

**I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on June 14, 2016 at 6:30 p.m., in the council chambers, Bethel, Alaska.

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

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

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

**IV. PEOPLE TO BE HEARD**

Kevin Morgan – Provided support to the multi-purpose field proposed on the agenda.

Eileen Arnold – Provided support to the multi-purpose field proposed on the agenda. Spoke in opposition to the proposed change of the sales tax exemption requirements for non-profits. Requested the City Council amend the Bethel Municipal Code to modify the exemption of sales tax.

Mary Sattler, Lobbyist for the City of Bethel – We are in 46 days in the State’s extended Legislative Session. On May 31<sup>st</sup>, the State approved the state’s operating and capital budgets. The State is still working on a number of issues.

Kathy Hansen – Spoke in opposition to potential changes in how site plan reviews are granted in the City. The Corps of Engineers will have to review and make decisions on the site plans by the end of June. This will inevitably extend the amount of time for processing these site plan permits.

Tom McCallson – As a member of the Marijuana Advisory Committee wanted to be available for the Council during their review of the proposed marijuana regulations.

Mike Martz – Spoke in opposition to the proposed change of the sales tax exemption requirements for non-profits. Requested the Council review the Code and amend the exemptions to remove the State Revenue Sharing requirements.

David Trantham, Jr. – Stated he is having some health issues nowadays; stated that he is now a great-great grandfather. Approximately four years ago, eight veterans decided they wanted to honor the Alaska Territorial Guard members that defended this area during WWII. The park was developed to honor their commitment; in this park there is a wall of honor which lists the names of the Alaska Territorial Guard Members from this area. On July 3, 2016 the park development will close.

Lorin Bradbury – Spoke in opposition to potential changes in how the site plan reviews are granted in the City. The Corps of Engineers will have to review and make decisions on the site plans. This will inevitably extend the amount of time for processing these site plan permits.

Barb Mosier – Provided support to the multi-purpose field proposed on the agenda. Provided support of continuing the financial support for the 4-H Program in the FY2017 Budget.

Mary Nanuwak – Has not been feeling well lately. Excited to see so many people from the public at the meeting tonight. Thanked the City Council for all of their hard work, especially Council Member Herman and Council Member Fansler, they really care about helping people.

Ronda Sargent, Representative of the Bethel 4-H Center – Provided an update to the Council on the two week participation statistics at the Center.

Mersin Pullumbi – Spoke in opposition to potential changes in how the site plan reviews are granted in the City. The Corps of Engineers will have to review and make decisions on the site plans. This will inevitably extend the amount of time for processing these site plan permits.

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

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

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Moved by: | Herman

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

**Removal from  
the Consent  
Agenda:** New Business Item B, Resolution 16-22 and New Business Item E,  
Introduction of Budget Ordinance 15-14 (i).

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Moved by: Hoffman

**Removal from  
the Consent  
Agenda:** New Business Item B, Introduction of Budget Ordinance 15-14 (k).

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Moved by: Maczynski

**Removal from  
the Consent  
Agenda:** New Business Item C, Introduction of Budget Ordinance 15-14 (j).

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Moved by: Robb

**Primary  
Amendment:** Postpone the Executive Session until the next regular meeting on June  
28, 2016.

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

## VI. APPROVAL OF THE MEETING MINUTES

**Item A** – Regular City Council Meeting May 24, 2015

*Passed on the consent agenda.*

**Item B** – Special City Council Meeting May 26, 2015

*Passed on the consent agenda.*

## VII. REPORTS OF STANDING COMMITTEES

### **Public Safety and Transportation Commission**

*Council Representative, Chuck Herman –*

Considered establishing a community watch program.

The Commission was not presented with the Marijuana Regulations.

### **Port Commission**

*Council Representative, Alisha Welch –*  
No report

### **Planning Commission**

*Council Representative, Nikki Hoffman –*  
Reviewed but did not finalize a conditional use permit for alcohol sales

### **Parks and Recreation Committee**

*Council Representative, Richard Robb –*  
Recommendation from the Committee to the Council to dedicate \$250,000 to the park development from the tobacco tax money. Recommendation from the Committee to the Council to hire a subcontractor to assist in hauling the sand for the multi-use field development. The Committee supports this project.  
Recommendation from the Committee to the Council to maintain and repair the boardwalk next to the Moravian Church.  
The temporary hire and Matt Ross with the City of Bethel are working hard at finalizing the 4<sup>th</sup> of July celebration planning.  
Established a committee who will look at the physical pool facility. The marketing subcommittee is working with Health Fitness on their marketing strategies.  
Following-up with City staff at the potential purchase of a defibrillator and bleachers for the pool facility.

### **Finance Committee**

*Council Representative, Leif Albertson –*  
Discussion of gaming, will be requesting the Council to revise the way gaming is taxed. Discussed not meeting for the summer.

### **Energy Committee**

*Council Representative, Zach Fansler –*  
The committee has not met since the last City Council Meeting on May 24<sup>th</sup>.

