



City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

Fax: 907-543-4171

Regular City Council Meeting

May 28, 2013

6:30 P.M.

Council Chambers; Bethel, Alaska



City Council Meeting Agenda

Regularly Scheduled Meeting

May 28, 2013-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers

Joseph Klejka
Mayor
Term Expires 2014
543-2984
jklejka@cityofbethel.net

Gene Peltola Jr.
Vice-Mayor
Term Expires 2013
543-3151
gpeltola@cityofbethel.net

Rick Robb
Council Member
Term Expires 2013
543-1879
rrobb@cityofbethel.net

Mary Sattler
Council Member
Term Expires 2013
545-4954
msattler@cityofbethel.net

Mark Springer
Council Member
Term Expires 2013
545-1450
mspringer@cityofbethel.net

Eric Whitney
Council Member
Term Expires 2014
545-1309
ewhitney@cityofbethel.net

Sharon Sigmon
Council Member
Term Expires 2014
543-3452
ssigmon@cityofbethel.net

Lee Foley
City Manager
543-2047
lfoley@cityofbethel.net

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

Patty Burley
City Attorney
543-2047
pburley@cityofbethel.net

Paul Richards
Lobbyist
paul_richards@gci.net

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PEOPLE TO BE HEARD** – Five minutes per person
- V. **APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. **APPROVAL OF MEETING MINUTES**
 - a) **P3** *May 14, 2013 Regular City Council Meeting Minutes
- VII. **REPORTS OF STANDING COMMITTEES**
 - a) Port Commission
 - b) Planning Commission
 - c) Finance Committee
 - d) Public Works Committee
 - e) Energy Committee
 - f) Parks And Recreation Committee
 - g) Public Safety And Transportation Commission
- VIII. **SPECIAL ORDERS OF BUSINESS**
- IX. **UNFINISHED BUSINESS**
 - a) **P29** Public Hearing Of Ordinance 13-13: Amending Title 7 To Remove The Alaska Statutes Title 42 Requirement Of Financial Disclosure Submission To The Alaska Public Offices Commission And Adopting The Bethel Municipal Code Requirement For Financial Disclosure (Mayor Klejka)
- X. **NEW BUSINESS**
 - a) **P35** *Resolution 13-11: A Resolution Approving Department Of Transportation TIGER V Grant Application To Complete The Bethel Bank Stabilization Project – Phase 2 (City Manger Foley)
 - b) **P45** *Introduction Of Ordinance 13-14: Amending The City Of Bethel Land Use Map For Snowridge Subdivision (Planning Commission)
 - c) **P55** *Introduction Of Ordinance 13-15: Prohibiting The Sale And Use Of Silly String And Other Nuisance Products During The Annual Fourth Of July Celebration (City Manager Foley)
- XI. **MAYOR'S REPORT**
- XII. **MANAGER'S REPORT**
- XIII. **CLERK'S REPORT**
- XIV. **COUNCIL MEMBER COMMENTS**
- XV. **EXECUTIVE SESSION**
 - a) Alaska Statutes Title 44 -Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- City Of Bethel vs Hoffman Fuel, Case Number 4BE-09-457CI (City Manager Foley)
- XVI. **ADJOURNMENT**

Agenda posted on May 8, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

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

All Resolutions noted with an asterisk (*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council.

Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing May 28, 2013**)

Approval of the Minutes

City of Bethel City Council Meeting Minutes

May 14, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on May 14, 2013 at 6:30pm, at the City Council Chambers, Bethel, Alaska.

Vice-Mayor Peltola called the meeting to order.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

ABSENT: None

STAFF: City Clerk Lori Strickler
City Manager Lee Foley

IV. PEOPLE TO BE HEARD

Anna Bill-
Encouraged the Council to consider a full time animal control officer.

Ronda Sargent –
Provided the dates and details for the 2013 Clean-Up Green-Up effort.

Ronda Sargent, Skyler Sargent, Matt Reed, Corin Pike, Kevin Valadez-
Said the 4H Pledge.

Nancy Elliot –
Encouraged the council to consider a full time animal control officer.

Read from a letter submitted by Karen Grouse which also supported a full time animal control officer.

Nicolas Kwiek- Spoke in favor of the full time animal control officer.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Springer	Motion to approve the Consent and Regular Agenda.
SECONDED:	Sigmon	
MOVED:	Robb	Remove Introduction of Ordinance 13-13 from the Consent Agenda.
MOVED:	Peltola	Motion to postpone the Executive Session item "Alaska Statutes Title 44 -Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- City Of Bethel vs Hoffman Fuel, Case Number 4BE-09-457CI" until the next regular meeting.
SECONDED:	Sigmon	
VOTE ON MOTION	All in favor	
VOTE ON MAIN MOTION	All in favor	

VI. APPROVAL OF THE MEETING MINUTES

Item A – 4-16-2013 Special Meeting Minutes

Item B – 4-18-2013 Special Meeting Minutes

Item C – 4-23-2013 Regular Meeting Minutes

MOVED:	Springer	Motion to adopt the meeting minutes from 4-16-2013, 4-18-2013, 4-23-2013.
SECONDED:	Sigmon	
VOTE ON MAIN MOTION	All in favor	

VII. REPORTS OF STANDING COMMITTEES

Item A- Port Commission –

Port Director Pete Williams-

At their next meeting the Commission will discuss the small boat harbor, ramp and embankments. The Commission will be requesting a line item transfer through the Council at the next council meeting.

Working on some boating safety programs.

Item B- Planning Commission

Rick Robb, Council Representative-

Discussed the approval of the Charle's Subdivision zoning changes.

Recommended to do a variance on the YKHC property.

Proposal for a conditional use permit for a tower in Tundra Ridge.

A special meeting is scheduled for May 23rd.

Item C-Public Works Committee

Mayor Klejka-

Recommended the City to hire a traffic engineer to help with the traffic at the new grocery store access.

Item D-Energy Committee

Eric Whitney, Council Representative –

A quorum of the Committee was not met, a meeting was not held.

Item E-Public Safety and Transportation Commission-

Sharon Sigmon, Council Representative-

The new Police Department building is well on its way. The department will be moving into the facility within the next two months.

Cab driver's expressed a number of concerns over issues within the cab industry.

Item F- Finance Committee,

Bobby Sutton, Finance Director-

The Finance Committee has not had a meeting since the last council meeting.

Item G-Parks and Recreations Committee

Mary Sattler, Council Representative-

Recommended an Ordinance be drafted prohibiting the use of silly string and other items during the fourth of July festivities.

VIII. SPECIAL ORDER OF BUSINESS

Item A- Bethel Friends Of Canines Presentation, provided by Joan Dewy.

MOVED:	Sigmon	Motion to suspend the rules to hear from the gallery.
SECONDED:	Peltola	
VOTE ON MAIN MOTION	All in favor	

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

IX. UNFINISHED BUSINESS

Item A- Public Hearing Of Budget Ordinance 13-12: An Ordinance Establishing A City Of Bethel Budget For Fiscal Year 2013-2014 Beginning July 1, 2013.

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

MOVED:	Springer	Motion to introduce Budget Ordinance 13-12.
SECONDED:	Sigmon	

MOVED:	Springer	Motion to amend, to strike 10-61-M2 17402, Assistant Chief.
SECONDED:	Robb	
VOTE ON MOTION	All in favor	
MOVED:	Springer	Motion to amend, to insert R8 17102, Investigative Administrative Sargent for and amount of \$95,093 with corresponding changes made to the benefits portion of the budget.
SECONDED:	Robb	
VOTE ON MOTION	All in favor	
MOVED:	Robb	Motion to amend, to strike 17120 Corporal.
SECONDED:		
VOTE ON MAIN MOTION	Motion does not carry due to a lack of a second.	
MOVED:	Robb	Motion to strike everything under 50-72 except line items 50-72-621 and 50-72-623 and to decrease line items 50-72-621 to \$2,500 and 50-72 623 to \$7,500.
SECONDED:	Springer	
VOTE ON MOTION	2-5 Motion fails, Robb and Springer in favor	
MOVED:	Robb	Motion to amend to insert 10-72-620 for \$50,000.
SECONDED:	Peltola	
VOTE ON MOTION	5-2 Motion passes, Whitney and Peltola opposed	
MOVED:	Springer	Motion to insert \$300,000 under General Fund 407 Cigarette and Tobacco Tax.
SECONDED:	Robb	
VOTE ON MOTION	1-6 Motion fails, Springer in favor	
VOTE ON MAIN MOTION	6-1 Motion passes, Robb opposed	

X. NEW BUSINESS

Item A- Introduction Of Ordinance 13-13: Amending Title 7 To Remove The Alaska Statutes Title 42 Requirement Of Financial Disclosure Submission To The Alaska Public Offices Commission And Adopting The Bethel Municipal Code Requirement For Financial Disclosure.

MOVED:	Whitney	Motion to introduce Ordinance 13-13.
SECONDED:	Springer	
VOTE ON MAIN MOTION		
All in favor		

Item B- AM 13-11: Appointment Of Milanna Shear To The Finance Committee.

Passed on the consent agenda.

Item C- Personal Leave Request For City Manager May 21-24, 2013.

Passed on the consent agenda.

