



City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

Fax: 907-543-3781

Regular City Council Meeting

Tuesday, April 28, 2015

6:30 P.M.

Council Chambers; Bethel, Alaska



**City Council Meeting Agenda
Regularly Scheduled Meeting
April 28, 2015-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

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

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

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

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

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

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

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

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

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

Patty Burley
City Attorney

Mary Sattler
Lobbyist

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PEOPLE TO BE HEARD – Five minutes per person**
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. APPROVAL OF MEETING MINUTES**
 - a) **P3** *4-14-2015 Regular Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEE**
 - a) Public Safety and Transportation Commission
 - b) Port Commission
 - c) Planning Commission
 - d) Parks and Recreation Committee
 - e) Finance Committee
 - f) Public Works Committee
 - g) Energy Committee
 - h) Non Standing Committee Reports
- VIII. SPECIAL ORDER OF BUSINESS**
 - a) **P31** Proclamation Sexual Assault Awareness Month (Mayor Robb)
 - b) **P33** Proclamation Heroin Awareness Week April 27 Through May 2, 2015 (Council Member Maczynski)
- IX. UNFINISHED BUSINESS**
 - a) **P37** Public Hearing Of Ordinance 15-06: Providing For The Submission To The Qualified Voters Advisory Questions On Potential Alcohol Sales In Bethel (Mayor Robb)
 - b) **P39** Public Hearing Of Ordinance 15-07: Acquisition Of Laundromat Building And Property (City Manager Capela)
 - c) **P41** Public Hearing Of Ordinance 15-08: Ballot Proposition Establishing A 12% Tax On Alcohol Sales In Bethel (Council Member Fansler)
 - d) **P43** Public Hearing Of Ordinance 15-09: Disposition Of City Property Through Request For Proposal – Old Laundromat Building (City Manager Capela)
 - e) **P45** Public Hearing Of Ordinance 15-10: Establishing Chapter 16.10 Of The Bethel Municipal Code, Tall Towers (Vice-Mayor Albertson)
- X. NEW BUSINESS**
 - a) **P79** *Introduction Of Ordinance 15-11: Approving The Disposal Of Warehouse Building City Property In Accordance With 4.08.030, Disposal Of Property (Acting City Manager Peter Williams)

Agenda posted on April 22, 2015, at City Hall, AC Co., Corina's Caselot, and the Post Office.

Lori Stickler, City Clerk

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

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 May 12, 2015**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
April 28, 2015-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

- b) **P93** *Introduction Of Ordinance 15-12: Amending The City Of Bethel Terminal Tariff #004, Naming Rates, Rules And Regulations For Terminal Services At The Port Of Bethel, Alaska (Acting City Manager Peter Williams)
- c) **P95** *Resolution 15-08: Protesting The Issuance Of A Package Store License To Bethel Spirits, LLC. Doing Business As Bethel Spirits-License # 5384, Located At 905 Chief Eddie Hoffman Highway, Suite B, Bethel, Alaska (Vice-Mayor Albertson)
- d) **P109** *Resolution 15-09: Protesting The Issuance Of A State Of Alaska Alcoholic Package Store License For Alaska Commercial Company AC Value Center; 135 Ridgecrest Street; Owned By North West Company International Inc.; License ID # 5388 (Council Member Herman)
- e) **P121** *Resolution 15-10: Affirming Eligibility For Power Cost Equalization "Community Facility" Status For Its Yukon-Kuskokwim Regional Aquatic Health And Safety Center (Council Member Springer)
- f) *Administrative Leave Request For City Attorney, May 6 Through May 8, 2015 (Mayor Robb)
- g) *Personal Leave Request For City Attorney, May 31 Through June 12, 2015 (Mayor Robb)
- h) *Personal Leave Request For City Clerk, June 24 Through July 8, 2015 (Mayor Robb)

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. EXECUTIVE SESSION

- a) Alaska Statutes 44.62.310 (C) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity. Omni Enterprises, Financial Delinquencies And Current Litigation (Acting City Manager Peter Williams)
- b) Alaska Statutes 44.62.310 (C) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity. Bethel Packing And Delivery, Overdue Tax Delinquency (Acting City Manager Peter Williams)
- c) Alaska Statutes 44.62.310 (C) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity. Collective Bargaining Agreement. (Acting City Manager Peter Williams)

XVI. ADJOURNMENT

Agenda posted on April 22, 2015, at City Hall, AC Co., Corina's Caselot, and the Post Office.

Lori Stickler, City Clerk

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

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 May 12, 2015**)

Approval of the Minutes

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on April 14, 2015 at 6:30pm, in the council chambers, Bethel, Alaska.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Zach Fansler
<input checked="" type="checkbox"/> Vice-Mayor Leif Albertson	<input checked="" type="checkbox"/> Council Member Mark Springer <i>Via Conference Call</i>
<input checked="" type="checkbox"/> Council Member Chuck Herman	
<input checked="" type="checkbox"/> Council Member Byron Maczynski	<input checked="" type="checkbox"/> Council Member Heather Pike
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Attorney Patty Burley	<input checked="" type="checkbox"/> City Clerk Lori Strickler
<input checked="" type="checkbox"/> City Manager Ann Capela	

Members Absent:
All present.

IV. PEOPLE TO BE HEARD

Tommy Tompkins – Spoke in favor of Resolution 15-06 Senate Bill 46 and House Bill 101.

Shorty Salzbrun – Suggested having a flat rate for water and sewer services. Put a Lift Station near every house. Rentals would have a different rate every month.

Eric Middlebrook – Happy with the liquor situation in Bethel now. Hopes the City will protest against the liquor licenses. If no protest, another local option vote will be held. Appreciates everything the council is doing.

Dave Trantham – 15-06, 15-07 and 15-08. Hate to admit it but a little confused about these ordinances. Special and Regular elections, when are each hold? Need clarification, beneficial to the community to state goals and what the council is trying to accomplish.

Ordinance 15-07 is dealing with the old Laundromat; don't know what that has to deal with liquor. 15-08 why are we voting if the City wants a liquor store, I don't understand. Will Updegrave – Hard to follow some speakers, need more amplified sound for those who are hearing impaired. Strongly encourage you to tell us what your decision is on the liquor license

Doreen O'Brien – There was two explosions in Tundra Ridge last Saturday night. I called BPD and no answer, called 311 no answer. Called AST the next morning A model rocket had gone off, sounded like an explosion. Was told BPD wasn't staffed enough to help.

Cheri Boisvert – New Library Director here in town. A lot of changes this last month at the library, access to extensive databases that is impressive for homework help, new book club, chess club, languages, Yup'ik storytelling with elders. Contact us, we now have a new website, also now on Facebook and Twitter.

Trouble with sound. Correction, sound on.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: To approve the Consent and Regular Agenda.

Moved by: Herman

Seconded by: Fansler

Action: Motion carries by a vote of 7-0

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

Opposed: -0

Main Motion: Remove the Introduction of Ordinance 15-06 and 15-08 from the Consent agenda.

Moved by: Herman

Main Motion: Remove Introduction of Ordinance 15-10 from Consent Agenda.

Moved by: Fansler

Main Motion: Remove Introduction of Ordinance 15-06 and 15-07 from Consent Agenda.

Moved by: Albertson

Main Motion: Remove Introduction of Ordinance 15-09

Moved by: Robb

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting March 24, 2015.

Passed on the consent agenda.

VII. REPORTS ON STANDING COMMITTEES

Public Safety and Transportation Commission– *Chuck Herman, Council Representative* –
Need drug screening for chauffeurs, need to find different ways to track Taxi number's and Permit number's want to have one number. Need to talk about vehicles not in use for more than 45 days. Didn't pass anything, need to discuss at next meeting. Need more council members for council, currently have four and if one is absent unable to have a quorum.

Port Commission– *Pete Williams, Port Director* –
Upcoming meeting on Monday Ordinance 15-05 is back again. Tomorrow at the Lulu Herron building will be a meeting for modes of transportation in the region. Just for public comments, going to create a comprehensive plan for our region.

Planning Commission– *Heather Pike, Council Representative* –
Still on island time. No quorum, in need of commissioners so we can have meetings on a regular basis. Anyone interested in joining and learning something new. Currently building land acquisitions. Concerned about if we have planning director yet or not, just a friendly heads up.

Parks and Recreation Committee– *Richard Robb, Council Representative* –
Had a meeting last night quorum with six members, elected as head chair Barb Moiser and as co-chair Clarence Daniels. Talked about 5-year Park plan for the future. Next meeting will be next month.

Finance Committee– *Leif Albertson, Council Representative* –
No meeting, no report.

Public Works Committee– *Byron Maczynski, Council Representative* –
Last meeting was canceled, will have an update at the next meeting.

Energy Committee– *Zack Fansler, Council Representative* –
Talked a lot about alternative energy uses that people had, categorizing and discussed several other issues. Changing meetings to second Monday of every month.

Non-Standing Committee – *Mark Springer, Council Representative* –
No Report.

VIII. SPECIAL ORDER OF BUSINESS

Item A – Proclamation Recognizing Local Musher Pete Kaiser And His Team In Their 2015 K-300 Victory.

Item B – Proclamation For Alcohol Awareness Month.

Item C – Proclamation For Child Abuse Prevention And Awareness Month.

Item D – USA Pool Update On The YK Regional Aquatic Training And Health Center.

Raunika Ray, USA Pool Representative – Held a swimming and boat safety training for the 1st and 2nd graders. Thursday April 30th and Friday May 1st we will be running FREE TRIAL CLASSES!! Fitness classes are available such as Spin class, Cardio Boxing, Zumba, Water Aerobics and Cardio Crunch.

\$43, 457 projected revenue, already at \$30,000 for the month – got a couple more weeks to go so we are well on track.

Sean Legg, USA Pool Representative – Young individual working at the facility had to previously kick this individual out of the building. Spoke with individual, he showed up asking for a job for about three weeks day in and day out. Individual requested to volunteer and making changes in his life to be a part of the pool and better impact his future.

Main Motion:	Request to change reporting to once a month instead of twice a month.
Moved by:	Herman
Seconded by:	Fansler
Action:	Motion carries by a vote of 7-0
In favor:	<input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Pike <input checked="" type="checkbox"/> Albertson
Opposed:	-0

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

Item A - Introduction Of Ordinance 15-06: Providing For The Submission To The Qualified Voters Advisory Questions On Potential Alcohol Sales In Bethel.

Main Motion:	Motion to Introduce Ordinance 15-06.
---------------------	--------------------------------------

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

Main Motion: Move to amend Questions 1—6 by changing the word “a” to “any”

Moved by: Springer
Seconded by: Pike
Action: Motion does not carry by a vote of 0-7
In favor: -θ
Opposed: Fansler Herman Springer Robb Maczynski Pike Albertson

Main Motion: Add question, should the City of Bethel apply and be the sole provider liquor store in Bethel? While still in “wet” status.

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

Primary Amendment: Remove sole provider on the motion. Should read as:
Should the City of Bethel apply for a liquor store license in Bethel, while still in “wet” status?

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

Main Motion: Table this Ordinance 15-06

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

Subsidiary Motion: Motion to take a 10 minute break.

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

Off record at 8:19 pm.

Back on record at 8:29 pm.

Item B - Introduction Of Ordinance 15-07: Acquisition Of Laundromat Building And Property.

Passed on the Consent Agenda

Item C - Introduction Of Ordinance 15-08: Ballot Proposition Establishing A 12% Tax On Alcohol Sales In Bethel.

Main Motion: Introduce Ordinance 15-08.

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

Item D - Introduction Of Ordinance 15-09: Disposition Of City Property Through Request For Proposal - Old Laundromat Building.

Main Motion: Introduce Ordinance 15-09.

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

Item E - Introduction Of Ordinance 15-10: Establishing Chapter 16.10 Of The Bethel Municipal Code, Tall Towers

Main Motion: Introduce Ordinance 15-10.

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

Item F - Resolution 15-06: The Bethel City Council In Support Of Senate Bill 46 And House Bill 101 Allowing Regional Health Organizations Access To The Alaska Municipal Bond Bank.

Main Motion: Adopt Resolution 15-06.

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

Main Motion: Move that Mayor Robb has a conflict of interest and should refrain from discussing and taking action on this issue.

Moved by: Springer
Seconded by: Herman
Action: Motion carries by a vote of 5-1
In favor: Fansler Herman Springer Pike Albertson
Opposed: Maczynski

Mayor Robb stepped down from the Council bench.

Council member Pike declared a conflict of interest, Mayor Pro Temp Albertson ruled, Council member Pike does have a conflict of interest. Council member Pike stepped down from the Council bench.

Council Member Pike and Mayor Robb returned to the Council bench.

Item G - Resolution 15-07: Requesting FY16 Payment In Lieu Of Taxes (PILT) Funding From The Department Of Commerce, Community And Economic Development.

Main Motion: Adopt Resolution 15-07

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

Item H - AM 15-13: Purchase Agreement With O'Brien Construction For The Purchase And Delivery Of Arctic Pipe For The Institutional Corridor Project.

Main Motion: Approve AM 15-13

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

Main Motion: Suspend the rules to hear from the Public Works Director, Muzzafar Lakhani.

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

Item I - AM 15-14: Directing Administration To Submit To The Council An Action Plan For Sales Tax Audits, Procedures For Collection On Delinquent Sales Tax, Procedures For Collection On Other Outstanding Debts Owed To The City.

Main Motion: Approve AM 15-14.

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

Item J - AM 15-15: Approval Of Purchase Of Self Contained Breathing Apparatuses And Related Equipment.

Main Motion: Approve AM 15-15.

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

Item K - Contract Options For Council To Consider For Rehabilitation Of Ridgecrest Drive.

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

Council Member Chuck Herman –
No comment.

Council Member Zack Fansler –
Thanked all of the people who have been coming forward to speak on the various issues to include alcohol and the city budget. The conversations have been respectful so far and that is much appreciated by all involved.
Appreciate all of the hard work the other council members are putting in to their time in office. Thanks also to the City Staff for all of their work for the Council and the public.

Council Member Mark Springer –
Pleased to hear about the Twitter feed for the City Clerk's Office.
Really appreciated the Human Resources Director's Report.

Mayor Richard Robb –
 Bethel middle school archers won a state title a few weeks ago, congratulations.
 Provided condolences to Jay Bierley for the loss of his young daughter.
 Alcohol is by far the most difficult issue the council's over the years have faced.
 Everyone has their own options on the issue and the opinions may not be agreed upon but ultimately, people simply want what is best for the City.