### **Public Works Committee**

*Council Representative, Byron Maczynski –*  
A meeting will be held on Wednesday, June 15<sup>th</sup>.

### **Marijuana Advisory Committee**

*Council Representative, Zach Fansler –*  
Will provide additional detail during the review of the document discussions.

## **VIII. SPECIAL ORDER OF BUSINESS**

**Item A** – United Pools Presentation.

**Item B** – Appreciation For Council Member Herman's Service On Council.

**Item C** – Appreciation For Rauhnik Ray, United Pools.

**IX. UNFINISHED BUSINESS**

**Item A** – Public Hearing Of Ordinance 16-16: Amending Bethel Municipal Code 3.64.010, Benefits.

*Mayor Robb opened the public hearing.*  
*No one present to be heard.*  
*Mayor Robb closed the public hearing.*

**Main Motion:** Adopt Ordinance 16-16.

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

**Item B** – Public Hearing Of Budget Ordinance 16-17: Fiscal Year 2017 Annual Budget.

*Mayor Robb opened the public hearing.*  
*No one present to be heard.*  
*Mayor Robb closed the public hearing.*

**Main Motion:** A motion to adopt Ordinance 16-17 as amended.

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

**Primary Amendment:** Under line item 10-52-562, Supplies for Council to strike \$2,500 and insert \$500.

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|--------------|--|
| Moved by:    | Fansler  |
| Seconded by: | Herman   |
| Action:      | Motion does not carry by a vote of 3-3   |
| In favor:    | <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler |
| Opposed:     | <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski   |

**Primary Amendment:** Under line item 58-50-470, Fleet Replacement Fund strike \$296,000 and insert \$330,000.

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|              |         |
|--------------|---------|
| Moved by:    | Herman  |
| Seconded by: | Fansler |

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

**Subsidiary**

**Motion:** Suspend the rules to hear from the Port and Finance Directors.

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

**Primary**

**Amendment:** Under line item 52-46-490, increase the amount by \$34,000.

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

**Subsidiary**

**Motion:** Table.

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

**Subsidiary** Table every item on the agenda up to New Business Budget  
**Motion:** Ordinance 15-14 (k).

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

**NEW BUSINESS**

**Item D – Introduction Of Budget Ordinance 15-14 (k): Amending The FY 2016 Budget Management Salaries.**

**Main Motion:** Postpone.

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

Pull from the Table Unfinished Business Item B, Budget  
**Main Motion:** Ordinance 16-17.

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

**UNFINISHED BUSINESS**

**Item B – Public Hearing Of Budget Ordinance 16-17: Fiscal Year 2017 Annual Budget.**

**Primary Amendment:** Directing the City Manager to cap the annual merit increase at 3%.

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

**Secondary Amendment:** Amend the primary amendment to strike 3% and insert 5%.

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

**Secondary Amendments:** Amend the motion to exempt the Finance Director and the Planner from the 5% merit increase limitations.

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

**Item C – Public Hearing Of Ordinance 16-18: Amending Bethel Municipal Code, Marijuana Regulations.**

*Mayor Robb opened the public hearing.*

*Mary Nanuwak – Spoke in favor of the proposed Ordinance.*

*Mayor Robb closed the public hearing.*

**Main Motion:** Adopt Ordinance 16-18.

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

**Primary Amendment:** Strike 5.10.200, Limitation on Type and Number of Marijuana Facilities in its entirety.

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

**Primary Amendment:** Strike 5.10.210 Section A. Advertising.

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

**Primary Amendment:** Amend 5.10.220, Water Supply for Grow Operations to strike in its entirety and insert "The City does not guarantee delivery of water on a specified day or time. The City shall not be liable for any loss or damage of any nature whatsoever caused by any delay or failure to deliver water to an establishment regardless of delivery schedules and anticipated requests. Customers are encouraged to have a back-up water source in case of missed water deliveries."

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

Amend 5.10.160, Open Container to strike in its entirety, and insert  
"A. It shall be unlawful to consume marijuana on the public streets,  
sidewalks, alleys parks or other public places throughout the City.  
B. It shall be unlawful to operate a motor vehicle while under the  
influence of marijuana.

**Primary Amendment:** C. Marijuana is permitted on private residential property, with the consent of the owner or legal occupant of the property."

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

**Secondary Amendment:** Amend the Primary Amendment to strike under Subsection B  
"Operate a motor vehicle while under the influence of marijuana"  
and insert "to consume marijuana in a vehicle."

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

**Primary Amendment:** Amend the Ordinance to reflect the modification provided by the  
City Attorney with the exception of the sections modified by the  
Council at this meeting.

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

**Primary Amendment:** Amend to insert 5.10.240 Disclaimer "This Chapter does not  
supersede applicable Federal Law."

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

**Item D – AM 16-35: Approving The Contract Between The City Of Bethel And The University Of Alaska Fairbanks Cooperative Extension, 4-H Program.**

Motion to approve was made at the May 10, Regular City Council Meeting.