XII. MAYOR'S REPORT

XIII. MANAGERS REPORT

XIV. CITY CLERK'S REPORT

XV. COUNCIL MEMBER COMMENTS

Council Member Springer-
Happy Birthday to the wife.

Thankful the budget is complete. Concerned, in the coming years the City will be faced with some serious financial decisions.

Council Member Robb-
Happy Mother's Day to other the mothers out there.
Be safe on the river, the water is starting to open up.
Good luck to the bird hunters.

Council Member Sattler-
Commended the Administration for providing a balanced budget once again.
School is out next week, thanked the teachers for their hard work.

Council Member Whitney-
Students travel to Kentucky for archery; praised and congratulated the students for their hard work.

Vice Mayor Peltola-
Reiterate the comments of Council Member Robb's statements.
Commended the Administration for their hard work on the budget.
Congratulated the students that will be graduating.

Mayor Klejka-
Congratulated all of the graduates.
Pool groundbreaking will be this Friday at noon, encouraged everyone to attend.
Clean up Green up begins, we have six weeks.
Celebration of Flight on the 26th of May.
Dock permits are available.

Council Member Sigmon-
Proud to show off her home and community to job seekers from the lower 48.

XVI. ADJOURNMENT

MOVED:	Springer	Motion to adjourn.
SECONDED:	Peltola	
VOTE ON MAIN MOTION	All in favor	

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk



Reports of Standing Committees

City of Bethel, Alaska

Planning Commission

May 9, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on at 6: 30 pm in the City Hall conference room in Bethel, Alaska.

Chairman, John Guinn, called the meeting to order at 6:30 pm.

II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: John Guinn, Joy Shantz, Mike Walter, Abe Palacios, Rick Robb, and Cliff Linderoth. Ex -Officio members present were the following: Rachael Pitts, Planning Director, and Betsy Jumper, Recorder.

III. PEOPLE TO BE HEARD

- None

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA FOR MAY 9, 2013 MEETING

MOVED:	Joy Shantz	To approve the agenda for the May 9, 2013 meeting.
SECONDED:	Abe Palacios	
VOTE ON MAIN MOTION		
All in favor Motion passes; 6 yes and 0 opposed.		

V. APPROVAL OF MINUTES

MOTION TO APPROVE THE MINUTES FROM THE APRIL 11, 2013 Meeting

MOVED:	Abe Palacios	To approve the minutes of the April 11, 2013 meeting.
SECONDED:	Mike Walter	
VOTE ON MAIN MOTION		
All in favor Motion passes; 6 yes and 0 opposed.		

VI. PLANNER'S REPORT: Rachael went over the monthly planner's report. Rick wondered about the status of the proposed Nuisance rewriting/revisions that were done a couple of months ago.

V. MOTION TO FORWARD THE NUISANCE REWRITING/CHANGES OF THE BMC TO COUNCIL THAT THE PLANNING COMMISSION HAD PASSED PREVIOUSLY

MOVED:	Joy Shantz	To immediately forward the revised/changed BMC Nuisance
SECONDED:	Rick Robb	

		section to the City Council.
VOTE ON MAIN MOTION	All in favor	Motion passes; 6 yes and 0 opposed.

VII. COMMISSIONER'S COMMENTS: Mike stated he hopes the council approves his financial statement as is; he hopes he doesn't have to resign from the Planning Commission because of the overly intrusive questions on the financial disclosure form. Joy thought about downloading the old APOC form; she will turn in some sort of financial disclosure, and also stated she would like to see the specific listings of site plan permits issued. Rick stated he fought hard to simplify the financial disclosure forms to City Council.

VIII. UNFINISHED BUSINESS: None.

IX. NEW BUSINESS: A. Conditional Use Application from United Utilities, Inc., for a Telecommunications Tower and Utility Structure to be located at 9116 Ptarmigan Street, Bethel, Alaska 99559.

Russ McDonald of United Utilities spoke on the subject of wanting to install a cell tower in the Tundra Ridge area, specifically lot 15, block 10, plat 80-2 (9116 Ptarmigan St.). William Ferguson, a citizen of Bethel, expressed concerns, chief amongst them the devaluation of his residence next door and that the proposed lot is in a drainage area. Mr. Ferguson also expressed a concern with the lot size, i.e., is it big enough? And could/would the tower ever fall? A lengthy discussion ensued, bringing with it a myriad/plethora of questions, such as: could the tower length be shortened; should soil samples/engineering be done?; issues with the flight path, has anyone checked with the FAA?; is there any non-residential zoning in the Tundra Ridge area where the tower could be placed? The Planning Director stated that the conditional use permit could include the clearance of airspace approval by the DOT/Bethel Airport. Mr. McDonald stated a fence could be built around the structure. It was decided to table the issue until further information could be provided. A special meeting could be held too if need be to facilitate this issue to accomodate the short summer construction season. Commissioner Linderoth asked to be excused in the discussion/action item due to a conflict of interest. Chair Guinn accepted.

MOTION TO TABLE THE CONDITIONAL USE APPLICATION REQUEST FROM UNITED UTILITIES

MOVED:	Joy Shantz	To table the conditional use application from United Utilities, Inc. for a telecommunications tower and utility structure to be located at 9116 Ptarmigan Street, Bethel, Alaska 99559 until further findings are presented/answered:.
SECONDED:	Abe Palacios	
VOTE ON MAIN MOTION	All in favor	Motion passes; 5 yes and 0 opposed.

B. Request by the Yukon Kuskokwim Health Corporation for a right-of-way vacation, easement vacation, and additional easement at 700 Chief Eddie Hoffman Highway. The request was filed on March 14, 2013. Property is United States Survey No. 4117, Lot 5, approximately 28,296 square feet.

Commissioner Robb asked to be excused in the discussion/action item due to a conflict of interest. Chair Guinn accepted.

Rachael spoke of an issue that had arisen concerning this agenda item; the applicant had made a change to the original plan. After some discussion, it was decided to postpone until further information could be collected.

MOTION TO POSTPONE THE REQUEST BY YKHC FOR A RIGHT OF WAY EASEMENT

MOVED:	Joy Shantz	To postpone the request by YKHC for a right-of-way vacation, easement vacation, and additional easement at 700 Chief Eddie Hoffman Highway.
	Cliff Linderoth	
VOTE ON MAIN MOTION	All in favor Motion passes; 5 yes and 0 opposed.	

C. Zoning Change for a new Proposed Residential ("Snowridge") Subdivision, located East and West of Tundra Ridge Road, and South of Tundra Ridge Subdivision.

MOTION TO ACCEPT THE ZONING CHANGE

MOVED:	Mike Walter	To accept/approve the zoning change, from General Use, Preservation, and no designated zoning district, to Residential and Preservation zoning for the Snowridge Subdivision.
SECONDED:	Joy Shantz	
VOTE ON MAIN MOTION	All in favor Motion passes; 6 yes and 0 opposed.	

X. ADJOURNMENT, Motion to adjourn the meeting.

MOVED:	Abe Palacios	To adjourn the meeting at 7:45.
SECONDED:	Joy Shantz	
VOTE ON MAIN MOTION	All in favor Motion passes; 6 yes and 0 opposed.	

Next meeting will be on June 13, 2013.

John Guinn, Chairman

Betsy Jumper, Recorder



Public Works Committee Agenda
Regular Meeting Wednesday May 15, 2013 – 6:30PM
City Shop Conference Room

MEMBERS

Joseph A Klejka
Council Rep.
Term Expires
11/2012

Frank Neitz
Chair
Term Expires
12/2013

Jennifer Dobson
Vice-Chair
Term Expires
12/2014

Bill Schreiner
Committee Member
Term Expires
12/2013

Scott Guinn
Committee Member
Term Expires
12/2014

Donna Lindsey
Committee Member
Term Expires
12/2015

VACANT
Committee Member
Term Expires
.

Chuck Willert
Ex-Officio Member

Cheryl Roberts
Secretary/Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (15 Minute Limit)
- IV. APPROVAL OF MINUTES
 - A. Minutes from the previous meeting of - April 17, 2013.
- V. APPROVAL OF AGENDA
- VI. DIRECTOR'S REPORT - May
- VII. UNFINISHED BUSINESS
 - A. Update - Closeout of 2 Outstanding Grants / ABC Loop - Letter from Tasha Deardorff
 - B. Update - 5 Year Plan/ RFP - Water & Sewer Master Plan
 - C. Update - Recycle Center
 - D. Update - Institutional Corridor - Feasibility Study
 - E. Update - RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities
 - F. Update - New BNC/Swansons Complex Road Access (Maps)
 - G. Update - Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project
 - H. Update - Water and Sewer Utilities Development Priorities
 - I. Update - Dredge for Sale by the ANTHC
- VIII. NEW BUSINESS
 - A. Yukon Kuskokwim Regional Aquatic Training & Safety Center - (Swimming Pool).
- IX. MEMBER COMMENTS
- X. ADJOURNMENT

City of Bethel, Alaska

Public Works Committee Minutes

May 15, 2013

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Public Works Committee Meeting was held on May 15, 2013 at 6:37 p.m. in the City Shop Conference Room, Bethel, Alaska was called to order by Committee Member Chair Frank Neitz.

