



# City of Bethel

P.O. Box 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

Fax: 907-543-3781

**Regular City Council Meeting**

**Tuesday, July 12, 2016**

**6:30 P.M.**

**Council Chambers; Bethel, Alaska**



# City Council Meeting Agenda

## Regularly Scheduled Meeting

July 12, 2016 – 6:30 pm  
City Hall 300 State Highway, Bethel, AK  
City of Bethel Council Chambers

Rick Robb  
Mayor  
Term Expires 2017  
543-1879  
[rrobb@cityofbethel.net](mailto:rrobb@cityofbethel.net)

Byron Maczynski  
Vice-Mayor  
Term Expires 2016  
545-0970  
[bmaczynski@cityofbethel.net](mailto:bmaczynski@cityofbethel.net)

Leif Albertson  
Council Member  
Term Expires 2017  
543-2819  
[labertson@cityofbethel.net](mailto:labertson@cityofbethel.net)

Zach Fansler  
Council Member  
Term Expires 2016  
545-4503  
[zfansler@cityofbethel.net](mailto:zfansler@cityofbethel.net)

Nikki C. Hoffman  
Council Member  
Term Expires 2017  
543-2608  
[nhoffman@cityofbethel.net](mailto:nhoffman@cityofbethel.net)

Alisha Welch  
Council Member  
Term Expires 2017  
545-6026  
[arwelch@cityofbethel.net](mailto:arwelch@cityofbethel.net)

Mary Weiss  
Council Member  
Term Expires 2016  
543-3211  
[mweiss@cityofbethel.net](mailto:mweiss@cityofbethel.net)

Ann Capela  
City Manager  
543-2047  
[acapela@cityofbethel.net](mailto:acapela@cityofbethel.net)

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

Patty Burley  
City Attorney

Mary Sattler  
Lobbyist

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PEOPLE TO BE HEARD – Five minutes per person
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA
- VI. APPROVAL OF MEETING MINUTES
  - a) \*6-28-2016 Regular Meeting Minutes **P2**
- VII. REPORTS OF STANDING COMMITTEE
  - a) Public Safety and Transportation Commission
  - b) Port Commission
  - c) Planning Commission
  - d) Parks, Recreation, Aquatic Health And Safety Center Committee
  - e) Finance Committee
  - f) Energy Committee
  - g) Public Works Committee
  - h) Marijuana Advisory Committee
  - i) Non Standing Committee Reports
- VIII. UNFINISHED BUSINESS
- IX. NEW BUSINESS
  - a) \*Resolution 16-24: Protest Regarding The New Restaurant/Eating Place Liquor License #5491 For Dimitri's Restaurant, Located At 281 4<sup>th</sup> Avenue, Bethel, Alaska, Owned By Maro Kargas **P26**
    1. Dimitri's Restaurant Opportunity To Defend Per 3 AAC 304.145 (Mayor Robb)
  - b) \*Introduction Ordinance 16-20: Amending Bethel Municipal Code 4.16.040 Sales And Use Tax, Exemptions (Council Member Fansler **P49**)
  - c) \*Introduction Of Ordinance 16-21: Submitting To The Qualified Voters Of The City Of Bethel, Alaska, At The City Of Bethel Regular Election, October 4, 2016, Ballot Proposition One Local Options On Marijuana (Council Member Fansler) **P54**
  - d) AM 16-47: Directing Administration To Issue A Purchase Order For The Purchase Of The Equipment With A Joint Purchase Authorized Under Bethel Municipal Code 4.20.210 (City Manager Capela) **P56**
  - e) Update On Wetlands Permit Process (Mayor Robb)
- X. MAYOR'S REPORT
- XI. MANAGER'S REPORTS
- XII. CLERK'S REPORT
- XIII. COUNCIL MEMBER COMMENTS
- XIV. ADJOURNMENT

Agenda posted on July 6, 2016, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Strickler, City Clerk

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

All Resolutions noted with an asterisk (\*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council. Ordinances introduced with an asterisk (\*) on the consent agenda will automatically be introduced and set for **Public Hearing July 26, 2016**)

---

---

# ***Approval of the Meeting Minutes***

---

---

**I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on June 28, 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 Nikki Hoffman
<input checked="" type="checkbox"/> Council Member Leif Albertson	<input checked="" type="checkbox"/> Council Member Alisha Welch
<input checked="" type="checkbox"/> Council Member Zach Fansler (Arrived via telephone at 8:16 p.m.)	
<b>Members Absent:</b>	
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski	
<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	<input type="checkbox"/> Assistant To City Clerk Adriane Welch

**IV. PEOPLE TO BE HEARD**

Kwon Ohkeum, Counselor of Korea – Addressed the City Council on her goals as the Korean Counselor for the State and requested the Council work on incorporating the Korean Americans within the community of Bethel.

Michelle Dewitt, Bethel Community Services Foundation – Address the City Council on her concerns on the change in enforcement of the sales tax exemption criteria. Requested the Council consider not taxing the non-profit organizations that are providing services within the Community.

James Aranowski, Health Fitness Corporation – Will be taking over the operations of the YK Facility starting July 1, 2016. Introduced the Health Fitness crew who will be working in and with the community; they are looking forward to a smooth transition into the facility.

Kurt Kuhne, Yuut Elitnaurviat – Address the Council on his concerns with the change in the enforcement of the non-profit sales tax exemption. He encouraged the Council to consider modifying the code to extend the exemption status for non-profits.

Eileen Arnold – Addressed the Council on her concerns with the change in the enforcement of the non-profit sales tax exemptions. She encouraged the Council to consider modifying the code to extend the exemption status for non-profits.

Mary Nanuwak – Informed the Council that she is pulling her name from consideration for the appointment of the vacant council seat; she stated she does intent to run for Council in October.

Shane Iverson, KYUK Radio – Addressed the Council on his concerns with the change in the enforcement of the non-profit sales tax exemption. He encouraged the Council to consider modifying the code to extend the exemption status for non-profit and modify the Code to address this issue.

Dave Trantham Jr. – Address the City Council on the importance of the ATG Memorial Park, it commemorates the many men and women who protected this state.

## V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

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

---

Moved by:	Welch
Seconded by:	Albertson
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

**Main Motion:** Remove Item B of the Executive Session from the Agenda.

---

Moved by:	Welch
Seconded by:	Hoffman
Action:	Motion does not carry by a vote of 0-4
In favor:	-0
Opposed:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch

## **VI. APPROVAL OF THE MEETING MINUTES**

**Item A** – Special Meeting Minutes 6-1-2016

*Passed on the consent agenda.*

**Item B** – Special Meeting Minutes 6-2-2016

*Passed on the consent agenda.*

**Item C** – Special Meeting Minutes 6-6-2016

*Passed on the consent agenda.*

**Item D** – Special Meeting Minutes 6-7-2016

*Passed on the consent agenda.*

**Item E** – Special Meeting Minutes 6-8-2016

*Passed on the consent agenda.*

**Item F** – Special Meeting Minutes 6-9-2016 –

*Passed on the consent agenda.*

**Item G** – Special Meeting Minutes 6-10-2016

*Passed on the consent agenda.*

**Item H** – Special Meeting Minutes 6-13-2016

*Passed on the consent agenda.*

**Item I** – Regular Meeting Minutes 6-14-2016

*Passed on the consent agenda.*

## **VII. REPORTS OF STANDING COMMITTEES**

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

No one available to provide a report.

### **Port Commission**

*Council Representative, Alisha Welch –*

The New Port Office will go out for RFP for the design, then RFP for construction.

**Planning Commission**

*Council Representative, Nikki Hoffman –*

The next meeting will be held July 21, 2016; they will be discussing the Marijuana Zoning as well as Baba’s Pizza Liquor License Application.

**Parks and Recreation Committee**

*Council Representative, Richard Robb –*

The boardwalk at Pinky’s Park is complete.

**Finance Committee**

*Council Representative, Leif Albertson –*

A meeting has not been held since the last City Council meeting.

**Energy Committee**

*Council Representative, Zach Fansler –*

No one available to provide a report.

**Public Works Committee**

*Council Representative, Byron Maczynski –*

No one available to provide a report.

**Marijuana Advisory Committee**

*Planning Director, Ted Meyer –*

They considered staff comments regarding the Ordinance, they made adjustments to the ordinance.

**VIII. SPECIAL ORDER OF BUSINESS**

**Item A –** Appointment Of A Qualified Candidate To Fill The Vacant City Council Seat Until The Certification Of The October 4, 2016 Election.

Fritz Charles – Provided a statement to the Council.

Mary Weiss – Provided a statement to the Council.

Council asked questions of the candidates.

**Main Motion:** Nominate Mary Weiss and Fritz Charles for City Council Members.

---

Moved by:	Albertson
Seconded by:	Hoffman
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

*Round One Vote –*

Council Member Albertson – Voted for Mary Weiss.  
Council Member Welch – Voted for Mary Weiss.  
Council Member Hoffman – Voted for Mary Weiss.  
Mayor Robb – Voted for Fritz Charles.

*Round Two Vote –*

Council Member Albertson – Voted for Mary Weiss.  
Council Member Welch – Voted for Mary Weiss.  
Council Member Hoffman – Voted for Mary Weiss.  
Mayor Robb – Voted for Mary Weiss.

*Mary Weiss declared her Oath of Office and was seated at the Council bench.*

**Subsidiary**

**Motion:** Take a five minute break.

---

Moved by:	Welch
Seconded by:	Hoffman
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

**IX. UNFINISHED BUSINESS**

**Item A – Public Hearing Of Ordinance 16-19: Extending The Marijuana Moratorium.**

*Mayor Robb opened the Public Hearing of Ordinance 16-19.*

*Miles France – Spoke in opposition to the extension of the moratorium.*

*Mayor Robb closed the Public Hearing.*

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

---

Moved by:	Albertson
Seconded by:	Hoffman
Action:	Motion carries by a vote of 4-2
In favor:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Weiss <input checked="" type="checkbox"/> Robb

*Council Member Fansler arrived by telephone at 8:16 p.m.*

**Primary**

**Amendment:** Amend to strike July 31, 2016 and insert August 31, 2016.

---

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

**Item B** – Public Hearing Of Budget Ordinance 15-14 (j): Amending The FY 2016 Budget For Union Salaries.

*Mayor Robb opened the Public Hearing of Ordinance 16-19.*

*No one present to be heard.*

*Mayor Robb closed the public hearing.*

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

---

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

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

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

---

Moved by: Hoffman  
Seconded by: Welch  
Action: Motion does not carry by a vote of 0-5  
In favor: -0  
Opposed:  Robb  Weiss  Albertson  Hoffman  Welch

**Subsidiary**

**Motion:** Suspend the rules to hear from Hansel Mathlaw, Finance Director.

---

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

*Council Member Fansler departed the meeting at 8:43 p.m.*

**Item D** – Public Hearing Of Budget Ordinance 15-14 (i): Amending The FY 2016 Budget For Accounting Services.

*Mayor Robb opened the Public Hearing of Ordinance 15-14 (I)*

*Mary Nanuwak- Stated the importance of everyone doing their job.*

*Mayor Robb closed the public hearing.*

**Main Motion:** Adopt Budget Ordinance 15-14 (i).

---

Moved by:	Albertson
Seconded by:	Hoffman
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Weiss <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

