant's State of Alaska business license required under AS 43.50.010 – AS 43.50.390 must accompany the application. The application must include the following information:
  - 1. The applicant's name and address;
  - 2. The name under which the cigarette or tobacco products business will be conducted;
  - 3. The applicant's cigarette or tobacco products business categories as a manufacturer, distributor, direct-buying retailer, vending machine operator or buyer;
  - 4. In the case of vending machine operator, the number of vending machines which will be operated;
  - 5. Proof of a valid State of Alaska Business license with a tobacco endorsement ; and
  - 6. Other information required on the department's application form.
- C. The department may refuse to issue a license if there is reasonable cause to believe that the applicant has willfully withheld information requested to determine the applicant's eligibility to receive a license, or if there is reasonable cause to believe that information submitted in the application is false or misleading and is not made in good faith.
- D. The department shall refuse to issue a license if the applicant is delinquent on their city sale's tax at the time of their application. If the applicant has been delinquent for more than thirty (30) days in the twelve (12) months preceding the license application, the City shall have the discretion to issue a provisional license subject to monthly review and subject to on-time remittance of City sales taxes.
- E. A license required by this chapter is in addition to any other license required by law or City code.
- F. A license issued under this chapter shall include:

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Introduction Date: November 27, 2012  
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Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

1. The name and address of the licensee;
2. The type of business to be conducted;
3. The address at which the business is conducted; and
4. The years for which the license is issued.

#### 4.17.080 – License Fee

For each license issued under this chapter, and for each renewal, the fee is One Hundred (\$100) per calendar year. This license shall be in addition to the business license required by Bethel Municipal Code (BMC).

#### 4.17.090 – Expiration and Renewal of Licenses.

A license issued under section 4.21.070 expires on December 31. A licensee, on application to the department accompanied by the renewal fee, may, before the expiration of the license, renew the license for two years from the expiration date of the license. If the licensee moves the business to another location within the City, the license shall, upon application to the department, be reissued a license for the new location for the balance of the unexpired term. A person whose license is lost, stolen or defaced shall immediately file an application with the department for reissuance of the license for the balance of the unexpired term.

#### 4.17.100 – Transfer of License

A license issued under this chapter is not assignable or transferable. However, in the case of death, bankruptcy, receivership or incompetency of the licensee, or if the business of the licensee is transferred to another person by operation of law, the department may in its discretion extend the license for a limited time to the executor, administrator, trustee or receiver, or the transferee of the licensee.

#### 4.17.110 – Refund of Tax or License Fee

- A. The department shall not refund the license fee paid pursuant to this chapter upon the surrender or revocation of a license after the beginning of the license year. Upon application, the department may refund a license fee that is paid or collected in error.
- B. If a remittance by a licensee exceeds the amount due, and the department, on audit of the account in question, is satisfied that this is the case, the department shall, upon written request of the licensee, refund the excess to the licensee without interest.
- C. Any claim for refund filed more than one year after the due date of the tax is forever barred.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
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Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Vote: 4-2  
Amendment: January 8, 2013  
Proposed

**4.17.120 – Display of License; Surrender of License; Suspension or Revocation of License.**

- A. A license issued under this chapter must be prominently displayed at the licensee's place of business.
- B. A licensee shall surrender a license within ten (10) days after:
  - 1. A revocation of a license;
  - 2. A cessation of business;
  - 3. A change of ownership of; or
  - 4. A change of a place of business.
- C. The Finance Director may suspend or revoke a license issued under this chapter:
  - 1. For violation of this chapter or a regulation of the City adopted pursuant to this chapter; or
  - 2. If a licensee ceases to act in the capacity for which the license was issued; or
  - 3. If the licensee fails to submit their taxes due in a timely manner as required by City Code.

No person whose license is suspended or revoked shall sell cigarettes or tobacco products or permit cigarettes or tobacco products to be sold during the period of the suspension or revocation on the premises occupied or controlled by that person. No disciplinary proceedings or action is barred or abated by the expiration, transfer or surrender, renewal or extension of a license issued under section 4.21.060.

**4.17.130 – Tax Returns**

On or before the last day of the month following the period for which the return is required to be submitted a licensee shall submit to the office of the finance director all taxes required to be collected, as well as any interest, penalty, costs and charges due. In addition, licensees shall submit a tax return, upon forms provided by the department, for each license.

- A. The return shall be signed under penalty of perjury by the licensee or his agent and must include:
  - 1. The name and address of the licensee.
  - 2. The name and address of the person filing the return, if different from the licensee.
  - 3. The number of licenses issued under section 4.17.070
  - 4. The name under which the cigarette or tobacco business is being conducted.
  - 5. The number of cigarettes manufactured, brought into or acquired in the City during the preceding month from any source whatsoever.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

6. The wholesale price of all tobacco products brought into or acquired in the City during the preceding month from any source whatsoever
  7. The names of persons from whom cigarettes or other tobacco products were brought into or acquired in the City during the preceding month from any source whatsoever.
  8. The number of cigarettes brought into or acquired in the City from each person named in subsection A.7. of this section.
  9. Deductions claimed for the number of cigarettes and the wholesale price of other tobacco products for which exemptions are claimed under this chapter.
  10. Deductions claimed for the number of cigarettes and the wholesale price of other tobacco products, specified in the return in response to subsections A.5. and A.6. of this section, for which the tax has been paid previously by another person.
  11. The amount of tax due on the nonexempt cigarettes manufactured, brought into or acquired in the City during the preceding month; and the amount of tax due based on the wholesale price of nonexempt other tobacco products manufactured, brought into or acquired in the City during the preceding month.
  12. Other information and supporting documentation which may be required by the department with the return.
- B. Each licensee shall report the cigarette and other tobacco product sales for which an exemption is claimed under 4.17.050C as deduction on its monthly tax return to the department and shall provide a copy of an invoice or other document satisfactory to the department supporting each sale to a cardholder.
- C. A tax return must be filed even if there were no cigarettes or tobacco products manufactured, brought into or acquired in the City during the preceding month.
- D. The taxes imposed under this chapter and the return required by this section must be received by the department or postmarked on or before the last day of each calendar month following the month covered by the return.

#### 4.17.140 – Estimated Tax

- A. On or after the fifth (5<sup>th</sup>) day of delinquency in the filing of the required tobacco tax return or the failure to remit all taxes, interest and penalty due, or upon a determination of a delinquency based upon an audit, the Finance Director shall assess against the delinquent seller a tobacco tax for the delinquent periods based on a reasonable estimate of the gross taxable tobacco sales computed from an audit or the tax returns submitted by the delinquent seller. If the finance director determines that information from prior tax returns is not adequate for computing a reasonable estimate of the gross taxable tobacco

Introduced by: Council Member Eric Whitney  
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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

sales, other sources of information, including but not limited to information derived from similar businesses, may be used. Notice of the estimated assessment shall be provided to the seller by certified mail. Such assessment shall be due and owing retroactively from the first (1st) day of delinquency and shall be subject to the interest, penalty and other costs and charges as provided in this chapter.

B. The estimated assessment of tobacco sales tax and other amounts due and owing, as provided in subsection A of this section, shall be deemed to be admitted to be the amount due and owing to the city unless the Finance Director receives, within twenty (20) days of the date of the certified mailing of notice of the estimated assessment, an accurate and complete tobacco tax return for the delinquent periods together with full remittance of all taxes, interest, penalty, costs and other charges due, or the seller remits the amount due under protest under the provisions of BMC 4.17.210.

#### 4.17.150 – Amended Tax Returns

- A. Any tax return filed under 4.17.130 may be amended by the licensee.
- B. Any tax return prepared and filed by the department on behalf of the licensee under section 4.17.140 may be amended by the licensee within one year of the date filed by the department.
- C. No amendment by the licensee shall be allowed after this one year period.

#### 4.17.160 – Application of Payments

Any payment submitted to the department for any taxes, penalties, interest or costs due under any provision of this chapter or any return or any finding or determination by the department under this chapter shall be credited to the monthly tax period for which remitted first to the payment of costs and then to penalties, interest and taxes in that order.

#### 4.17.170 – Prohibited Acts and Penalties

- A. No distributor may:
  - 1. Import cigarettes or other tobacco products into the City;
  - 2. Sell, transfer or acquire cigarettes or other tobacco products in the City; or
  - 3. Participate in the importation into the City or in the sale, transfer or acquisition within the City of cigarettes or other tobacco products in violation of or without complying with the provisions of this chapter.
- B. A penalty of six (6%) percent of the taxes due shall be incurred automatically when a person fails to pay the full amount of the tax due under this chapter within seven (7) calendar days following its due date. An additional penalty of six (6%) percent of the taxes due shall be incurred automatically when a person

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Introduction Date: November 27, 2012  
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Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

fails to file a tax return or report within seven (7) calendar days following its due date under this chapter. If a person fails to pay the full amount of the tax due and/or file a tax return or report required under this chapter with sixteen (16) calendar days after its due date, the six (6%) penalties incurred above shall be increased automatically to fifteen (15%) percent.