ROLL CALL

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

Excused absence(s): Donna Lindsey

Unexcused absence(s): None

Also in attendance were the following:

Bill Arnold, in place of Chuck Willert, Public Works Director

Cheryl Roberts, Public Works Admin, Recorder of Minutes

PEOPLE TO BE HEARD

None

APPROVAL OF MINUTES

MOVED BY:	J. Klejka	To approve the minutes of the regular meeting of April 17, 2013.
SECONDED BY:	S. Guinn	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	J. Klejka	Motioned carried to approve the agenda.
SECONDED BY:	J. Dobson	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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DIRECTOR'S REPORT

Streets & Roads have been steaming culverts for the last month or so. Salzbrun Services is done with the Demolition of the shop floor & just waiting on the barge to get here with the supplies. Robert (Rocky) Wright, with Streets & Roads, is retiring at the end of May.

UNFINISHED BUSINESS

Item A - Update - Closeout of 2 Outstanding Grants/ABC Loop - Letter from Tasha Deardorff

The Rural Development will consider May 31, 2013 as the official closeout date.

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

They were at 45% complete in March.

Item C - Update - Recycle Center

Dave Stovner will be over-seeing it & then hire someone else to run it. The committee had a discussion on this topic.

Item D - Update - Institutional Corridor - Feasibility Study

The committee had a discussion on the topic.

Item E - Update - RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities

The committee was given a copy of the newest draft for this.

Item F - Update - New BNC/Swansons Complex Road Access (Maps)

The committee had a discussion on different options for traffic control and routes.

Item G - Update - Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project

We need to look for funding from somewhere other than USDA & USDA says we need to have a Non-Compliance Violation before they will consider funding it.

Item H - Update - Water and Sewer Utilities Development Priorities

Item I - Update - Dredge for Sale by the ANTHC

This is not the type of Dredge the City is looking for, but Bill Arnold will look into other options.

NEW BUSINESS

Item A - Yukon Kuskokwim Regional Aquatic Training & Safety Center - (Swimming Pool)

The committee discussed several issues on this item, the first was, How are they going to Drain the pool ? Electrical outlets, will there be enough?

MEMBER COMMENTS

Scott - No Comment

Bill - Excited about using his computer at the pool & short swims.

Jennifer - No Comment

Joe - Very happy with this committee & thank you everybody for coming & we are very slowly getting traction in Bethel.

Frank - On next months' Agenda; Clean Up/Green Up, the Landfill, Pool Updates from Mike with ProDev.

ADJOURNMENT

MOVED BY:	J. Klejka	Motion to adjourn the meeting.
SECONDED BY:		

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Committee, the meeting adjourned at 7:45 p.m.

APPROVED THIS _____ DAY OF JUNE, 2013.

Frank Neitz, Chair

Cheryl Roberts
Recorder of Minutes



City of Bethel

Finance Committee Agenda

Regular Meeting

Monday May 20, 2013 – 6:30 p.m.

City Hall, Bethel, Alaska

Sadie Priem
Finance Committee Chair

Clark Davis
Finance Committee Vice Chair

Kevin Kristof
Finance Committee Member

Gene Peltola Jr
Council Representative

Dave Trantham, Jr.
Finance Committee Member

Carol Ann Willard
Finance Committee Member

Ann Willert
Finance Committee Member

Bobby Sutton
Finance Director
543-1376
bsutton@cityofbethel.net

Eric Johnson
Assistant Finance Director
543-1375
ejohnson@cityofbethel.net

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD ~ Five minutes per person

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES OF REGULAR MEETING OF January 24, 2013 and February 18, 2013 and April 15, 2013.

VI. NEW BUSINESS

A: Rescheduling Finance Committee Meetings- BMC: 2.52.130-
(Finance Director)

B: FY14 Proposed Finance Budget (Finance Director)

C: Acceptance of Member Resignation- Ann Willert

VII. COUNCIL MEMBER COMMENTS

VIII. FINANCE DIRECTOR'S COMMENTS

IX. FINANCE COMMITTEE MEMBER COMMENTS

X. ADJOURNMENT

Posted on May 13, 2013 at City Office, AC Co., Swanson's & Post Office

A handwritten signature in cursive script that reads "Carole Jung".
Carole Jung, Recorder

City of Bethel

Port Commission Meeting Agenda

Regularly Scheduled Meeting

May 20, 2013 - 7 pm

City Council Chambers, City Hall, Bethel, AK



Commissioners

Alan Murphy
Chair

Term Expires 2011
(907)543-2805

Greg Roczicka
Vice-Chair

Term Expires 2013
(907)543-2903
groczicka@hotmail.com

Mark Springer
Council Rep.

Term Expires 2013
(907)543-1297
mspringer@cityofbethel.net

Richard Pope
Port Commissioner
Term Expires 2013

(907)543-1900
bethelalaskapc@gci.net

John Dickens
Port Commissioner

Term Expires
(907)543-0684

Pat Jennings
Port Commissioner

Term Expires
(907)543-3838
mightyjades@gmail.com

Ex-Officio

Peter A. Williams,
Port Director

(907)545-4150
pwilliams@cityofbethel.net

Edward Flores
Port Admin

(907)543-2310
eflores@cityofbethel.net

- i. **CALL TO ORDER**
- ii. **ROLL CALL**
- iii. **PEOPLE TO BE HEARD**
- iv. **APPROVAL OF AGENDA**
- v. **APPROVAL OF MINUTES FROM THE REGULAR MEETINGS**
 - ❖ April 15, 2013 regular Meeting
- vi. **SPECIAL ORDER OF BUSINESS**
 - ❖ Election of Chair and Vice Chair.
- vii. **DEPARTMENT HEAD COMMENTS**
- viii. **UNFINISHED BUSINESS**
- ix. **NEW BUSINESS**
 - ❖ SBH Embankments & funding status
 - ❖ Budget FY-13 update
 - ❖ Budget FY-14 proposal
 - ❖ Brown Slough dredging winter 2014
 - ❖ Bank Stabilization Project
- x. **COMMISSION MEMBER'S COMMENTS**
- xi. **ADJOURNMENT**

Unfinished Business

Introduced by: Joseph Klejka, Mayor
Introduction Date: May 14, 2013
Public Hearing: May 28, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-13

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING TITLE 7 ELECTIONS SECTION 7.30.050 REMOVING THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE REQUIRMENTS AND INSERTING THE BETHEL MUNICIPAL CODE FINANCIAL DISCLOSURE REQUIRMENT

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

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

SECTION 2. Bethel Municipal Code Title 7 Election Section 7.30.050 is amended as follows: new language is underlined and old language is stricken.

7.30 Candidate Qualifications

7.30.010 Candidate qualifications.

Any person is eligible for city office if the person is a qualified voter of the state and a resident of the city for at least one (1) year immediately preceding filing for office.

7.30.020 Declaration of candidacy.

A. A person who seeks to be a candidate for city council shall execute and file a declaration of candidacy with the clerk in accordance with this section. The declaration shall be executed under oath before an officer authorized to take acknowledgments.

B. A declaration of candidacy shall be on a form provided by the clerk and shall state the following:

1. The full name of the candidate, and the manner in which he wishes his name to appear on the ballot;
2. The full residence and mailing address of the candidate;
3. The day and evening telephone numbers of the candidate;
4. The office for which the candidate declares;
5. That the candidate is qualified for the office as provided by law;
6. That the candidate is a resident of the city;
7. That the candidate meets, or shall meet, as required by law, the specific requirements of the office the candidate is seeking;

8. The date and notarized statement signed by the candidate;

9. A certification by the candidate that the information in the declaration of candidacy is true and accurate.

C. Declarations of candidacy shall be provided by the clerk not earlier than seven (7) days prior to the opening of the filing period. Declarations of candidacy shall be submitted in original form and shall not be submitted by facsimile.

D. Filing for city office shall be made by filing a declaration of candidacy with the city clerk from 8:00 a.m., August fifth (5th) through 4:00 p.m., August twentieth (20th). In the event August 20th falls on Saturday Sunday or legal holiday, the candidate shall have until noon the next business day that is not a sat sun or legal holiday to file their declaration of candidacy.

E. Within four (4) business days after the filing of a declaration of candidacy, the clerk shall notify the candidate named in the declaration of candidacy whether or not it is in proper form. If not, the clerk shall immediately return it with a statement certifying wherein the declaration of candidacy is deficient to the candidate. A new declaration of candidacy for the same candidate may be filed within the time for filing declarations of candidacy.

7.30.030 Write-in candidates.

In addition to the limitations contained in BMC 7.60.020, votes for a write-in candidate will not be counted unless that candidate has filed a declaration of candidacy with the clerk. A declaration of candidacy filed under this section must be filed with the clerk not earlier than the day immediately following the last day of the filing period and not later than 5:00 p.m. five days prior to the election.

7.30.040 Notice of vacancies in office.

At least three (3) calendar days before the declaration of candidacy period is open for each regular or special election, the clerk shall post in three (3) public places a notice of offices to be filled at the election and the manner of filing a declaration of candidacy.

7.30.050 Conflict of interest statements.

A. Candidates for elective city office and declared write-in candidates shall file an ~~Alaskan Public Offices Commission Conflict of Interest Statement with the clerk as required by the provisions of AS 39.50 at the time of:~~ a Financial Disclosure Statement with the city clerk as required by the provisions of BMC 2.05.080 at the time of:

1. Filing a declaration of candidacy. The clerk shall place the name of the candidate on the ballot only after the candidate has complied with this requirement.
2. Declaring their candidacy as a write-in candidate.