Council Member Heather Pike –
 Thanked the member of the public who came to the Council to speak on the heroin problem here in town. It is important for the community to come together and stand up against the issue and help provide support to those that need it.

Council Member Byron Maczynski –
 At the Council's April 28th Council meeting, the council will be discussing the heroin issue within this community.
 Cama-i is on its way, stay safe on the river and enjoy a great festival.

Vice-Mayor Albertson –
 Thanked everyone who came out to the public forum on alcohol.
 Disappointed with the issues that came out with the video on the AC incident and the lack of the City keeping the community and the Council informed.

Main Motion: Extend the meeting to 11:30 pm.

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

XV. EXECUTIVE SESSION

Item A - Alaska Statutes 44.62.310 (c) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Threatened Litigation

Item B - Alaska Statutes 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Threatened Litigation

Item C - Alaska Statutes 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Omni Enterprises Leased Properties and Financial Delinquencies

Move into Executive Session to discuss Alaska Statutes 44.62.310 (c) (1): Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity Threatened Litigation, Wassillie Gregory and Troy DeLoach.

AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Omni Enterprises Leased Properties and Financial Delinquencies.

Those participating in the Executive Session will be the Council Members, City Attorney Burley, City Manager Capela and City Clerk Strickler.

Main Motion:

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

XVI. ADJOURNMENT

Main Motion: Adjourn

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Reports of Standing Committees

City of Bethel, Alaska Port Commission

April 20, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Port Commission held on April 20, 2015 at 7 p.m. in the City Council Chambers, Bethel, Alaska

Chair, Alan Murphy called the meeting to order at 7:15 p.m.

II. ROLL CALL

Comprising a quorum of the Commission, the following members were present for roll call: Comm. Murphy, Comm. Roczicka, Comm. Pope, Comm. Oosterman

Members absent were:
Comm. Springer

Ex-Officio members present were:
Peter Williams, Edward Flores

III. PEOPLE TO BE HEARD

None

IV. APPROVAL OF AGENDA

MOVED:	Comm. Pope	Approval of Agenda
SECONDED:	Comm. Roczicka	
VOTE ON MAIN MOTION	4-0 All in favor.	

V. APPROVAL OF MINUTES

MOVED:	Comm. Roczicka	Approval of Minutes from Nov. 2014, Feb. 2015
SECONDED:	Comm. Oosterman	
VOTE ON MAIN MOTION	4-0 All in favor.	

VI. SPECIAL ORDER OF BUSINESS

Election of chair & vice-chair

MOVED:	Comm. Pope	Motion to keep status quo
SECONDED:	Comm. Oosterman	
VOTE ON MAIN MOTION	4-0 All in favor.	

VII. DEPARTMENT HEAD COMMENTS

A report was submitted verbally & on paper by the Port Director.

MOVED:	Comm. Roczicka	Motion to accept Directors Report
SECONDED:	Comm. Pope	

VOTE ON MAIN MOTION	4-0 All in favor.
----------------------------	-------------------

VIII. UNFINISHED BUSINESS

FY-15/FY-16 Municipal Dock Budget

MOVED:	Comm. Pope	Recommend to council to split the Municipal Dock account into two separate accounts, one for the City Dock and one for the Small Boat Harbor
SECONDED:	Comm. Roczicka	

VOTE ON MAIN MOTION	4-0 All in favor.
----------------------------	-------------------

Ordinance #15-15

MOVED:	Comm. Roczicka	Motion to send recommendation to City Council for ordinance #15-05
SECONDED:	Comm. Oosterman	

VOTE ON MAIN MOTION	4-0 All in favor.
----------------------------	-------------------

IX. NEW BUSINESS

None

X. COMMISSION MEMBERS COMMENTS

Comm. Oosterman – would like new floats for the Harbor

Comm. Roczicka - Welcomed Mr. Oosterman to the Commission, expecting an extra hot, dry summer.

Comm. Pope – Welcomed Mr. Oosterman to the Commission, expressed concern about the water level for this coming year, stated that he was pleased with the improvements in the Harbor.

Comm. Murphy – expressed concern about the bottom of the ramps with the expected low water this summer. Would like to see gravel put down in the North Harbor. Hoping for a good season this year.

XI. ADJOURNMENT

MOVED:	Comm. Pope	Motion to adjourn
SECONDED:	Comm. Oosterman	

VOTE ON MAIN MOTION	4-0 All in favor.
----------------------------	-------------------

Alan Murphy, Chairperson

ATTEST:

Edward Flores, Recorder



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.

Committee/Commission: PORT COMMISSION	Chairman: A.MURPHY
Date Submitted: 21 APRILL 2015	Council Rep: M.SPRINGER
Issue: FY-16 Budget	
1) Approval of the FY-16 Budget- Recommends that the budget be split into two separate budgets, one for the Municipal Dock and one for the Small Boat Harbor	
2) The Port Commission recommends and approves that \$300,000 be used from the Port funds balance and transferred to the Port Office fund 47-50 for the purpose of design, moving existing structure and building a new office	
3) approves using the Ports fund balance for any expenditures that may result in exceeding revenues	
Recommendation: To accept, by Resolution,	

Other: Passed unanimously by the Port Commission on 4/20/2015

Received by: 
 Date: 4-21-15

City of Bethel, Alaska

Planning Commission Meeting

April 9, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on Thursday, April 9, 2015, at 6:30 PM in the City of Bethel Council Chambers room, in Bethel, Alaska. Chairman Shantz called the meeting to order at 6:30 pm.

II. ROLL CALL

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

III. PEOPLE TO BE HEARD: Shannon Freitas was wondering about the status of the proposed Lyman Hoffman Subdivision and about the notification process in regards to the proposed subdivision.

IV. APPROVAL OF THE MINUTES OF MARCH 12, 2015 REGULAR MEETING

MOVED:	John Guinn	To approve the minutes for the March 12, 2015 meeting.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries	

V. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA OF APRIL 9, 2015

MOVED:	Kathy Hanson	To approve the agenda for the meeting of April 9, 2015.
SECONDED:	John Guinn	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries.	

VI. SPECIAL ORDER OF BUSINESS: City Clerk Lori Strickler presented the annual Planning Commissioner training.

VII. NEW BUSINESS: None

VIII. UNFINISHED BUSINESS: None

IX. COMMISSIONER'S COMMENTS: Cliff: no comments; John: no comments; Kathy: no comments; Joy: no comments.

IV. ADJOURNMENT

MOVED:	John Guinn	Motion to adjourn the meeting.
SECONDED:	Kathy Hanson	
VOTE ON MOTION	4 yes and 0 opposed. Motion carries.	

Next meeting on will be on May 14, 2015

ATTEST: _____, Joy Shantz, Chairman
 _____, Betsy Jumper, Recorder

City of Bethel, Alaska

Public Works Committee Minutes

April 15, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular Public Works Committee Meeting was held on April 15, 2015 at 6:30 pm in the council chambers of the City Hall, Bethel, Alaska. The meeting was called to order by the committee chair Frank Neitz at 6:32 pm.

II. ROLL CALL

Present: Frank Neitz, Scott Guinn, Donna Lindsey, Delbert Egoak, Wade Ferdig.
Excused: Byron Maczynski, Robert Champagne, Jenifer Dobson, Joseph Klejka.
Unexcused: None.

III. PEOPLE TO BE HEARD

None.

IV. APPROVAL OF AGENDA

MOVED BY	Delbert Egoak	Motion to approve the agenda.
SECONDED BY:	Donna Lindsey	

VOTE ON MOTION	Motion carried by unanimous vote

V. APPROVAL OF MINUTES

MOVED BY:	Scott Guinn	Motion to approve minutes of Dec. 17, 2014 regular meeting. Motion to approve minutes of Feb 18, 2015 regular meeting
SECONDED BY:	Delbert Egoak	

VOTE ON MOTION	Motion carried by unanimous vote.
-----------------------	-----------------------------------

VI. SPECIAL ORDER OF BUSINESS:

Annual training for the committee members was provided by the city clerk.

VII. UNFINISHED BUSINESS

Item A - Water & Sewer Master Plan

Item B - Institutional Corridor Location of 4th Well for City Sub WTP

Item C - Sewer Lagoon

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

Item E - Ridgecrest Dr. Rehabilitation Project for 3.8 Million at the school

Item F - Landfill Rates

Item G – Proposed Blue Sky Estates (Hoffman Subdivision).

VIII. NEW BUSINESS

IX. DIRECTOR’S REPORT:

Public Works Monthly Report attached.

Purchase of the Arctic pipe contract, (for the Institutional Corridor piped water supply project) was awarded by the city council on May 14th, 2015 to O’Brien Construction Company, in the amount of \$920,501.40. The delivery of the pipe is expected to be received in Bethel in July and construction will start this year.

Dowl Engineering (City’s Consultants for this project) has completed the field survey work, and has completed 30% design of the project. The 30% set is available for review.

City has submitted the comments/concerns to DOT regarding the Ridgecrest Drive Project. The set of plans for this project was shared with the committee members.

The department is looking into the purchase of two new water trucks.

Two Mechanics and Two Truck drivers resigned this month.

Director informed the committee that he will be on vacation from May 15th, 2015 thru June 6th, 2015.

X. MEMBER COMMENTS

Scott Guinn – No Comments

Delbert Egoak – No Comments

Donna Lindsey – No Comments

Wade Ferdig – City should look into the sewer lift station option instead of spending money on the repair of the Truck dump site at the lagoon. The lift station is more economical and long term solution in my opinion, it will work in conjunction with the city’s long term goal of providing the piped sewer service to all the Bethel residents and Businesses.

The Two inch asphalt layer (As shown on the D.O.T. drawings) on proposed Ridgecrest Drive project is not appropriate. The asphalt will come off and buckle in short period of time, due to heavy water/sewer trucks moving on it.

Frank Neitz – The committee agrees with and supports the City Manager’s concerns regarding the high cost and design quality of Ridgecrest Drive Paving Project.

XI. ADJOURNMENT

MOVED BY:	Scott Guinn	Motion to adjourn
SECONDED BY:	Wade Ferdig	

VOTE ON MOTION	Motion Carried by unanimous vote
-----------------------	----------------------------------

APPROVED THIS _____ DAY OF -----, 2015.

Frank Neitz, Chair

Muzaffar Lakhani
Recorder of Minutes



City of Bethel, Alaska

Parks & Recreation Committee Agenda

Regular Meeting

April 13, 2015 – 6:00p.m.

City Hall

Minnie Sallison Fritts
Committee Chair
Term Expires 12/2016

Barbara Mosier
Committee Co Chair
Term Expires 12/2016

Clarence Daniel
Committee Member
Term Expires 12/2017

Margaret Revet
Committee Member
Term Expires 12/2017

Rick Robb
Council Rep 10/2015

Susan Taylor
Committee Member
Term Expires 12/2017

Amanda Colvin
Committee Member
Term Expires 12/2015

Alternate Committee Member
3 Year Term

Ronda Sargent
Director
543-7711

Matthew Ross
Committee Recorder
543-2088

Rachael Pitts
City Planner
545-0114

John Sargent
Grant Development Manager
543-1386

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PEOPLE TO BE HEARD – THREE MINUTES PER PERSON**
- IV. APPROVAL OF AGENDA**
- V. SPECIAL ORDER OF BUSINESS**
 - a. Election of Chair
- VI. APPROVAL OF MINUTES**
 - a. January 12, 2015
 - b. February 2, 2015
 - c. March 2, 2015
- VII. DEPARTMENT HEAD REPORT**
- VIII. UNFINISHED BUSINESS**
- IX. NEW BUSINESS**
 - a. 5 Year Plan
 - b. Community Survey draft
- X. MEMBER COMMENTS**
- XI. ADJOURNMENT**

DRAFT
City of Bethel, Alaska
Parks and Recreation Committee Minutes

April 13, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

The meeting was called to order by Barbara Mosier at 6:03 pm.

II. ROLL CALL

Comprising a quorum of the Committee, the following were present:
Margaret Revet, Rick Robb, Clarence Daniel, Susan Taylor, Barb Mosier

Excused absence(s): Amanda Colvin

Unexcused absence(s): Minnie Sallison-Fritts

Also in attendance were the following:

Ronda Sargent, Parks and Recreation Director
Matthew Ross, Committee Recorder

III. PEOPLE TO BE HEARD

None

IV. APPROVAL OF AGENDA

MOVED BY:	R. Robb	To approve the agenda.
SECONDED BY:	C. Daniel	
VOTE ON MOTION	Unanimously approved	

Special Order Of Business

a. Election of Chair

MOVED BY:	R. Robb	To approve Barbara Mosier Committee Chair
SECONDED BY:	C. Daniel	
VOTE ON MOTION	Unanimously approved	
MOVED BY:	R, Robb	To approve Clarence Daniel as Committee Co-Chair.
SECONDED BY:	M. Revet	
VOTE ON MOTION	Unanimously approved	

V. APPROVAL OF MINUTES

MOVED BY:	C. Daniel	To approve the minutes of January 12, 2015. As amended to Amend S.Taylor to excused
SECONDED BY:	B. Mosier	
VOTE ON MOTION	4-Yes 1-No	
MOVED BY:	S. Taylor	To approve the minutes of February 2, 2015. As amended to amend S. Taylor to excused.
SECONDED BY:	C. Daniel	
VOTE ON MOTION	Unanimously approved	
MOVED BY:	S. Taylor	To approve the minutes of the regular meeting of March 2, 2015
SECONDED BY:	C. Daniel	
VOTE ON MOTION	Unanimously approved	

VI. DEPARTMENT HEAD REPORT

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

MOVED BY:	S. Taylor	To go till 7:30pm
SECONDED BY:	C. Daniel	
VOTE ON MOTION	Unanimously approved	
MOVED BY:	R. Robb	To go till 8:00pm
SECONDED BY:	S. Taylor	
VOTE ON MOTION	Unanimously approved	

XI. MEMBER COMMENTS

XII. ADJOURNMENT

MOVED BY:	M. Revet	To adjourn the meeting at 7:56 pm
SECONDED BY:	S. Taylor	
VOTE ON MOTION	Unanimously approved	

With no further business before the Committee, the meeting adjourned at 7:03 p.m.

APPROVED THIS ____ DAY OF _____, 2015.