1. The penalty shall be computed on the unpaid balance of the tax liability as determined by the department.
  2. Notice of the penalties incurred and to be incurred shall be given to the person responsible for payment of the taxes or filing the return or report when such tax payment or return or report is delinquent for seven (7) calendar days after its due date.
  3. The penalties provided for in this section shall be in addition to all other penalties and interest provided for under this chapter.
- C. If a properly filed, amended return reduces the total tax liability or the tax required to be paid, or the department reduces the tax liability, the related penalty will be reduced accordingly.
- D. All penalties and remedies enumerated in this chapter are cumulative.
- E. Unless otherwise provided in this section, any person who violates or fails to comply with the provisions of this chapter shall be personally liable for all costs, interest, penalties and taxes due under this chapter plus a penalty equal to thirty (30%) of the tax due. For good cause shown, Finance Director may waive or reduce all or part of any penalty imposed under this subsection.

#### 4.17.180 – Civil Fraud

- A. A civil fraud penalty may be assessed against a person in addition to a penalty for failure to file or failure to pay.
- B. If it determined by the Finance Director that a tax deficiency or part of a tax deficiency is due to fraud, then a penalty will be added to the tax. The penalty is fifty (50%) percent of the deficiency due or One Thousand (\$1,000) Dollars, whichever is greater. The penalty is computed on the total amount of the deficiency due.
- C. Fraud is the intentional misrepresentation of a material fact with the intent to evade payment of tax which the person believed to be owing. The person must have had knowledge of its falsity and intended that it be acted upon or accepted as the truth.
- D. To establish civil fraud, the Finance Director must prove by clear and convincing evidence that:
  1. The tax liability reported was understated; and
  2. The understatement was the result of an intent to evade tax.
- E. An intent to evade tax may be demonstrated by any relevant evidence, including but not limited to the following:

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Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

1. The person has provided false explanations regarding understated or omitted acquisitions of cigarettes or tobacco products;
2. The person has provided falsified or incomplete source documents;
3. The person has not justified an omission or understatement of a significant amount of acquisitions of cigarettes or tobacco products; or
4. The person has substantially overstated a deduction and has failed to justify the overstatement.

#### 4.17.190 – Tax Lien

- A. If any person who is liable to pay a tax or license fee under this chapter neglects or refuses to pay the tax or licensee fee after demand, the amount, including interest, additional amounts, or assessable penalty together with costs, is a lien in favor of the City upon all property and right to property, real or personal, belonging to that person.
- B. The lien imposed by this section arises upon delinquency and continues until the amount is paid or a judgment against the person arising out of the liability is satisfied.
- C. A lien arising out of a tax due under this chapter, including the penalties and interest on the tax, is, subject to AS 29.45.300, a lien prior, paramount and superior to all other liens, mortgages, hypothecation, conveyances and assignments, upon all real and personal property of the person liable for the tax and upon all the real and personal property used with the permission of the owner to carry on the business which is subject to the tax.
- D. The lien and real property may be enforced as provided in AS 29.45.300 – 29.45.480 for enforcement of real and personal property tax liens.

#### 4.17.200 – Interest on Unpaid Tax

In addition to any penalties imposed by this chapter, interest at the rate of fifteen (15%) percent annum shall be charged on the unpaid balance of delinquent taxes.

#### 4.17.210 – Administrative Hearings - Taxpayer, Licensee, Cardholder or other Person Remedies

- A. Any person aggrieved by any action of the department in issuing, suspending, revoking or refusing to issue any license or exemption card under this chapter or in fixing the amount of taxes, penalties, interest or costs under this chapter may file a written protest to the Finance Director within twenty (20) days from the date the department mails or takes action. Upon timely protest, the Finance Director (the hearing officer) shall review the protest and issue written findings no more than thirty (30) days after receipt of the protest.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

- B. Any person who disagrees with the decision of the Finance Director may file a written request for an appeal within fifteen (15) days of the Finance Director's written decision by filing a written request for appeal and paying the appropriate appeal fee. An application for a hearing (appeal) must notify the City of the specific action complained of and the amount of tax, interest, cost or penalty contested or action contested and the reason it is contested.
- C. Upon timely receipt of a request for appeal, the City Manager shall hold a hearing on the matter to determine whether a correction is warranted. Hearings before the City Manager under this subsection may, at the option of the City Manager, be conducted by an administrative hearing officer designated by the City Manager.
- D. The Hearing Officer shall conduct the hearing and prepare written findings and conclusions.
- E. Within thirty (30) days after receipt of a written decision by the hearing officer, a person may appeal to the Superior Court of the Fourth Judicial District at Bethel. The person shall be given copies of access to the department's file in the matter for preparation of the appeal.
- F. A request for appeal is filed on the date it is personally delivered, or, if delivered to the department by United States mail, the date of the postmark stamped on the properly addressed cover in which the request is mailed. If the due date falls on a Saturday, Sunday or holiday, the due date is the next working day. A current mailing address must be provided to the department with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the department.
- G. If the notice to the person pursuant to subsection A of this section shows an amount due the department, the uncontested portion of the amount due must be paid within thirty (30) days after the date of the notice. If the uncontested amount is not paid within thirty (30) days, collection action will be taken on that amount even if the person has filed a request for appeal. Payment of the total amount due may be made at any time before the hearing. If the department has reason to believe that collection of the total amount due might be jeopardized by delay, immediate payment of the total amount will be demanded and the department may pursue any collection remedies provided by law. Payment in full does not affect the person's right to a hearing.
- H. If a person requests a hearing and fails to appear at the hearing, the hearing officer may issue a decision without taking additional evidence from that person, unless that person shows good cause for failure to appear within seven (7) days after the date scheduled for the hearing.
- I. Taxes, license fees, penalties and interest declared to be due in the final administrative decision must be paid within thirty (30) days after the date of the

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

decision, or a bond must be filed with the court in accordance with Alaska Court Rules of Appellate Procedures.

#### 4.17.220 – Reports by Manufacturers Distributors

No later than the end of each calendar month, a manufacturer distributor shall submit a report to the department stating:

1. A list of the tobacco products, the quantity and their wholesale price and the number of cigarettes which were brought into the city from the manufacturer distributor during the preceding month;
2. The names and address of those persons bringing cigarettes and tobacco products into the city from the manufacturer distributor during the preceding month; and
3. A list of the quantity of tobacco products, the wholesale price, and the number of cigarettes brought from the manufacturer distributor into the city by each person named in subsection 2 of this section.

#### 4.17.230 – Inspection and Maintenance of Documents

A. Every person subject to this chapter shall keep a complete and accurate record of all cigarettes and other tobacco products manufactured, purchased, sold, brought into, transported outside of or acquired in the city by such person.

1. Except in the case of a manufacturer, the records shall include a statement containing the name and address of the person from whom cigarettes or other tobacco products were purchased or acquired, the date of delivery, the quantity of cigarettes and other tobacco products, the trade name and brand, and the price paid for other tobacco products purchased.
2. Each invoice or other documentation of the sale of cigarettes or other tobacco products within the City shall state whether the tax imposed under this chapter has been paid.
3. Persons subject to this chapter shall keep such other documents and records as the department prescribes.
4. All documents and records required by this section shall be preserved by person subject to this chapter for three years. All records and documents required by this chapter to be kept or retained are subject to inspection within the city upon demand by the department.

B. A licensee transferring or selling cigarettes or other tobacco products to a cardholder must keep a record of cigarettes and other tobacco products transferred or sold to such person, including the serial number of the exemption card.

C. The Finance Director may, during business hours, enter the business premises of a licensee or cardholder where cigarette or other tobacco products are kept or stored,

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

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Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

so far as it may be necessary for the purpose of examining such products and the related business records.

#### 4.17.240 – Administrative Regulations

The Finance Director, or his designee, may adopt regulations providing for the application and interpretation of this chapter and providing methods and forms and collecting the tax imposed in this chapter.

#### 4.17.250 – Confidential and Non-Confidential Tax Information

A. The following information is publicly available information:

1. Names and addresses of business owners who filed tax returns under this chapter;
2. Whether a business is registered to collect taxes under this chapter in the City of Bethel;
3. Whether a business is current in filing tax returns and in remitting taxes due under this chapter, and the number of returns not filed; and
4. Names and exemption numbers of those entities which have received a tax-exempt number from the City of Bethel relating to taxes due under this chapter.

B. The City of Bethel may permit any authorized representative of any federal, state or other local government agency to inspect and copy any tax returns filed and reports prepared under this chapter, if the other governmental agency provides substantially similar access to the City of Bethel, files a timely request in accordance with the City's public request for information procedures, and if the City of Bethel determines that the other governmental agency provides adequate safeguards to the confidentiality of the tax returns and reports.

C. Except as otherwise provided in this section, tax forms and their contents are confidential and shall not be disclosed by the finance department except:

1. In connection with efforts by the City of Bethel to collect the tax;
2. In response to a subpoena issued by a court, state agency or governmental board or commission;
3. In connection with legislative inquiry specifically authorized by the assembly;
4. In connection with the City of Bethel audits for purposes of verifying City of Bethel accounting practices;
5. In compilation of statistics and studies by the finance department for public distribution, so long as information from individual businesses is not identifiable as to source.