B. Each candidate for an elective office shall file the name and address of the candidate's campaign treasurer with the Alaska Public Offices Commission no later than seven (7) days after the date of filing a declaration of candidacy.

Introduced by: Joseph Klejka, Mayor
Introduction Date: May 14, 2013
Public Hearing: May 28, 2013
Action:
Vote:

7.30.060 Corrections, amendments and withdrawal of declarations of candidacy.

Any candidate may withdraw his nomination at any time during the period of filing a declaration of candidacy by written notice to the clerk. After the filing period has closed, no declaration of candidacy may be corrected, amended or withdrawn.

7.30.070 Determination of candidate eligibility.

- A. The clerk shall determine whether each candidate filing a declaration of candidacy for municipal office is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified.
- B. Any person, including the clerk, may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the clerk.
- C. The complaint must be in writing and include the name, mailing address, contact phone number, signature of the person making the complaint, and a statement describing the grounds on which the candidate's eligibility is being questioned.
- D. The clerk will review only those issues in the complaint related to candidate eligibility.
- E. Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send notification in writing to the candidate.
- F. The clerk shall review any evidence relevant to the candidate's qualifications, including, but not limited to, the candidate's residency, voter registration, declaration of candidacy, and any other document of public record or as required by BMC 7.30.010. Based on the review of the documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.
- G. If the clerk determines the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.
- H. If the clerk determines the preponderance of evidence does not support the candidate's eligibility, notice to the candidate will identify any additional information or evidence that must be provided by the candidate. The clerk must receive the requested information no later than three business days from the date of notice. The clerk will consider any additional information provided and issue a final determination as to the candidate's eligibility no later than three business days from receipt of the additional information.
- I. If the information requested by the clerk is subsection H of this section is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.
- J. The clerk will send notice of final determination in writing to the person making the complaint if applicable, and to the candidate. The determination of the clerk shall stand.

7.30.080 Prohibitions.

A. No elected official of the city may hold any other compensated city office or city employment, or elected position in the state or federal government while in office.

B. A public safety volunteer is exempt from this section per BMC 3.64.060.

Section 4: Preclearance: Upon approval of this ordinance by the City Council, the City Clerk shall prepare and submit this ordinance for preclearance by the United States Department of Justice pursuant to Section 5 of the Federal Voting Rights Act.

Section 5: Effective Date: This ordinance shall become effective upon preclearance from the U.S. Department of Justice, or sixty (60) days following submission of the preclearance request authorized by Section 4 of this ordinance if no objection is interposed pursuant to 28 C.F.R. § 51.42.

PASSED AND APPROVED THIS _ DAY OF _, 2013 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

New Business

Introduced by: Lee Foley, City Manager
Date: May 28, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 13-11

A RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION TIGER V GRANT APPLICATION TO COMPLETE THE BETHEL BANK STABILIZATION PROJECT – PHASE 2

WHEREAS, the Department of Transportation has \$474 million available in FY 2013 TIGER V Discretionary Grant funds, a program that funds national infrastructure investments;

WHEREAS, the City received verbal confirmation by telephone from the Department of Transportation that the Bethel Bank Stabilization Project - Phase 2 is be an eligible project for TIGER V grant funding;

WHEREAS, the Bethel Bank Stabilization Project – Phase 2 involves work to rehabilitate the 1,200 foot of seawall known as the East Addition that extends from the mouth of Browns Slough to the entrance channel of the Bethel Small Boat Harbor;

WHEREAS, the Eastern Addition Seawall protects a portion of the City Dock, private and commercial property, and serves Bethel and 56 regional village economies by receiving 40,000 tons of freight a year, of which 16,000 tons are re-loaded onto river barges and taken to villages;

WHEREAS, the Eastern Addition Seawall, when in prime condition after completion of the Bethel Bank Stabilization Project, can and will accommodate the mooring of large vessels (greater than 300 feet in length) in the Port of Bethel's role as a Potential Place of Refuge, an Alaska Department of Environmental Conservation designation for communities able to serve stricken ocean-going vessels;

WHEREAS, the Eastern Addition Seawall serves the City Cargo Dock and the Cargo Dock serves approximately 26,000 people in 56 villages that occupy 57,826 square miles in the Yukon-Kuskokwim River drainage;

WHEREAS, the City's project partner, the U.S. Army Corps of Engineers, completed Phase 1 of the Bethel River Bank Stabilization Project in 2007, when it deposited basketball sized rocks at the base of the seawall to reduce scour and hold the pipe piles in place;

Introduced by: Lee Foley, City Manager
Date: May 28, 2013
Action:
Vote:

WHEREAS, the Bethel River Bank Stabilization Project – Phase 2 entails the installation of new tiebacks — steel rods welded to a group of ten pipe piles as a set (wales) and anchored 54 feet back to “deadmen;”

WHEREAS, the Bethel River Bank Stabilization Project – Phase 2 involves the construction of 30 feet of additional pipe pile seawall to close a gap in the seawall left open as a boat launch ramp because the ramp is no longer necessary and the seawall will be strengthened as a result;

WHEREAS, the City of Bethel owns the land and/or possess sufficient right-of-way access to the land necessary to complete the project;

WHEREAS, the Port of Bethel, a department of the City of Bethel, is responsible for the maintenance and operation of the East Addition Seawall and typically has \$10,000 in its budget annually to achieve this objective;

WHEREAS, as of April 30, 2013, the City’s balance sheet showed that \$1,267,164 was available in the City’s seawall maintenance account for major repairs to the seawall at any time;

WHEREAS, the City’s April 30, 2013 balance sheet revealed the accounting value of the seawall to be \$23,717,000, calculated by adding its non-depreciable land value (\$1,000,356) to its depreciable cost of construction (\$22,716,644);

WHEREAS, the Bethel River Bank Stabilization Project – Phase 2 is expected to cost approximately \$4,000,000 and have a useful life of fifty (50) years, according to the U.S. Army Corps of Engineers project manager;

WHEREAS, although TIGER V rural applicants are not required to provide any cash or in-kind match, the City of Bethel intends to provide some in-kind costs (e.g., pipe piles) to improve its applications score, but will not provide a cash match;

WHEREAS, TIGER V grant applications are due electronically on June 3, 2013;

WHEREAS, the City of Bethel promises to comply with the requirements of subchapter IV of Chapter 31 of Title 40, United States Code (federal wage rate requirements) as required by the FY 2013 Continuing Appropriations Act in the administration of TIGER V grant funds and in all aspects of related project management;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports the City’s preparation and submission of an FY 2013 TIGER V grant application to request \$4,000,000, or a new project amount determined by the U.S. Army Corps of Engineers, that will be used to complete the Bethel Bank Stabilization Project – Phase 2;

Introduced by: Lee Foley, City Manager

Date: May 28, 2013

Action:

Vote:

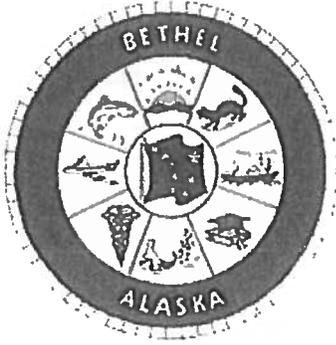
BE IT FURTHER RESOLVED that the City of Bethel will adhere to all TIGER V grant stipulations and related rules and regulations in its administration of TIGER grant funds and promises to maintain and repair, as needed, the entire seawall, including the East Addition.

ENACTED THIS 28th DAY OF MAY IN 2013 BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED.

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk



City of Bethel

Committees and Commissions

Recommendation to City Council

Committee/Commission: Port Commission	Chairman: Alan Murphy
Date Submitted:	Council Rep: Mark Springer
Issue/Background: <u>On March 20th the Port Commission recommended with a 5-0 vote that the City Council pass Resolution # 13-11 to ask the Federal Department of Transportation to provide four million dollars for the Bank Stabilization Project using the FY2013 TIGER V DISCRETIONARY GRANT FUNDS.</u>	
Recommendation:	

Received by: Jan Stuklis
Date: 5-21-2013

**United States
Department of Transportation**

PRESS RELEASE

Overwhelming Demand for TIGER Grants Highlights Need for More Investment in an America Built to Last

WASHINGTON – U.S. Transportation Secretary Ray LaHood today announced that the overwhelming demand for TIGER (Transportation Investment Generating Economic Recovery) grants has once again far surpassed the available funding.

Applications to the U.S. Department of Transportation for TIGER 2012 grants totaled \$10.2 billion, far exceeding the \$500 million set aside for the program. The Department received 703 applications from all 50 states, U.S. territories and the District of Columbia.

"President Obama has challenged us to invest in an America that is built to last, and it's clear that communities across America can't afford to wait any longer to get started," said Secretary LaHood. "At a time when gas prices are high, it's more important than ever that we invest in projects that will relieve congestion, improve the safety of our transportation systems, and provide Americans with affordable, efficient options for reaching their destinations."

On November 18, 2011, the President signed the FY 2012 Appropriations Act, which provided \$500 million for Department of Transportation infrastructure investments. Like the first three rounds, TIGER 2012 grants are for capital investments in surface transportation infrastructure and will be awarded on a competitive basis. This is the fourth round of TIGER funding.