Barbara Mosier, Chair

Matthew Ross, Committee Recorder

Special Order of Business



City of Bethel Proclamation

Proclaiming April as

Sexual Assault Awareness and Prevention Month

WHEREAS, the Bethel City Council (hereinafter BCC) is the Legislative body of the City of Bethel, Alaska;

WHEREAS, Bethel City Council wishes to join the State of Alaska and the President of the United States of America declaring the month of April 2015 a Sexual Assault Awareness month;

WHEREAS, sexual assault affects women, children and men of all racial and cultural, and economic backgrounds;

WHEREAS, the crime of sexual assault violates an individual's privacy, dignity, security, and humanity;

WHEREAS, results from the Alaska Victimization Survey shows an estimated 37 out of every 100 women in the state have experienced sexual assault in their lifetime,

WHEREAS, results from the Alaska Fourth R pilot program show 30% of female youths and 16% of male youths in the state reported lifetime sexual violence;

WHEREAS, over 1,650 children were evaluated by child advocacy centers last year;

WHEREAS, speaking out against sexual violence is an important first step toward eliminating this devastating crime;

NOW, THEREFORE, BE IT RESOLVED that Bethel City Council proclaims April 2015 to be Sexual Assault Awareness Month and encourages its citizens to observe Sexual Assault Awareness Month by speaking out against sexual assault, listening to those who have been harmed, and letting others know that sexual assault will not be tolerated. May it be so declared.

Signed this 28th day of April, 2015.

Richard Robb, Mayor

Lori Strickler, City Clerk



City of Bethel Proclamation

United Against Opiate Abuse and Heroin Week April 27 Through May 2, 2015

WHEREAS, worldwide, more than 15 million people consume illicit opiates 1 (opium, morphine and heroin), the large majority use heroin, the most lethal form;

WHEREAS, according to the National Center for Health Statistics in their March 2015 Data Brief release, there were 8,257 drug poisoning deaths involving heroin in 2013 this is a 37% increase per year since 2010;

WHEREAS, as with the national increase of heroin use and availability, Alaska has shown a significant increase in drug related charges and arrests over the past few years;

WHEREAS, as provided in the 2014 Alaska State Troopers, Annual Drug Report, the number of heroin related charges/arrests reported by the State of Alaska Troopers was 118 in 2011, 146 in 2012, 151 in 2013 and 209 in 2014 showing a 77% increase in the number of related charges/arrests over a period of four years;

WHEREAS, the Annual Drug Report also indicated, the use of heroin is no longer a problem for just the urban areas of Alaska, more and more rural communities are showing significant increases in illicit drug activity;

WHEREAS, the Alaska State Troopers reported six heroin related incidents that led to charges and/or arrests in 2013 and 2014 and as of April 17, 2015 there have been two;

WHEREAS, heroin use does not only affect the users, the costs associated with this drug extends past financial, families become broken as loved one struggle through the effects of this terrible addition;

WHEREAS, there are people within this community that are reaping high financial benefits while our young people and families are ripped apart;

WHEREAS, it is time to come together as a community and region and stop this violent trend, let's get help to those who need it and provide strong prevention to those that don't;

WHEREAS, community members should know their resources, The Drug Enforcement Administration has a tip line to report drug crimes, 907-271-5033, the Bethel Police Department has a crime stoppers number, 543-STOP (543-7867), the Yukon Kuskokwim Health Corporation has staff trained to help identify the needs of heroin users and their desires to stop their addictions, there is also Narcotics Anonymous support, call 866-258-6329;

THEREFORE, the City of Bethel, City Council, does hereby proclaim April 27, through May 2, 2015 as United Against Opiate Abuse and Heroin Week.

Signed this 28th day of April, 2015.

Richard Robb, Mayor

Lori Strickler, City Clerk

Unfinished Business

Introduced by: Mayor Robb
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-06

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

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

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

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

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

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

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

- 1) Should the City of Bethel support a liquor license application for a liquor store within the City of Bethel? (Ordinance No. 15-06)
- 2) Should the City of Bethel support a liquor license application for a bar within the City of Bethel? (Ordinance No. 15-06)

Introduced by: Mayor Robb
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

- 3) Should the City of Bethel support a liquor license application for a restaurant or eating establishment within the City of Bethel? (Ordinance 15-06)
- 4) Should the City of Bethel support a liquor license application for a club license within the City of Bethel? (Ordinance 15-06)
- ~~5) Should the City of Bethel apply for a liquor license and operate a city-owned liquor store? (Ordinance 15-06)~~
- 6) Should the City of Bethel support a liquor license application for any other types of licenses within the City of Bethel? (Ordinance 15-06)

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

PROPOSITION NO. _____ Yes No

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

ENACTED THIS 28th DAY OF APRIL 2015, BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: City Manager Capela
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-07

AN ORDINANCE APPROVING THE ACQUISITION OF PROPERTY IN ACCORDANCE WITH 4.08.020, PROPERTY DESCRIBED AS NORTHEAST 1/4 SECTION 8, TOWNSHIP, 8 NORTH, RANGE 71 WEST SEWARD MERIDIAN, BETHEL RECORDING DISTRICT, ALASKA OTHERWISE KNOWN AS THE OLD LAUNDROMAT, 832 RIDGECREST DRIVE TO INCLUDE THE LAND AND BUILDING

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

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

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

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

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

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

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

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

Introduced by: City Manager Capela
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

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

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

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

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

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

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member, Zack Fansler
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-08

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

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

4.16.030 Imposition – Rate.

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

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

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

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

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

PROPOSITION NO. _____

Yes

No

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

Introduced by: Council Member, Zack Fansler
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: City Manager Capela
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-09

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

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

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

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

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

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

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

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

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

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

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

Introduced by: City Manager Capela
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-10

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

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

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

SECTION 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

SECTION 3. Establishing BMC Chapter 16.10 Tall Towers Chapter 16.10 is added to the Bethel Municipal Code as follows:

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

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Chapter 16

Section 16.10 Tall Structures

16.10.010 Purpose

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

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

16.10.020 Definitions

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.030 Application

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

16.10.40 Exemptions

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

16.10.050 Location Preferences

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

16.10.060 Collocation

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

- tower. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to other potential users in the city, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within thirty (30) calendar days. The applicant's letter(s) as well as response(s) must be presented to the Planning Commission as a means of demonstrating the need for a new tower.
2. The applicant shall sign an instrument, maintained by the City, agreeing to encourage and promote the joint use of the Tall Tower within the city and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.

16.10.070 Permit Required

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

16.10.080 Types of Permits

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

16.10.090 Pre-Application Requirements

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.100 Permit Application Process

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

16.10.110 General Standards and Design Requirements

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

E. *Lighting.*

1. Tall Structures may not be lighted or marked unless required by the FCC or FAA.
2. Notice is required to be provided to the FAA, on a form prescribed by the FAA, if the facility falls under notification requirements mentioned in 14 CFR Part77. The applicant is responsible for determining whether notification is required. Any Tall Structure that is required to have lighting by the FAA will be lighted with the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
3. When lighting is required:
 - a) The lights must be oriented, shielded or otherwise designed so as not to project directly on to surrounding property, consistent with FAA requirements.
 - b) Tall Structures must use nonstrobe type red lights for night air safety illumination unless otherwise required by law.
 - c) The negative impact across lot lines caused by Tall Structure lights and illumination on the site must be minimized
 - d) Scenic and night sky views, traffic safety, enjoyment of residential and other lawful uses must be protected.
4. Additional conditions may be required for lighting: type, wattage, brightness, shrouds, direction, location, height and other buffers.

F. *Design criteria.*

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

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

16.10.120 Additional Operation Standards for Wind Energy Conversion Systems

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

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

16.10.130 General Application Submittal Requirements

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.140 Planning Director's Review.

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

16.10.150 Planning Commission Review

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

- A. *Process Timeframe.*

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.160 Extent and Parameters of Special Use Permits

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.170 Interference with Public Safety Equipment

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

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.180 Transfers and Assignments

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

16.10.190 Network Improvement Permit

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.200 Reconstruction and Replacement

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.210 Non-Use and Abandonment

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

16.10.220 Removal of Facilities

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

16.10.230 Transfer of a Conditional Use Permit

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

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

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.250 Conflict with Other Ordinances

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

16.10.260 Violations, Enforcement and Penalties

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.270 Appeals – In General

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

16.10.280 Appeals to the Planning Director

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

16.10.290 Appeals to the Planning Commission

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.300 Appeals to the City Manager

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

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

16.10.310 Appeals to the Hearing Officer(s)

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

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

16.10.320 Determination after Hearing

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

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

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

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

**ENACTED THIS ___ DAY OF _____ 2015, BY A VOTE OF ___ IN FAVOR AND ___
OPPOSED.**

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

New Business

Introduced by: Acting City Manager P. Williams
Date: April 28, 2015
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance 15-11

AN ORDINANCE APPROVING THE DISPOSAL OF CITY PROPERTY IN ACCORDANCE WITH 4.08.030, DISPOSAL OF BUILDING PROPERTY BY LEASE AGREEMENT

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

WHEREAS, BMC 4.08.030(B) further allows the City Council to accept less than current assessed or fair market value to an entity providing a necessary public service;

WHEREAS, in 2013, the Department of Military and Veteran's Affairs (DMVA) donated several buildings to the City;

WHEREAS, one of those buildings, measuring approximately 2000 square feet is currently not being utilized;

WHEREAS, YKHC's Office of Environmental Health and Engineering has requested to lease the vacant building;

WHEREAS, as part of their use of the building, YKHC will improve the warehouse by installing plumbing and heating to the building with the agreement that those improvements will remain a permanent fixture to the building;

WHEREAS, YKHC's Office of Environmental Health and Engineering intends to provide water plant operator training; store critical parts and emergency response equipment for water/sewer systems in the YK Delta and to test a grey water recycling system that may one day decrease the number of hauls needed by the residents of Bethel;

NOW, THEREFORE BE IT ORDAINED, the City Council hereby authorizes the disposal of property by lease agreement, a warehouse building and property, located at Lot 15, Block 7, Bethel Townsite, designated as Municipal Reserve on official townsite plat, United States Survey 3230-A and 3230-B.

Introduced by: Acting City Manager P. Williams
Date: April 28, 2015
Public Hearing:
Action:
Vote:

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

SECTION 2. AUTHORIZATION. Pursuant to Bethel Municipal Code 04.08.030 Disposal of Real Property.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon the passage by the Bethel City Council.

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL COMMERCIAL LEASE

This LEASE is made on May _____, 2015 by and between the City of Bethel (“City”) and Yukon Kuskokwim Health Corporation, an Alaska non-profit corporation (“Lessee”) whose address is PO Box 528, Bethel, Alaska 99559.

City has agreed to Lease to Lessee a warehouse building more specifically described below in Paragraph 1.

**ARTICLE 1
LEASED PREMISES AND TERM**

1.01 Leased Premises. A building, a photo of which is attached hereto as Attachment A, which is located on the following land owned by the City of Bethel: Lot 15, Block 7, BETHEL TOWNSITE, designated as Municipal Reserve on official townsite plat, United States Survey 3230-A and 3230-B. (“Leased Premises”).

1.02 Improvements Owned by City. The following described improvements (“City’s Improvements”) are situated on and are part of the Leased Premises and are and shall remain throughout the term of this Lease the property of the City:

Warehouse Building measuring approximately 2000 square feet.

1.03 Lease Term. This Lease shall be and continue in full force and effect for a term of Ten (10) years commencing on July 1, 2015 and terminating on June 20, 2024 unless earlier terminated in accordance with the terms of this Lease.

1.04 Use of Leased Premises. Lessee’s use of the Leased Premises will be limited to the following: (1) Providing water plant operator training; (2) storage of critical spare parts and emergency response equipment for water/sewer systems in the YK Delta; (3) testing of grey water recycling systems; and (4) other services clearly related to the specified uses.

**ARTICLE 2
RENT**

2.01 Rent. Lessee shall pay to City, without deduction and without notice or demand, Three Hundred Fifty Dollars (\$350.00) per month on or before the 1st day of each month during the Lease Term. City reserves the right to increase the rent from time to time but no more than once annually. City shall give notice of intent to increase at least ninety (90) days prior to July 1st of each year. City agrees not to increase the rent for the first five (5) years of the tenancy.

2.02 Consideration for Reduced Rent. Lessee, in exchange for rent at below fair market value, agrees to: (1) allow City employees to attend the water plant operator training as space allows; (2) share spare parts when appropriate, and (3) share and use the information and technology learned from the grey water recycling testing to potentially decrease hauled needs in the future.

**ARTICLE 3
QUIET ENJOYMENT**

Upon timely payment by Lessee of all rent and other payments required to be paid by Lessee under this Lease, and upon full and faithful observance and performance by Lessee of all of its covenants contained in this Lease, and so long as such observance and performance continues, Lessee shall peaceably hold and enjoy the Leased Premises during the Lease Term without hindrance or interruption by City or anyone lawfully claiming by, through, or under it.

**ARTICLE 4
LESSEE'S COVENANTS**

4.01 Improvements. Lessee may make improvements to the Leased Premises only with the advance written permission of the City. Prior to commencement of any structural work or improvement to the Leased Premises, Lessee shall submit to the City, for its approval, a complete set of construction plans and specifications for said improvements. If approved, such approval shall be in writing within thirty (30) days following the request. Upon this approval, Lessee shall comply with all local, state and federal laws and shall be completed at the sole cost and expense of Lessee. If the City does not approve of the plans, the City shall notify the Lessee, in writing, within thirty (30) days from the request and shall state its reasons for not approving said request. The City assumes no liability or responsibility for the plans and specifications which it approves. Approval of plans and specifications by the City also does not constitute liability for the City for any defect in any structure or improvements constructed from such plans or specifications.

UPON THE EXPIRATION OR TERMINATION OF THIS LEASE, OR ANY EXTENDED TERM, ALL FIXTURES INSTALLED OR IMPROVEMENTS MADE BY TENANT IN, ON OR ABOUT THE LEASED PREMISES SHALL BECOME THE PROPERTY OF THE CITY.

4.05 Observance of Laws.

- A. Lessee, at all times during the Lease Term, at its own expense, and with all due diligence, shall observe and comply with all laws, ordinances, rules and regulations which are now in effect or may later be adopted by any governmental agency, and which may be applicable to the Leased Premises or any improvement on it or any use of it, and shall promptly furnish such evidence of compliance with such laws, ordinances, rules and regulations as City may request from time to time.
- B. In furtherance, and not in limitation, Lessee must, at its own expense, comply with all laws, ordinances, regulations and administrative agency or court orders relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality. In the event any discharge, leakage, spillage, emission or pollution of any type occurs upon or from the Leased Premises during the Lease Term or any holdover thereafter, Lessee, at its own expense, must clean and restore the Leased Premises to the satisfaction of the City and any governmental body or court having jurisdiction of the matter. However, Lessee shall not be responsible for the clean-up or

restoration of the Leased Premises resulting from any discharge, leakage, spillage, emission or pollution to the Leased Premises from surrounding or adjacent premises unless Lessee's actions caused in whole or in part such discharge, leakage, spillage, emission, or pollution, in which case Lessee shall be responsible for the portion of such discharge, leakage, spillage, emission or pollution which was caused by Lessee.