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

Introduced by: Council Member Eric Whitney  
Introduction Date: November 27, 2012  
Public Hearing: December 11, 2012  
Action: Passed  
Vote: 4-2  
Amendment: January 8, 2013  
Proposed

**SECTION 3. Effective Date.** This ordinance shall become effective immediately, upon passage by the City Council. This Ordinance shall become effective sixty (60) days from the date of passage.

**ENACTED THIS 11 DAY OF DECEMBER 2012, BY A VOTE OF 4 IN FAVOR AND 2 OPPOSED.**

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

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*Bethel City Council*

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# **New Business**

# New Business

Introduced by: Lee Foley, City Manager  
Date: January 8, 2013  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Resolution # 13-01**

#### **RESOLUTION SUPPORTING CITY OF AKIAK'S EFFORTS TO SECURE TECHNICAL ASSISTANCE AND FUNDING TO ADDRESS SEVERE RIVER EROSION THREATENING LOSS OF LAND, HOMES, BUSINESSES, AND PUBLIC INFRASTRUCTURE**

**WHEREAS**, Akiak is a small Native Alaskan village containing 367 people located 42 air miles upstream from Bethel on the west bank of the Kuskokwim River;

**WHEREAS**, the community of Akiak is experiencing severe and escalating bank erosion caused by the Kuskokwim River that is threatening land, homes, businesses, public infrastructure, and an historic grave site;

**WHEREAS**, the City of Bethel experienced unprotected river erosion conditions in the 1980s similar to those in Akiak today and knows full well the dangers and cost associated this potentially devastating phenomenon;

**WHEREAS**, the City of Akiak is hampered by a lack of financial resources, technical expertise on-site, availability of heavy equipment, and supporting infrastructure to deal with this problem on its own;

**WHEREAS**, the City of Akiak is proactively seeking technical assistance and financing to plan, design, and complete a project that will protect as much of the 31,900 square feet of land lost each year as possible, relocate graves, and save the eight residences and 21 outbuildings at risk;

**WHEREAS**, the City of Bethel supports the City of Akiak's effort to secure technical assistance and acquire funds immediately to address its riverbank erosion problems estimated to cost \$18,870,000 over the next 50 years;

**NOW, THEREFORE, BE IT RESOLVED** that the Bethel City Council supports the City of Akiak's effort to secure technical assistance and funding to address the severe riverbank erosion negatively impacting the community.

Introduced by: Lee Foley, City Manager  
Date: January 8, 2013  
Action:  
Vote:

# CITY OF BETHEL, ALASKA

## Resolution # 13-01

### RESOLUTION SUPPORTING CITY OF AKIAK'S EFFORTS TO SECURE TECHNICAL ASSISTANCE AND FUNDING TO ADDRESS SEVERE RIVER EROSION THREATENING LOSS OF LAND, HOMES, BUSINESSES, AND PUBLIC INFRASTRUCTURE

WHEREAS, Akiaq is a small Native Alaskan village containing 325 people located in an area upstream from Bethel on the west bank of the Pitmegea River;

WHEREAS, the community of Akiaq is experiencing severe and expanding bank erosion caused by the Pitmegea River, and the resulting land losses, business, public infrastructure, and residential structures;

WHEREAS, the City of Bethel has previously approved river erosion conditions in the 1980s similar to those in Akiaq today and knows full well the danger and cost associated with this potentially devastating phenomenon;

WHEREAS, the City of Akiaq is hampered by a lack of financial resources, technical expertise and equipment to carry out the necessary work and supporting infrastructure to deal with the problem in its own;

WHEREAS, the City of Akiaq is actively seeking technical assistance and training to plan, design and complete a project that will protect as much of the 11,500 acres of forest land as possible each year as possible, reduce erosion, and save the right to life and health of its citizens;

WHEREAS, the City of Bethel supports the City of Akiaq's efforts to secure technical assistance and funding to address the riverbank erosion problem and is willing to contribute \$18,000 over the next 5 years;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Bethel hereby supports the City of Akiaq's efforts to secure technical assistance and funding to address the severe riverbank erosion problem and is willing to contribute the sum of \$18,000 over the next 5 years.

Resolution # 13-01  
1 of 2

City of Bethel, Alaska

Introduced by: Lee Foley, City Manager  
Date: January 8, 2013  
Action:  
Vote:

**ENACTED January 8, 2013 BY A VOTE OF [ ] IN FAVOR AND [ ] OPPOSED.**

ATTEST:

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

\_\_\_\_\_  
Joseph A. Klejka, Mayor

Introduced by: Lee Foley, City Manager  
Date: January 8, 2013  
Action:  
Vote:

ENACTED January 8, 2013 BY A VOYE OF IN FAVOR AND OPPOSED.

Joseph A. Nijka, Mayor

ATTEST:

Lee Foley, City Clerk

Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #13-01**

#### **AN ORDINANCE LIMITING THE AMOUNT OF TIME PROPOSED REVISIONS TO THE BETHEL MUNICIPAL CODE MAY REMAIN IN COMMITTEE FOR CONSIDERATION AND/OR REVIEW**

**WHEREAS** the city of Bethel currently has seven committees, each established via the Bethel Municipal Code;

**WHEREAS** pursuant to the Bethel Municipal Code, the authority of these committees is advisory and recommendations by the committee are made to the City Council;

**WHEREAS** at times committees have faced difficulties establishing a quorum due to the absence of committee members;

**WHEREAS** these absences have delayed the review of some revisions to the Bethel Municipal Code which are necessary to keep the City up to date with changing law or public policy;

**WHEREAS** Committees are encouraged not to delay in the review and comment of proposed ordinances or Code revisions;

**WHEREAS** it would benefit the City greatly if proposals and draft revisions were reviewed timely at the Committee stage and then brought forth to the City Council for review and recommendation;

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska, that proposed ordinances or Code amendments that have been referred to a Committee shall be forwarded to the City Council within sixty days of their referral to a committee. The City Council may then decide what action, if any, is appropriate, including a return to a committee. Ordinances returned to the Committee from the Council will be returned every sixty (60) days with a progress report until resolved.

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

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

Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

CITY OF BETHEL, ALASKA

**ENACTED THIS DAY OF 2013, BY A VOTE OF IN FAVOR AND OPPOSED.**

\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

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

Introduced by: Public Safety and Transportation Commission  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

Introduced by: Public Safety and Transportation Commission  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

## CITY OF BETHEL, ALASKA

### Ordinance #13-02

#### AN ORDINANCE OF THE BETHEL CITY COUNCIL PROVIDING FOR A COMPLETE STREETS POLICY AND DIRECTING STAFF TO DEVELOP IMPLEMENTATION STRATEGIES TO INCREASE THE USABILITY OF ALL STREETS FOR ALL MODES OF TRAVEL FOR CITIZENS OF ALL AGES AND ABILITIES IN BETHEL

**WHEREAS**, The City of Bethel wishes to ensure that all users of our transportation system are able to travel safely and conveniently on all streets and roadways within the public right-of-way in Bethel; and

**WHEREAS**, a complete street is defined as one which provides a safe, convenient, and context-sensitive facility for all modes of travel, for users of all ages and all abilities; and

**WHEREAS**, complete streets better serve the needs of those who use transit by providing access to transit systems; and

**WHEREAS**, complete streets have public health benefits, such as encouraging physical activity and improving air quality, by providing the opportunity for more people to bike and walk safely; and

**WHEREAS**, complete streets improve access and safety for those who cannot or choose not to drive motor vehicles; and

**WHEREAS**, complete streets are essential in providing safe routes to school for children; and

**WHEREAS**, complete streets policies have been adopted legislatively by at least five states, and by at least 36 localities – of which 13 are by local law (resolutions or ordinances); and

**WHEREAS**, the City of Bethel currently has a limited complete streets policy; and

Introduced by: Public Safety and Transportation Commission  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

Introduced by: Public Safety and Transportation Commission  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

**WHEREAS**, it is the desire of the City of Bethel to formalize a commitment to the principles of complete streets for all of our streets;

**NOW THEREFORE BE IT ENACTED**, by the City Council of Bethel Alaska that the following changes are made to the Bethel Municipal Code Chapter 12.01 to create a Complete Streets Policy.

**THEREFORE BE IT ORDAINED** by the City Council of Bethel Alaska as follows:

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

**SECTION 2. Amending** Section 12.01 of the Bethel Municipal Code is hereby amended as follows (new language is underlined).

**Section 12.01 General Provisions**

**12.01.02 Application**

- A. The provisions of this chapter will apply to the scoping, design, and construction of projects involving roadways in the City of Bethel.
- B. Any exception to applying these provisions to a specific roadway project must be approved by the City Council, with documentation of the reason for the exception.

**12.01.03 Requirements**

- A. Any roadway in the City of Bethel which is to be newly constructed or completely reconstructed must be designed and constructed to:
  - 1. Provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and
  - 2. Address the needs of all users both along roadway corridors and crossing the corridors.
- B. Any project in which an existing roadway surface is to be restored or rehabilitated, and any remediation of deficient or non-existent sidewalks, shall be reviewed for the potential of making the roadway a complete street.
  - 1. Consideration shall particularly include proportionality, the scope of work needed to make a complete street reasonable in relation to the scope of the proposed roadway construction, maintenance or improvement.