The previous three rounds of the TIGER program provided \$2.6 billion to 172 projects in all 50 states, the District of Columbia and Puerto Rico. Demand for the program has been overwhelming, and during the previous three rounds, the Department of Transportation received more than 3,348 applications requesting more than \$95 billion for transportation projects across the country.

Thursday, April 5, 2012

 [SHARE](#)

Media Contact

US Department of Transportation
Office of Public Affairs

justin.nisly@dot.gov (<mailto:justin.nisly@dot.gov>)

1200 New Jersey Ave, SE
Washington DC 20590

Phone:
(202) 366-4570
9:00am-5:00pm ET, M-F

Tags

[Tiger \(/tags/tiger\)](/tags/tiger)

[American Built to Last \(/tags/american-built-last\)](/tags/american-built-last)

[\[+ \] Feedback](#)

Introduced by: Lee Foley, City Manager
Date: May 28, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 13-11

DEPARTMENT OF TRANSPORTATION TIGER V GRANT APPLICATION TO COMPLETE THE BETHEL BANK STABILIZATION PROJECT – PHASE 2

WHEREAS, the Department of Transportation has \$474 million available in FY 2013 TIGER V Discretionary Grant funds, a program that funds national infrastructure investments;

WHEREAS, the City received verbal confirmation by telephone from the Department of Transportation that the Bethel Bank Stabilization Project - Phase 2 is be an eligible project for TIGER V grant funding;

WHEREAS, the Bethel Bank Stabilization Project – Phase 2 involves work to rehabilitate the 1,200 foot of seawall known as the East Addition that extends from the mouth of Browns Slough to the entrance channel of the Bethel Small Boat Harbor;

WHEREAS, the Eastern Addition Seawall protects a portion of the City Dock, private and commercial property, and serves Bethel and 56 regional village economies by receiving 40,000 tons of freight a year, of which 16,000 tons are re-loaded onto river barges and taken to villages;

WHEREAS, the Eastern Addition Seawall, when in prime condition after completion of the Bethel Bank Stabilization Project, can and will accommodate the mooring of large vessels (greater than 300 feet in length) in the Port of Bethel's role as a Potential Place of Refuge, an Alaska Department of Environmental Conservation designation for communities able to serve stricken ocean-going vessels;

WHEREAS, the Eastern Addition Seawall serves the City Cargo Dock and the Cargo Dock serves approximately 26,000 people in 56 villages that occupy 57,826 square miles in the Yukon-Kuskokwim River drainage;

WHEREAS, the City's project partner, the U.S. Army Corps of Engineers, completed Phase 1 of the Bethel River Bank Stabilization Project in 2007, when it deposited basketball sized rocks at the base of the seawall to reduce scour and hold the pipe piles in place;

WHEREAS, the Bethel River Bank Stabilization Project – Phase 2 entails the installation of new tiebacks — steel rods welded to a group of ten pipe piles as a set (wales) and anchored 54 feet back to "deadmen;"

City of Bethel, Alaska

Resolution #13-11
1 of 3

Introduced by: Lee Foley, City Manager
Date: May 28, 2013
Action:
Vote:

WHEREAS, the Bethel River Bank Stabilization Project – Phase 2 involves the construction of 30 feet of additional pipe pile seawall to close a gap in the seawall left open as a boat launch ramp because the ramp is no longer necessary and the seawall will be strengthened as a result;

WHEREAS, the City of Bethel owns the land and/or possess sufficient right-of-way access to the land necessary to complete the project;

WHEREAS, the Port of Bethel, a department of the City of Bethel, is responsible for the maintenance and operation of the East Addition Seawall and typically has \$10,000 in its budget annually to achieve this objective;

WHEREAS, as of April 30, 2013, the City's balance sheet showed that \$1,267,164 was available in the City's seawall maintenance account for major repairs to the seawall at any time;

WHEREAS, the City's April 30, 2013 balance sheet revealed the accounting value of the seawall to be \$23,717,000, calculated by adding its non-depreciable land value (\$1,000,356) to its depreciable cost of construction (\$22,716,644);

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WHEREAS, although TIGER V rural applicants are not required to provide any cash or in-kind match, the City of Bethel intends to provide some in-kind costs (e.g., pipe piles) to improve its applications score, but will not provide a cash match;

WHEREAS, TIGER V grant applications are due electronically on June 3, 2013;

WHEREAS, the City of Bethel promises to comply with the requirements of subchapter IV of Chapter 31 of Title 40, United States Code (federal wage rate requirements) as required by the FY 2013 Continuing Appropriations Act in the administration of TIGER V grant funds and in all aspects of related project management;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports the City's preparation and submission of an FY 2013 TIGER V grant application to request \$4,000,000, or a new project amount determined by the U.S. Army Corps of Engineers, that will be used to complete the Bethel Bank Stabilization Project – Phase 2;

BE IT FURTHER RESOLVED that the City of Bethel will adhere to all TIGER V grant stipulations and related rules and regulations in its administration of TIGER grant funds and promises to maintain and repair, as needed, the entire seawall, including the East Addition.

Introduced by: Lee Foley, City Manager
Date: May 28, 2013
Action:
Vote:

ENACTED THIS 28th DAY OF MAY I N 2013 BY A VOTE OF ____ I N FAVOR AND ____
OPPOSED.

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Planning Commission
Date: May 28, 2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-14

AN ORDINANCE AMENDING THE OFFICIAL CITY LAND USE MAP DATED JULY 10, 1990 PURSUANT TO SECTION 18.76 OF THE BETHEL MUNICIPAL CODE

WHEREAS; the Planning Commission has approved the zoning on May 9, 2013, of certain lands belonging to the heirs of Nicholas Charles, F-14838-A2, 50-81-0029;

WHEREAS; the Planning Director/Platting Officer for the City of Bethel has determined that this zoning conforms to City Code, pursuant to BMC 18.76, and is compatible with the Bethel Comprehensive Plan, and recommends that the zoning be approved;

WHEREAS; Section 18.76 of the Bethel Municipal Code provides that such rezoning is accomplished through an amendment to the official land use map of the City enacted by an ordinance;

WHEREAS The City Council finds that such redistricting is in the public interest; and

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

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

SECTION 2. Amendment. The City of Bethel Official City Zoning Map dated July 10, 1990 is hereby amended.

Pursuant to Section 18.76 of the Bethel Municipal Code, the Official Land Use Map dated July 10, 1990, is amended as follows: THE CHARLES PROPERTY, PROPOSED SNOWRIDGE SUBDIVISION, ON 150.42 ACRES, is hereby rezoned from General Use, Preservation, and no designated zoning district, to Residential and Preservation.

SECTION 2. Effective Date. This ordinance shall become effective upon recording of the final plat for each added development in the subdivision.

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

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel, Alaska

Ordinance #13-14
1 of 1



City of Bethel
Planning Department
Staff Report for Zoning Request, February 27, 2013

Planning Commission Hearing Date:	March 14, 2013
Request:	From: General Use, Preservation, and no designated zoning district To: Residential
Proposed Land Use:	Residential
Acres:	150.42
Location:	Proposed Snow Ridge Subdivision at Tundra Ridge Road (F-14838-A2, 50-81-0029)
Owner:	The Heirs of Nicholas A. Charles
Applicant / Representative:	John Copenhaver, McClintock Land Associates, Inc.
Staff Recommendation:	Disapprove Residential. Approve Residential and Preservation.

Comprehensive Plan Conformity		
Street Status	The primary access to the parcel is Tundra Ridge Road. This is a state road that will be improved in the next few years as part of the STIP (No. 2231).	
<i>Goal 4: Encourage a range of housing opportunities for current and future Bethel residents, including more housing within the purchasing or rental capabilities of young families, single people, school teachers and other workers.</i>		
Residential land uses at this location will provide opportunities for new housing to purchase or rent. Taking into account the growth of facilities and population in Bethel in the last few years, it is more important than ever to plan for new housing stock. More housing at this location will be compatible with other land uses in the area.		
<i>Goal 6: Maintain and protect the quality of the water, land, and biological resources within the city; encourage the sustainable use of those resources for current and future generations.</i>		
Preservation zoning is used to protect wetlands from inappropriate development. The City of Bethel works with the Army Corps of Engineers to preserve these areas, which are also a part of the Yukon Delta National Wildlife Refuge. Every year migratory birds come to the Bethel area for nesting purposes.		
Surrounding Land Uses and Zoning		
	Land Use	Zoning
On Site	Undeveloped	General Use, Preservation, and undesignated

North	Residential and open space	Residential, General Use, and Preservation
South	Open space, low density residential, and airport	General Use, Preservation, and undesignated
East	Open space	General Use and Preservation
West	Open Space	undesignated

Background, Issues, and Analysis

This request for Residential zoning is compatible with other land uses in the area. Residential zoning and / or land uses exist to the north in the Tundra Ridge subdivision. The parcel is located north of the Bethel Airport, but far enough away to minimize noise impacts. The State of Alaska is currently in a planning process for airport expansion over the next twenty years, and current maps show that expansion is planned to extend west of the airport.

There is a need for residential land development in Bethel. The residential shortage contributes to high land and rent costs. Bethel has been growing, and more housing will contribute to the quality of life in the city.