- C. City warrants that at the time of this Lease Agreement, City is not aware of any hazardous or toxic materials on the land.
- D. Lessee agrees to hold City harmless against all liability, cost and expense (including without limitation, any fines, clean-up costs, judgments, litigation costs, and attorneys' fees) incurred by or levied against City as a result of Lessee's breach of this Lease.

4.06 Inspection and Repair by City. Lessee shall repair, maintain and make good all conditions required under the provisions of this Lease to be repaired or maintained within five (5) working days from the date of written notice from City with regard to removal of trash or debris, landscape or yard maintenance, snow removal or cleaning, and thirty (30) days from the date of written notice from City with regard to all other matters. If Lessee refuses or neglects to repair or maintain the Leased Premises as required under the terms of this Lease to the reasonable satisfaction of the City after written demand, then City, without prejudice to any other right or remedy it has under this Lease or otherwise, may perform such maintenance work or make such repairs without liability to Lessee for any loss or damage that may accrue to Lessee's property or Lessee's business by reason of the work or repairs. Upon completion of any such repair or maintenance, and no later than ten (10) days after presentation of a bill therefore, Lessee shall pay as additional rent City's actual costs for making such repairs or performing such maintenance. However, Lessee shall not be responsible for the replacement or repair of any street lights that may illuminate the Premises.

4.07 Waste and Wrongful Use. Lessee shall not commit or suffer any waste of the Leased Premises or any unlawful, unsafe, improper, or offensive use thereof or any public or private nuisance thereon.

4.09 Liens. Lessee shall not commit or suffer any act or neglect whereby the Leased Premises or the interest of City or Lessee therein at any time during the Lease Term may become subject to any attachment, execution lien, charge, or other encumbrance, and shall defend, indemnify and hold City harmless against all losses, costs, and expenses, including reasonable attorney's fees, paid or incurred by City in connection therewith.

4.10 Indemnification.

- A. Lessee shall indemnify, defend and hold City harmless from and against any and all claims arising from (1) Lessee's use of the Leased Premises, or from the conduct of Lessee's business, or from any activity, work or things done, permitted or suffered by Lessee in or about the Leased Premises; (2) any breach or default in the performance of any obligation on Lessee's part to be performed under the terms of this Lease; (3) any negligence of Lessee, or any of Lessee's agents, contractors, customers or employees, or any person claiming by, through or under Lessee; and (4) any accident on or in connection with the Leased Premises, or any fire thereon, or any nuisance made or

suffered thereon when and to the extent such claim arises from the negligence of Lessee. Lessee, upon notice from City, shall defend any of the above described claims at Lessee's expense. Lessee, as a material part of the consideration to City, hereby assumes all risk of damage to property or injury to persons, in, upon or about the Leased Premises. However, this section does not require Lessee to indemnify, defend and hold harmless City from and against any portion of a claim to the extent that portion of the claim is caused by City's negligence, or the negligence of City's agents, contractors or employees arising from City's activities on the Leased Premises. City shall indemnify, defend, and hold harmless Lessee from and against any portion of a claim to the extent that portion of the claim is caused by City's negligence, or the negligence of City's agents, contractors or employees arising from City's activities on the Leased Premises.

- B. Lessee acknowledges that before entering into this Lease it has fully inspected or been provided with an opportunity to fully inspect the Leased Premises and all documents in the possession of City relating to the condition of the Leased Premises, and to test or examine all conditions of or on the Leased Premises. Lessee further acknowledges that, at the time this Lease is entered into and on the basis of the foregoing inspection or opportunity to inspect, Lessee is as knowledgeable about the physical condition of the Leased Premises as City, and on that basis, assumes all risks relating to the condition of the Leased Premises, except risks relating to environmental pollution not caused by Lessee.

4.11 Costs and Expenses of City. Lessee shall forthwith pay to City all costs and expenses, including reasonable attorney's fees, which are (1) paid or incurred by City but are required to be paid by Lessee under any provision of this Lease; (2) paid or incurred by City in enforcing any covenant of Lessee contained in this Lease, in protecting itself against or remedying any breach thereof, in recovering possession of the Leased Premises or any part thereof, or in collecting or causing to be paid any delinquent rents, taxes, assessments, or rates; (3) incurred by City in reviewing any matter for which City's approval is sought and in processing such approval under this Lease; or (4) incurred by City in connection with any other action in any respect related to this Lease, the Leased Premises, or Lessee's actions or omissions and the Leased Premises, other than a condemnation action filed by or against Lessee, to and in which City is made a party but not adjudicated to be at fault. The term "costs and expenses" as used in this Lease shall include but not be limited to all of City's out-of-pocket expenditures attributable to the matter involved. Except as otherwise expressly provided herein, all costs and expenses of City shall be payable by Lessee to City forthwith after mailing or personal delivery of statements therefore to Lessee. Such obligations and interest shall constitute additional rents.

4.12 Surrender of Leased Premises and Improvements. Upon the expiration or termination (including termination resulting from Lessee's breach) of this Lease, Lessee, without further notice, shall vacate the Leased Premises and return it to City in reasonably the same conditions as when received, or as amended by approved additions.

4.13 Use and Restrictions. Lessee shall continuously operate a facility available to the general public or which provides a public service. Lessee shall not cease operations on the Leased Premises without prior written notice to the City. If the Leased Premises are not used or remain

vacant for a period exceeding ninety (90) days, the leasehold interest shall revert back to City and terminate in accordance with Article 8 of this Lease.

4.15 Utility Services. City shall arrange for its' own utility services and bear all costs for utilities.

4.16 Discrimination Prohibited. Lessee will not discriminate in allowing access to and use of the Leased Premises on the grounds of race, color, religion, national origin, ancestry, marital status, disability, gender, sex, sexual orientation or other legally protected status.

ARTICLE 5 INSURANCE

5.01 Liability Insurance. During the entire Lease Term, and during any holdover thereafter, whether or not authorized by City, Lessee shall keep in full force and effect, a policy or policies of general liability and property damage insurance which satisfies the coverage requirements set by City with respect to the Leased Premises and the business operated by Lessee in which the limit of bodily injury, death, and property damage liability shall be not less than ONE MILLION DOLLARS per occurrence and not less than TWO MILLION DOLLARS in the aggregate, or such higher limits as City may specify; provided, however, that no such limit shall in any way limit Lessee's liability or be construed as a representation of sufficiency to fully protect Lessee or City. The policy or policies purchased pursuant to this paragraph shall name the Lessee as an insured and the City as an additional insured with respect to the Leased Premises and the business operated by Lessee on the Leased Premises. A copy of each policy shall be provided to City within three (3) days of the date this Lease is entered into.

5.02 Policy Provisions: Each policy of comprehensive general liability described above shall:

- A. Provide that the liability of the insurer thereunder shall not be affected by, and that the insurer shall not claim, any right of setoff; counterclaim, apportionment, proration, or contribution by reason of any other insurance obtained by or for City, for any person claiming by, through or under City.
- B. Contain no provision relieving the insurer from liability for loss occurring while the hazard to the building and other improvements is increased, whether or not within the knowledge of control of; or because of any breach of warranty or condition or any other act or neglect by City, or any person claiming by, through or under City.
- C. Provide that such policy may not be canceled, whether or not requested by Lessee, unless the insurer first gives not less than thirty (30) days prior written notice thereof to City.
- D. Contain a waiver by the insurer of any right to subrogation to any right of City or Lessee against either of them or against any person claiming by either of them.

**ARTICLE 6
EMINENT DOMAIN**

6.01 Permanent Taking.

- A. In the event of a taking by an entity of competent jurisdiction of all or materially all of the Leased Premises, or the determination of the City that all or materially all of the Leased Premises is necessary for a public purpose, this Lease shall terminate on the earlier of vesting of title in, or the taking of possession by the condemner, or the written determination of the City.

- B. If less than materially all of the Leased Premises are taken or if the City determines that it needs less than materially all of the Leased Premises for a public purpose (herein called a “partial taking”), this Lease shall continue in effect except as to the portion so taken or condemned, but the rent to be paid by Lessee shall thereafter be reduced by a percentage equal to the proportion that the number of square feet in the Leased Premises so taken bears to the number of square feet of Leased Premises before the partial taking.

6.02 Disposition of Proceeds. City is entitled to all proceeds of condemnation except those proceeds specifically allocated for Lessee’s improvements.

6.03 Temporary Taking. If the whole or any part of the Leased Premises or of Lessee’s interest under this Lease is taken by any competent authority for its temporary use or occupancy, this Lease shall not terminate by reason thereof and Lessee shall continue to pay all rental payments and other charges payable by Lessee hereunder and to perform all other terms, covenants, and conditions contained herein, except to the extent Lessee is prevented from so doing by the terms of the order of the taking authority. In the event of a temporary taking, Lessee shall be entitled to receive the entire amount of the award and shall be obligated, at its sole expense, to restore the Leased Premises as nearly as may be reasonably possible to the condition in which they existed immediately prior to such taking; provided, however, that if the period of temporary use or occupancy extends beyond the expiration of the Lease Term, the award shall be apportioned between City and Lessee as of said date of expiration, after City shall have received the entire portion of the award attributable to physical damage to the Leased Premises and any improvements thereon and to the restoration thereof to the condition existing immediately prior to the taking or condemnation.

**ARTICLE 7
ASSIGNMENTS AND MORTGAGES**

7.01 City’s Consent Required. Lessee shall not voluntarily or by operation of law assign, transfer, mortgage, sublet, or otherwise transfer or encumber all or any part of Lessee’s interest in this Lease or in the Leased Premises without City’s prior written consent. Any attempted assignment, transfer, mortgage, encumbrance or subletting without such consent shall be void and shall constitute a breach of this Lease.

ARTICLE 8
TERMINATION, DEFAULT AND DEFEASANCE

8.01 Event of Default: Each of the following events shall be a default by Lessee and a breach of this Lease:

- A. Failure to Continuously Operate a Facility for the General Public. Failure to continuously operate a facility that is available to the general public or specific members of the general public. To be available to the general public does not require that all members of the general public be admitted, only that there be no discrimination in admission based on race, gender, sexual orientation, age or sex. Additionally, continuously operate shall be defined as open and operating regularly scheduled days and hours with no more than ninety (90) calendar days closure during any calendar year.
- B. Failure to Perform Covenants. Abandonment or surrender of the Leased Premises or of the leasehold estate, or failure or refusal to pay when due any installment of rent or any other sum required by this Lease to be paid by Lessee or to perform as required or conditioned by any other covenant or condition of this Lease.
- C. Appointment of Receiver. The appointment of a receiver or trustee to take possession of the Leased Premises or improvements or of the Lessee's interest in the leasehold estate or of Lessee's operation on the Leased Premises for any reason, including but not limited to, assignment of benefit of creditors, but not including receivership pursuant to administration of the estate of any deceased or incompetent Lessee.

8.02 Notice and Right to Cure.

- A. Notices. As a precondition to pursuing any remedy for an alleged default by Lessee, City shall, before pursuing any remedy, give notice of default to Lessee.
- B. Method of Giving Notice: City shall give notice of default by either personal service or by first class mail.
- C. Lessee's Right to Cure Default(s): Lessee shall promptly and diligently cure the default and shall have thirty (30) days after notice is given to complete the cure.

8.03 Non-Waiver: Acceptance by City of any rents shall not be deemed to be a waiver by it of any breach by Lessee of any of its covenants contained in this Lease or of the right of City to re-enter the Leased Premises or to declare forfeiture for any such breach. Waiver by City of any breach by Lessee shall not be deemed to be a waiver of the right of City to declare forfeiture for any other breach or of any other covenant.

8.04 Right of City to Protect Against Default: If Lessee fails to observe or perform any of its covenants contained herein, City, at any time thereafter and with seven (7) days notice, or in the case of a situation deemed by City to constitute an emergency, without notice, shall have the right but not the obligation to observe or perform such covenant for the account and at the expense of Lessee, and shall not be liable to Lessee or anyone claiming by, through, or under it for any loss or damage by reason thereof to the occupancy, business, or property of

any of them. All costs and expenses paid or incurred by City in observing or performing such covenant shall constitute additional rents, which Lessee shall forthwith pay to City upon statements therefore.

8.05 City's Remedies: If any default by Lessee shall continue uncured, following notice of default as required by this Lease, for the period applicable to the default, City has the following remedies in addition to all other rights and remedies provided by law or equity or other provisions of this Lease, to which City may resort cumulatively or in the alternative. The election of one remedy for any one default shall not foreclose an election of any other remedy for another default or for the same default at a later time.

A. Termination in the Event of Default: City may, at City's election, terminate this Lease in the event of default by giving Lessee notice of termination. On the giving of the notice, all Lessees' rights in the Leased Premises shall terminate. Promptly after notice of termination, Lessee shall surrender and vacate the Leased Premises and all Improvements not required to be removed, and City may re-enter and take possession of the Leased Premises and all remaining improvements. Termination under this paragraph shall not relieve Lessee from the payment of any sum then due to City or from any claim for damages previously accrued or accruing against Lessee, or any other relief available to City.

B. Recovery of Rent: City shall be entitled, at City's election, to each installment of rent or to any combination of installments for any period before termination, plus interest at the rate of fifteen (15%) percent from the due date of each installment.

C. Lessee's Personal Property: City may, if Lessee fails to remove personal property within the time allowed above, use Lessee's personal property, Lessee's trade fixtures on the Leased Premises, or any of such property without liability for use or damage, or store them at the sole risk and cost to Lessee.

D. Damages: City shall also be entitled, at City's election, to damages in the following sums: (1) all amounts that would have fallen due as rent between the time of termination and the time the Leased premises are relet; (2) the amount, if any, by which the rent under this Lease exceeds the rent under any subsequent Lease upon reletting calculated over the Lease Term; and (3) all administrative, marketing, maintenance, repair, cleaning and similar costs incurred by City.