Introduced by: Public Safety and  
Transportation  
Commission  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

2. The application of design standards will be flexible to permit context-sensitive design fitting the roadway design within the context of the neighborhood recognizing that all streets are different and user needs will be balanced.
- C. The Public Works and Planning Departments will review current design standards which apply to new roadway construction to assure that they reflect the best available design standards and guidelines, and effectively implement the Complete Streets Policy above stated.
- D. Design standards also serve as guidance for all existing roadway rehabilitation, reconstruction, or resurfacing, to the extent that the work required is reasonably proportional to the scale of the proposed rehabilitation, reconstruction, or resurfacing.

#### **12.01.04 Reporting**

An annual report will be made to the City Council by the City Administration showing progress made in implementing this chapter.

**SECTION 5. Effective Date.** This section shall become effective immediately upon the passage by the City Council.

**ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_ 2013, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ OPPOSED.**

\_\_\_\_\_  
Joseph A. Klejka , Mayor

ATTEST:

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



**CITY OF  
BETHEL**

**Lori Strickler <lstrickler@cityofbethel.net>**

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## Complete Streets

1 message

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**Brian Lefferts** <Brian\_Lefferts@ykhc.org>  
To: Lori Strickler <lstrickler@cityofbethel.net>

Wed, Jan 2, 2013 at 12:52 PM

Here's the ordinance. Passed both committees unanimously.

Verify the unanimous vote at your commission – it passed unanimously at mine both times.

-Jenni

To address several concerns voiced by Council at 8/28 meeting about the proposed “complete streets” resolution, we made several changes as follows:

- The proposed ordinance does not require pedestrian access be included on all Bethel roads *no matter what*. The proposed ordinance states that when it is not feasible to include pedestrian access, an explanation will be provided to City Council as to the reasons. Please reference: Section 12.01.02 B.
- The proposed ordinance would not apply to general or minor maintenance (of existing roads. However, it does state that new roads or major road construction projects “shall be reviewed for the potential of making the roadway a complete street.” Please reference: 12.01.03 B.
- It was suggested that the proposed resolution should take the form of a proposed ordinance.

After extensive discussion at both the Public Transportation & Safety Commission and the Public Works Committee (including the Public Works Director), it was approved unanimously. We strongly believe that the lack of safe pedestrian and bike access on Bethel streets is an important issue that must be considered for future planning, and we respectfully submit to Council. If the City Council has other objections, we ask the Council to consider amending the ordinance or sending back to the Commission/Committee for further review.

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immediately delete this email and all attachments.

CITY OF  
BE THE

 **Complete Streets Ordinance.docx**  
18K

Complete Streets

Wed, Jan 23, 2013 12:11 PM

John Lettice  
For Jon Sh...

Here's the link to the posted ordinance document.

Very important info re: the ordinance - if passed unanimously it will be final.

John

In order to be a member of the City Council, you must be a resident of the City of Bethel. The ordinance will be presented to the Council as follows:

The first reading will be on the agenda for the next Council meeting. The second reading will be on the agenda for the following Council meeting. The ordinance will be presented to the Council as follows:

The ordinance will be presented to the Council as follows: The ordinance will be presented to the Council as follows: The ordinance will be presented to the Council as follows:

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Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

## CITY OF BETHEL, ALASKA

### Ordinance #13-03

#### AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTIONS 4.16.040 F SALES AND USE TAX EXEMPTIONS

**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. Amending BMC 4.16.040 F.** The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

#### **4.16.040 Exemptions.**

The following sales are exempt from the tax levied under this chapter only in accordance with the limitations provided for in this section:

F. A sale to a federal, ~~or state or City~~ contractor, ~~or a contractor of a political subdivision of the state,~~ is ~~not~~ exempt even if the government pays directly for the purchase unless the contractor and government cannot be viewed as separate entities if the purchase is solely for the construction on behalf of the federal, state or City government, and applies only to actual construction materials purchased on behalf of the federal, state or City entity and used in the federal, state or City project.

G. A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;

**SECTION 5. Effective Date.** This section shall become effective immediately upon the passage by the City Council.

Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

Introduced by: City Manager Foley  
Date: January 8, 2013  
Public Hearing:  
Action:  
Vote:

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013, BY A VOTE OF \_\_\_\_\_ IN FAVOR AND \_\_\_\_\_ OPPOSED.

\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

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

**Sales Tax Exemption**  
**4.16.040F**

“A sale to a federal or state contractor, or a contractor of a political subdivision of the state, is not exempt even if the government pays directly for the purchase unless the contractor and government cannot be viewed as separate entities. A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;”

**Option 1:** Language provided in the Ordinance.

**Option 2:** F. A sale to a federal, or state or City contractor, ~~or a contractor of a political subdivision of the state,~~ is not exempt even if the government pays directly for the purchase unless the contractor, and government cannot be viewed as separate entities. Recommend making the next sentence a separate paragraph A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;

**Note:** AS 29.45.650 (k) A borough may not levy or collect a sales tax on a construction contract awarded by the State or a state agency, or on a subcontract awarded in connection with the project funded under the construction contract. This subsection applies to home rule and general law municipalities.

4.16.03E  
Sales Tax Exemption

The sale of a tangible personal property by a contractor or a contractor of a political subdivision of the state is not exempt from the sales tax if the contractor or contractor of a political subdivision of the state is not an employee of the state. A sale to an employee of the state is exempt from the sales tax if the contractor or contractor of a political subdivision of the state is an employee of the state. A sale to an employee of the state is exempt from the sales tax if the contractor or contractor of a political subdivision of the state is an employee of the state. A sale to an employee of the state is exempt from the sales tax if the contractor or contractor of a political subdivision of the state is an employee of the state.

4.16.03F

The sale of a tangible personal property by a contractor or a contractor of a political subdivision of the state is not exempt from the sales tax if the contractor or contractor of a political subdivision of the state is not an employee of the state. A sale to an employee of the state is exempt from the sales tax if the contractor or contractor of a political subdivision of the state is an employee of the state. A sale to an employee of the state is exempt from the sales tax if the contractor or contractor of a political subdivision of the state is an employee of the state. A sale to an employee of the state is exempt from the sales tax if the contractor or contractor of a political subdivision of the state is an employee of the state.

**Note:** The exemption from the sales tax applies to the sale of a tangible personal property by a contractor or a contractor of a political subdivision of the state to an employee of the state. The exemption from the sales tax applies to the sale of a tangible personal property by a contractor or a contractor of a political subdivision of the state to an employee of the state. The exemption from the sales tax applies to the sale of a tangible personal property by a contractor or a contractor of a political subdivision of the state to an employee of the state.

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*Bethel City Council*

*Office of the Mayor*

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# **Mayor's Report**

# Mayor's Report

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*Bethel City Council*

*Office of the City Manager*

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# **Manager's Report**

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Bethel City Council

Office of the City Manager

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# Manager's Report

# CITY OF BETHEL



Post Office Box 1388  
Bethel, Alaska 99559  
Voice: 907-543-1373  
Fax: 907-543-1394

January 1, 2013

**From:** Lee M. Foley, City Manager

**To:** Bethel City Council

**Info:** Lori Strickler, City Clerk

**Subj:** City Manager's Report

Listed below are some of the action items and activities that I've been working on, and involved in, for the period December 4, 2012 through January 1, 2013

## CITY ADMINISTRATION ACTION ITEMS AND ACTIVITIES

### Projects:

- **YK Aquatic Center** - Regular weekly teleconference meetings between the Project Management Team and City Administration are held each Friday at 9:00 a.m. The following items are germane:
  1. Design work is proceeding smoothly between Architects Alaska and Bethel Services. Authorization to continue design work has been issued and contractual negotiations between BSI and AA are ongoing. Inherent in this work is the need to have Aquatic Center driveways offset from YUUT driveways, turning radius of fire trucks and school busses, and no present extension for Akiachak Drive (Our Master Plan does not include a road extension, but if the Donut Hole road were to make it into the Governor's budget, Akiachak Drive could connect to it.
  2. BSI is fully aware that coordination with BUC is a priority and there have already been some preliminary discussions between the two parties. While wind power (one 100kw turbine due to BUC restrictions) is in the mix, research into the use of micro-turbines for power and heat is ongoing. Of prime concern is micro-turbine functionality in the Bethel environment, specifically, running on diesel as opposed to natural gas, and of course cost of operation and maintenance.