## **X. NEW BUSINESS**

**Item A** – Resolution 16-23: Opposes A New State Sales And Use Tax.

**Main Motion:** Adopt Resolution 16-23.

---

Moved by:	Hoffman
Seconded by:	Welch
Action:	Motion carries by a vote of 4-1
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Albertson

**Item B** - Dimitri's Restaurant, Restaurant, Eating Place Liquor License Application Review.

Direct Administration, the City Clerk's Office and Legal to draft a Resolution Protesting the Issuance of A Restaurant Eating Place

**Main Motion:** License For Dimitri's Restaurant.

---

Moved by:	Hoffman
Seconded by:	Albertson
Action:	Motion carries by a vote of 5-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Weiss <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

**Item C – Appointment Of Council Member To Committee/Commission.**

*Mayor Robb appointed Council Member Weiss to the Public Safety & Transportation Commission.*

**Item D – Update From Administration On The Wetlands Permitting Process.**

*Council Member Fansler arrived at 9:15 p.m.*

**Main Motion:** Direct Administration, to apply to renew a general wetlands permit to the ARMY Corps of Engineers.

Moved by: Welch

Seconded by: Fansler

Action: Motion carries by a vote of 6-0

In favor:  Robb  Weiss  Albertson  Hoffman  Welch  Fansler

Opposed: -0

**Item E – AM 16-46: Direct Administration To Issue A Purchase Order To Univar USA, Inc. For The Purchase Of Water Treatment Chemicals, Chloride And Sodium Chloride.**

**Main Motion:** Approve AM 16-46.

Moved by: Hoffman

Seconded by: Welch

Action: Motion carries by a vote of 6-0

In favor:  Robb  Weiss  Albertson  Fansler  Hoffman  Welch

Opposed: -0

**Item F – \*Personal Leave Request For The City Clerk July 1 Through July 8, 2016 and August 29 Through September 9, 2016.**

*Passed on the consent agenda.*

**XI. MAYOR’S REPORT**

**XII. MANAGER’S REPORT**

**XIII. CLERK’S REPORT**

**XIV. COUNCIL MEMBER COMMENTS**

Mayor Richard Robb –  
Welcomed Council Member Weiss to the Council.  
Thanked all of the applicants for applying for the vacant seat.  
Tomorrow will begin another three day fishing opening.

Council Member Weiss –  
Thanked the Council for the opportunity to serve.

Council Member Albertson –  
No comment.

Council Member Zach Fansler –  
Welcomed Council Member Wiess to the Council.

Council Member Nikki Hoffman –  
Welcomed Council Member Wiess to the Council.

Council Member Alisha Welch –  
Welcomed Council Member Wiess to the Council.  
Thanked all of the applicants for applying for the vacant seat.

## **XV. EXECUTIVE SESSION**

**Item A** – AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity –Settlement Offer, City Of Bethel vs. Faulkner Walsh et.al.

**Item B** – Executive Session To Discuss The Annual Evaluation Of The City Manager As Per AS 44.62.310: Personnel Matters (Unless the Person Has Requested To Have The Subjects Discussed In Public) Or Subjects That Tend To Prejudice The Reputation And Character Of A Person.

Move into Executive Session To Discuss AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Settlement Offer, City Of Bethel vs. Faulkner Walsh et.al.

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

Move into Executive Session To Discuss AS 44.62.310: Personnel Matters (Unless The Person Has Requested To Have The Subjects Discussed In Public) Or Subjects That Tend To Prejudice The Reputation And Character Of A Person.

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

---

**Main Motion:**

Moved by: Hoffman

Seconded by: Fansler

Action: Motion carries by a vote of 6-0

In favor:  Robb  Weiss  Albertson  Fansler  Hoffman  Welch

Opposed: -0

As requested by the City Manager, authorize an early release of the Employment Contract.

**Main Motion:**

---

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

**XVI. ADJOURNMENT**

**Main Motion:** Adjourn.

---

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

*Council adjourned at 10:26 p.m.*

---

Richard Robb, Mayor

ATTEST:

---

Lori Strickler, City Clerk

---

---

# ***Reports of Standing Committees***

---

---



# City of Bethel Police Dept.

PO Box 809  
Bethel, AK 99559  
Office| 543-3781 Fax| 543-5086

**PUBLIC NOTICE**  
REGULAR MEETING OF THE  
PUBLIC SAFETY & TRANSPORTATION COMMISSION  
**Tuesday, July 5th, 2016 -7:00 p.m.**  
**300 STATE HIGHWAY – CITY COUNCIL CHAMBERS**  
**AGENDA**

**Members**

Joan Dewey  
*Chair*

Eileen Henrikson  
*Vice Chair*

Mary Weiss  
*Council Representative*

Naim Shabani

Julene Webber

Daniel Maczynski

**Ex-Officio Members**

Andre Achee  
*Chief of Police*

William Howell III  
*Fire Chief*

Christina Him  
*Recorder*

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF June 7th, 2016
- VI. CHIEFS' COMMENTS
  - Fire Chief
  - Police Chief
- VII. TRANSPORTATION INSPECTOR'S REPORT
- VIII. COUNCIL REPRESENTATIVE'S COMMENTS
- IX. UNFINISHED BUSINESS
  - A. Traffic Impact Analysis of the YKHC's hospital expansion project and Ayaprun Elitnaurvik's relocation to the Kipusvik Building (Ted Meyer, *City Planner*)
  - B. Amending BMC Title 5—Removing buses (Council Member Herman)
  - C. Consideration of a "Neighborhood Watch" program (Commission Member Maczynski)
- X. NEW BUSINESS
  - A. Community Service Options for Juvenile Offenses (Commission Member Maczynski)
- XI. COMMISSION MEMBER'S COMMENTS
- XII. ADJOURNMENT

Christina Him, *Recorder*

POSTED on June 29th, 2016  
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.  
Next Public Safety and Transportation Commission Meeting will be **August 2nd, 2016.**

*"Deep Sea Port and Transportation Center of the Kuskokwim"*

---

---

# City of Bethel, Alaska

## Public Safety & Transportation Commission

---

---

June 7, 2016

Regular Meeting

Bethel, Alaska

---

### I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on June 7th, 2016 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:00 pm.

### II. ROLL CALL

Present:

Eileen Henrikson *Vice Chair*  
Chuck Herman *Council Representative*  
Julene Webber  
Daniel Macynski  
Ted Meyers

Absent:

Joan Dewey *Chair*  
Naim Shabani

Ex-Officio Present:

Andre Achee *Chief of Police*  
Bill Howell *Fire Chief*  
Christina Him *Recorder and Transportation Inspector Designee*

### III. PEOPLE TO BE HEARD

Frank Mazzaro – Has an issue with the new city ordinance #15-21 requiring all taxicabs to have a video surveillance system. Feels that the camera system and the fees/citations associated it with costs a lot of money and feels he doesn't want to be a cab driver anymore. Feels that it is pointless, what if there is maintenance required for his cab, and if he has to disconnect his camera for purposes as these, he would be in violation of the ordinance.

### IV. APPROVAL OF AGENDA

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

**V. APPROVAL OF MINUTES**

<b>MOVED:</b>	Herman	Motion to approve the minutes from the regular meeting of April 5 <sup>th</sup> , 2016 and May 3 <sup>rd</sup> , 2016
<b>SECONDED:</b>	Webber	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

**VI. CHIEFS' COMMENTS**

Chief Bill Howell - *See Report in Commission Packet*

Chief Andre Achee

*The police department has tentatively accepted the increase in wages for current existing police officers. The Police and Fire departments came up with a reclassification, public safety classification and if everything goes through by the final ratification, existing officers will get between a 20-25% increase in their base pay. New employees coming in will be compensated in that level that is competitive with the market in Bethel. If everything goes through, we will have another officer back in Bethel by the end of next week, as he is scheduled to graduate from the Academy this Friday.*

*For the last couple of months, we have been working on our enhanced 9-1-1 system for dispatch. We are implementing an enhanced 9-1-1 system, which will give us (on landlines only right now), the names, addresses, and locations of where the call is calling from. The equipment is being shipped out today; it was received in Anchorage a couple of days ago at the barge and should be delivered tomorrow morning in Bethel. The E9-1-1 crew will come out and hook it up once it is here. We don't have full geo maps yet, but we are working with the Planning department to get the current existing geo map so that it will blend in with the program. We are tentatively looking at getting the system up and operational by July 1<sup>st</sup>. During that time, there will be specialized training for dispatchers and admin personnel for the utilization of that equipment. The second phase of the new system upgrade will happen sometime next year, it is called Phase 2 and is specifically for cell phones. Currently 9-1-1 calls from cell phones are not able to be located. We applied for a license from the FCC (Federal Communications Commission), however it takes one year for the company (GCI) to be in compliance. The second phase of this enhancement allows us to find out not only who is calling, but also their location from a cell phone if they dial 9-1-1. Right now, only the Bethel hub will get this enhancement for this region. Dispatch is excited about this new upgrade. Additionally, for those that are TTY, the new 9-1-1 system will eliminate a separate keyboard, and everything will be computerized so it is basically voice to text to make it easier for members who need that extra support.*

*We wrapped up a couple of burglary cases, we had good leads/assistance from the public and we sent out a Press Release. The PD's official Facebook account was launched since our last meeting, and it has been very popular. There was some misconception that Council banded social media, but we do have a social media policy in place. The Council did pass the social media policy. We are compliant with the records aspect of this, as we have a third party vendor that maintains all of the records for us as required since we are a government agency. We are*

*getting very good feedback, and Christina and Natalie are our two primary administrators on our Facebook account. We are also putting out our press release out there, which gives us the opportunity to put out information faster including our stats. We have profanity filters set up on our site, which allows us to censor certain types of remarks, however, the comments/remarks are still captured by our social media archiving system and it is still part of public record. In 2 weeks, we had 1,000 likes, and we have had over 3,000-4,000 “hits” on some of our press releases that we published on our account. On Mondays we do a “weekend wrap-up”, Tuesdays are “Trivia Tuesday”, Wednesdays are “Warrant Wednesdays” for outstanding warrants, and Saturdays are “Safety Tip Saturday.” We have done that (Warrant Wednesdays) for two weeks, and the public (including villages and local calls) has assisted us in helping locate these individuals, whom were remanded within 3 hours of our post being published on Facebook. It helps us promote our public relations within the community, and puts out information out there as well as linking the public to other sites for informational matters.*

*We appreciate PSTC’s support, as well as Chuck’s support on the Council for our budget. We are coming close to the end of the fiscal budget and we are trying to get more equipment needed for the department. Our biggest issue is that pretty much half of our patrol fleet is down, as V&E does not have enough mechanics. However, we have received authorization to get our vehicles serviced at private sectors.*