The parcel is located on the west side of Bethel, outside of the areas FEMA identifies as floodplain. There are some wetland areas that are exempt from the General Permit for the Discharge of Dredged and/or Fill Material into Wetlands at Bethel. These areas are indicated on the proposed zoning map as Preservation areas. (Permit SPN-2011-124.)

Residential zoning also permits Planned Unit Developments as conditional uses, offering the potential for a variety of development projects. Planned Unit Developments can offer opportunities to plan for future land uses and traffic circulation.

The road that passes through the Charles property is an important part of city traffic circulation. It was part of the Interim Conveyance by the Kuskokwim Corporation, in the Kuskokwim Recording District, in 1983 (Book 17, Page 99). The extension from the Ptarmigan corridor includes two road segments (16 and 16a, C4) that extend to the BIA Road, and a one acre site easement that allows parking, temporary camping, and loading and unloading. The southern extension to BIA Road has been closed by allotment holders, and alternative traffic circulation corridors are being sought by the city.

Findings

1. The request for Residential zoning (with areas designated for Preservation) is compatible with the Bethel Comprehensive Plan.
2. New housing stock in Bethel will contribute to community welfare and amenities.
3. The location of housing at this location will not interfere with any current airport expansion plans.
4. The parcel is not located in an area identified at this time as floodplain by FEMA.

Stipulations

1. Site Plan Permits must be obtained from the Bethel Planning Department for fill, and construction.
2. The platting, permitting, and construction processes must conform to the City of Bethel Municipal Code, and any and all requirements of the State Fire Marshall must be met.
3. At the time piped water and sewer services are provided to the area, property owners are required to hook up to these services. Until that time properties must provide sufficient clearance for water and wastewater trucks to access the residences.
4. The subdivision must provide dedicated areas for location of neighborhood dumpsters.
5. The Planning Department will assign street numbers to individual properties, and these must be visible from the street.
6. No fill is permitted in preservation areas, to include private property.

Writer

REP

2/27/2013

Attachments

Present Zoning Map

Proposed Zoning Map

Application

Bethel D-8 SW Quadrangle Map

**City of Bethel
Planning Department**

300 Chief Eddie Hoffman Hwy P.O. Box 1388
Telephone: (907) 543-5306 * Fax: (907) 543-4188

Zoning Map Amendment Application Form

Applicant:

THE HEIRS OF NICHOLAS A CHARLES (SEE SECOND PAGE FOR LIST)

Legal Description of Properties covered by this application (use additional sheets if necessary):

PROPOSED SNOW RIDGE SUBDIVISION (A SUBDIVISION OF N 1/2 NE 1/4 AND NE 1/4 NW 1/4 SECTION 12, T 8 N, R 72 W AND LOT 1, SECTION 7, T 8 N, R 71 W, SEWARD MERIDIAN.

Requested District Change (i.e., from - to):

THE REQUESTED ZONING CHANGE IS FROM GENERAL USE, OPEN SPACE AND PRESERVATION TO RESIDENTIAL.

Reason for request:

THE REASON FOR THE REQUEST WAS MANDATED BY THE PLANNING COMMISSION AS RECORDED IN THE MINUTES OF THE *****
*** MAY 10, 2012 MEETING.

Please provide a written narrative explaining the following:

1. Is the proposed change in accordance with the city comprehensive plan?

YES THE PROPOSED CHANGE WOULD BE IN ACCORDANCE WITH THE CITY COMPREHENSIVE PLAN. ACCORDING TO THE FUTURE LAND USE MAP (DATED SEPTEMBER 2000), THE AREA OF THE PROPOSED SUBDIVISION IS IDENTIFIED AS RESIDENTIAL AND RURAL RESERVE.

2. How is the proposed change compatible with surrounding zoning districts and the established land use pattern?

YES, THE CHANGE WOULD BE COMPATIBLE AS STATED IN ITEM 1, THE FUTURE LAND USE MAP (DATED SEPTEMBER 2000), THE AREA OF THE PROPOSED SUBDIVISION IS IDENTIFIED AS RESIDENTIAL AND RURAL RESERVE. SNOW RIDGE SUBDIVISION WOULD BE AN EXTENSION OF EXISTING RESIDENTIAL DEVELOPMENT THAT LIES TO THE NORTH WITHIN TUNDRA RIDGE SUBDIVISION.

3. Are public facilities such as schools, utilities and streets adequate to support the proposed change?

YES, I BELIEVE THAT THE PUBLIC FACILITIES (SUCH AS SCHOOLS, UTILITIES AND STREETS) WOULD BE ADEQUATE TO SUPPORT THE PROPOSED CHANGE.

4. Do changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change?

YES, I CAN ONLY ASSUME SO, THERE WERE NO NEGATIVE COMMENTS LISTED ON THE PUBLISHED MINUTES OF THE PLANNING COMMISSION MEETING ON MAY 10, 2012.

5. Is the proposed change consistent with public welfare and will it grant a special privilege to the owners?

YES, I BELIEVE THAT PROPOSED CHANGE WILL BE CONSISTENT WITH PUBLIC WELFARE AND WILL NOT GRANT ANY SPECIAL PRIVILEGES TO THE OWNERS.

Date of application: 2-08-2013

\$100.00 Filing fee paid: AS ATTACHED

John T. Spandan 2/8/13 McCLINTOCK LAND ASSOCIATES
Signature of owner or owner's authorized representative

16942 NORTH EAGLE RIVER LOOP ROAD, EAGLE RIVER, AK 99577
Address

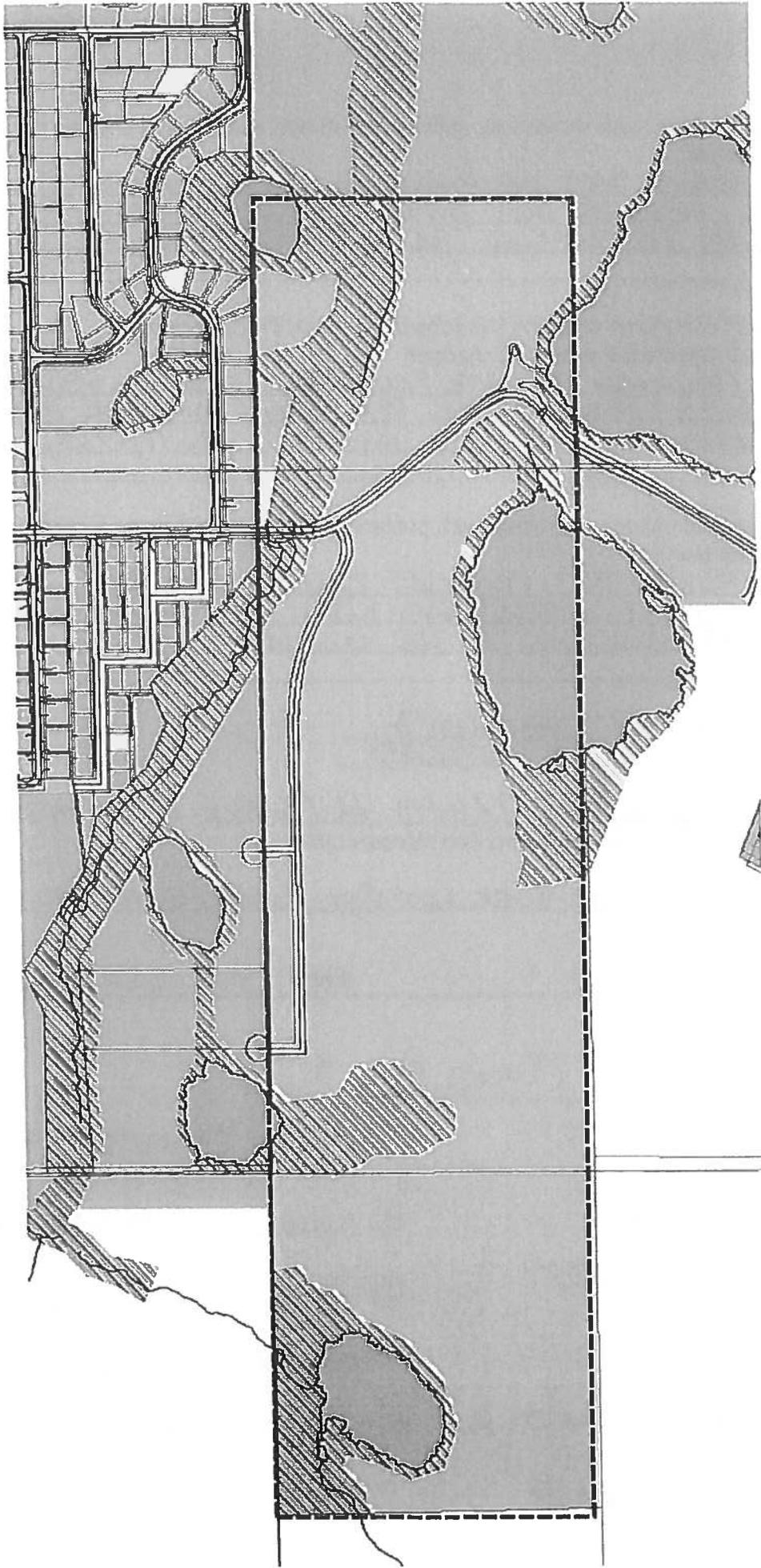
907-694-4499 FAX: 907-694-8965
Phone/contact number

APPLICANT LIST (FROM PAGE 1)

- | | |
|--------------------------|-----------------------------|
| 1) ELENA CHARLES | 7) MARY CHARLES STACHELRODT |
| 2) MARY CHARLES | 8) NICHOLAS CHARLES, JR |
| 3) SUSAN CHARLES | 9) BENJAMIN CHARLES |
| 4) PETER BRINK | 10) LAWRENCE CHARLES |
| 5) ELIZABETH CHARLES ALI | 11) CHRISTOPHER CHARLES |
| 6) GEORGE CHARLES | |

Charles Property Zoning to Residential and Preservation

The preservation areas are those identified by the US Army Corps of Engineers as wetland.