8.06 Application of Sums Collected by City: City shall apply all proceeds of reletting as follows: first, to the payment of reasonable expenses (including attorney's fees and broker's commissions or both) paid or incurred by or on behalf of City. Second, in recovering possession, placing the Leased Premises and improvements in good condition, and preparing or altering the Leased Premises or improvements for reletting. Third, to the reasonable expenses of securing new lessees. Fourth, to the fulfillment of Lessee's covenants to the end of the Lease term; and finally, to City's uses and purposes.

8.07 Costs: In the event Lessee shall be in default in the performance of any of its obligations under this Lease, and City takes any action to enforce this Lease, including, but not limited

to, court action, Lessee shall pay City all the expenses incurred by City in taking such action including full and reasonable attorney's fees.

**ARTICLE 9
GENERAL PROVISIONS**

9.01 City's Right to Entry, Inspection and Repair: City may enter and inspect the Premises, at any time during regular business hours, with or without the presence of Lessee or its authorized representative, after giving twenty-four (24) hours advance notice to Lessee of such inspection. City shall take every step possible to not enter without the presence and consent of Lessee except in an emergency or upon agreement by Lessee, such agreement not to be unreasonably withheld or refused. In the event of an emergency, City may enter and inspect the Leased Premises on reasonable notice to Lessee (including no notice if the circumstances warrant) and make such repairs or institute such measures, on the account and at the expense of Lessee, as may be necessary to avert or terminate the emergency. An emergency is any action, event or condition, either extant or imminent, that threatens significant damage to property or injury to persons on or near the Leased Premises, and includes, but is not limited to, flood, fire, explosion, uncontrolled dangerous discharge or release of water or fluids, or the unauthorized or illegal placement of hazardous or toxic materials on Leased Premises. The provisions of this paragraph apply to City solely in its capacity as Lessor hereunder and not in any other capacity.

9.02 Notices. All notices, requests, demands and other communications hereunder shall be deemed given only if in writing signed by an authorized representative of the sender and delivered by mail to the respective parties as follows:

To City:
City of Bethel
Attn: City Manager
P.O. Box 1388
Bethel, Alaska 99559

AND

City of Bethel
Attn: City Attorney
PO Box 1388
Bethel AK 99559

To Lessee:
Yukon Kuskokwim Health Corporation
Attn: _____, Contracting Manager
PO Box 528
Bethel AK 99559-0528

9.03 Covenants and Conditions. Every provision in this Lease which imposes an obligation upon Lessee or invests an option, power, or right in City shall be deemed to be a covenant of Lessee in favor of City, and the time of observance and performance by Lessee of each such covenant shall be of the essence. Full and faithful observance and performance by Lessee of each of its covenants contained in this Lease shall be a condition of this Lease.

9.04 Integration and Amendments. Except as otherwise expressly provided in this Lease, this Lease is a complete integration of every agreement and representation made by or on behalf of City and Lessee with respect to the Leased Premises, and no implied covenant or prior oral or written agreement shall be held to vary the provisions of this Lease, any law or custom to the contrary notwithstanding. No amendment or other modification of the provisions of this Lease shall be effective unless incorporated in a written instrument duly executed and acknowledged by City and Lessee.

9.05 Survival and Severability: If any provision of this Lease shall be deemed to be void or otherwise unenforceable by any court or other tribunal of competent jurisdiction, other than at the initiative or with the support of City, within thirty (30) days of receipt of written notice of such holding, City shall have the right and option, exercisable by written notice thereof to Lessee, to terminate this Lease effective as of the date of such written notice of exercise. It is understood and agreed that otherwise this Lease, except for such provision so held to be void or otherwise unenforceable, shall remain in full force and effect.

9.06 Binding Effect. This Lease shall be binding upon and shall inure to the benefit of City and Lessee and their respective successors and assigns. The designations "City" and "Lessee" include their respective successors and assigns and shall be so construed that the use of the singular includes the plural number, and vice versa, and the use of any gender include the other genders. If at any time during the Lease Term Lessee is more than one person or entity, including persons who are partners and operate Lessee as a partnership, their liability thereunder shall be joint and several.

9.07 City's Authority to Convey Fee Title. City retains the absolute and unconditional right to convey fee title in the Leased Premises or an interest or estate therein, subject to this Lease and the interest of any Qualified Mortgagee.

9.08 Lessee's Authority to Execute Lease. The Lessee represents that the person signing this Lease on its behalf has been duly authorized by Lessee's Board of Directors to sign this Lease on behalf of the Lessee.

9.09 Captions: The captions of the paragraphs are for convenience only, are not operative, and neither limit nor amplify in any way the provisions hereof.

9.10 Execution and Counterparts. This Lease may be executed in two or more counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

9.11 Governing Law/Construction: This Lease shall be construed and governed by the laws of the State of Alaska. This Lease was negotiated between the parties and shall not be strictly construed against either party. In the event that a question, dispute, or requirements for interpretation or construction shall arise with respect to this Lease, jurisdiction and venue shall lie exclusively with the Bethel Court in the Fourth Judicial District at Bethel, Alaska.

9.12 Waiver of Sovereign Immunity and/or Federal Torts Claim Act. Lessee expressly waives, relinquishes, and promises not to assert as a defense its sovereign immunity, Federal Torts Claims Act or any other form of immunity for the purpose of enforcing this Lease. Lessee's relinquishment and waiver herein is limited to the sole purpose set forth in the preceding sentence.

IN WITNESS WHEREOF, City and Lessee have duly executed and acknowledged this Lease.

DATED: _____

CITY OF BETHEL - CITY

BY: _____
Ann K. Capela, City Manager

DATED: _____

LESSEE – YUKON KUSKOWKIM
HEALTH CORPORATION

BY: _____
Dan Winkleman, CEO

CITY OF BETHEL, ALASKA

Ordinance #15-12

AN ORDINANCE AMENDING THE CITY OF BETHEL TERMINAL TARIFF #004, NAMING RATES RULES AND REGULATION FOR TERMINAL SERVICES AT THE PORT OF BETHEL ALASKA

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

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

SECTION 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

SECTION 3. Amending Section 2, Item Number 201 of the Bethel Terminal Tariff #4: (new language is underlined.)

(i) HAUL OUTS

(1) When a vessel is hauled out of the water and placed partially or completely upon any Port facility, including, but not limited to, the City Dock and Beach #1, during June 1 and October 15 of each year, the vessel will be charged a daily dockage rate for the length of the vessel unless:

- a) The owner or authorized representative for the vessel submits a completed Property Storage Request; and
- b) The Property Storage Request is approved, in writing, by the Port Director; and

c) The vessel is parked only in one of the two (2) designated storage areas.
(2) Vessels that do not follow all three conditions or that are returned to the water, however briefly, will incur dockage fees and charges as set out in the Bethel Tariff.

(3) Upon an advanced written showing of significant need, the Port Director may authorize, in writing, storage at a different location. Such authorizations are not guaranteed, even when boats are inoperable and unable to easily move to the designated areas.

SECTION 4. Effective Date. This ordinance shall become effective June 1, 2015.

ENACTED THIS ___ DAY OF _____ 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Introduced by: Acting City Manager P. Williams

Date: April 28, 2015

Public Hearing:

Action:

Vote:

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Vice-Mayor Albertson
Date: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 15-08

PROTESTING THE ISSUANCE OF A PACKAGE STORE LICENSE TO BETHEL SPIRITS, LLC. DOING BUSINESS AS BETHEL SPIRITS-LICENSE ID #5384, LOCATED AT 905 CHIEF EDDIE HOFFMAN HIGHWAY, SUITE B, BETHEL, ALASKA

- Whereas,** the results of the Special Election held January 19, 2010 indicate that 287 voters favor and 498 oppose the issuance of package store liquor licenses in the community;
- Whereas,** the Kipusvik building set out in the application for a package store license is located across the street from the State's Juvenile Justice Facility which offers educational courses from Lower Kuskokwim School District's approved curriculum;
- Whereas,** Alaska Statute 04.11.410 prohibits the operation of a package store within 200 feet of a school building as measured by the shortest pedestrian route from the outer boundaries of the school ground;
- Whereas,** Bethel Municipal Code 5.08.011 prohibits a package store within 300 feet of school buildings, measured by the most direct route of travel on the ground, from the main parking lot entrance of the establishment in a straight line, regardless of obstructions to the nearest public sidewalk, walkway, street, road or highway by the nearest route, to the nearest portion of the school grounds;
- Whereas,** the main parking lot entrance of the proposed package store is 102 feet from the State's Juvenile Justice Facility;
- Whereas,** Alaska Statute 04.11.150 (e) prohibits the business premises occupied by a package store to be connected by a door, opening, or other means of passage intended for the access of the general public to an adjacent retail business not also licensed under AS Title 4, unless approved by the board;
- Whereas,** Kipusvik contains a movie theater, which shares the same main entrance as the proposed liquor store;
- Whereas,** the Kipusvik building has an open floor plan with a shared entrance that offers patrons tables and chairs similar to that of a cafeteria and presents an opportunity for loitering in a public space in the vicinity of proposed alcohol sales;

Introduced by: Vice-Mayor Albertson

Date: April 28, 2015

Action:

Vote:

Whereas, at the March 24, 2015 Bethel City Council meeting, 43 people provided public testimony on potential sales of alcoholic beverages in the community, and 37 people spoke in opposition;

Whereas, in 2014 the Bethel Fire Department Emergency Medical Services Unit reported a majority of the calls for service were for individuals under the influence of alcohol;

Whereas, Police Department figures for 2014 show the number of calls for "Intoxicated Pedestrians" to be 3,198 out of a total of 9,844 calls for the year, representing 32.49% of the total calls received by the department;

Whereas, the Police Dispatch Center reported a majority of their calls for service were alcohol related;

NOW, THEREFORE, BE IT RESOLVED the Bethel City Council does hereby protest the application for the above identified package store license and requires the City Clerk to send this resolution to the Alcohol Beverage Control Board by June 5, 2015.

ENACTED THIS 14th DAY OF APRIL 2015, BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Liquor License Application

Bethel Spirits # 5385



THE STATE
of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

April 6, 2015

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

Bethel Spirits, LLC – Package Store License #5385 DBA Bethel Spirits

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

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

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

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

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

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

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

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

Sincerely,



Jane Sawyer

Business Registration Examiner

Jane.sawyer@alaska.gov

907-269-0359

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: April 6, 2015

Application Type: NEW

 TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **City of Bethel**
Community Councils: none

License #: 5385
D.B.A.: Bethel Spirits
Licensee/Applicant: Bethel Spirits, LLC
Physical Location: 905 Chief Liddie Hoffman Hwy., Ste. B, Bethel, AK 99559
Mailing Address: PO Box 719, Bethel, AK 99559
Telephone #: 907-543-2124
EIN: 47-3593985

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Anastasia Hoffman	PO Box 719 Bethel, AK 99559	907-543-2124	03/02/2015	yes

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

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Bethel Native Corporation	N/A	PO Box 719 Bethel, AK 99559	907-543-2124	100%

If **transfer** application, current license information:

Current D.B.A.:
Current Licensee:
Current Location:

Additional comments:

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

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

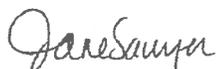
Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

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

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

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

Sincerely,



Jane Sawyer

Business Registration Examiner

Jane.sawyer@alaska.gov

907-269-0359

New Liquor License

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

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2015/2016</u>	License Type: Package store license	Statute Reference Sec. 04.11.150	License Fee: \$1,500.00 Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$ N/A
Office Use: License #: <u>5385</u>			Fingerprint: \$49.75 (\$49.75 per person)
Local Governing Body: (City, Borough or Unorganized) City of Bethel	Community Council Name(s) & Mailing Address: Bethel City Council P.O. Box 1388 Bethel, AK 99559		TOTAL \$1,649.75
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Bethel Spirits LLC	Doing Business As (Business Name): Bethel Spirits	Business Telephone Number: (907) 543-2124 Fax Number: (907) 543-2897	
Mailing Address: P.O. Box 719	Street Address or Location of Premises: 905 Chief Eddie Hoffman Highway, Suite B Bethel, AK 99559	Email Address: ahoffman@bncak.com	
City, State, Zip: Bethel, AK 99559			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: .8 miles Ayaprun / 445.5 ft BYF	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input checked="" type="checkbox"/> Local ordinance No. <u>5.08.011</u>	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: .7 miles	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input checked="" type="checkbox"/> Local ordinance No. <u>5.08.011</u>		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

New Liquor License

SECTION C – LICENSEE INFORMATION

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

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

Name	Name of Business	Type of License	Business Street Address	State

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

Yes No If Yes, attach written explanation.