*We are assisting AST’s WAANT (Western Alaska Alcohol and Narcotics Team) unit with the best that we can, however it is their case (in reference to the recent busts). WAANT has received assistance from several different task forces in Alaska to close out their cases. This is an on-going investigation, the WAANT or State Troopers may be putting out a press release soon about what is going on.*

*We are wrapping up a least 10 residential and business burglaries where a lot of stolen item/equipment was seized, including firearms. The WAANT unit also assisted us with that operation as well as federal authorities because the U.S. Fish & Wildlife was broken into and some of their equipment was taken.*

*It is great that Council is supporting us with the reclassification/pay range of officers, but we still have to hire some more officers. Sergeant Gwen Drake’s last day is the 19<sup>th</sup> of the month, and we are still down officers. I have been talking to the City Manager about emergency hires, which we are authorized to do per ordinance and possibly to do temporary assignments to supplement existing staff otherwise by July 1st, there will be only one officer on each shift, which will be very dangerous. I have employees that have changed their leaves several times to accommodate the department but I can’t do it again, as their personal lives will be devastated. Right now, I have three officers committed that are retired, but still certified, and that has worked in Bethel to help us out. I am hoping that the emergency hires will go through next week, so that we have at least one officer with boots on the ground, especially during the 4<sup>th</sup> of July weekend. The Fire department has been great in assisting us with alcohol related calls.*

## **VII. TRANSPORTATION INSPECTOR REPORT**

*See Report in Commission Packet*

## VIII. COUNCIL MEMBER'S COMMENTS

Council Member Herman – *I think everyone knows, but I've submitted my letter of resignation, it will be effective on the 15th of this month, so I will no longer be on Council or on this commission. You will be assigned a new council member on this commission; it is possible that it could be a new person. I have no idea who that is going to be, but you will have a new person hopefully by the next meeting. Beyond that, Chief has already covered kind of the main budget stuff that has gone on. We have had about 8 budget meetings so far and a grand total of 0 people that have actually come in to talk about the budget. Other than that, I don't really have anything else to say, if anyone has any questions, I'd be happy to answer them.*

## IX. UNFINISHED BUSINESS

### A. PSTC's Recommendation to increase Police Officer Pay upon Academy Completion

*Passed by Council, addressed in Council Packet.*

### B. Traffic Impact Analysis of the YKHC's Hospital Expansion Project and Ayaprun Elitnaurvik's relocation to the Kipusvik Building (Ted Meyer, City Planning Director)

*Discussed, no action taken.*

## X. NEW BUSINESS

### A. Amending BMC Title 5 \_ Removing Buses (Council Member Herman)

*Requested to be removed by Chief Achee, as this topic has been addressed in the Council Packet.*

### B. Consideration of a "Neighborhood Watch" Program (Commission Member Macynski)

*Discussed, no action taken.*

## XI. COMMISSION MEMBER COMMENTS

Julene Webber – *I just want to reiterate, thank you Council Member Herman. I wish you well on your endeavors and safe travels. I appreciate the neighborhood watch. I appreciate both Chiefs, always our recorder and Miss Eileen for heading our meeting and being very active in this community.*

Chief Andre Achee – *Thanks everyone, thank you Chuck. I appreciate you being on the commission as well as on Council, and for having 3 daughters that went to or still in high school; I appreciate you for being at the high school.*

*Chuck Herman - Thank you all for being on this commission and helping out. It has been pretty cool. I think we've been kind of the most (from my view) productive, effective commission, even though they didn't always listen to us. With the big increase, feels like we have managed to meet at least the majority of the time we are suppose to and get stuff through, so that was pretty cool.*

*Daniel Macynski – I wish I was able to come in sooner, you and my brother kind of inspired me to kind of be more involved in the community. Hope to see you come back. I went to school with you, and you both kind of inspired me to help with the City and be more involved.*

*Chief Bill Howell – Thank you all for you service on a day like today. Thank you Chuck, it's been a joy working with you.*

*Christina Him – Best of luck Chuck, thanks everybody for showing up and being active participants, and for running a tight ship here thank you Eileen.*

*Eileen Henrikson – Again, thank you Chuck for everything, and for your help even not on the commission and city council, you helped me in April.*

**XII. ADJOURNMENT**

<b>MOVED:</b>	Webber	Motion to adjourn.
<b>SECONDED:</b>	Herman	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

*Meeting adjourned at 9:05 pm.*

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Christina Him, Recorder

\_\_\_\_\_  
Joan Dewey, Chair



# City of Bethel, Alaska

## Parks, Recreation, Aquatic, Health & Safety Center Committee Agenda Regular Meeting      **July 11, 2016 – 6:00pm**      City Hall 300 State Highway

Michelle DeWitt  
*Committee Chair*  
Term Expires 12/2017

Judy Wasierski  
*Committee Co Chair*  
Term Expires 12/2018

Kathy Hanson  
*Committee Member*  
Term Expires 12/2018

Barbara Mosier  
*Committee Member*  
Term Expires 12/2018

Beverly Hoffman  
*Committee Member*  
Term Expires 12/2018

Mary Weiss  
*Committee Member*  
Term Expires 12/2018

Kathryn Baldwin  
*Alternate Committee Member*  
Term Expires 12/2017

Brian Lefferts  
*Alternate Committee Member*  
Term Expires 12/2017

Rick Robb  
*Council Rep*  
Term Expires 10/2017

Matthew Ross  
*Parks and Recreation Rep..*

Muzaffar Lakhani  
*Public Works Director*

Pauline Boratko  
*Committee Recorder*

- I. CALL TO ORDER:**
- II. ROLL CALL:**
- III. PEOPLE TO BE HEARD – THREE MINUTES PER PERSON:**
- IV. APPROVAL OF AGENDA:**
- V. APPROVAL OF THE MINUTES:**
  - a. June 13, 2016- Regular Meeting
- VI. SPECIAL ORDER OF BUSINESS:**
- VII. DEPARTMENT HEAD REPORT:**
- VIII. UNFINISHED BUSINESS:**
  - a. Trails- Funding, Safety, Updates &
  - b. Fiscal Year 2017 Parks and Recreation Budget
  - c. Aquatic Center Website
  - d. Status of Outstanding Recommendations and Action Memorandums to City Council
  - e. Pinky's Park Improvement Project Grant
  - f. 4<sup>th</sup> of July-debrief
- IX. NEW BUSINESS:**
  - a. Fiscal Year 2017 Aquatic Center Budget
  - b. AED (Automated External Defibrillator), Bleachers and Art and Remaining FF&E (Furniture, Fixtures, and Equipment)/ Arts Budget at the Aquatic Center
  - c. Sub Committee Reports-Pool Temps-Marketing—Physical Facility.
  - d. AVCP Housing/City of Bethel Owl Park Agreement
  - e. Dog Park
  - f. Review of Health/Fitness approved contract.
  - g. Individual to provide report to July 12 City Council Meeting
- X. MEMBER COMMENTS:**
- XI. ADJOURNMENT:**

Pauline Boratko, Committee Recorder

Posted\_at City Hall, AC, Post Office, Corina's

---

**City of Bethel, Alaska****Parks, Recreation, Aquatic, Health & Safety Center Committee Minutes**

---

June 13, 2016

Regular Meeting

Bethel, Alaska

---

**I. CALL TO ORDER**

The meeting was called to order by Michelle DeWitt at 6:10 pm.

**II. ROLL CALL**

Comprising a quorum of the Committee, the following were present: Michelle DeWitt, Judy Wasierski, Kathy Hanson, Mary Weiss, Rick Robb left at 6:30pm to attend another meeting, and Barbara Mosier arrived at 6:30pm.

Excused absent(s): Beverly Hoffman, Brian Lefferts, and Kathryn Baldwin

Also in attendance were the following:  
Public Works Director, Muzaffar Lakhani  
Pool Manager, Raunicka Ray  
4<sup>th</sup> of July Planner, Roxanne Girdlestone

**III. PEOPLE TO BE HEARD:****IV. APPROVAL OF AGENDA**

MOVED BY:	Mary Weiss	Motion to approve agenda.
SECONDED BY:	Rick Robb	
VOTE ON MOTION:	Unanimously approved	

**V. APPROVAL OF THE MINUTES:**

MOVED BY:	Rick Robb	Motion to approve the minutes from regular meeting 05-06-16, and Special Meeting on 05-31-2016
SECONDED BY:	Kathryn Baldwin	
VOTE ON MOTION:	Unanimously approved	

**VI. SPECIAL ORDER OF BUSINESS:**

MOVED BY:	Judy Wasierski	Motion to amend agenda by moving up old business item "f" to "a"
SECONDED BY:	Kathy Hanson	
VOTE ON MOTION:	Unanimously approved	

**VII. DEPARTMENT HEAD REPORT:** Public Works Director, Muzaffar Lakhani reports that the boardwalk at the Pinky's Park repair contract has been awarded to the Kuqo Construction and it is to be completed by July 1, 2016. The boardwalk by the Moravian Church has water damage, unsafe, not a quick fix. Lakhani also adds that the boardwalk is on the Moravian Church property, but it is on the City's right of way. Pool Manager, Raunicka Ray reports that the numbers of people using the fitness center and pool are climbing.

**IX. UNFINISHED BUSINESS:**

- A. 4<sup>th</sup> of July Planning- The event planning is coming together, but they are in need of volunteers.
- B. Pool Financial Audit Report and Facility Fitness Audit Report update: discussion of May Budget Report

C. Trails-Funding, Safety, Update:

MOVED BY:	Judy Wasierski	Motion to approve the recommendation from committee for the Statewide Transportation Alternative Programs grant.
SECONDED BY:	Kathy Hanson	
VOTE ON MOTION:	Unanimously approved	

D. Website- Development of Fitness Center: There will be a meeting with the fitness center about the website development.

E. LONG Buildings Report and City follow up to report: no new updates until next meeting

F. Defibrillator for Pool-update: The defibrillator has not been ordered yet. Michelle Dewitt will talk to John Sargent about ordering it.

G. Tobacco Tax Allocation- Parks and Recreation Distribution:

MOVED BY:	Barbara Mosier	Motion to recommend City Council to allocate \$250,000 in Fiscal Year 2017 tobacco tax funds to the Parks and Recreation budget to be used for the Pinky's Park boardwalk repairs and the Moravian Church boardwalk repairs with a goal of restoring both boardwalks to safety standards.
SECONDED BY:	Kathy Hanson	
VOTE ON MOTION:	Unanimously approved	

H. Physical Facility Subcommittee Development (Mechanical): Per their approval Brian Lefferts and Beverly Hoffman were appointed to focus on the physical part of the Fitness Center.

I. Status of Outstanding recommendations and action memorandums to the city council: The committee reviewed and discussed all action memorandum and recommendations to City Council starting from October 2015.

J. David Moore/ Architects Alaska recommendations/reports: subcommittees will review recommendations and reviews.

K. Fiscal Year 2017 Parks and Recreation purposed budget review: no new updates this month because the budget was not available.

L. Individual to provide report to the next City Council Meeting: Michelle DeWitt has volunteered to write the report and Kathy Hanson agreed to report to City Council.