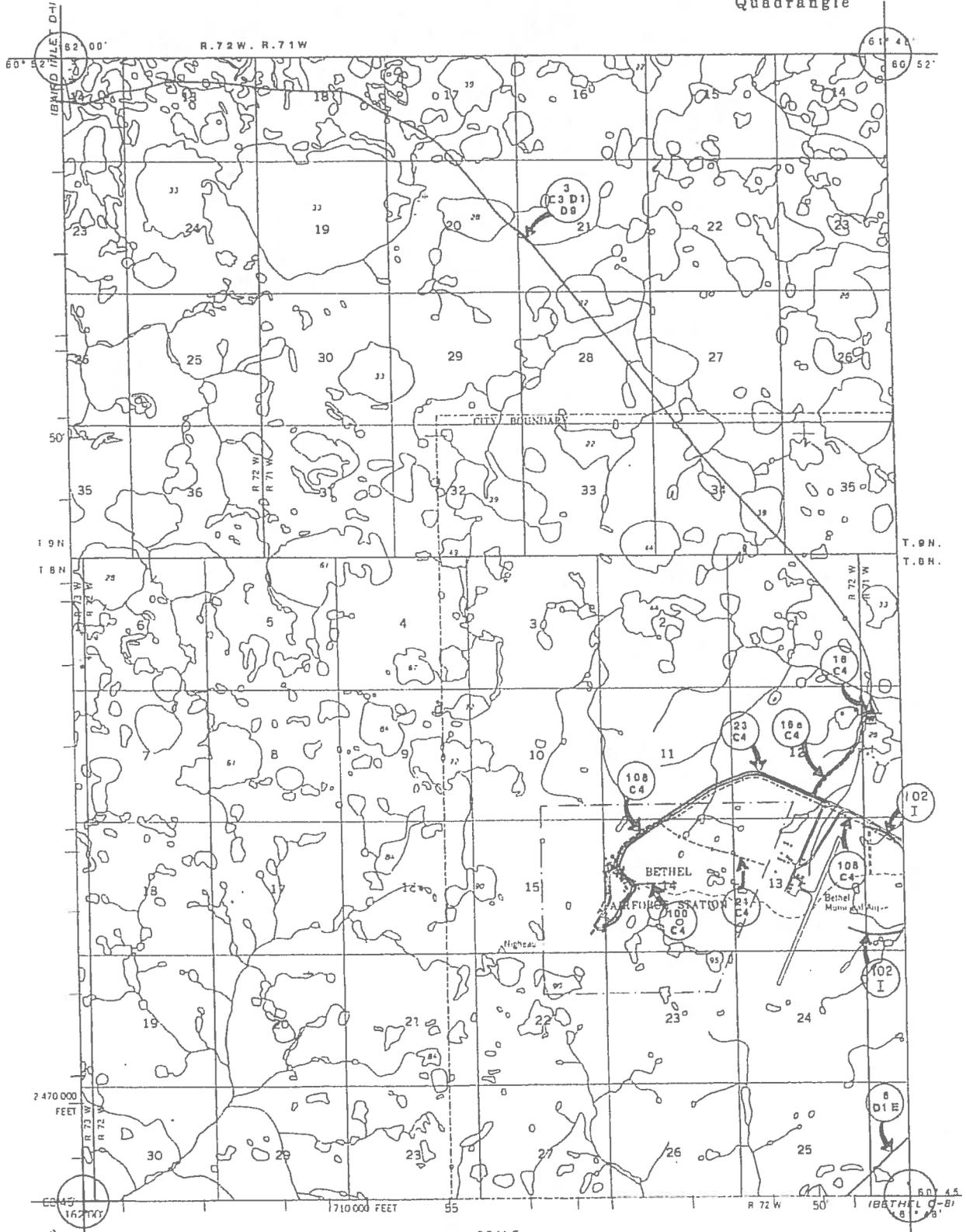
Charles Property Current Zoning

General Use, Preservation, and no designated zoning district.

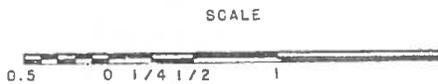


BETHEL (D-8) SW

Quadrangle



Entered from U805 quad
 Bethel(D-8)
 COMPUTERIZED MAP CATALOGING AND
 INFORMATION RETRIEVAL SYSTEM
CMCIRS-220222
 Do not reproduce this map, or portion or derivative thereof



Bethel D8-2
BETHEL (D-8) SW
 Quadrangle

Current To Date: 01-08-2003

Introduced by: City Manager Foley
Date: May 28, 2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-15

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE BY INSERTING CHAPTER 9.33 TITLED SILLY STRING AND PRACTICAL JOKE ITEMS PROHIBITED

WHEREAS, every year the City of Bethel hosts a Fourth of July Festival which brings hundreds of people to the Pinky's Park area;

WHEREAS, during this festival a number of vendors sell practical joke items such as fart bags and fart spray that become a nuisance to the festival goers;

WHEREAS, vendors also sell aerosol cans filled with a foam like substance commonly known as "silly string" which becomes a nuisance;

WHEREAS, vendors also sell aerosol cans filled with temporary hair color which is not permanent to hair but is permanent to wood and clothing, vandalism by this product has required costly repairs to buildings in the area of the celebration,

WHEREAS, young adults and children run through the park spraying each other or setting off these nuisance items, while not paying attention to the many others surrounding them;

WHEREAS, not only is the use of these products a nuisance during the celebration, the cleanup following the festivities has proven to be extensive due to the number of areole cans and "silly string" found throughout the area;

WHEREAS, the use of these products interferes with the peaceful enjoyment of the Fourth of July Celebration which is a public event;

WHEREAS by banning the sale and use of these products shortly before, during and shortly after the celebration, the spectators as well as volunteers and staff can attend the celebration without the nuisances of products specifically produced for pranks and irritations;

WHEREAS, the festival space, both in park areas and residential areas that surround the park, will be substantially easier to clean following the close of the celebration

Introduced by: City Manager Foley
Date: May 28, 2013
Public Hearing:
Action:
Vote:

if silly string and other practical joke items are not permitted for sale or use in the area.

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

SECTION 1. Classification. This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

SECTION 2. Amendment . The City of Bethel Municipal Code is hereby amended, new language is underlined.

9.33.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Fart Spray" or "Fart Bag/Bomb" means any product specifically produced to sound and/or smell like fart and fecal matter.

"Hair Color Spray" means a temporary aerosol spray of hair color that washes out.

"Park" means any area in the City of Bethel dedicated as a public park or used for park, recreation or conservation purposes.

"Party Poppers" means a small plastic cylinder which, when a string is pulled, makes a small bang and fires thin paper streamers into the air.

"Walkways" means the area within the public right-of-way adjoining streets in the City of Bethel.

"Silly String" means A foam like substance which is shot and/or propelled by use of an aerosol can and/or similar dispenser and which, when so shot/propelled, emerges from said can/dispenser in a string-like form, the same being sold under the product name of "Silly String" and/or other products.

"Streets" means any street laid out and used as a public thoroughfare in the City of Bethel.

Introduced by: City Manager Foley
Date: May 28, 2013
Public Hearing:
Action:
Vote:

9.33.020 Public use prohibited.

No person, including any individual or entity, shall discharge or permit the discharge of products called "silly string", "fart bag/bomb", "fart spray", "party popper" and "hair color spray" in or along the public streets, sidewalks, parks or public places in the City of Bethel at any time.

Restrictions on Sales

No person, including any individual or entity, shall sell products called "silly string", "fart bags/bomb", "fart spray", "party popper" and "hair color spray" in or along the public streets, walkways, parks, public places or from any business conducted in the City of Bethel from June 15 to July 15.

9.33.030 Violations and penalties.

A violation of this chapter shall subject the violator to the penalties provided under chapter 1.08, General Penalties, of the BMC.

SECTION 2. Effective Date. This ordinance shall become effective upon the passage by the City Council.