3. Arctic Foundations is on schedule for constructing the remaining pilings and no conflicts are anticipated in meeting BSI's installation schedule.
  4. BSI has posed several questions regarding flood and earthquake coverage under their builder's risk policy (site is not in a flood zone, nor a high seismic zone). These questions are being reviewed by the City Attorney for an appropriate response.
  5. Emergency access was not considered in the 65% design work-up. However, ProDev and BSI are now fully cognizant of the requirements. Of some concern is that the soil at the south end of the building may not be suitable for a road due to the slope and wetlands. The Administration emphasized that what is needed is a rough access road for life-saving and/or fire fighting, not necessarily an asphalt road. A similar situation occurred when the new TWC building was being constructed and it was dealt with fairly easy. BSI must provide the same type of access for the Swanson's complex so they are familiar with what is required.
- **Tundra Ridge Road** – A teleconference is scheduled for January 2, 2013 with the BIA, DOT, Polk family representative, and the City. The agenda item for discussion is a document prepared by the Polk family that outlines fifteen (15) requirements that must be met before a leasing agreement with the State can be enacted. These requirements have remained unchanged for the last four (4) years. Based on discussions over that span, I am not optimistic that there will be any flexibility with regard to the desires of the Polk family.
  - **Water & Sewer Five-Year Master Plan Update** – The Administration expects to have a preliminary draft to review before January 31, 2013.
  - **Cost Analysis & Rate Study of Water & Sewer Utilities** – This project is moving forward, albeit slower than anticipated. Data collection was slower in gaining momentum than planned, thus impacting other components of the study. Due to this unforeseen circumstance, presentation to Council will not take place, in all likelihood, until mid to late February.
  - **Public Works Floor Replacement** - After reviewing the draft RFP for this project, the Administration felt it prudent to have a structural engineer's assessment included. Accordingly, CH2MHill Structural Engineer Mark Parent will travel to Bethel one day during the week of January 7-11, 2013, to personally view the structure and provide engineering-related comments for the final RFP.
  - **BNC/Swanson's Complex** – Although this is not a City-sponsored project, road access and traffic patterns, both vehicular and pedestrian, have the potential to impact community activities. BSI has recognized this possibility and commissioned a traffic study to be developed. The City's Planning Director has discussed this matter with the

President/CEO of BNC who will inform the Planning Department when the document is completed and available for public consumption.

- **Institutional Corridor Feasibility Study** – This study has not moved forward as the stakeholders wanted to see if the State would fund the entire project. To that end, the Institutional Corridor was one of the State priorities that the Council directed be submitted to the Governor for consideration. The one caveat to this is the ongoing Cost Analysis & Rate Study of Water & Sewer Utilities will include a small component section on the Institutional Corridor.

**Miscellaneous:**

- **Old Armory Facility** – As reported previously, LKSD declined to enter into an MOU with the City for purposes of using the former Armory building. The School District feels at this time that student use should come first as they have seen an increased need for BABS and others. At this juncture, LKSD intends to pursue an exclusive leasing agreement with the National Guard, but may consider the community's needs at a later date. Based on this development, the City Attorney, when asked, informed the LKSD Superintendent that the City would not be sharing the costs of the facility. The Director and Deputy Director of the Alaska Department of Military & Veteran's affairs have been notified of this change.

I continue to receive calls from business leaders in the community that strongly recommend against the City accepting the building under any conditions, and to move forward with demolition by the National Guard as indicated in the leasing agreement. For their recommendations, they cite prohibitive operation & maintenance costs plus exorbitant expenses if the City were responsible for demolition.

- **USDA/RD:**
  1. **Construction Grant** – The requirements for the final report have been completed and accepted by USDA/RD, allowing the grant to be closed out. A copy of the close-out letter was enclosed with my December 11, 2012 Manager's Report.
  2. **Pre-Planning Grant** – This grant is, unfortunately, still open, as Larsen Consulting Group must complete the Preliminary Engineering Reports/Engineering Reports for the Utility Manhole Replacement project near the Courthouse; A,B & C Loop project in Bethel Heights; and the Sewage Lagoon. Larsen Consulting staffing has been skeletal throughout the holidays, but the Administration will continue to aggressively push for completion.
- **Recycle Center** – Responses to the initial, and re-issued, RFP for operating this facility were not without deficiencies that would be difficult to overcome. Therefore, the Administration is planning to place the Recycle Center in the budget mix for the FY 2014 Budget to ascertain if operation and maintenance of this facility can again be



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*Bethel City Council*

*Office of the City Manager*

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# **Management Team Reports**

# Management Team Reports

**MEMORANDUM**



DATE: December 31, 2012  
TO: Lee Foley, City Manager  
FROM: John Sargent, Grant Manager  
SUBJECT: Grant Manager's Report – January 8, 2013 Bethel City Council Meeting

**LED Streetlights**

The last order of LED streetlights expected was placed for 40 LED 30s and 25 LED 120s. The City was able to order these lights for the same bid-induced contract price. The LEDs will arrive on the first barge of the season and be installed in June 2013.

The City will order more mast arms with grant funds to replace the inventory of mast arms used up when "new" streetlights were added to the mix. About 12 new lights were added on Mission Lake Road, Ptarmigan Street, and at the Small Boat Harbor.

**USDA Preconstruction Grant**

I have been working to furnish Larsen Consulting Group with bits and pieces of information and documents so that they can complete the Preliminary Engineering Report and Engineering Report (PER/ER) for the A,B, C Loop Renovation project for Bethel Heights and the Sewage Lagoon project upgrades. Thus far, USDA has not approved either of the two versions of the PER/ER submitted. The PER/ER for the manhole reconstruction project has been approved.

**Land and Water Conservation Fund Grant**

I am working with the Parks and Recreation Department and Planner to prepare a Land and Water Conservation Fund grant application to fund Pinky's Park upgrades. A resolution outlining the proposal will be submitted to Bethel City Council for consideration at the council meeting to be held on January 22, 2013.

The City assisted YKHC in preparing a First Nations Agriculture Initiative Grant to fund a large portion of the Community Garden High Tunnel project. The First Nations grant will act as match to the City's planned Pinky's Park Upgrade project to be described in the Land and Water Conservation Fund Grant application due February 1, 2013.

**Emergency Operations Plan Revision**

The Alaska Division of Homeland Security and Emergency Management (DHS) renewed its effort to complete a draft of the City of Bethel's Emergency Operations Plan revision by the end January 2013. Kim Weibl replaced Andy Jones as the Senior Planner. The City received a grant from DHS in 2009 valued at \$15,000 for the EOP update.

**City of Bethel  
Grant Summary  
Calendar Year 2012**

MUNICIPALITY OF BETHEL  
December 31, 2012

**Preparing**

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ City Match
AK Dept. of Natural Resources, Alaska Division of Parks and Outdoor Rec.	Land and Water Conservation Fund Grant	Pinky's Park upgrades: ball field and skatepark improvements	Parks and Rec.	2/1/13	(\$50,000 - \$125,000) \$1 for \$1 match, including in-kind

**Submitted in Calendar Year 2012 or late 2011**

Most recent first

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ City Match
Federal Emergency Management Agency	Assistance to Firefighters Grant	One water tender and two radiation detectors	Fire	7/6/12	\$304,350 0

**Approved in Calendar Year 2012**

Most recent first

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ Match
State of Alaska	State Designated Legislative Grant	Dredging, scouring of ramps, new south ramp, excavator	Port	10/6/11	\$4,000,000 0
Alaska Division of Homeland Security and Emergency Management	Reallocated State Homeland Security Grant funds	Mobile Command Trailer	Police	10/31/12	\$6,782.31
FTA Section 5311	Community Transportation Grant	Bethel Public Transit System Operation and Maintenance	Public Works - Transit	4/15/12	\$241,493
YHKC	Diabetes Prevention & Control Program - Community Garden Award	Supplies for 4-H Youth Center Garden: weedblok, plastic, hoops, drip tape; Community Garden: wheelborrows	Parks & Rec.	4/6/12	\$1,029
State of Alaska	State Designated Legislative Grant	New City Shop floor	Public Works	10/6/11	\$1,500,000 0
State of Alaska	State Designated Legislative Grant	Fire Engine - pumper/tanker	Fire	10/6/11	\$350,000 0
State of Alaska	State Designated	Bethel Aquatic Training	Parks &	10/6/11	\$23,000,000

	Legislative Grant	and Health Center	Rec.		0
Denali Commission	Transportation Program – Waterfront Development Program	City Dock East Timber Wall Replacement Design	Port	11/10/11	\$200,000 0
Denali Commission	Transportation Program – Waterfront Development Program	North and South boat launch ramps and scouring of ramp toes	Port	11/10/11	\$1,000,000 \$500,000

**Not Approved in Calendar Year 2012**

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ Match
Alaska Division of Homeland Security and Emergency Management	State Homeland Security Grant FY 2012	Police equipment, Port security gates, Fire self-contained breathing apparatuses	Fire, Police, Port	7/30/12	\$752,035 0
U.S. Government	Congressional Budget Request	Dredging Bethel Small Boat Harbor	Port	1/27/12	\$2,000,000 0
U.S. Government	Congressional Budget Request	Bethel Bank Stabilization Project	Port	1/27/12	\$3,000,000 0
U.S. Government	Congressional Budget Request	Kuskokwim River Navigation	Port	1/27/12	\$100,000 0
U.S. Government	Congressional Budget Request	CAT6 cable in City Hall and Public Works building to allow new telephone communications	Information Technology	1/27/12	\$500,000 0
U.S. Government	Congressional Budget Request	Bethel Aquatic Training and Health Center	Parks & Rec.	1/27/12	\$4,000,000 0
U.S. Government	Congressional Budget Request	Dredging Bethel Small Boat Harbor	Port	1/27/12	\$2,000,000 0
U.S. Government	Congressional Budget Request	Bethel Bank Stabilization Project	Port	1/27/12	\$3,000,000 0