M. Pinky's Park Improvement Project Grant:

MOVED BY:	Mary Weiss	Motion to recommend City Council to consider using subcontractors for the Pinky's Park Improvement Project grant multi-use field. A portion of that tobacco tax allocation could be used for the purpose if necessary.
SECONDED BY:	Rick Robb	
VOTE ON MOTION:	Unanimously approved	

N. Log Cabin Use/Update: No new updates on the Log Cabin.

**X. NEW BUSINESS:**

A. New Pool Contract- Patty Burley informed the committee that they are three items away from signing the contract. There is a conflict with age for the students already working and they are planning to resolve that.

**XI. MEMBER COMMENTS:**

M. DeWitt-I want to thank Judy for taking over for a couple of meetings.

J. Wasierski- No comment.

K. Hanson- My job is to talk to John about the defibrillator.

B. Mosier- No comment.

M. Weiss- Good meeting got a lot done.

R. Robb- No comment.

**XII. ADJOURNMENT**

MOVED BY:	Kathy Hanson	Motion to adjourn the meeting at 8:30 pm
SECONDED BY:	Mary Weiss	
VOTE ON MOTION	Unanimously approved	

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_

Pauline Boratko, Committee Recorder

\_\_\_\_\_

Michelle DeWitt, Chair

DRAFT

---

---

# ***Special Order of Business***

---

---

---

---

# ***Unfinished Business***

---

---

---

# ***New Business***

---

Introduced by: Mayor Richard Robb  
Date: July 12, 2016  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Resolution # 16-24**

#### **A RESOLUTION OF THE CITY OF BETHEL, CITY COUNCIL STATING ITS PROTEST REGARDING THE NEW RESTAURANT/EATING PLACE LIQUOR LICENSE #5491 FOR DIMITIRI'S RESTAURANT, LOCATED AT 281 4<sup>TH</sup> AVE., BETHEL, OWNED BY MARO KARGAS**

- WHEREAS,** Maro Kargas made an application with the Alaska Alcohol and Marijuana Control Office (AMCO) and has paid the required fee for a new Restaurant/Eating Place Liquor License #5491, to be used for Dimitri's Restaurant, located at 281 Fourth Avenue, Bethel, Alaska 99559;
- WHEREAS,** the City Clerk received a copy of this application on May 23, 2016 and has determined that the last day for the Council to file a protest is July 22, 2016;
- WHEREAS,** City of Bethel Administration was provided notice of the Dimitri's Restaurant Liquor License application on May 23, 2016, Administration submitted a report to the Bethel City Council on June 10, 2016 (Attachment) with the following findings:
1. Dimitri's Restaurant has not complied with Bethel Municipal Code 5.08.060, which requires a Conditional Use Permit, be obtained from the City for retail sales or dispensing of alcoholic beverages.
  2. Dimitri's Restaurant is not in compliant with Alaska's Fire and Life Safety Regulations;
- WHEREAS,** Alaska Statutes 04.11.420 Zoning Limitations, states, in part: "a person may not be issued a license or permit in a municipality if a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages unless a variance of the regulations or ordinance has been approved;"
- WHEREAS,** as of June 30, 2016, Dimitri's Restaurant has not applied for and has not been granted a conditional use permit from the City of Bethel, as required under Bethel Municipal Code 5.08.060, Conditional Use Permit Required;
- WHEREAS,** Dimitri's Restaurant was inspected by the City of Bethel Fire Chief on May 31, 2016; during this inspection thirteen violations of the Alaska's Fire and Life Safety Regulations were identified (Attachment);

Introduced by: Mayor Richard Robb  
Date: July 12, 2016  
Action:  
Vote:

**NOW, THEREFORE, BE IT RESOLVED** the Bethel City Council hereby protests the issuance of Restaurant Eating Place Liquor License for Dimitri's for the reasons listed above.

**ENACTED THIS 12<sup>th</sup> DAY OF JULY, 2016 BY A VOTE OF \_ IN FAVOR AND \_ OPPOSED.**

---

Richard Robb, Mayor

ATTEST:

---

Lori Strickler, City Clerk

## Possible Amendment to Resolution 16-24

Insert as the seventh and subsequent Whereas Statements:

**WHEREAS,** the City Council under the authority of Bethel Municipal Code 5.08.030, has the discretion to protest the issuance of a liquor license based on the business proximity to schools;

**WHEREAS,** the front entrance of Dimitri's Restaurant is located 160 feet from the property line of the Lower Kuskokwim School District's (LKSD) leased property where the former Ayaprun Elitnaurviak and Kuskokwim Learning Center was located but lost due to a fire in the fall of 2015;

**WHEREAS,** the City of Bethel and LKSD's lease agreement will expire in 2039, and the Lower Kuskokwim School District provided public notice to the public of their intent to rebuild the schools at this site (Attachment);

**WHEREAS,** the City Council determines and formulates another bases for protesting the issuance of the, Dimitri's Restaurant's liquor license

**WHEREAS,** Dimitri's Restaurant's proximity to a school detrimentally impacting children due to exposure to alcohol activities and public safety issues with people departing the area after consuming alcoholic beverages;



## CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559

907-543-1385

Fax 907-543-2936

June 30, 2016

Maro Kargas  
Dimitiri's Restaurant  
PO BOX 1528  
Bethel, AK 99559

Re: Restaurant Eating Place # 5491

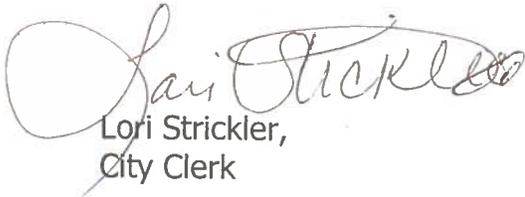
Ms: Kargas:

The Bethel City Council will be considering a protest of the State of Alaska, Restaurant Eating Place Liquor License No. 5491 at their Regularly Scheduled Council Meeting, July 12, 2016. As per Bethel Municipal Code 5.08.040, and in accordance with 3 AAC 304.145, you will be provided a reasonable opportunity to defend your application for a Restaurant Eating Place license before the Bethel City Council at this meeting.

The July 12, 2016 Council Meeting will be held at City Hall, 300 State Highway, Bethel, and will begin at 6:30p. Resolution 16-24, Protesting the Issuance of a State of Alaska, Restaurant Eating Place License for Dimitri's Restaurant, will be considered under New Business Item A. The Agendas will be posted on Wednesday July 6<sup>th</sup>, and will be available on the City of Bethel website, [www.cityofbethel.org](http://www.cityofbethel.org).

Attached are documents the Council will use in their consideration of the protest in addition to the regulations provided in Bethel Municipal Code 5.08.

Respectfully,



Lori Strickler,  
City Clerk

Enclosures



---

**TO:** Mayor, Vice Mayor, and City Council  
**CC:** City Clerk  
Maro Kargas, DBA Dimitri's Restaurant  
**FROM:** Ann K. Capela, City Manager  
**DATE:** 6/10/2016  
**RE:** City Manager's Report on Dimitri's Restaurant Application for Restaurant Designation Permit from the Alcoholic Beverage Control Board Pursuant to AS 4.16.049 and 3AAC 304.715-794

---

#### **BACKGROUND**

On or about May 4, 2016, Maro Kargas, the owner of Dimitri's Restaurant located at 281 4<sup>th</sup> Avenue, Bethel, Alaska 99559 filed an application for a liquor license for a restaurant and eating place. The application notes that Dimitri's is a bona fide restaurant pursuant to 3AAC 304.305 and 3AAC 304.715-794. That persons sixteen (16) to twenty (20) years of age may dine unaccompanied, that persons under sixteen (16) may dine accompanied by a person twenty-one (21) years of age or older and persons between sixteen (16) to twenty (20) years of age may be employed to take orders, serve food, and delivery. There will be no video-games, live entertainment and food will be served through table service or delivered. The application, further states that a person twenty-one (21) years of age or older will always be present during business hours. The application includes a diagram of the premises and a menu describing the food that will be served at Dimitri's.

On or about May 23, 2016, the Alcohol Beverage Control Board notified City Clerk Lori Strickler of the Maro Kargas-Eating Place Number 5491 DBA Dimitri's Restaurant new application for a new restaurant designation permit. The notice to the City of Bethel (COB) specifies that a local governing body may protest the approval of an application pursuant to AS 11.04.480 by furnishing the board and the applicant with a clear and concise written statement of the reasons in support of a protest within sixty (60) days of receipt of this notice. An applicant subject to a local government protest may seek an informal conference with either the director or the board and if not satisfied by the informal conference is entitled to a formal hearing in accordance with AS 44.62.330-44.62.630. If the applicant requests a hearing the local governing body must assist or undertake the defense of the protest.

The notice from the ABC Board to the City also notes:

**(a)** A person may not be issued a license or permit in a municipality if a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages unless a variance of the regulation or ordinance has been approved.

As reported by the City Planner's report, the Planning Department has not received a Conditional Use Permit application from applicant Maro Kargas, DBA Dimitri's Restaurant.

Council will review the said application as prescribed under BMC 5.08.030 and will determine in part or *inter alia*: 'whether to protest or recommend with conditions, the issuance, renewal or transfer of a liquor license application and shall consider the following factors it believes are pertinent.'

The notice to the City refers to 3AAC 304.145 the local governing body protest regulations.

Upon receipt of the notice of the new application from Maro Kargas DBA Dimitri's Restaurant the City Manager pursuant to BMC 5.08.020 began the procedure for administrative review of the license application. That process provides:

**A.** Upon receipt of notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license for a license location in the city, the clerk shall as soon as practicable distribute copies of the notice to the city manager, the city council and the city attorney.

**B.** The city manager shall immediately refer the application for review as follows:

1. To the planning director or their designee to determine if the applicant has complied with the conditional use provision of the Bethel Municipal Code;

2. To the finance director or their designee to determine whether the licensee or license transferee is delinquent in paying to the city any tax, assessment, business license fee, or fee or charge for utility service for the business and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate, under the liquor license.

3. To the police and fire chiefs to determine whether, in their opinion, there have been excessive calls for service, excessive numbers of convictions or arrests for unlawful activity at the license location, police or ambulance reports, reports of unlawful activity at the license location, or police, fire or ambulance dispatches to the license location.

**C.** The fire chief, police chief, planning director and finance director shall forward written statements to the city manager within fourteen (14) calendar days after the application was referred by the city manager.

D. The city manager shall provide a written report to the city council, with a copy to the applicant, listing any objections to the Board's issuance of the application. The city manager's report is due within twenty (20) days after the date of receipt of notice from the city clerk.

E. An applicant who believes the city manager's report contains factual errors shall file a written protest outlining, with specifics, the sections of the report believed to be factually incorrect. Such protest must be filed to the city manager not later than ten (10) calendar days after issuance of the city manager report.

F. The city manager shall investigate the applicant's protest and shall issue a written decision no later than ten (10) calendar days after receipt of the protest.