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

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk



City of Bethel

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: Parks & Recreation	Chairman: Barbara Mosier
Date Submitted: 5/7/12	Council Rep: Mary Sattler
Issue:	
Silly string, fart bags, fart spray & hair color spray make the event less enjoyable by the participating community	
Innocent by standards have been knocked over, hit by people running around spraying each other with these items. This ban will make the event safer for all.	
The left over items are left on the ground by the offenders is not good for the environment, is hard to clean up, takes employee time after the event to clean up costing the city money.	
Recommendation:	
That the selling, buying & using of silly string, fart bags, fart spray & hair color spray be illegal on the 4 th of July within the City.	
If used or the merchandise will be confiscated	
Ticket/fine for selling \$100 per offense	
Ticket/fine for using \$20 per person	

Other:

Received by: 
 Date: 5/8/13

Mayor's Report

Red Devil Mine

Environmental Investigation Update

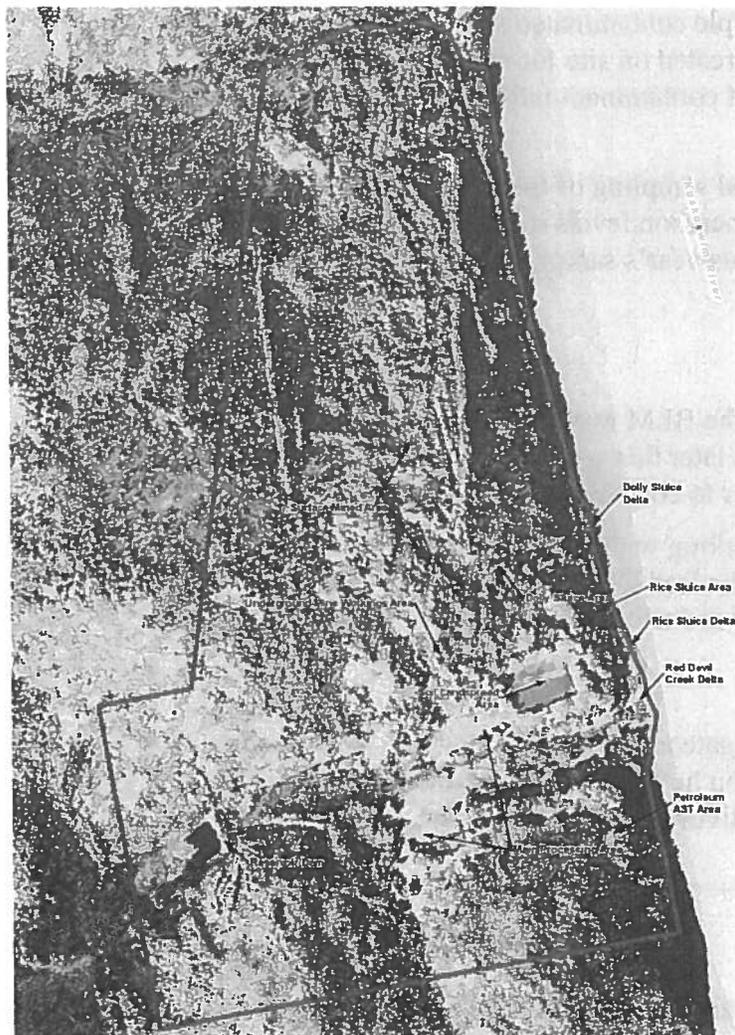
BLM

May 2013

Red Devil Mine ore processing facility, 1943

This newsletter provides updates on the environmental investigation at the Red Devil Mine, an abandoned cinnabar mine and mercury production facility on the Kuskokwim River. A complete record of documents for this investigation, including previous newsletters, is available at www.blm.gov/ak/red_devil_mine.

The BLM continues work on a **Remedial Investigation and Feasibility Study** for the Red Devil Mine site. The purpose is to better understand the physical setting, analyze potential risks to human health and the environment, and determine what can be done to address those risks. The investigation uses a process defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).



Project Survey

Since our last project newsletter (August 2012), the BLM surveyed an area that includes all areas previously disturbed during mine operations, plus a buffer zone for human health and safety. The lands within this area total 191 acres.

For your safety, the BLM asks that you avoid using or traveling on these lands while we develop a plan to address the mine tailings.

Proposed Plan

Since our 2012 community meetings, the BLM has evaluated several response actions (remedial actions) to reduce the risk created by the tailings. The results are being compiled in a Feasibility Study report.

When the report is complete, the BLM will prepare a Proposed Plan to summarize the results and explain the proposed remedy. The BLM will seek community and tribal input on the Proposed Plan, and consider this input as we develop the Final Plan.

Early Action

CERCLA provides for early remedial action, or near-term response, in those situations where action is needed before the overall site response is defined. The BLM is analyzing several ways to prevent tailings from migrating down Red Devil Creek and into the Kuskokwim River. We anticipate taking an early action to meet this objective prior to conducting site-wide remedial actions.

Before conducting any early response action, the BLM would inform and engage communities and tribes.

Anchorage Field Office



Fish Telemetry Study

The BLM continues to collect and interpret telemetry data to provide a better picture of burbot (lusk), pike and grayling seasonal movements.

Data indicate that adult pike within major tributaries such as the Holitna, George, and Takotna spend most of the year in those rivers and rarely enter the Kuskokwim. Pike from these tributaries had the highest concentrations of mercury compared to pike from the Kuskokwim and other tributaries. Both naturally occurring mineral deposits and historical mines likely contribute to the elevated mercury found in large pike within these tributaries.

Many of the burbot sampled as part of this study contained elevated concentrations of mercury. However, burbot move large distances (hundreds of river miles) during late fall and spring, so identifying specific sources is difficult. In general, burbot sampled in the middle Kuskokwim during the summer had much higher concentrations than those sampled in the winter. Fish movement data indicate that burbot sampled during the winter had likely moved up from the lower river, which is further away from potential mercury sources along the middle Kuskokwim.

The latest fish tissue report is available at www.blm.gov/ak/st/en/prog/fisheries/rdm_fish.html. We expect to update the fish tissue report later this year as new data on fish movement are collected. A final report is projected for 2015. No additional tissue sampling is planned for 2013.

Site Monitoring

This summer the BLM will visit the Red Devil Mine site to monitor the progress of two remediation actions conducted in earlier field seasons. In late May, we'll visit the site to sample contaminated soil removed from a former explosives bunker (powderhouse) discovered in 2010. The soil is being treated on site for explosives residues. The BLM will collect samples from the treatment cell to measure progress of contaminant reduction and add a soil amendment to further break down the residue.

In September the BLM will return to the site to conduct annual sampling of the five landspread remediation cells where petroleum contaminated soil is being treated. Petroleum hydrocarbon levels in the landspread cells have decreased significantly since the landspread was established in 2010. This year's sampling will likely demonstrate that cleanup is complete for at least one of the cells.



Next Steps

Under the current project schedule, the BLM would work with tribes and communities to schedule meetings and consultations later this year when the Proposed Plan is completed. We'll also engage communities prior to conducting any early response action.

The BLM remains committed to working with all interested tribes and communities as we move through the CERCLA process for the Red Devil Mine site. If you have questions or concerns about the project, please use the contact information at the bottom of this newsletter. Let's talk!

Safety Reminder

As breakup approaches, please continue to observe the safety gate and signage at the site. Specifically, we ask that you avoid the area inside the project boundary. We also ask that you help us by sharing this safety message with other residents and communities while we develop response alternatives for the site.



HOW TO CONTACT US:

- **Alan Bittner**, Anchorage Field Manager, (907) 267-1246 or (800) 478-1263
- **Mike McCrum**, Red Devil Mine Project Manager, (907) 271-4426
- **Mail:** BLM Anchorage Field Office, 4700 BLM Road, Anchorage, AK 99507
- **E-mail:** blm_ak_reddevil@blm.gov
- **Web:** www.blm.gov/ak/red_devil_mine

Bethel City Council

Office of the City Manager

Manager's Report

Bethel City Council

Office of the City Clerk

Clerk's Report



City of Bethel, Alaska

City Clerk's Office

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

Upcoming Council Events:

May 29, 2013 Joint Task Force Meeting

Records Retention

Modifications from the departments have been submitted. The City Clerk's Office is in the process of reviewing each document type which includes the suggested length of retention as well as the format of retention. Once completed with the final modification, the City Clerk will provide the document to the City Attorney for review before its submission to the City Council for approval.

The Office is also preparing for the next sendoff of ordinances for document preservation. The Council has provided funding for this project for three years now and with that funding we have been able to preserve and bind all ordinances from 1958 through 2001. Following the preservation of ordinances, the City Clerk's Office will start on the meeting minutes. Just a reminder, all meeting minutes, ordinances, resolutions and proclamations from the start of the City in 1958 are available on the City's website.

A Laserphiche (software to allow for long-term management of records) demonstration was provided to the Department Heads. Each department had identified a records coordinator for their department and the City Clerk's Office will begin training each of the coordinators. Additionally, we will be going to each department to help organize the records files.

Election

What, already? Yes, the City Clerk's Office is in the beginning stages of preparing for the City of Bethel's Regular scheduled for Election October 1st.

Social Media

As freighting as social media can be for a records coordinator, it is substantially more useful to the community. The City of Bethel is in the early, early stages of establishing a facebook page. The Social Media Policy is being reworked into an Ordinance for Council's consideration.

Passports

It is the passport season. The City Clerk's Office processes on average 10 passports a month but the next few months it could be as high as 10 a week. The new Assistant to the City Manager is in the process of getting trained and taking the Acceptance Agent test. Once she is approved by the Department of Justice the City will have two acceptance agents available to process passports.

Preclearance Request

The City Clerk's Office is preparing the required documentation for the Preclearance Request for Ordinance 13-13 Financial Disclosure Requirements BMC. Once the Ordinance is approved by the Council, the request will be sent to the Department of Justice for Preclearance. The DOJ approval is not going to interfere with the proceeding of this coming election.