## **MEMORANDUM**

**DATE:** December 6, 2012  
**TO:** Lee Foley, City Manager  
Deb Jones, 4-H Program Leader  
**FROM:** Ronda Sargent, Acting Director  
Parks & Recreation 4-H Program  
**SUBJECT:** November 2012 Managers Report

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- Staffing: Issues/Concerns/Training
  - The Director joint position is still not posted so I have a couple of long acting positions until it gets settled
- Budget/Financial
  - November budget is on track
- Seasonal Projects
  - Gearing up for December projects
  - Working with Annette on the City Christmas Party
- 4-H Activities
  - Went to Anchorage Nov 12-14 for the CES 4-H Staff Retreat. We worked on the yearly plan and goals. We also learned about how to work in some healthy breaks for ourselves and our staff.
  - Friday, November 9 on the in-service day we invited the children to bring their dogs at 4 pm for pet show and tell. It was fun!
  - Afterschool team had a fire drill on the 8<sup>th</sup>. We all go out in 1 min 25 sec. It took us 5 mins to get back in!
- Contacts
  - Met Kendra another 4-H Staff that works in the Tanana District. she and I have a lot of the same issues working in rural areas that are predominately native and unfamiliar with 4-H. We have planned some time to discuss our issues and see how we can help each other.
  - BRHS will not let pass out our survey to the students. We are working on another way to get it out.
  - Jeremy Osborne from YUUT Construction Academy has a group that has time on their hands and wanted to know if there was anything they could build for us.
- Committees
  - Worked with the City Planner on parks planning items

- Thank You/Kudos
  - To Jojo and the staff for working well together while I was in Anchorage
- Foods Programs
  - We have been approved to do the CACFP for another year!
- Grants
  - Started work on the next Land and Water Conservation Fund grant for Pinky's Park upgrades
- Parks
  - Worked with John Sargent, Grant Development on parks ideas and what was listed in the Parks Plan and the City Master Plan to see where grants could help.
- Admin Other
  - Attended the City Supervisor Training on how to recognize and handle Drug and alcohol issues appropriately

**MEMORANDUM**

**DATE:** 1/1/2013

**TO:** Lee Foley, City Manager

**FROM:** Chuck Willert, Public Works Director

**SUBJECT:** Manager's Report –

**Programs/Divisions**

**Public Works Director:**

We have some news about hooking up YKHC Hospital complex to our City water main. We have CH2M Hill engineers coming out to assess the ability to hook up from our water main on the south side of City Sub. The City Subdivision Water Treatment Plant operates at about 25% of its capacity right now and adding YKHC would up the operating capacity by about 4%. These are numbers that Bill Arnold and I have come up with and we will see how the engineers rate with their numbers. This has the ability to generate revenues that the City hasn't had available to them in the past.

We are going to get an engineer to assist us with our floor work detail and make sure we address all the problems. We have had CH2M Hill do this work a short time back and we are hoping to be able to access their reports about the shop floor. We are looking to get the RFP out this month.

**Utility Maintenance:**

This month we responded to six after hour callouts. We also helped Billing with Blue Tags. We also had several freeze ups in ASHA. We also had a frozen liftstation in AVCP Housing. We also monitor our liftstations on a daily basis. We continue to assist the school, hooking up their new water lines. We also continue to rebuild sewer pumps when needed.

## Hauled Utilities:

It has been a busy month with the cold weather. Besides the regular routes getting done there has been a lot of call backs because tanks, overflows, and fills have been frozen. We are hoping to get a couple more trucks on the road. I know that's not easy with the trucks going down constantly. That plus better attendance will cut down on the overtime.

## Property Maintenance:

Cold weather maintenance of our Facilities can be a challenge during these extreme temperature changes. It has its problems with keeping entrance ways and walkways clear of snow and sanded. Heat plants, pumps and zone valves constantly need to be monitored to make sure they are functioning efficiently. Weekends, buildings are checked daily. Other issues to deal with on a day to day basis are doors, lights, toilets and electrical problems.

We have contacted and brought out a Mechanical Engineering firm to inspect and evaluate the heat and plumbing problems at the Fire Station. They have identified a number of deficiencies and we are working out a plan to make the corrections so we don't experience all of the same problems as last year.

## Road Maintenance:

Streets and Road this last year has been sanding and scarifying the roads as needed. With the lack snow storms that we've had this last year so far we used just a little over half the fuel in the equipment this last month than we usually do. With not much snow in Nov. and Dec. of this year we only had to plow snow a few times, so with that we used less fuel in those two months.

Streets and Roads have been helping out at the land fill by loosing up the frozen cover pile for Sonny as he needed it. We also hauled some of the cover from the pile that we loosing up to the working face at the land fill for Sonny to push with the 953 cat. We also have been going around picking up some of the large items that people left around the dumpsters with the loader and hauling it to the land fill.

### **Vehicles and Equipment:**

We have been performing routine maintenance on city vehicles. Shane Sansone started this month as a new mechanic. Thanks to Larry Elarton for using his resources to help us find Shane. Shane showed up with a lot of knowledge on old and new vehicles. He has been a great addition to the crew.

### **Transit System:**

For December, 2012 The Bethel Transit System transported a total of 534 passengers, 113 of those riders had a disability and 100 were elders.

The cash fares totaled \$ 745.00 while the passes used totaled \$472.00 and monthly passes were \$215.00 , These are figures with One (1) Driver , Brenda Gone for three (3) days , Rita gone for two (2) weeks all are for Hospital reasons, And one (1) Bus is up and running 436 is out with fuel injectors being fixed, 438 is having the ball joints fixed/replaced.

There is two drivers Brenda George who is a full time driver Rita Crook is a part time driver There is no on-call driver Stan Okpealuk Transit manger. This is from Dec 3 Thru Dec 26 2012.

### **Staffing Issues/Concerns/Training:**

We are trying to hire a part time Transit Bus Driver.

### **Budget/Financial:**

The Budget numbers will be in next months report.

## Vehicles and Equipment:

We have been performing routine maintenance on city vehicles. Shane someone staffed this month as a new mechanic. Thanks to Larry Elston for using his resources to help us find Shane. Shane showed up with a total knowledge on old and new vehicles. He has been a great addition to the crew.

## Transit System:

For December 2012 the Bethel Transit System transported a total of 244 passengers. 13 of those riders had a disability and 102 were seniors. The bus fares totaled \$145.00 while the passes used totaled \$452.00 and monthly passes were \$218.00. Tickets are figured with One (1) Driver Brenda Gons for three (3) days. Five (5) days for two (2) weeks still for hospital reasons. Addison (1) Bus is out and running 438 is out with front injectors being fixed. 408 is having the ball joints fixed/replaced. There is two drivers Shane George who is a full time driver. Pitts Crook is a part time driver. There is no small driver Stan Christian. Transit manager This is from Bus 2 the 1700 26 2012.

## Staffing and Operations:

We are trying to hire a part time Transit Bus Driver.

## Budget:

The budget numbers will be in next month's report.

## Planning Department Report

**From: Rachael Pitts, Planning Director**

**Date: January 1, 2013**

The Planning Director will be working with Taunnie Boothby to prepare for a Floodplain Management and Mitigation Program compliance review for Bethel. This is a process that begins with a visit from Taunnie in January. She is a Planner III with the State of Alaska.

The planner has also been working with the legal department to rewrite some of the city code pertaining to residential properties.

Site Plan Permit Applications and Code Enforcement: We have issued 67 Site Permits to date.

We are planning a demolition of a shack identified by the Police Department as a public nuisance. This particular lot has junk cars and trash as well. This is where we had a death earlier in the month.

Two trailers and one boat were removed from the ROW in the Blueberry Fields Subdivision that were restricting the snow plows. The owner removed them at the request of the city.

### The Bethel Port:

We received a letter from the State of Alaska declining to transfer the road easement at the port. They prefer to retain their access. We were seeking to get the easement transferred to us because the road is no longer needed. The Planning Department would have initiated an easement vacation process.

### Construction Projects:

*Swimming Pool:* Site development has begun and city staff members are providing information and feedback on access and other design elements.

*BNC Commercial Project (Kipusvik):* Pilings are going in.

*Prematernal Home and Long Term Care Facility:* A lot of progress has been made on the Pre-Maternal facility. The walls are up and the roof is being completed.

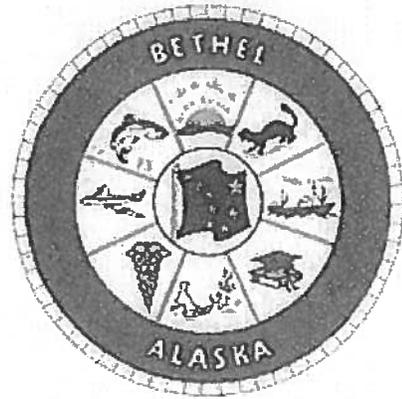
GIS: We are continuing to do an analysis of the program and shape files. The planner has contacted a planner friend in Haines Borough with some questions about adding layers to the map for zoning.