G. The city clerk shall place the matter of the application upon the city council agenda not less than thirty (30) and not more than forty (40) calendar days after the date of receipt from the Board. [Ord. 15-32 § 2.]

The City Manager timely submitted the application to the Fire and Police Chiefs, the Planning Director and the Finance Director to report their findings to the City Manager for the presentation to the City Council who review the application. BMC 5.08.040. A synopsis of each of the departmental reviews is set forth below:

(a) City Planner – Dimitri's Restaurant **has not complied** with the Conditional Use Provision (CUP).

To date, Dimitri's Restaurant has not applied for a CUP.

(b) Finance Director – determined that the *applicant is in compliance* with BMC 5.08.020 (B)(2). The applicant has no outstanding taxes, assessments, fees or payments for utilities.

(c) Police Chief – determined that there **has not been excessive** calls for service, excessive numbers of conviction or arrests for unlawful activity at the licensed location, police or ambulance reports, reports of unlawful activity at the licensed location or police, fire or ambulance dispatches to the license location.

(d) Fire Chief – determined **there has not been** excessive calls for fire or ambulance services. The applicant **has not** complied with the requested fire, health and safety codes as previously determined by the Fire Chief.

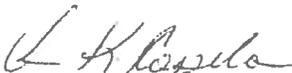
Attached is a letter from City of Bethel Fire Chief to the applicant and owner of Dimitri's Restaurant (Exhibit "A").

A review of the departmental reports compel that the City Manager raise questions related to important matters that appear to be absent in Dimitri's application for a liquor license.

(a) Until Dimitri's applies for and receives a conditional use permit (CUP), it may be obligatory for City Council to delay its decision, given that the CUP application process identifies many of the factors to be considered by City Council during the process as required in BMC 5.08.030 City Council review of license such as; proximity to a school or alcohol inpatient or outpatient treatment, compliance with the state and local fire, health and safety codes, adequacy of parking facilities, character and public interest of the surrounding neighborhood and any other factors City Council determines is relevant to a particular application.

(b) Dimitri's application states that it will seek the liquor license for a "full year". It may be a reasonable request to the applicant by Council to ascertain if the applicant intends to keep this establishment open full year, that being 12 months, or limit the operation to a April to November schedule of each year as it has been the custom and practice by this establishment for the past decade or so.

Respectfully

  
Ann K. Capela  
City Manager



Celebrating 50 Years of Service

## CITY OF BETHEL

Fire Department

Exhibit "A"

William F. Howell III, Fire Chief  
P.O. Box 1388, Bethel, Alaska 99559  
Phone: (907)-543-2131  
Fax: (907)-543-2702  
bhowell@cityofbethel.net

Maro Kargas  
Dimitri's Restaurant  
P.O. Box 1528  
Bethel, AK. 99559

June 2, 2016

This letter is a notice of correction for fire and life safety code violations found during a recent inspection of your business on May 31, 2016. You have ten business days to correct the items identified in this report. If you are unable to make corrections in the time frame provided, please contact my office to make other arrangements.

1. Rear office stairs and Main entry. Main entry has no floor joist in the landing and open spans approximately 60 inches unsupported. The deck feels spongy under foot and might break if loaded with greater than one person.
  - a. **1013.1 Where required.** *Guards* shall be located along open-sided walking surfaces, including *mezzanines, equipment platforms, stairs, ramps* and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.7 of the *International Building Code*.
  - b. **1009.5 Stairway landings.** There shall be a floor or landing at the top and bottom of each *stairway*. The width of landings shall not be less than the width of *stairways* they serve. Every landing shall have a minimum dimension measured in the direction of travel equal to the width of the *stairway*. Such dimension need not exceed 48 inches (1219 mm) where the *stairway* has a straight run. Doors opening onto a landing shall not reduce the landing to less than one-half the required width. When fully open, the door shall not project more than 7 inches (178 mm) into a landing. When *wheelchair spaces* are required on the *stairway* landing in accordance with Section 1007.6.1, the *wheelchair space* shall not be located in the required width of the landing and doors shall not swing over the *wheelchair spaces*.
  - c. **1013.2 Height.** Required *guards* shall be not less than 42 inches (1067 mm) high, measured vertically above the adjacent walking surfaces, adjacent fixed seating or the line connecting the leading edges of the treads.
  - d. **1013.3 Opening limitations.** Required *guards* shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required *guard* height.
  - e. 13AAC50.070(a)9 Any condition found to be hazardous

2. Penetrations in the sheetrock of the furnace room, office and behind ice maker create a hazard of fire extension into concealed wall spaces.
  - a. **703.1 Maintenance.** The required *fire-resistance rating* of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, *smoke barriers*, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the *owner* annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.
  
3. Open electrical was noted in kitchen pantry, kitchen sink area, office area (by Toyo and behind door), icemaker and exterior lighting (North West side).
  - a. **605.6 Unapproved conditions.** Open junction boxes and open-wiring splices shall be prohibited. *Approved* covers shall be provided for all switch and electrical outlet boxes.
  - b. **605.1 Abatement of electrical hazards.** Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.
  
4. Electrical panel in kitchen is blocked by pizza table.
  - a. **605.3 Working space and clearance.** A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
  - b. **605.1 Abatement of electrical hazards.** Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.
  
5. Extension cords, un-fused plug strips and multi-plug adapters were servicing more than one appliance in place of permanent wiring behind the microwave, under the pizza oven, cash register, kitchen telephone and slicer.
  - a. **605.5 Extension cords.** Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.
  - b. **605.4 Multiplug adapters.** Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited.
  
6. Type K extinguishers must be provided per code. Extinguishers must be inspected and tagged annually, marked and mounted and accessible.
  - a. **904.11.5 Portable fire extinguishers for commercial cooking equipment.** Portable fire extinguishers shall be provided within a 30-foot (9144 mm) travel distance of commercial-type cooking equipment. Cooking equipment involving solid fuels or vegetable or animal oils and fats shall be protected by a Class K rated portable extinguisher in accordance with Sections 904.11.5.1 or 904.11.5.2, as applicable.

7. Extinguishers must be provided and maintained per code. Extinguisher in dining area was on the floor and had no annual inspection tag
- a. **906.5 Conspicuous location.** Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. These locations shall be along normal paths of travel, unless the *fire code official* determines that the hazard posed indicates the need for placement away from normal paths of travel.
  - b. **906.6 Unobstructed and unobscured.** Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.
  - c. **906.7 Hangers and brackets.** Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.
  - d. **906.8 Cabinets.** Cabinets used to house portable fire extinguishers shall not be locked.
  - e. **906.9 Extinguisher installation.** The installation of portable fire extinguishers shall be in accordance with Sections 906.9.1 through 906.9.3.
  - f. **906.9.1 Extinguishers weighing 40 pounds or less.** Portable fire extinguishers having a gross weight not exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 5 feet (1524 mm) above the floor.
  - g. **906.9.2 Extinguishers weighing more than 40 pounds.** Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 3.5 feet (1067 mm) above the floor.
  - h. **906.9.3 Floor clearance.** The clearance between the floor and the bottom of installed hand-held portable fire extinguishers shall not be less than 4 inches (102 mm).

8. Grease laden vapor cooking requires use of a Type-1 UL300 Fire Suppression system range hood and annual inspection per code. Range hoods were not fitted with traps and require cleaning. System interconnection and shut offs must be provided per code. Grease laden cooking appliances must be under the hood. Fryers were found to be only partially covered by the hood.

- a. **609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code*. [M]
- b. **609.2 Where required.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. [M]
- c. **609.3 Operations and maintenance.** Commercial cooking systems shall be operated and maintained in accordance with Sections 609.3.1 through 609.3.4.
- d. **609.3.1 Ventilation system.** The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used.
- e. **609.3.2 Grease extractors.** Where grease extractors are installed, they shall be operated when the commercial-type cooking equipment is used.
- f. **609.3.3 Cleaning.** Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals as required by Sections 609.3.3.1 through 609.3.3.3.  
**609.3.3.1 Inspection.** Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in Table 609.3.3.1 or as *approved* by the *fire code official*. Inspections shall be completed by qualified individuals.

g. **TABLE 609.3.3.1 COMMERCIAL COOKING SYSTEM INSPECTION FREQUENCY**

TYPE OF COOKING OPERATIONS	FREQUENCY OF INSPECTION
High-volume cooking operations such as 24-hour cooking, charbroiling or wok cooking	3 months
Low-volume cooking operations such as places of religious worship, seasonal businesses and senior centers	12 months

Cooking operations utilizing solid-fuel burning cooking appliances	1 month
All other cooking operations	6 months

- h. **609.3.3.2 Grease accumulation.** If during the inspection it is found that hoods, grease-removal devices, fans, ducts or other appurtenances have an accumulation of grease, such components shall be cleaned.
  - i. **609.3.3.3 Records.** Records for inspections shall state the individual and company performing the inspection, a description of the inspection and when the inspection took place. Records for cleanings shall state the individual and company performing the cleaning and when the cleaning took place. Such records shall be completed after each inspection or cleaning, maintained on the premises for a minimum of three years and be copied to the *fire code official* upon request.
  - j. **609.3.4 Extinguishing system service.** Automatic fire-extinguishing systems protecting commercial cooking systems shall be serviced as required in Section 904.11.6
  - k. **904.11.2 System interconnection.** The actuation of the fire extinguishing system shall automatically shut down the fuel or electrical power supply to the cooking equipment. The fuel and electrical supply reset shall be manual.
9. Wall coverings in the loading dock freezer room/arctic entry have flame spread characteristics greater than allowed by code. Cardboard and spray foam insulation are used as insulation in this area. Remove or cover with a thermal barrier per code.
- a. **803.7 Foam plastic materials.** Foam plastic materials shall not be used as interior wall and ceiling finish unless specifically allowed by Section 803.7.1 or 803.7.2. Foam plastic materials shall not be used as interior trim unless specifically allowed by Section 803.7.3.
  - b. **803.7.1 Combustibility characteristics.** Foam plastic materials shall be allowed on the basis of fire tests that substantiate their combustibility characteristics for the use intended under actual fire conditions, as indicated in Section 2603.9 of the *International Building Code*. This section shall apply both to exposed foam plastics and to foam plastics used in conjunction with a textile or vinyl facing or cover.
  - c. **803.7.2 Thermal barrier.** Foam plastic material shall be allowed if it is separated from the interior of the building by a thermal barrier in accordance with Section 2603.4 of the *International Building Code*.
10. A sleeping area was found in an interior storage area. Sleeping areas are not permitted in areas without adequate emergency egress. Remove bed and do not allow employees to sleep in this area or provide egress per code.
- a. **1029.1 General.** In addition to the *means of egress* required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth *story above grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where basements contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.
11. Propane storage is non-compliant and unprotected from collision. Combustible debris, grass and trees are in close proximity to the tanks. Supply piping is non compliant with the code.
- a. **603.9 Gas meters.** Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an *approved* manner.
  - b. **3807.3 Clearance to combustibles.** Weeds, grass, brush, trash and other combustible materials shall be kept a minimum of 10 feet (3048 mm) from LP-gas tanks or containers.