SECTION D – OWNERSHIP INFORMATION - CORPORATION

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

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Bethel Spirits LLC		Telephone Number: (907) 543-2124	Fax Number: (907) 543-2897
Corporate Mailing Address: P.O. Box 719	City: Bethel	State: AK	Zip Code: 99559
Name, Mailing Address and Telephone Number of Registered Agent: P.O. Box 719, Bethel, AK 99559		Date of Incorporation OR Certification with DCED: 3/2/2015	State of Incorporation: Alaska
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Bethel Native Corporation	Member	100	P.O. Box 719, Bethel, AK 99559	(907) 543-2124	N/A
Anastasia Hoffman	Manager		P.O. Box 719 Bethel AK 99559	(907) 543-2350	

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

New Liquor License

SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)			
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration
<ul style="list-style-type: none"> I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations. I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued. I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s) Signature	Signature of Licensee(s) Signature
Name & Title (Please Print) <i>President / CEO of BNC sole member Anastasia Hoffman Bethel Spirits LLC</i>	Name & Title (Please Print)
Subscribed and sworn to before me this <i>20th</i> day of <i>March</i> <i>2015</i>	Subscribed and sworn to before me this _____ day of _____, _____
Notary Public in and for the State of <i>Alaska</i> <i>9/27/2017</i>	Notary Public in and for the State of _____
My commission expires?	My commission expires



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

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

DBA: Bethel Spirits LLC

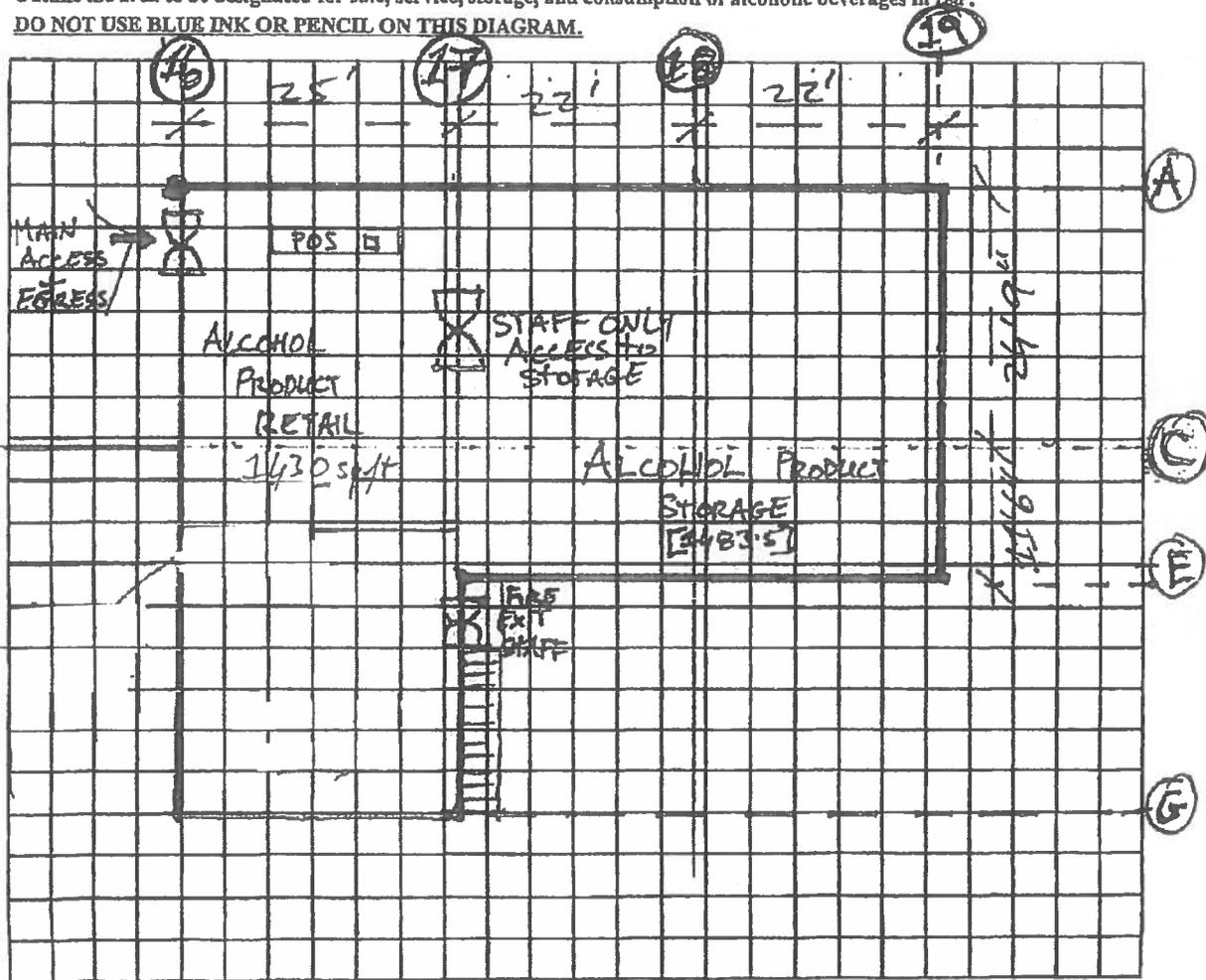
PREMISES LOCATION: 905 Chief EDDIE HOFFMAN Hwy, BETHEL, AK.
(SUITE B)

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: (X) 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

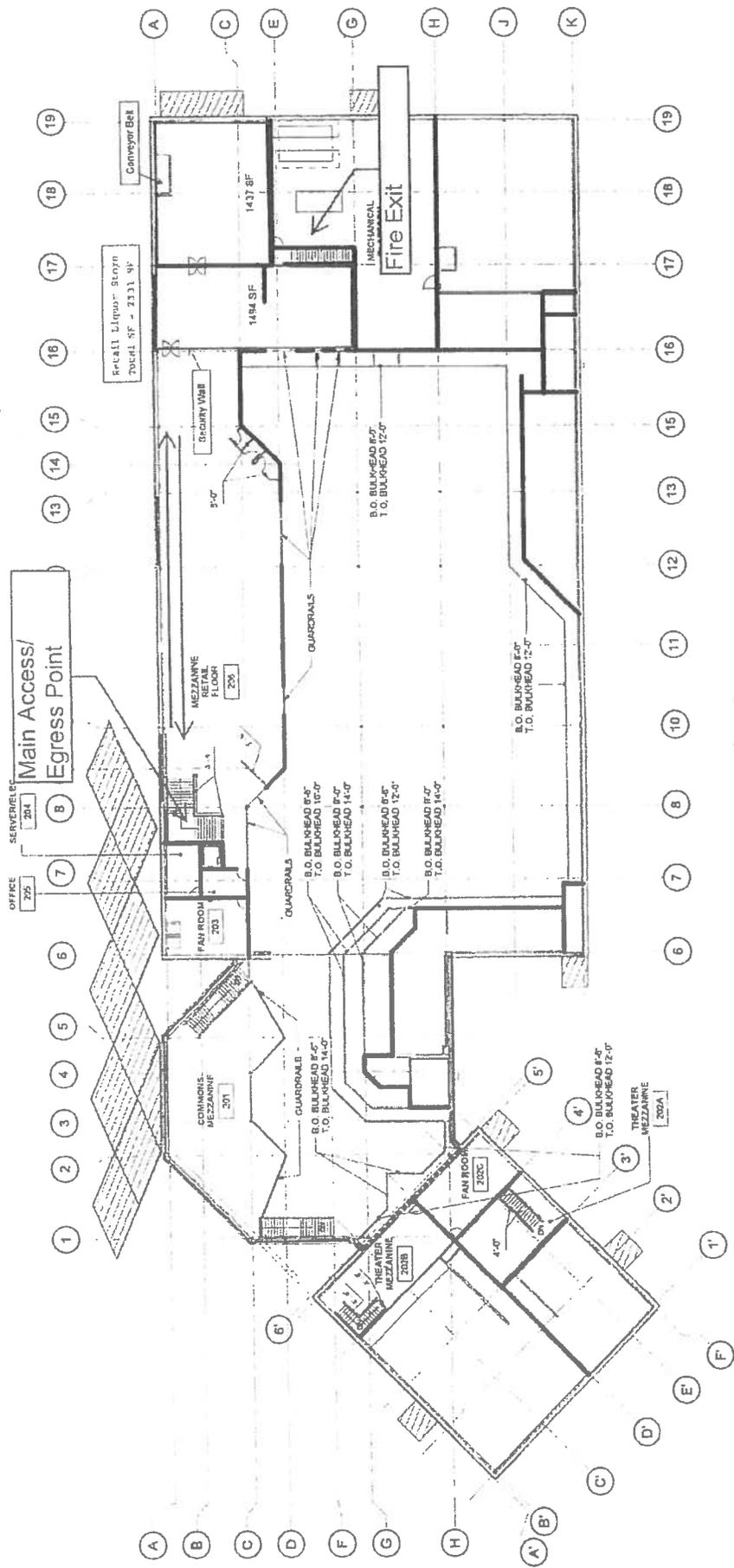
Length and width of premises in feet:

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



A P SALES : 1430 sqft A P STORAGE : 1483 sqft

Revised 6/16/06



Extracted From A2.3

1 MEZZANINE - PARTITION PLAN
1/16" = 1'-0"

Introduced by: Council Member Herman
Date: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 15-09

**PROTESTING THE ISSUANCE OF A PACKAGE STORE LICENSE TO
ALASKA COMMERCIAL COMPANY AC VALUE CENTER
OWNED BY NORTH WEST COMPANY INTERNATIONAL INC.;
LICENSE ID #5388, LOCATED AT 135 RIDGECREST DRIVE, BETHEL, ALASKA**

Whereas, the results of the Special Election held January 19, 2010 indicate that 287 voters favor and 498 oppose the issuance of package store liquor licenses in the community;

Whereas, the Alaska Commercial Store is located across the street from the Pentecostal Church where religious services are regularly conducted;

Whereas, Alaska Statute 04.11.410 prohibits the operation of a package store within 200 feet of a church building as measured by the shortest pedestrian route from the outer boundaries to the public entrance of the church;

Whereas, Bethel Municipal Code 5.08.011 prohibits a package store within 300 feet of church buildings, measured by the most direct route of travel on the ground, from the main parking lot entrance of the establishment in a straight line, regardless of obstructions to the nearest public sidewalk, walkway, street, road or highway by the nearest route, to the main entrance of the church building;

Whereas, the main parking lot entrance of the proposed package store is 102 feet from the entrance of the main entrance of the Pentecostal Church;

Whereas, at the March 24, 2015 Bethel City Council meeting, 43 people provided public testimony on potential sales of alcoholic beverages in the community, and 37 people spoke in opposition;

Whereas, in 2014 the Bethel Fire Department Emergency Medical Services Unit reported a majority of the calls for service were for individuals under the influence of alcohol;

Introduced by: Council Member Herman
Date: April 28, 2015
Action:
Vote:

Whereas, Police Department figures for 2014 show the number of calls for "Intoxicated Pedestrians" to be 3,198 out of a total of 9,844 calls for the year, representing 32.49% of the total calls received by the department;

Whereas, the Police Dispatch Center reported a majority of their calls for service were alcohol related;

NOW, THEREFORE, BE IT RESOLVED by the Bethel City Council for the reasons set forth above, the City of Bethel does hereby protest the application for the above identified package store liquor license and requires the City Clerk to send this resolution to the Alcohol Beverage Control Board before July 16, 2015.

ENACTED THIS ___ DAY OF APRIL 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Liquor License Application
Alaska Commercial Co. # 5388



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

April 17, 2015

Lori Stickler VIA EMAIL: lstickler@cityofbethel.net

The North West Company (International), Inc. d.b.a. Alaska Commercial Company— License #5388

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

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

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

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

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

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

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

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

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



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

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

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

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

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

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 104.145, Local Governing Body Protest.

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



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

Alcoholic Beverage Control Board
 2400 Viking Drive
 Anchorage, AK 99501

New Liquor License

(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

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

SECTION A - LICENSE INFORMATION			FEES
<i>Office Use:</i> License Year: _____	License Type: PACKAGE STORE	Statute Reference Sec. 04.11.150	License Fee: \$1,500.00 Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$
<i>Office Use:</i> License #: _____			Fingerprint: \$ (\$49.75 per person)
Local Governing Body: (City, Borough or Unorganized) BETHEL	Community Council Name(s) & Mailing Address: N/A		TOTAL \$1,600.00
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): THE NORTH WEST COMPANY (INTERNATIONAL) INC.	Doing Business As (Business Name): ALASKA COMMERCIAL COMPANY		Business Telephone Number: (204) 934-1756 (204) 934-1705 Fax Number: (204) 934-1317
Mailing Address: 77 MAIN STREET ATTENTION: LEGAL DEPARTMENT	Street Address or Location of Premises: 135 RIDGECREST DRIVE BETHEL, ALASKA 99559		Email Address: license@northwest.ca
City, State, Zip: WINNIPEG, MANITOBA R3C 2R1 CANADA			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: AKIACHAK SCHOOL .5 miles	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable	
Distance to closest church: UNITED PENTECOSTAL CHURCH 223 feet	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

New Liquor License

SECTION C – LICENSEE INFORMATION

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

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

Name	Name of Business	Type of License	Business Street Address	State
The North West Company (International) Inc	Alaska Commercial Company	Package Store	100 Main Street Sand Point	Alaska
The North West Company (International) Inc	Alaska Commercial Company	Package Store	175 Main Street McGrath	Alaska
The North West Company (International) Inc.	Alaska Commercial Company	Package Store	106 Nicholoff Way Cordova	Alaska
The North West Company (International) Inc.	AC Express	Package Store	11012 Rezanof Drive West Kodiak	Alaska
The North West Company (International) Inc.	Thompson House	Package Store	1300 Craig Klawock Highway Craig	Alaska
The North West Company (International) Inc.	Nome Liquor Store	Package Store	205 Front Street Nome	Alaska
The North West Company (International) Inc.	Nome Liquor Store	Package Store	303 Front Street Nome	Alaska
The North West Company (International) Inc.	AC Value Liquor	Package Store	908 Nome-Teller Highway Nome	Alaska
The North West Company (International) Inc	The Bottle Stop	Package Store	East Bank of Eskimo Creek King Salmon	Alaska

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

Yes No If Yes, attach written explanation.

SECTION D – OWNERSHIP INFORMATION - CORPORATION

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

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership) THE NORTH WEST COMPANY (INTERNATIONAL) INC.		Telephone Number (204) 934-1756	Fax Number (204) 934-1317
Corporate Mailing Address 77 MAIN STREET	City WINNIPEG	State MANITOBA	Zip Code R3C 2R1
Name, Mailing Address and Telephone Number of Registered Agent JOHN SEDOR 500 L STREET, SUITE 500, ANCHORAGE, ALASKA 99501		Date of Incorporation OR Certification with DCED: DECEMBER 16, 2008	State of Incorporation: DELAWARE
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
NWC (U.S.) HOLDINGS INC.		100	550 WEST 64TH AVENUE, SUITE 200 ANCHORAGE, ALASKA 99518-1720	(204) 934-1756	
WALTER E. PICKETT	VP & GENERAL MANAGER		19211 UPPER SKYLINE DRIVE EAGLE RIVER, ALASKA 99577-7936	(907) 273-4642 (907) 440-0610	NOV 27, 1960
NOTE: If you need additional space, please attach a separate sheet.					