Opportunities: There may be a grant available to move a family in a flood prone home to a new home. If anyone can identify an appropriate property, possibly by the Slough, let the Planner know.



# PORT OF BETHEL

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



TO: Lee Foley, Bing Santamour, Lori Strickler  
FROM: Peter A. Williams, Port Director  
SUBJECT: December 2012 Managers Report

## Small Boat Harbor

-Dredging & Bank Stabilization Project

The Port will meet with the COE construction team next week after the holidays

-GO Bond – there was a meeting between CCED and the Denali Commission on how these funds will be administered. The funds should be available by the end of March 2013.

## Brown Slough

- Preparing excavator for removing obstructions in the mouth of the slough

## City Dock

-December billing is complete. There are 21 vendors storing freight and equipment at the City Dock.

- We are working with the City Attorney regarding Kuskokwim Seafoods LLC outstanding balance.

-DOT tied the transfer (re-plating) 2<sup>nd</sup> Ave. to the transfer of the City Dock. City Attorney forwarded Bethel City Dock Structural Survey to the DOT.

-Design of the East Timber Wall should start in January with the COE

## Seawall

- Invoices paid for the Jung and Active Parcel for K&L Gates legal work still waiting for the BIA to respond, last communication was on 15 Dec. 2012

- Inventory of all Port supplies & equipment is 90% complete

- 950E CAT loader is out of service with electrical problems.

- Dodge Dakota 's transmission is failing, we will most likely be giving this truck up after we receive our new one.

Peter A. Williams  
Port Director



# PORT OF BETHEL

Post Office Box 1358  
Bethel, Alaska 99509  
Voice 907-543-2310  
Fax 907-543-2311

TO: The Honorable Mayor  
FROM: The Honorable Mayor  
SUBJECT: [Illegible]

Special Meeting  
The Port of Bethel is pleased to announce that the Board of Directors will meet on [illegible] at [illegible] to discuss [illegible].

General Meeting  
The Board of Directors will meet on [illegible] at [illegible] to discuss [illegible].

City Book  
The City of Bethel is currently reviewing the [illegible] and [illegible] for the [illegible] year. The [illegible] is being prepared by the [illegible] and will be presented to the [illegible] for their review and approval.

Agenda  
The agenda for the [illegible] meeting is as follows: [illegible].

Mayor [illegible]  
City Clerk [illegible]



## Memorandum

DATE: December 31, 2012  
TO: Lee Foley, City Manager  
FROM: Bobby Sutton, Finance Director  
SUBJECT: Manager's Report – December 2012

### Finance Committee

The Finance Committee chose not to have a meeting in December due to the holidays. The next regularly scheduled meeting of the committee is set for Thursday, January 24, 2012.

### Staffing Issues/Concerns/Training

The Finance Department is currently fully staffed. No major staffing issues are existent at this time. We continue to focus on further development of staff in each of their skill sets.

### Budget/Financial

As of November 30, 2012, the Finance Department had expended \$301,931 (40%) of its annual budget of \$752,617 with 42% of the year elapsed. The Utility Billing Department, which is also managed by the Finance, had expended \$62,315 (34%) of its annual budget of \$184,514.

### Project Updates

- PERS Audit  
A major priority of the Finance Department this past month has been our preparation for the upcoming PERS agency audit. At this time, we are prepared to submit to PERS the requested information. The auditor is scheduled to be in Bethel the week of January 14<sup>th</sup>.
- FY 2014 Annual Budget Preparation  
We are planning to begin meetings with department heads and the Administration in late January. The Proposed Budget will be submitted to City Council by no later than April 1<sup>st</sup>.



Information

GATE December 11, 2012  
TO: The Mayor, City of Toronto  
FROM: Deputy Mayor, Finance Director  
SUBJECT: Financial Report - December 2012

Financial Overview

The Finance Department continues to have a healthy and growing financial position. The most recent consolidated meeting of the committee is set for December 12, 2012.

Financial Report Overview

The Finance Department is currently 91% audited. The major staffing issues are external to the City. We continue to focus on further development of staff to help address the gap.

Financial Results

As at November 30, 2012, the Finance Department has reported 2012 year-to-date results. The annual budget of \$725.0 million was 92% at the year-end. The Finance Department, which is also managed by the Finance, has reported \$82.5 million in annual budgetary surplus.

Key Messages

- The Finance Department continues to have a healthy and growing financial position. The most recent consolidated meeting of the committee is set for December 12, 2012.
- The Finance Department is currently 91% audited. The major staffing issues are external to the City. We continue to focus on further development of staff to help address the gap.

**MEMORANDUM**



DATE: December 31, 2012  
TO: Lee Foley, City Manager  
FROM: John Sargent, Grant Manager  
SUBJECT: Grant Manager's Report – January 8, 2013 Bethel City Council Meeting

**LED Streetlights**

The last order of LED streetlights expected was placed for 40 LED 30s and 25 LED 120s. The City was able to order these lights for the same bid-induced contract price. The LEDs will arrive on the first barge of the season and be installed in June 2013.

The City will order more mast arms with grant funds to replace the inventory of mast arms used up when "new" streetlights were added to the mix. About 12 new lights were added on Mission Lake Road, Ptarmigan Street, and at the Small Boat Harbor.

**USDA Preconstruction Grant**

I have been working to furnish Larsen Consulting Group with bits and pieces of information and documents so that they can complete the Preliminary Engineering Report and Engineering Report (PER/ER) for the A,B, C Loop Renovation project for Bethel Heights and the Sewage Lagoon project upgrades. Thus far, USDA has not approved either of the two versions of the PER/ER submitted. The PER/ER for the manhole reconstruction project has been approved.

**Land and Water Conservation Fund Grant**

I am working with the Parks and Recreation Department and Planner to prepare a Land and Water Conservation Fund grant application to fund Pinky's Park upgrades. A resolution outlining the proposal will be submitted to Bethel City Council for consideration at the council meeting to be held on January 22, 2013.

The City assisted YKHC in preparing a First Nations Agriculture Initiative Grant to fund a large portion of the Community Garden High Tunnel project. The First Nations grant will act as match to the City's planned Pinky's Park Upgrade project to be described in the Land and Water Conservation Fund Grant application due February 1, 2013.

**Emergency Operations Plan Revision**

The Alaska Division of Homeland Security and Emergency Management (DHS) renewed its effort to complete a draft of the City of Bethel's Emergency Operations Plan revision by the end January 2013. Kim Weibl replaced Andy Jones as the Senior Planner. The City received a grant from DHS in 2009 valued at \$15,000 for the EOP update.

**City of Bethel  
Grant Summary  
Calendar Year 2012**

MEMORANDUM  
DATE: December 31, 2012

**Preparing**

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ City Match
AK Dept. of Natural Resources, Alaska Division of Parks and Outdoor Rec.	Land and Water Conservation Fund Grant	Pinky's Park upgrades: ball field and skatepark improvements	Parks and Rec.	2/1/13	(\$50,000 - \$125,000) \$1 for \$1 match, including in-kind

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Most recent first

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ City Match
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**Approved in Calendar Year 2012**

Most recent first

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ Match
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State of Alaska	State Designated Legislative Grant	New City Shop floor	Public Works`	10/6/11	\$1,500,00 0
State of Alaska	State Designated Legislative Grant	Fire Engine – pumper/tanker	Fire	10/6/11	\$350,000 0
State of Alaska	State Designated	Bethel Aquatic Training	Parks &	10/6/11	\$23,000,000

	Legislative Grant	and Health Center	Rec.		0
Denali Commission	Transportation Program – Waterfront Development Program	City Dock East Timber Wall Replacement Design	Port	11/10/11	\$200,000 0
Denali Commission	Transportation Program – Waterfront Development Program	North and South boat launch ramps and scouring of ramp toes	Port	11/10/11	\$1,000,000 \$500,000

### Not Approved in Calendar Year 2012

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ Match
Alaska Division of Homeland Security and Emergency Management	State Homeland Security Grant FY 2012	Police equipment, Port security gates, Fire self-contained breathing apparatuses	Fire, Police, Port	7/30/12	\$752,035 0
U.S. Government	Congressional Budget Request	Dredging Bethel Small Boat Harbor	Port	1/27/12	\$2,000,000 0
U.S. Government	Congressional Budget Request	Bethel Bank Stabilization Project	Port	1/27/12	\$3,000,000 0
U.S. Government	Congressional Budget Request	Kuskokwim River Navigation	Port	1/27/12	\$100,000 0
U.S. Government	Congressional Budget Request	CAT6 cable in City Hall and Public Works building to allow new telephone communications	Information Technology	1/27/12	\$500,000 0
U.S. Government	Congressional Budget Request	Bethel Aquatic Training and Health Center	Parks & Rec.	1/27/12	\$4,000,000 0
U.S. Government	Congressional Budget Request	Dredging Bethel Small Boat Harbor	Port	1/27/12	\$2,000,000 0
U.S. Government	Congressional Budget Request	Bethel Bank Stabilization Project	Port	1/27/12	\$3,000,000 0