June 3, 2016

- c. **3807.4 Protecting containers from vehicles.** Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with Section 312.
- 12. Boardwalks in rear of building present trip, fall and injury hazards to employees, firefighters, and City water/sewer workers. Repair to safe condition.
  - a. 13AAC50.070(a)9 Any condition found to be hazardous
- 13. Provide building numbers. Bethel Fire Department requires 4-inch white reflective numbers on a 6" wide green reflective background.
  - a. **505.1 Address identification.** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

Sincerely,



William F. Howell III, Fire Chief

CC: Alaska Fire Marshall's Office  
City Manager Cappella

I \_\_\_\_\_, as the authorized representative have  
Print  
received a copy of this notification. \_\_\_\_\_ Date \_\_\_\_\_

Alcoholic Beverage Control Board  
 550 West 7<sup>th</sup> Ave. Suite 1600  
 Anchorage, AK 99501

## New Liquor License

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

License is:       Full Year                      OR                       Seasonal    List Dates of Operation: \_\_\_\_\_

SECTION A - LICENSE INFORMATION			FEES <b>13971</b>
<b>Office Use:</b> License Year: <b>2006-2007</b>	<b>License Type:</b> Restaurant/Eating place	<b>Statute Reference</b> Sec. 04.11. <u>100</u>	License Fee: \$ <b>600.00</b>  Filing Fee: \$100.00  Rest. Desig. Permit Fee: \$ 50.00  Fingerprint: \$ (\$49.75 per person)  <b>TOTAL 750.00</b>
<b>Office Use:</b> License #: <b>5491</b>			
<b>Local Governing Body: (City, Borough or Unorganized)</b>  City of Bethel		<b>Community Council Name(s) &amp; Mailing Address:</b> City of Bethel P.O. Box 1388 Bethel, AK 99559	
<b>Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership):</b> Maro Kargas		<b>Doing Business As (Business Name):</b> Dimitri's Restaurant	<b>Business Telephone Number:</b> 907-543-3434  <b>Fax Number:</b>
<b>Mailing Address:</b> P.O. Box 1528  City, State, Zip: Bethel, AK 99559		<b>Street Address or Location of Premises:</b> 281 Fourth Avenue Bethel, AK 99559	<b>Email Address:</b> litz_1960@hotmail.com
SECTION B - PREMISES TO BE LICENSED			
<b>Distance to closest school grounds:</b>  0.8	<b>Distance measured under:</b> <input checked="" type="checkbox"/> AS 04.11.410      OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
<b>Distance to closest church:</b>  1000'	<b>Distance measured under:</b> <input checked="" type="checkbox"/> AS 04.11.410      OR <input type="checkbox"/> Local ordinance No. _____		
<b>Premises to be licensed is:</b> <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

## New Liquor License

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

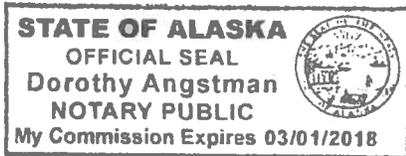
**Individual Licensees/Affiliates** (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: <b>Maro Kargas</b> Address: P.O. Box 1528 Bethel, AK 99559 Home Phone: 907-543-3434 Work Phone:	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth: 07-03-1943	Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:
Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:	Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:

**Declaration**

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

<b>Signature of Licensee(s)</b>	<b>Signature of Licensee(s)</b>
Signature <i>Maro Kargas</i>	Signature
Signature	Signature
Name & Title (Please Print) <b>MARO KARGAS Owner</b>	Name & Title (Please Print)
Subscribed and sworn to before me this 4 <sup>th</sup> day of May, 2016	Subscribed and sworn to before me this day of
Notary Public in and for the State of <u>Alaska</u>	Notary Public in and for the State of _____
<i>Dorothy Angstman</i> My commission expires 03/01/18	My commission expires:



**STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT  
AS 04.16.049 & 3 AAC 304.715 – 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 – 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 5491 Type: Restaurant/Eating place

This application is for designation of premises where: (Please check the appropriate items below)

- 1.  Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2.  Persons 16 – 20 years of age may dine unaccompanied.
- 3.  Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4.  Persons between 16 – 20 years of age may be employed. \*(See note below)

Licensee's Name: Maro Kargas

Name of Business: Dimitri's Restaurant

Business Address: P.O. Box 1528 City: Bethel

1. Hours of operation 11:30 a.m. to 2:30 p.m. Telephone Number: 907-543-3434  
4:30 p.m. 9:30 p.m. Monday through Saturday, closed Sunday

2. Have police been called to your premises for any reason?  Yes [ ] No  
 (If you answered yes, please explain below).

A couple of times for a break in

3. \* Duties of employment: To take orders, serve food and delivery.

4. Are video games available to the public on your premises? [ ] Yes  No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?  
 [ ] Yes  No

6. How is food served?  Table Service [ ] Buffett Service [ ] Counter Service  Other delivered

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours?  Yes [ ] No

**\*\*\* A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\***

**\*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.**

**\*\*Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.**

Licensee Signature Maro Kargas

Local Governing Body Approval \_\_\_\_\_

Subscribed and sworn to before me this 4<sup>th</sup> day of May, 2016

Date \_\_\_\_\_

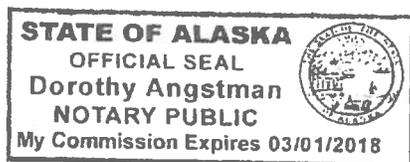
[Signature]  
 Notary Public in and for Alaska

My Commission expires; 03/01/18

Director, ABC Board \_\_\_\_\_

Date \_\_\_\_\_

Rev. 03172014



STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

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

DBA: Dimitri's Restaurant

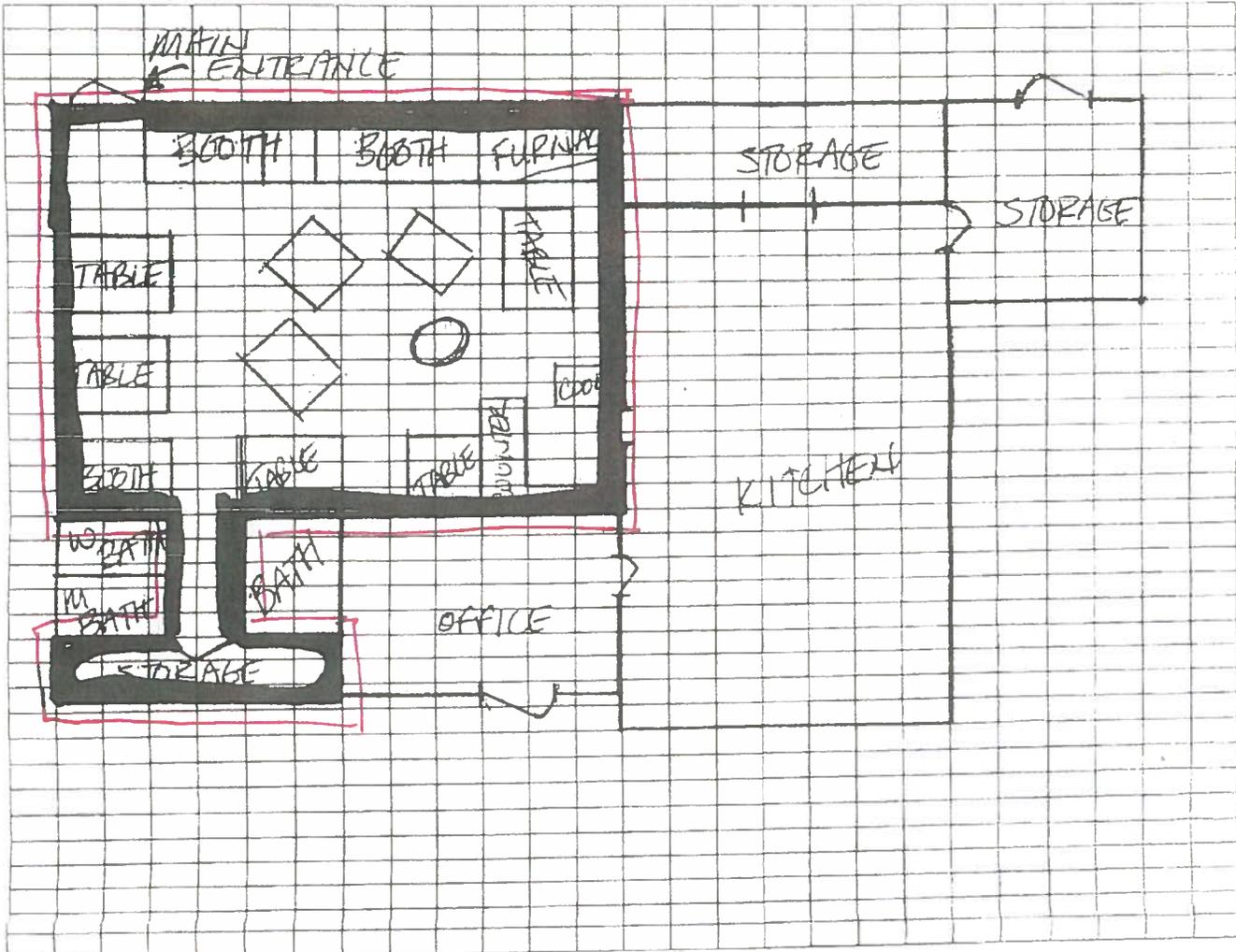
PREMISES LOCATION: 281 4th Ave Bethel, AK 99559

Indicate scale by x after appropriate statement or show length and width of premises 1 SQ = 4 FT

SCALE A: 1 SQ = 1 FT. SCALE B: X 1 SQ = 2 FT.