New Liquor License

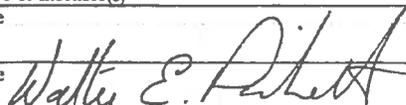
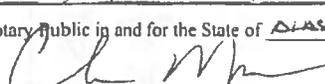
SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

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

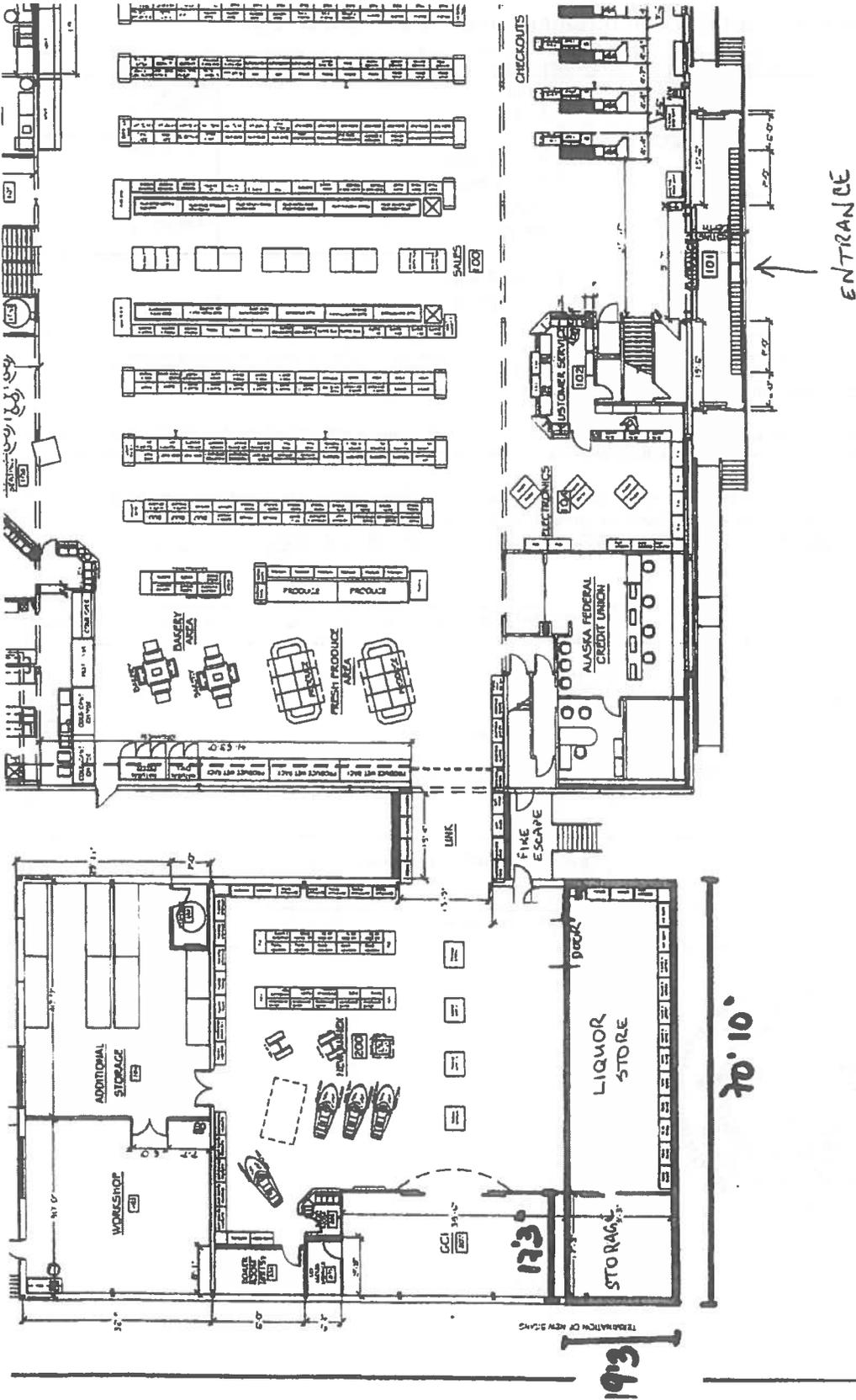
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth	Home Phone: Work Phone:	Date of Birth
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth	Home Phone: Work Phone:	Date of Birth

Declaration

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

Signature of Licensee(s)	Signature of Licensee(s)
Signature 	Signature
Name & Title (Please Print) Walter E. Pickett Vice President & General Manager, Alaska Commercial Company	Name & Title (Please Print)
Subscribed and sworn to before me this 19 day of <u>mar</u> 2015	Subscribed and sworn to before me this day of
Notary Public in and for the State of <u>ALASKA</u> 	Notary Public in and for the State of _____
My commission expires: <u>mar 24 2018</u>	My commission expires





MERCHANDISING PLAN - 2014

SCALE 3/32" = 1'-0"

NORTH

135 Ridgcrest Drive
Bethel, Alaska

LICENSED PREMISES DIAGRAM

Introduced by: Council Member Springer
Date: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 15-10

A RESOLUTION BY THE BETHEL CITY COUNCIL AFFIRMING ELIGIBILITY FOR POWER COST EQUALIZATION "COMMUNITY FACILITY" STATUS FOR ITS YUKON-KUSKOKWIM REGIONAL AQUATIC HEALTH AND SAFETY CENTER

Whereas, the City of Bethel is a municipal organization serving its citizens who reside in the community of Bethel;

Whereas, the City of Bethel owns and operates a Regional Aquatic Health and Safety Center that provides benefits to the general public residing in and near its community;

Whereas, the facility is operated using general funds and private donations/fees from users;

Whereas, the facility is not funded by dedicated support from any state or federal agency or any private commercial organization;

Whereas, the facility is eligible to receive "Community Facility" PCE from the State of Alaska's Power Cost Equalization Program;

Whereas, the Alaska Legislature has mandated, by statute, that the Alaska Energy Authority shall provide PCE to all eligible utility customers, including community facilities;

NOW, THEREFORE, BE IT RESOLVED that the City of Bethel hereby certifies that its Regional Aquatic Health and Safety Center meets all requirements for classification as an eligible "Community Facility" and requests that the Alaska Energy Authority provide PCE for all its electricity consumption, subject to the limit of 70 kWh per resident per month, effective with its first date of operations on October 1, 2014.

ENACTED THIS ___ DAY OF APRIL 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Introduced by: Council Member Springer
Date: April 28, 2015
Action:
Vote:

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Mayor's Report

April 21, 2015 (Day 92 of 90)
Twenty-Ninth Legislature- First Session
Week Thirteen Review
Sattler Strategies

Adjournment Stretch? Suspended Adjournment?

The strangest legislative session in memory has come to the strangest end. The Chief of Staff for the House Speaker, Tom Wright, predicted about a week to pull together an end-of-session package; others are predicting a shorter time frame. One week in overtime seems plausible given the current lack of momentum in the Capitol building. Although a 90-day legislative session is the statutory limit per the 2006 initiative, the constitution still provides up to 121 days to pass the operating budget without calling for a special session.

The Senate points to the House as the culprit for the late adjournment. The House needs four minority caucus members to provide the 30 votes to tap into the Constitutional Budget Reserve (our largest savings account). The Senate has a supermajority with 15 members; it already has the required three-quarters vote to tap into the CBR. Although House Democrats are negotiating for quite a few large items, Minority Leader Chris Tuck maintains his caucus has consistently advocated for full funding of K-12 education, honoring the previously negotiated labor contracts, Medicaid expansion, and restoring \$1.75 M out of a \$9.75 M cut to ferry services. The House minority caucus is also pushing for the passage of Erin's Law, which would require schools to teach students about sexual assault in age appropriate prevention programs. Speaker Chenault has said the House minority is negotiating in good faith, and any amounts restored will have House majority consensus. Representative Tuck aptly pointed out that postponing confirmations of the Governor's 89 appointees (commissioners, and appointments to boards and commissions) to the 90th day of session (which took 5 and a half hours) was not conducive to an on time adjournment.

This session was the first time lawmakers waited until the final day to schedule the joint session for confirmations. Of the 89 Governor Walker appointees, 3 commissioners were unanimously accepted. Commissioners Valerie Davidson (Health & Social Services), Sam Cotton (Fish & Game) and Heidi Drygas (Labor) received 59 votes (Representative Tuck had an excused absence for the birth of his daughter in Anchorage). Craig Richards (Attorney General), Mark Myers (Natural Resources), Randall Hoffbeck (Revenue) and Laurie Hummel (Military and Veterans Affairs) all faced opposition, but all got at least 31 votes needed for confirmation. Two of the three appointees to the Alaska Gasline Development Corp. board were confirmed, Hugh Short of Bethel (with no objections) and Rick Halford of Dillingham (35-24). Joe Paskvan of Fairbanks was narrowly defeated (28-31). Verne Rupright, a designee to the Alaska Commercial Fisheries Entry Commission was voted down 2-1. (The CFEC was targeted for placement under the Department of Fish and Game, but the legislation has not advanced; having one less commissioner would be a cost cutting measure.) Ben Brown, also a CFEC Commissioner was confirmed 46-13. Michael Gallagher, a nominee to the Alaska Oil and Gas Conservation Commission was rejected on a 19-40 vote. The Board of Fisheries designee, Robert Ruffner, narrowly failed on a 29-30 vote. Chris Cooke, nominated to the Mental Health Trust Authority, failed by one vote.

A veto override on HB 132 looks unlikely without more votes. HB 132 is specifically designed to stop Governor Walker's efforts to up-size AGDC's in-state pipeline to be comparable (and possibly competitive) with the AKLNG line, backed by the North Slope oil producers. It was the first bill to pass this session, and was vetoed by Governor Walker on Friday. A veto override requires 40 of the 60

combined members of the House and Senate. The bill got 37 yea votes upon passage (with one absent Republican), but it appears unlikely to garner the needed 40 for veto override.

The legislature approved HB 123, creating a marijuana board to write regulations for the new industry. Cynthia Franklin, the executive director of the Alcoholic Beverage Control Board, stated that this law is critical as it provide \$1.5 M in funding for the rulemaking process. The five-member marijuana board will share resources and staff with the ABC board, and include representation from rural Alaska, public health and safety sectors, and the new industry. There were other marijuana bills this session, including HB75, which would have clarified the role of municipalities in regulating marijuana and regulated the number of plants per household versus commercial growing operations. After failing on a 10 -10 vote on Saturday, HB75 was referred back to Senate Rules late Sunday when it was up for reconsideration. No other marijuana legislation is poised to pass this session. SB 30, the marijuana crime bill has stalled in House Judiciary Committee.

Senator Lyman Hoffman's SB 48 passed on Sunday, allowing regional health organizations to access financing through the Alaska Municipal Bond Bank. The bill also has language allowing Joint Action Committees to get loans through the AMBB. A Joint Action Committee was utilized in the 1990's to build the YKHC administrative building, using municipalities including Emmonak.

The Governor has maintained his priority to expand Medicaid. He has said he intends to call the legislature into special session for this, although there does not seem to be any traction for this issue in the legislative majority

HB 105, to provide natural gas to the Interior, is in Senate Finance. It is an important end of session "must have" for the Interior and the Governor. Although it is not getting a lot of attention, it is a critical piece to the adjournment package.

United Way of Anchorage

701 West 8th Avenue, Suite 230
Anchorage, Alaska 99501
tel 907.263.3800
fax 907.263.3801

LiveUnitedAnchorage.org



March 27, 2015

Mayor Richard Robb
Office of the Mayor
PO Box 1388
Bethel, AK 99559

Dear Mayor Robb,

I am writing to share information with you about Alaska 211, the comprehensive statewide portal for Alaska's health and human services delivery system. It is a simple, essential, and efficient way for Alaskans to get connected to services.

211 is also the best way for federal, state, municipal, and community health and social service providers to ensure that the right services are provided to the right people at the right time. Alaska 211 now has, and is continuously collecting, extensive data about health and social services needs, and the ability to meet those needs across Alaska. That information is a critical resource when planning for the health and social service delivery system.

A snapshot of that data is enclosed for your review. The 2014 report describes the overall referrals made, the phone and on-line inquiry volume for 211, a breakdown of subject areas where assistance is sought, and notable trends. The data snapshot is statewide, as well as for each region in the state, including yours.

We'd appreciate your feedback on how best to ensure that Alaskans' health and social services needs are met, the delivery system operates at peak efficiency, and you get information useful for your planning locally.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michele Brown
President

Requested
Information from
Council Member
Springer



City of Bethel
Auto Schedule
 Policy Year 2014/2015

Member's Auto ID	Model Year	Make	Model	Body Type	VIN	Location	Physical Damage Coverage?	Insured Value	Auto Phys Damg Deductible
0832 XYE945	2014	International	Sander Work Star		JHTWGAZR3EH769147		Yes	110,835	500
0831 XYE946	2014	International	Sander Work Star		1HTWGAZR3H790713		Yes	136,610	500
0243 XYE943	2013	Ford	Explorer		1FM5K8AR5EGA04129		Yes	29,224	500
0244 XYE942	2013	Ford	Explorer		1FM5K8ARJFGA04130		Yes	29,224	500
0701 XYE909	2013	Mack	Garbage Truck	Garbage Truck	1M2AV02C7DM009737		Yes	223,580	500
0126 XYE944	2013	Ford	F150	Pickup	1FTMF1EM6DKF26757		Yes	21,633	500
0122 XYE920	2012	Ford	F250 Pickup	Pickup	1FTBF2B6XCEC69019		Yes	20,703	500
0223 XYE914	2012	Ford	Escape U9C	Police Vehicle	1FMCU9C78CCKA10052		Yes	18,547	500
0221 XYE910	2012	Ford	Escape XLS	Police Vehicle	1FMCU9C75CCKA10204		Yes	18,817	500
0222 XYE915	2012	Ford	Escape XLS	Police Vehicle	1FMCU9C71CCKA10202		Yes	18,817	500
0140 XYE928	2012	Ford	F150 Crew Cab	Pickup	1FTFW1EF4CKE37780		Yes	25,725	500
0139 XYE925	2012	Ford	F150 Crew Cab	Pickup	1FTFW1EF8CKE37782		Yes	27,468	500
0830 XYE926	2012	Ford	F150 Regular Cab	Pickup	1FTMF1EM0CKE37779		Yes	19,586	500
0143 XYE923	2012	Ford	F250 Regular Cab Super Duty	Pickup	1FTBF2B66CEC69020		Yes	20,703	500
XYE911	2012	Haul	F250 Regular Cab Super Duty	Pickup	1FTBF2B68CFC69018		Yes	20,703	500
	2012		Police Command Center Trailer	UT Trailer	16HGB2424CU078317		Yes	34,000	500