**Main Motion:**

Moved by: Hoffman

Seconded by: Welch

Action: Motion carries by a vote of 6-0

In favor:  Robb  Maczynski  Albertson  Herman  Fansler  Hoffman

Opposed: -0

**Item E – AM 16-42: Directing Administration To Negotiate And Enter Into A Contract For Construction Of Port Office.**

**Main Motion:** Postpone Indefinitely AM 16-42

Moved by: Fansler

Seconded by: Herman

Action: Motion carries by a vote of 6-0

In favor:  Robb  Maczynski  Albertson  Herman  Fansler  Hoffman

Opposed: -0

**Item F – AM 16-37: Directing Administration To Enter Into An Agreement With Alaska Court System And Alaska Permanent Fund Dividend Division For The Transfer Of Unpaid Minor Offenses Fines And The Electronic Levy On The PFD of Non-Payees.**

**Main Motion:** Approve AM 16-37.

Moved by: Herman

Seconded by: Fansler

Action: Motion carries by a vote of 6-0

In favor:  Robb  Maczynski  Albertson  Herman  Fansler  Hoffman

Opposed: -0

**Item G – AM 16-39: Directing Administration To Begin Development Of The Pinky Park Multi-Use Field As Authorized By AM 14-67.**

**Main Motion:** A motion to adopt was made at the May 24, 2016 Regular Meeting.

Moved by: Fansler

Seconded by: Maczynski

Action: Motion carries by a vote of 6-0

In favor:  Robb  Maczynski  Albertson  Herman  Fansler  Hoffman

Opposed: -0

**Main Motion:** Suspend the rules to hear from the Public Works Director.

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

## X. NEW BUSINESS

**Item A** – Resolution 16-22: Support And Approval For City To Pursue Funding From The Statewide Transportation Alternatives Program.

*Passed on the Consent Agenda.*

**Item B** – Introduction Of Ordinance 16-19: Extending The Marijuana Moratorium.

**Main Motion:** Introduce Ordinance 16-19.

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

**Item C** – Introduction Of Budget Ordinance 15-14 (j): Amending The FY2016 Budget For Union Salaries.

**Main Motion:** Introduce Budget Ordinance 15-14 (j).

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

**Main Motion:** Motion to extend the meeting.

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

**Item E – Introduction Of Budget Ordinance 15-14 (I): Amending The FY 2016 Budget For Accounting Services.**

**Main Motion:** Introduce Budget Ordinance 15-14 (I).

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

**Item F – AM 16-43: Authorizing The City Manager To Enter Into A Sole-Source Contract With WHPacific, Inc., For Converting AutoCAD Drawings To GIS.**

**Main Motion:** Approve AM 16-43.

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

**Item G – AM 16-44: Authorizing The City Manager To Release A Request For Proposal For Professional Services to Perform The Full Range Of Services Related To An Employee Classification Plan For The City Of Bethel.**

**Main Motion:** Approve AM 16-44.

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

**Item H – AM 16-45: Authorizing The City Manager To Enter Into A Contract With Bristol Engineering Services To Complete Landfill Closure And Post-Closure Cost Estimates.**

**Main Motion:** Approve AM 16-45.

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

**Item I – Lower Kuskokwim Lease – Kilbuck School Location Update.**

**Item J** – Personal Leave Request For City Attorney, July 8-15 And July 22, 2016.

*Approved on the consent agenda.*

**XI. MAYOR’S REPORT**

**XII. MANAGER’S REPORT**

Direct administration to contact the Corps of Engineers and report back to the Council at the next meeting on the ability to move back the implementation of the Corps processing the site plan permits.

**Main Motion:**

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

*Vice-Mayor Maczynski departed the meeting at 11:56 p.m.*

**XIII. CLERK’S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

Mayor Richard Robb –  
Thanked everyone for working so hard on the budget.  
Thanked Council Member Herman for his services to the City.  
On Sunday there was a fish opening.

Council Member Albertson –  
No comment.

Council Member Chuck Herman –  
Thanked everyone for all of the hard work they put in for the City and the Community. While on the City Council, he has never been ashamed of being on the City Council, stated he is very proud to have served on the City Council.

Council Member Zach Fansler –  
Thanked everyone for the kind words at the start of the meeting. Expressed appreciation for Rauhnik Ray and her work within our community at the Pool Facility. Thanks Council Member Herman for his services and wished him the best in his future.

Council Member Nikki Hoffman –  
No comment.

**XV. ADJOURNMENT**

**Main Motion:** Adjourn.

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Moved by: Hoffman

Seconded by: Herman

Action: Motion carries by a vote of 5-0

In favor:  Robb  Albertson  Herman  Fansler  Hoffman

Opposed: -0

*Council adjourned at 12:01 a.m.*



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Richard Robb, Mayor

ATTEST:



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Lori Strickler, City Clerk