Length and width of premises in feet: DIMENSIONS = 46' W X 50' L

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



# Dimitri's RESTAURANT

## CALZONES

### CHOOSE FROM OUR SPECIALS OR MAKE YOUR OWN

- One Ham calzone \$18.50
- Meat calzone \$21.00
- (pepperoni, sausage, canadian bacon and mozzarella cheese)
- Greek calzone \$22.00
- (Olive oil base, green pepper, mozzarella & feta cheese)
- Vegetarian calzone \$22.00
- (Black olive, mushroom, onion, green pepper and mozzarella cheese)
- Combo calzone \$23.50
- (Black olive, mushroom, green pepper, pepperoni, canadian bacon, sausage and mozzarella cheese)
- Drilled calzone \$24.50
- (same as Combo Calzone, plus mushrooms and pineapple)
- Gyro calzone \$24.50
- (gyro meat, mozzarella cheese, feta and onion)

## PIZZAS

### CHOOSE FROM OUR SPECIALS OR MAKE YOUR OWN FROM THE FOLLOWING MENU:

	Small(12")	Medium(14")	Large(16")
Mozzarella Cheese, pepperoni, sausage, canadian bacon, mushroom, black olive, onion, green peppers, tomatoes, pineapple, jalapeno peppers, or double crust	\$16.00	\$18.00	\$20.00
Cheese Pizzas	\$2.00	\$2.50	\$3.00
Each additional item	\$20.00	\$22.00	\$24.00
White Pizza	\$20.00	\$22.00	\$24.00
(Olive oil base, mozzarella, feta cheese, tomatoes)	\$22.00	\$24.00	\$26.00
House Special	\$22.00	\$24.00	\$26.00
(pepperoni, sausage, mushroom and green peppers)	\$22.00	\$24.00	\$26.00
Greek Combo	\$22.00	\$24.00	\$26.00
(pepperoni, feta cheese, onion, green peppers, tomatoes)	\$22.00	\$24.00	\$26.00
Vegetarian Combo	\$22.00	\$24.00	\$26.00
(mushrooms, black olive, onion, green pepper, tomatoes)	\$24.00	\$26.00	\$28.00
Combo	\$25.50	\$28.00	\$30.00
(pepperoni, canadian bacon, sausage, mushrooms, black olive, green peppers)			
Dimitri's Special			

serve as Combo Pizza, plus tomatoes and pineapple

# Dimitri's RESTAURANT

## DESSERTS

- Bacalava \$4.00
- Cheesecake \$4.00

## DRINKS

- Peppi, diet pepsi, coke, diet coke, 7UP, diet 7UP, Sprite, diet aprito, \$2.00
- root beer, orange soda, Dr Pepper, Min Dew
- Orange juice, apple juice, Ice Tea, Hot Tea, Coffee \$3.00

## OPEN FOR LUNCH & DINNER

(MON - FRI)

11:30AM - 2PM

4:30PM - 9PM

(SAT)

4:30PM - 9PM

CLOSED ON SUNDAYS

CALL FOR FREE DELIVERY

(907) 543 - 3434

DIMITRI'S RESTAURANT  
281 W. Avenue, Detroit MI 48201

*Handwritten notes:*  
 Yu Chen  
 #8 no mango  
 FCB F  
 some on side

# Dimiter's RESTAURANT

## LUNCH MENU

# Dimiter's RESTAURANT

## DINNER MENU

### APPETIZERS

- Calamari Rings \$9.95
- Cheese Slicks \$9.50
- Fried Zucchini \$9.00
- Onion Rings \$5.50
- Fresh Breadstucke (2pcs) \$4.50
- Pita Bread \$2.50
- Pita Bread w/ mozzarella \$3.75
- Garlic Bread \$3.00
- Garlic Cheese Bread \$4.25
- French Fries \$4.00
- Curly Fries \$5.50

### SOUP OF THE DAY

- Cup \$4.50
- Bowl \$6.50

### PITAS

- White Pita \$9.00
- Turkey Pita \$9.50
- Roast Beef Pita \$9.50
- Pita Pizza \$9.00

### DEEP FRIED

- Clams with fries \$13.50
- Oysters with fries \$13.00
- Cod (fish) with fries \$13.50
- Strimp with fries \$15.00
- Chicken nuggets (10 pieces) \$13.00

### SALADS

- Dinner Salad \$7.00
- Meat Saut \$11.00
- 1/2 Greek Salad \$12.50
- Greek Salad \$16.00
- Chef's salad \$17.00
- (ham, turkey, American & Monzarella cheese)
- Shrimp Louisa salad \$18.50
- (shrimp, salmon, olive, tomato)

### BURGERS

- Hamburger \$6.50
- Cheeseburger \$7.50
- Bacon Burger (Canadian Bacon) \$8.00
- Bacon Burger (Strip of Bacon) \$8.95
- Mushroom Cheese Burger \$9.00
- Mushroom Cheese Burger (Canadian Bacon) \$9.50
- Mushroom Cheese Burger (Strip of Bacon) \$9.95
- \*Double your burger for \$2.95
- \*Add fries for \$4.00

### SANDWICHES

- Grilled Cheese w/ fries \$9.50
- Grilled Ham Cheese & w/ fries \$10.50
- B.L.T (White bread) \$8.50
- B.L.T (Whole bread) w/ fries \$12.50
- Gyro sandwich \$13.50
- Gyro pita \$15.50
- Steak Sandwich w/ fries \$17.00
- Chicken Sandwich \$8.00
- Fish Sandwich \$8.50

### SUB SANDWICHES

- Vegetarian \$10.25
- Turkey (with cheese) \$13.50
- Turkey & Ham (with cheese) \$14.00
- Ham & Cheese \$13.50
- Italian Sausage \$13.50
- Meatball Sub \$13.50
- Gyro Sub \$15.00
- Roast Beef Sub \$13.50
- Super Sub \$13.50
- (salami, pepperoni, Canadian Bacon, mortizello)
- Dynitis Sub \$14.50
- (ham or burger and plus turkey & ham)
- Greek Sub (Feta cheese, lettuce & tomato) \$13.50

### PASTA

- Lasagna \$17.00

### APPETIZERS

- Calamari Rings \$9.95
- Cheese Slicks \$9.50
- Fried Zucchini \$9.00
- Baked Sausage \$9.95
- Onion Rings \$5.50
- Pita Bread \$2.50
- Pita Bread w/ mozzarella \$3.75
- Pita with tzatziki \$7.00
- Garlic Bread \$3.00
- Garlic Cheese Bread \$4.25
- French Fries \$4.00
- Curly Fries \$5.50

### PASTA

- All pasta dishes served with a dinner salad & garlic bread \$18.00
- Spaghetti with Homemade Meat Sauce \$19.50
- Spaghetti with Homemade Meat Balls \$19.50
- Spaghetti with Italian Sausage \$19.50
- 1/2 portion of spaghetti (no salad) \$13.00
- Cheese (or Meat) Ravioli with Meat Sauce \$19.50
- Cheese (or Meat) Ravioli with Meat Balls \$19.50
- Cheese (or Meat) Ravioli with Italian Sausage \$19.50
- Lasagna \$18.50

### ITALIAN SAUTERED

- All Italian Sautered dinners served with a dinner salad, garlic bread and a choice of steak fries, baked potato or spaghetti \$25.00
- Chicken Marsala (with fresh mushrooms, onions and Marsala wine) \$26.00
- Veal Marsala (with fresh mushrooms, onions and Marsala wine) \$26.00
- Chicken Sautered (with fresh mushrooms, onions and Marsala wine) \$26.00

### CHAMPAGNE

- All champagne dinners served with a dinner salad, garlic bread and a choice of steak fries, baked potato or spaghetti \$23.00
- New York Steak (12oz) \$24.00
- T-Bone Steak \$23.00
- Pork Chops (3 pieces) \$25.00
- Charbroiled Chicken \$28.00
- Steak & Prawns (12oz steak with four fried prawns)

### SEAFOOD

- All seafood dinners served with a dinner salad & garlic bread \$18.75
- Deep fried clams \$17.75
- Deep fried oysters \$18.50
- Deep fried Cod \$19.50
- Deep fried Calamari \$21.50
- Deep fried Shrimp \$22.50
- Deep fried Scallops \$24.00
- Seafood Platter \$24.00
- Scallops, shrimp, cod, oysters, clams

### BAKED

- All baked dinners served with a dinner salad, garlic bread and a choice of steak fries \$25.00
- Chicken Orzo \$26.00
- Chicken Parmesan \$26.00
- Veal Parmesan \$26.00
- Shrimp Parmesan \$22.00



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W 7<sup>th</sup> Avenue Ste. 1600  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

May 23, 2016

City of Bethel  
Attn: Lori Strickler, City of Clerk  
VIA Email: [lstrickler@cityofbethel.net](mailto:lstrickler@cityofbethel.net)  
Cc: [pburley@cityofbethel.net](mailto:pburley@cityofbethel.net)

**Maro Kargas – Restaurant Eating Place #5491 DBA Dimitri’s Restaurant**

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

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

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

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

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

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

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

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

Sincerely,

*Maxine Andrews*  
*Business Registration Examiner*  
maxine.andrews@alaska.gov  
907-269-0358



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

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

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

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

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

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

Sincerely,

*Maxine Andrews*  
*Business Registration Examiner*  
*maxine.andrews@gmail.com*  
*907-269-0358*

Introduced by: Council Member Fansler  
Introduction Date: July 12, 2016  
Public Hearing: July 26, 2016  
Action: Passed  
Vote: 6-0

# *CITY OF BETHEL, ALASKA*

## **Ordinance #16-20**

### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 4.16.040 SALES AND USE TAX, EXEMPTIONS**

**NOW, THEREFORE BE IT ENACTED** by the Bethel City Council:

**SECTION 1. Classification.** This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

**SECTION 2. Amendment.**

Section 4.16.040 of the Bethel Municipal Code is amended (new language is underlined and old language is stricken):

**4.16.040 Exemptions.**

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

- A. Casual and isolated sales, services or rentals by a seller who does not regularly engage in the business of selling such goods, services or rentals are only exempt if such sales, services or rentals do not occur for more than five (5) days in a calendar year, and are not made through a dealer, broker, agent or consignee. A casual and isolated rental of real property by a seller who does not regularly engage in the business of renting real property is not exempt except as provided in subsection C of this section. A casual and isolated sale of real property by a seller who does not regularly engage in the business of selling real property is not exempt except as provided in subsection X of this section;
- B. Sales and rentals of goods and the sale or performance of services resulting from orders received from outside the city by mail, telephone or other public modes of communication if delivery of the goods ordered or rented is made outside the city by mail or common carrier, or if the performance of the services ordered occurs outside the city. The portion of the services ordered from outside the city that are performed inside the city are not covered under this exemption, and shall be fully taxable;
- C. Except as provided in this subsection, that portion of the selling price of a single-sale unit in excess of ten thousand dollars (\$10,000) and that part of a periodic rental price of all types of property in excess of ten thousand dollars (\$10,000)

are exempt. A periodic rental price is the amount owed on a monthly or more frequent period. Rentals with a payment period exceeding one (1) month are commuted for sales tax purposes as though payment were to be made on a monthly basis.

That portion of the selling price of an all terrain vehicle (ATV), snow machine, boat, or boat motor in excess of three thousand five hundred dollars (\$3,500) is exempt regardless of whether or not such items are purchased simultaneously, or are invoiced or otherwise billed on the same billing document.