Member's Auto ID	Model Year	Make	Model	Body Type	VIN	Location	Physical Damage Coverage?	Insured Value	Auto Phys Damg Deductible
0142 XYF024	2012	Ford	F150 Crew Cab	Pickup	1FTTW1EF6CKE3778J		Yes	25,725	500
0725 XYF503	2010	Sterling	Acterra	Sewer Truck	2FZHCJDJ7AAAN4158		Yes	97,070	500
0727 XYF502	2010	Sterling	Acterra	Sewer Truck	2FZHCJDJ5AAAN4157		Yes	97,070	500
0748 XYC540	2009	Sterling	Acterra	Water Truck	2FZHCJDJ69AAD1395		Yes	175,500	500
0749 XYC860	2009	Sterling	Acterra	Water Truck	2FZHCJDJ89AAD1396		Yes	175,500	500
0191	2009	Dodge	Ram	Pickup	1D3HV18P39S814115		Yes	23,976	500
0190	2009	Chevrolet	Van	Van	1GCFH154691177194		Yes	22,817	500
0137 XYC547	2008	Ford	F150	Pickup	1FTRF1AW88KC49284		Yes	22,000	500
0136 XYC548	2008	Ford	F150	Pickup	1FTRF14W88KD54777		Yes	22,000	500
0242 XYC871	2008	Ford	Expedition	Pickup	1FMFU16528LA82925		Yes	25,530	500
0436 XYF863	2008	Ford	F450	Bus	1FD4F45P38DB17653		Yes	68,694	500
0437 XYC872	2008	Ford	F450	Bus	1FD4F45P18DB17652		Yes	68,694	500
0241 XYC870	2008	Ford	Expedition	Pickup	1FMFU16548LA82926		Yes	25,530	500
46	2007	Ford	F150		1FTRF14W37NA11680		Yes	31,030	500
0239 XYC506	2007	Ford	Expedition	SUV	1FMFU16547LA96940		Yes	31,149	500
0240	2007	Ford	Expedition	SUV	1FMFU16587LA96939		Yes	31,149	500
0438 XYC546	2007	Ford	L350 Eldorado	Bus	1FDWF35566DA15915		Yes	68,000	500
114	2006	Sterling	LT8500		2FZHAWCS07AX30184		No		
0614 3863RP	2006	EZ-Loader	Boat Trailer		1ZEAMSS36A034134		No		
53	2006	GMC	Sierra LEE FOLEY	Heavy Truck (> 20K GVW)	1GTHK23W06F245913		No		
54	2006	GMC	Sierra	Heavy Truck (> 20K GVW)	1GTHK29UXGE182123		No		
66	2006	International	7400 SBA GX4 Dump	Dump Truck	1HTWGAAR16J342846		No		

Member's Auto ID	Model Year	Make	Model	Body Type	VIN	Location	Physical Damage Coverage?	Insured Value	Auto Phys Damg Deductible
55	2006	International	7500 SBA 6X4	Heavy Truck (> 20K GVW)	1HTWNAZR56J342844		No		
0724 XYA655	2006	Sterling	F 150		2FZHAWCS27AX16J85		No		
0140 XX7151	2006	Ford	F 250	Pickup	1FTNF215066C14332		Yes	22,500	500
	2006	Ford	F 250	Pickup	1FTNF215261C14284		Yes	22,500	500
0131 XX2154	2006	Ford	F 250	Pickup	1FTNF215261C15014		Yes	22,500	500
3	2006	Ford	F 150	Light Truck	1FTRX14W26KD23437		Yes	21,547	500
69	2006	International	7500 SBA 6X4 Dump	Dump Truck	1HTWNAZR76J342845		No		
0723 XYE904	2004	Sterling	LT8500 Sewer	Heavy Equipment	2FZHAWDC34AM45434		Yes	110,000	500
XYA502	2004	Ford	F 250	Pickup	1FTNX21L94EAO2544		Yes	43,000	500
0745 XYAS32	2004	Ford	Sterling	LT8500	2FZHAWCS64AN41146		Yes	137,011	500
0746 XYAS31	2004	Ford	Sterling	LT8500	2FZHAWCS64AN41147		Yes	137,011	500
XYA332	2003	Dodge	Dakota	Pickup	1D7HG32N63S167132		Yes	25,000	500
XYA306	2003	Ford	F450	Ambulance	1FDXF47P13EB92006		Yes	190,000	500
	2003	Ford	Ranger	Pickup	1FTYK10D93PB79135		Yes	3,000	500
XXW579	2002	Ford	Explorer	Van, Pass	1FMZU72E32UA81757		Yes	35,000	500
XXW587	2002	Ford	Explorer	Van, Pass	1FMZU72E12UA81756		Yes	35,000	500
0704 XYE903	2002	Mack	MR690S Garbage	Heavy Equipment	1M2K185C32M009239		Yes	172,000	500
0720 XXW944	2002	Ford	LT8500 Garbage	Heavy Equipment	2FZHAWAK92AJ73285		Yes	127,000	500
0721 XYE917	2002	Ford	LT8500 Garbage	Heavy Equipment	2FZHAWAK72AJ73284		Yes	127,000	500
0729 XXW839	2001	Ford	F250	Pickup	3FTNF21L81MA47641		Yes	13,000	500
0007 XXW821	2001	Ford	137 Excursion	Van, Pass	1FMNU41S61EB25747		Yes	38,000	500
XXW910	2001	Cimline	Cimline Tar Kettle 105D	Heavy Equipment	01-320-320		Yes	60,000	500

Member's Auto ID	Model Year	Make	Model	Body Type	VIN	Location	Physical Damage Coverage?	Insured Value	Auto Phys Damg Deductible
52	2001	Ford	F 250	Heavy Truck (> 20K GVW)	1FTNW21F71EA91890		No		
0713 XXW253	2000	Ford	Sterling LT8513	Heavy Equipment	2FZXLAB9YAF69249		Yes	100,000	500
155A198	1999	Ford	Expedition	Van, Pass	1FMRUJ1868XLB55085		Yes	25,000	500
XXW418	1999	Ford	Ambulance	Heavy Truck	1FDWFF37FXFE06977		Yes	150,000	500
0726 XXW144	1999	Ford	F250	Pickup	1FTNF21L5XEC36956		Yes	20,000	500
0719 XXW139	1999	Ford	Sterling LT8513	Heavy Equipment	2FZXMLAB4XAB78891		Yes	90,000	500
XXW482	1999	Ford	Ranger	Pickup	1FTYR10C6XTA91728		Yes	6,500	500
0116 XXZ680	1998	Caulkin	Boat	Trailer	1CX8F171XXS902242		No		
0117 XXZ679	1998	Nissan	Truck	Pickup	1N6DD21Y7WC339848		Yes	8,000	500
0115 XXZ681	1998	Nissan	Truck	Pickup	1N6DD21Y3WC374595		Yes	8,000	500
0118 XXZ678	1998	Nissan	Truck	Pickup	1N6DD21Y5WC337354		Yes	8,000	500
010647	1998	Ford	Explorer	Van, Pass	1FMEU18W9WLA12045		Yes	20,000	500
0237 XYB550	1998	Ford	Expedition	SUV	1FMRU18W9WLB54896		Yes	15,000	500
0236 XYB551	1998	Ford	Expedition	SUV	1FMRU18W2WLBK5898		Yes	15,000	500
0098 XYC606	1998	Dodge	R1500 RAM	Pickup	1B7HF16Y1WS642552		Yes	12,000	500
0740 XXV895	1997	Sterling	LT-8513 IN SERVICE 2009	Heavy Truck	1FDZS86EXVVA39946		No		
0739 XXV894	1997	Ford	LN-8000	Heavy Truck	1FDZS86E4VVA35004		No		
0730 XXY346	1997	Ford	F250	Pickup	1FTHF26H1VED18066		Yes	18,000	500
0102 XXY347	1997	Ford	F250	Pickup	1FTHF26HXVFD18292		Yes	18,000	500
0738 XYF907	1997	Ford	Louisville LT 8513	Digger Derrick Truck	1FDZS86E2VVA35003		Yes	85,000	500
0703 XYF902	1997	Mack	MR68SS	Heavy Equipment	1M2K195CXVM010057		Yes	125,000	500

Member's Auto ID	Model Year	Make	Model	Body Type	VIN	Location	Physical Damage Coverage?	Insured Value	Auto Phys Damg Deductible
0744 XXZ735	1997	Ford	Louisville	Heavy Truck	1FDZS86F4VVA19658		Yes	117,000	500
0827 XYC607	1996	GMC	Dump Top Kulk	Heavy Equipment	1GDT7H4J7TJ505134		Yes	36,000	500
148	1995	GMC	Pickup	Pickup	1GTEC14Z55Z537215		No		
0737 XYA509	1995	Ford	F15000	Heavy Truck	1FDZU82E8SVA76893		Yes	75,000	500
XXT696	1994	GMC	Suburban	Van, Pass	1GKFK16K9RJR703725		Yes	6,000	500
Jbit 1 XXW363	1994	Ford	F350	Pickup	2FTHF36H7RCA27041		Yes	16,562	500
0042 XX1230	1992	Ford	F150	Pickup	2FTTF14Y5PCA25926		Yes	20,000	500
0716 XYT695	1992	Ford	LN-8000	Heavy Truck	1FDZY82AXNVA34277		Yes	75,000	500
0205 XXS928	1992	Ford	F150	Pickup	1FTTX14N9NKB92981		Yes	5,000	500
XXZ665	1992	Chevrolet	2500	Pickup	1GCGK24K2NE230309		Yes	12,450	500
61	1992	Ford	LT 9000 Road Watering Truck	Heavy Truck (> 20K GVW)	1FTYU90L1NVA17132		No		
0207 XXS929	1992	Ford	F150	Pickup	1FTTX14N0NKB92982		No		
XYA775	1991	International	4900	Boom Truck	1HTSDNHR9MH315664		Yes	23,125	500
XXZ626	1991	Trail King	TKT 20 2000	Trailer	1TKC02027LM067159		No		
	1991	Peterbuilt	Dump Truck	Dump Truck	1XPFDE9X9MD307501		Yes	75,000	500
0022 XXR568	1990	Ford	F150	Pickup	1FTTX14N1LKA62285		Yes	5,000	500
XXZ185	1989	Ford	F350 Flatbed	Flatbed	2FDKF38G0KCA18676		Yes	7,000	500
XYA577	1989	Ford	F350 Flatbed	Flatbed	2FDKF38G9KCA18675		Yes	7,000	500
XXZ150	1989	Ford	LN-8000 Water/Steamer Truck	Heavy Truck	1FDZH80U4KVA57028		No		
0128 XXZ791	1988	Ford	Bus	Van, Pass	1FDJE34M4JHC08241		Yes	10,000	500
0607 XXN978	1986	Ford	E350	Van, Pass	1FDKE30L0GHA67792		No		
0608 XXP587	1986	Grumman	Spartan	Heavy Truck	159HT6D09GC185009		Yes	50,000	500

Member's Auto ID	Model Year	Make	Model	Body Type	VIN	Location	Physical Damage Coverage?	Insured Value	Auto Phys Damg Deductible
M753293	1983	International	AKFF Truck	Fire	1HTAR1859DHA24374		Yes	210,000	500
0728 XXW445	1981	Ford	Flatbed	7000 Flatbed	1TDFR7OU4BVJ43029		Yes	12,000	500
0601 XX1170	1990	Ford	F700	Tanker	F70HHUGA5G08		Yes	70,000	500
0700 XXK894	1980	Ford	Back Loader	Heavy Truck	W80UJVGHDJ52		No		
0601 XX1171	1980	Ford	F8000 Pumper	Heavy Truck	D8OUVHJ5061		No		
0001 XXF986	1973	Ford	Wrecker		K70AVR15934		No		
0602 XXK091	1972	Ford	Crown Coach	Fire	F1684		No		
0601 XXK388	1969	Ford	F350	Pickup	F35HLE55637		No		

Total Number of Insured Vehicles: 112 Number of Vehicles with Physical Damage Coverage: 89

Bethel City Council

Office of the City Manager

Manager's Report

Management Team Reports

4-14-15

List of Planning Activities to date: Site Plan permits issued;

Who	What	Where	Date Issued
KNIK Construction	Infill, 87,000 cubic yards	1171 KNIK ROAD	4-6-15
Crace Residence	Infill, 1920 c/u; shed	5608 Nacaullek St.	4-3-15

- GCI plans to put in a site plan application for review for a tower to be located at 208 Willow and 3rd Avenue. This tower will be at 100 feet.
- The Old Norma Jean Day Care Center interior is going to be renovated; no site plan permits are required from the city as they are not changing to footprint; informed them to contact the landfill if they are going to be hauling debris.
- DOWL has contacted the planning dept. with questions on wetland status. They will be contacting the planning dept. again very soon with easement queries.
- No communication from Blue Sky Estates.
- Daily routine - answer phones do legal descriptions from callers and/or walk-in s; pick up mail twice weekly; digitizing of historical site plan permits as time allows and updating CAD address map as time allows. Organizing files for when/if a planner comes, keeping a "tickler" file for when/if they arrive. Do planning commission agendas, ongoing until the date of posting; do meeting minutes, both draft and final, route planning packets to members, and attend and record monthly Planning Commission meetings. Update COB website with final minutes/packet s/agendas when done.

Show Mr. Lakanki how to put his meeting agendas and items on city website. Approximately 2 hours. Write a draft letter for Mr. Lakahni to sign in regards to an easement vacation issue located at trailer court - approx 1 hour. Sitting in at an IC meeting, and weekly staff meetings, approx. 4 hours.

Clerk's Report



City of Bethel, Alaska

City Clerk's Office

Council Meetings and Events

May 6, 2015 Special Budget Meeting
May 7, 2015 Special Budget Meeting
May 11, 2015 Special Budget Meeting
May 12, 2015 Regular City Council Meeting
May 13, 2015 Special Budget Meeting
May 18, 2015 Joint Task Force Meeting

Documents

Document preparation

Ordinance modifying BMC 5.08, Alcoholic Beverages.
Resolution protesting the issuance of a liquor license to Bethel Spirits LLC.
Resolution protesting the issuance of a liquor license to Alaska Commercial.
Proclamation for heroin use in the community.
Ordinance Modifying required equipment for taxi cabs to include in cab video.

Research

Alaska Statute/Department of Labor/Public Employee Retirement System, regulations on part-time employees and obligations for the employers.
Records disclosures specific to law enforcement.
The Office has researched passed legislation specific to property transfers to assist the Administration on better identifying the status of the City owned properties.

Passports

For the week of April 13, the City Clerk's office processed three passport applications.
For the week of April 20, the City Clerk's Office is scheduled to process six passport applications.

Committee and Commission Training

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

Attempted training for the Parks and Recreation Committee but a quorum was not established. I will be providing their training the week of May 3rd.

The training is on hold for the Port Commission at their request.

City Clerk Out of the Office

The City Clerk will be out of the Office May 12 through May 29. While out of the office, Assistant, Adriane Welch will be performing the general duties of the office, to include council meeting preparation. The hours of the office will be modified to, Monday through Thursday 10:00a – 2:00p.

Notices have been provided to KYUK and Tundra Drums of the Passport Facility Closure during the City Clerk's absence.

Lobbyist Reporting APOC

The City Clerk's Office has taken over the lobbyist reporting requirements for the Alaska Public Offices Commission. The First Quarter Report was submitted on April 22, 2015.

Additional Information

Executive Session