0			and Health Center	Registive	
2500,000	11/10/11	Port	City Dock East Renovation Wall Replacement Design	Transportation Program Development Program	Health Commission
1,000,000	11/10/11	Port	North and South Side Branch Camp and sewing of uniforms	Transportation Program Development Program	Health Commission

Not Approved in Calendar Year 2012

Amount	Date	City Dept. (Partners)	Project/Services	Name	Sponsor
2,000,000	12/12/11	Port	City Dock East Renovation Wall Replacement Design	Transportation Program Development Program	Health Commission
1,000,000	12/12/11	Port	North and South Side Branch Camp and sewing of uniforms	Transportation Program Development Program	Health Commission
2,000,000	12/12/11	Port	City Dock East Renovation Wall Replacement Design	Transportation Program Development Program	Health Commission
1,000,000	12/12/11	Port	North and South Side Branch Camp and sewing of uniforms	Transportation Program Development Program	Health Commission
2,000,000	12/12/11	Port	City Dock East Renovation Wall Replacement Design	Transportation Program Development Program	Health Commission
1,000,000	12/12/11	Port	North and South Side Branch Camp and sewing of uniforms	Transportation Program Development Program	Health Commission
2,000,000	12/12/11	Port	City Dock East Renovation Wall Replacement Design	Transportation Program Development Program	Health Commission
1,000,000	12/12/11	Port	North and South Side Branch Camp and sewing of uniforms	Transportation Program Development Program	Health Commission

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*Bethel City Council*

*Office of the City Clerk*

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# **Clerk's Report**

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Bethel City Council

Office of the City Clerk

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# Clerk's Report



# City of Bethel, Alaska

## City Clerk's Office

**To:** City Council  
**From:** Lori Strickler  
**Subject:** Clerk's Report

### **Upcoming Council Events:**

January 22, 2013 Regular Meeting  
February 12, 2013 Regular Meeting

### **Projects**

Prepared a new Claims Against the City Procedure to include new forms. This was so far presented to the attorney and finance director for their review and modification and will be presented to the City Manager for final approval and implementation.

Considering ways to modify Ordinances 07-8, 07-10, 09-25 and 09-31, to allow for the use of the .5% sales tax designated for the operation/maintenance of the BATH Center to be used for other recreational needs within the community, specifically the Armory facility. The drafting of this modification was a request from a council member. I hope to have something presented to the council by the November 27<sup>th</sup> meeting.

Drafted a conflict of interest ordinance which has been presented to the attorney for review and suggested modification. In conjunction to the draft ordinance, prepared a Financial Disclosure template that mimics that of other communities that have opted out of Alaska Statutes Title 49. It was my intent to provide the council with a starting point for consideration.

### **Records Retention**

The department heads have been informed of the upcoming records retention review. In January the City Clerk's Office will begin modification of the retention schedule so allow for easier retention throughout the departments as well as updates to the schedule. The last records retention rewrite was completed in 2010.

### **Committee and Commission Training**

The City Clerk's Office will be putting on Committee and Commission Training for all of the boards the first three months of 2013. As a reminder, the Clerk's Office is on a bi-annual rotation. In 2012 there were two general trainings held for

anyone new to the committees/commissions or that wanted a refresher. In 2013 every committee and commission will get a more personalized training focusing on their board specifically. Every committee/commission member as well as council member is encouraged to contact my office with any questions regarding board and council procedure.

Planning Commission – February 16, 2013

### Committee and Commission Recorder and Ex-Officio Training

The annual training for the committee/commission recorders and ex-officio members will be conducted this month, tentatively January 25, 2013.

# Executive Session

Executive  
Session

**CITY OF BETHEL  
CITY MANAGER EVALUATION — DECEMBER 11, 2012**

**City Manager: Lee Foley**

**Rating: 5 = Excellent; 1 = Needs improvement**

	5	4	3	2	1
<b>Enforcement of Laws and Implementation of Policy Directives</b>					
Manage the City's administrative affairs according to state statutes and Bethel Municipal Code					
<i>Comments:</i>					
Analysis and development of policies and procedures					
<i>Comments:</i>					
Implement and monitor policies enacted by City Council					
<i>Comments:</i>					
Supervision of City administration and departments					
<i>Comments:</i>					
Problem solving and conflict resolution					
<i>Comments:</i>					
Management and valuation of cultural diversity					

What is the purpose of the meeting?									
Who is invited to attend?									
What is the agenda?									
What is the expected outcome?									
What is the budget?									
What is the timeline?									
What is the risk level?									
What is the status?									
What is the next step?									
What is the contact information?									
What is the meeting location?									
What is the meeting time?									
What is the meeting date?									
What is the meeting agenda?									
What is the meeting minutes?									
What is the meeting notes?									
What is the meeting action items?									
What is the meeting follow up?									
What is the meeting feedback?									
What is the meeting evaluation?									
What is the meeting report?									
What is the meeting summary?									
What is the meeting conclusion?									
What is the meeting final thoughts?									

Meeting # \_\_\_\_\_ Date \_\_\_\_\_  
 Meeting Title \_\_\_\_\_  
 Meeting Location \_\_\_\_\_  
 Meeting Time \_\_\_\_\_  
 Meeting Date \_\_\_\_\_

City Manager: Joe Felt

CITY MANAGER'S OFFICE -- DECEMBER 11, 2013  
 CITY OF DENVER

**CITY OF BETHEL  
CITY MANAGER EVALUATION —DECEMBER 11, 2012**

<i>Comments:</i>								
Creativity, innovation and ability to change to meet needs								
<i>Comments:</i>								
Long range planning								
<i>Comments:</i>								
Development and management of real and personal property of the City								
<i>Comments:</i>								
<b>SUBTOTAL OF CATEGORY:</b>								

	5	4	3	2	1
<b>Appointing Authority</b>					
Serve as Personnel Officer (Director) of the City					
<i>Comments:</i>					
Manage Labor Relations/Employee Relations					
<i>Comments:</i>					



**CITY OF BETHEL  
CITY MANAGER EVALUATION — DECEMBER 11, 2012**

Monitor employee benefit program:									
<i>Comments:</i>									
Analyze human resources and technical needs and implement solutions									
<i>Comments:</i>									
<b>SUBTOTAL OF CATEGORY:</b>									

	5	4	3	2	1
<b>Preparation, Submission and execution of annual budget and capital improvements</b>					
Development and submission of recommended annual budget					
<i>Comments:</i>					
Development and submission of recommended capital improvement program budget					
<i>Comments:</i>					
Budget management, control and analysis					
<i>Comments:</i>					
<b>SUBTOTAL OF CATEGORY:</b>					

**PROBATION PROGRAM**

Case No. \_\_\_\_\_

Probationer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

Probation Period: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

**REPORT OF OFFICER**

Case No. \_\_\_\_\_

Probationer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

CITY MANAGER EVALUATION -- DECEMBER 11, 2013

CITY OF DENVER

**CITY OF BETHEL  
CITY MANAGER EVALUATION — DECEMBER 11, 2012**

<b><i>Performance of other duties assigned by law or City Council</i></b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Timeliness, quality and clarity of communications with city council					
<i>Comments:</i>					
Timeliness, quality and clarity of communications with the public and media					
<i>Comments:</i>					
Ethics, values, judgment and perceptiveness					
<i>Comments:</i>					
Communicates projects and project status with Council					
<i>Comments:</i>					
<b><i>SUBTOTAL OF CATEGORY:</i></b>					

<b><i>Ethics and Communication</i></b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Defends principle and conviction in the face of partisan influence and pressure					
<i>Comments:</i>					
Maintains high standards of ethics, honesty and integrity in all matters					
<i>Comments:</i>					











# **Additional Information**

**Additional  
Information**

## City of Bethel 2013 Holidays

New Year's Day	Tuesday, January 1, 2013
President's Day	Monday, February 18, 2013
Memorial Day	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013
Alaska Day	Friday, October 18, 2013
Veteran's Day	Monday, November 11, 2013
Thanksgiving Day	Thursday, November 28, 2013
Day after Thanksgiving Day	Friday, November 29, 2013
Chief Eddie Hoffman's Day	Friday, December 13, 2013
Christmas Day	Wednesday, December 25, 2013
One (1) Floating Holiday	All Employees with more than one year of continuous service shall receive one (1) floating holiday at the start of the calendar year to be taken at a time approved by the Employee's immediate supervisor. All floating holidays must be taken in the calendar year accrued or forfeited.

# City of Bethel 2013 Holidays

Tuesday, January 1, 2013	New Year's Day
Monday, February 18, 2013	President's Day
Monday, May 13, 2013	Memorial Day
Thursday, July 4, 2013	Independence Day
Monday, September 2, 2013	Labor Day
Friday, October 18, 2013	Alaska Day
Monday, November 18, 2013	Veteran's Day
Thursday, November 28, 2013	Thanksgiving Day
Friday, November 29, 2013	Day after Thanksgiving Day
Friday, December 13, 2013	Chief Eddie Hoffman's Day
Wednesday, December 25, 2013	Christmas Day
Thursday, December 26, 2013	One to Brighten Holiday

All employees will have a normal workday on the day following the holiday. All employees will receive a normal workday on the day following the holiday. All employees will receive a normal workday on the day following the holiday.