That portion of the periodic rental price of single sale unit of real property in excess of fifty thousand dollars (\$50,000) is exempt;

- D. Dues paid to clubs and other organizations solely for the privilege of membership;
- E. A sale of goods made to a person in a foreign country for shipment out of the United States except where the goods or products sold are exported in bond for reentry into the United States;
- F. A sale the city is prohibited from taxing under the Constitution and laws of the United States or the Constitution and the laws of the state of Alaska is exempt. A sale made directly to the state, its political subdivisions, or the U.S. government is exempt. A sale to a federal, state or city contractor is not exempt even if the government pays directly for the purchase;
- G. A sale to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;
- H. Freight and wharfage charges, whether arising out of foreign, interstate or intrastate commerce are exempt. Warehouse and storage services are not exempt. Transportation of goods, equipment, or other property from one (1) point to another within the city limits by commercial movers is not exempt;
- I. The sale of insurance policies, guaranty bonds and fidelity bonds;
- J. The lending of money and interest charged for loans, and other services provided by banks, savings and loans institutions, credit unions, and investment banks are exempt, except for ATM charges, safety deposit box charges, and cashiers and traveler check charges;
- K. The sale of food and beverages to students and staff in primary or secondary

schools or college cafeterias or lunchrooms that are operated by the school primarily for teachers and students are exempt as long as such sales are made during regular school hours and such sales are not sold for profit. The sale of food and beverages to patients and staff as part of the services provided by local, state, federal government agencies, hospitals and nonprofit organizations licensed to provide patient services by the state of Alaska are exempt as long as such sales are made during regular operating hours of the government agency, hospital, or nonprofit organization, and are not sold for profit;

- L. The sale of goods to a wholesaler, retailer or other purchaser will only be exempt if such purchaser resells the same goods, in the same or altered form, and the resold goods will not be exempt from the tax levied under this chapter. In order to obtain the exemption provided for in this subsection, the purchaser shall display or provide to the seller at the time of the sale a copy of the purchaser's current Bethel business license. The Bethel business license must be for the class of activities involving the resale of the type of goods for which the exemption is sought. If the purchaser buys goods for resale in accordance with this subsection and for personal or other use at the same time, only the goods that are sold for resale in accordance with this subsection shall be exempt. Supplies, services, tools, repair services, equipment or any other goods or services purchased to support a business but not for resale in accordance with this subsection are not exempt;
- M. The sale of goods to a purchaser that will be transferred to another person in a sale or performance of a service is exempt only if the purchaser displays or provides to the seller at the time of the sale a copy of the purchaser's current Bethel business license. The Bethel business license must be for the class of activities involving the resale of the type of goods for which the exemption is sought. If a purchaser buys goods for transfer in accordance with this subsection and for personal or other use at the same time, only the goods that are sold for transfer in accordance with this subsection shall be exempt. Labor, tools, supplies, equipment rentals or any other goods or services purchased to prepare goods for transfer or in support of business operations but not for transfer in accordance with this subsection are not exempt;
- N. The service of transporting students to and from a school in vehicles;
- O. The sale of labor and materials for a single-family residence in which a private individual resides full-time without leasing for compensation any portion of the residence to another person, including labor and materials for the improvement, renovation, or remodel of such a single-family residence, is exempt only if (1) the sale of such labor and materials is to the private individual who resides in the residence; (2) the private individual is acting as his or her own general contractor in constructing, improving, renovating, or remodeling the residence; and (3) the

private individual displays at the time of sale an exemption certificate issued under BMC 4.16.050;

- P. Purchases made with food coupons, food stamps, or other type of certificate issued under 7 USC Sections 2011 – 2025 (Food Stamp Act);
- Q. Ambulance, dental, hospital and medical services, including the sale of hearing aids, physical therapy services, prosthetic devices and medicinal preparations, when prescribed by a licensed health care provider. Ambulance, dental, hospital and medical services do not include services rendered by chiropractors, barbers, cosmeticians, masseurs or veterinarians;
- R. The sale of services of transporting passengers by river taxi, taxicab, bus, commercial airline, air charter, air taxi, hover craft or limousine is exempt. The lease of vehicle for hire permits are not exempt;
- S. The sale to a senior citizen of food intended for consumption by the senior citizen, his or her spouse living in the same household, or the un-emancipated minor children of either the senior citizen or his or her spouse, who live in the same household. The senior citizen shall display at the time of the sale a current and valid senior citizen exemption certificate issued to the person under BMC 4.16.050(C). For purposes of this subsection, "food" is defined in accordance with 7 USC Section 2012(g) (definition of "food" for purposes of the Food Stamp Act);
- T. The payment of rent by a senior citizen on a single dwelling occupied as the senior citizen's primary residence and permanent place of abode. The senior citizen shall provide proof at the time of payment of a current and valid senior citizen exemption certificate issued to the person under BMC 4.16.050(C);
- U. Payment for telephone, electric, water and sewer utility services by a senior citizen on a single dwelling occupied as the senior citizen's primary residence and permanent place of abode. The senior citizen shall provide proof at the time of payment of a current and valid senior citizen exemption certificate issued to the person under BMC 4.16.050(C);
- V. The payment of rent by residents of Bethel community services and the payment of rent by Bethel community services clients who reside in Bethel at places other than the Bethel community services assisted living and supported living residences;
- W. A sale of goods or services to any entity that, at the time of the sale, is legally constituted and legitimately acting in accordance with a duly authorized federal tax exempt status pursuant to IRS Regulations, Section 501(c)(3), and the entity is a receiver of Alaska Revenue Sharing, and if the same goods or services are used exclusively in the fulfillment of activities within the federal tax exempt

Introduced by: Council Member Fansler  
Introduction Date July 12, 2016  
Public Hearing: July 26, 2016  
Action: Passed  
Vote: 6-0

status;

- X. A sale of goods is exempt if a credit union organized under state or federal law is the purchaser of the goods;
- Y. That portion of the selling price of real property in excess of twenty (20) percent of the first (1st) two hundred seventy-five thousand dollars (\$275,000) of the selling price is exempt. This exemption does not apply to rentals of real property. This exemption applies to all sales of real property, including casual and isolated sales;
- Z. The payment for No. 1 stove oil used as heating fuel by a senior citizen for a single dwelling occupied as the senior citizen's primary residence and permanent place of abode. The senior citizen shall provide proof at the time of payment of a current and valid senior citizen exemption certificate issued to the person under BMC 4.16.050(C);
- AA. Payment for water and sewer utility services by any and all persons or entities;
- BB. Sales made by operators of a transient lodging business for the rental of rooms that are subject to the transient lodging business tax listed under BMC 4.14.020.

**Section 3. Effective Date.**

This Ordinance shall become effective July 1, 2016.

**ENACTED THIS 14 DAY OF JUNE BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.**

ATTEST:

\_\_\_\_\_  
Richard Robb, Mayor

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

Introduced by: Council Member Fansler  
Date: July 12, 2016  
Public Hearing: July 26, 2016  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #16-21**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BETHEL, ALASKA, AT THE CITY OF BETHEL REGULAR ELECTION, OCTOBER 4, 2016, BALLOT PROPOSITION ONE LOCAL OPTIONS ON MARIJUANA**

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

**SECTION 2. Election.** An election is to be held on October 4, 2016, in and for the City of Bethel, for the purpose of submitting a ballot proposition to the qualified voters of the City of Bethel for approval or rejection. The proposition must receive a majority vote of the qualified voters in the City of Bethel voting on the question to be approved. The Proposition shall be substantially in the following form:

**SECTION 2A. Proposition One.**

**Shall the City of Bethel Adopt a local option to prohibit the sale or importation for sale of marijuana and any marijuana products? (Ordinance 16-20)**

Explanation:

A "Yes" vote will prohibit the sale and importation for sale of marijuana and marijuana products in the City of Bethel.

A "No" vote will allow for the sale and importation for sale of marijuana and marijuana products in the City of Bethel.

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

PROPOSITION NO. \_\_\_\_\_  Yes  No

Introduced by: Council Member Fansler  
Date: July 12, 2016  
Public Hearing: July 26, 2016  
Action:  
Vote:

**SECTION 4. Effective Date.** This Ordinance shall become effective upon the approval by the City Council.

Section 2A. shall become effective December 1, 2016 after ratification by the qualified voters of the City of Bethel voting on the question at the October 4, 2016 City of Bethel Regular Election.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA,  
THIS \_\_ DAY OF JULY, 2016, BY A VOTE OF \_ IN FAVOR AND \_ OPPOSED.**

---

Richard Robb, Mayor

ATTEST:

---

Lori Strickler, City Clerk

# City of Bethel Action Memorandum

Action memorandum No.	16-47		
Date action introduced:	July 12, 2016	Introduced by:	City Manager
Date action taken:		Approved	Denied
Confirmed by:			

SUBJECT/  
ACTION:

Permission for the City Manager to issue a purchase order for a Cat 950M Loader from NC Machinery. This a Joint Purchase with NJPA allowed under Section 4.20.210 of the BMC.

Route to:	Department/Individual:	Initials	Remarks:
	Port	<i>RW</i>	
	Finance Director	<i>JA</i>	-
	City Manager	<i>ACC</i>	

Attachment(s):

Amount of fiscal impact		Account information:
314,170.00	Fleet Replacement Fund	58-50-470 <i>698</i>

Summary statement The above amount includes the shipping cost which is part of the purchase order

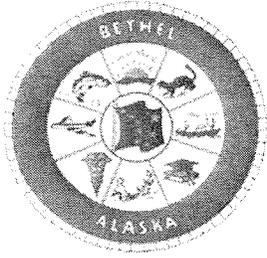
---

---

# ***Mayor's Report***

---

---



## CITY OF BETHEL

P.O. Box 1388 • Bethel, Alaska 99559-1388  
Phone (907) 543-2087 • Fax (907) 543-4171  
[www.cityofbethel.org](http://www.cityofbethel.org)

July 5, 2016

Governor Bill Walker  
Office of the Governor  
PO Box 110001  
Juneau, Alaska 99811-0001

Governor:

On behalf of the people of Bethel I would like to thank you for supporting the funding, and not vetoing, the \$7 million for a new cafeteria for Bethel Regional High School. This capital improvement will enhance the educational experience of the youth of Bethel, and our region, for years into the future.

I want to thank you for supporting this project. As we all know, Alaska is in an unprecedented financial predicament. I understand it is very difficult to support capital projects at this time. We are truly grateful for your support for this project. I understand you made difficult financial decisions, and again thank you for not vetoing it.

We all understand we have to work together to solve our State's financial crisis.

Richard Robb  
Mayor  
City of Bethel

---

---

# ***City Manager's Report***

---

---



# MEMORANDUM

---

From: Ann K. Capela, City Manager

To: Mayor, Vice Mayor and Council

Cc: City Attorney, City Clerk

Date: July 5, 2016

Re: City Manager's Report

---

1. Institutional Corridor Project – This project is back on track, with several modifications to the plan proposed at 90% engineering completion. After several meetings and review on what path to go in the design and construction of this project, all parties (DOT, YKHC, City of Bethel, BNC and other affected organizations have come to an agreement to the adjustments for the ICC. With DOWL as the City's engineer along with YKHC consulting engineers in the lead, the ICC will be in construction this season. There is no doubt that the project has to be downsized from the original vision of the ICC, however there is only limited funding and it is highly unlikely that the Stat will have additional capital funding for this project. Whatever the needs of this project are, the local stakeholders will have to resolve the matters. There is around \$5 million dollars left in this fund to construct the ICC. As soon as DOWL Engineering has a definitive plan mapped out, PW Director will provide all with the new adjusted plan.
  
3. Lagoon Jetty (truck dumps site) is on schedule. The City has confirmed the allocation of funds for a new sewer truck from the Alaska Native Health Consortium. Still awaiting for the completion of the necessary agreements with DEC (Alaska EPA section). The RFP for the project engineering will be out this week. Once the City selects a firm to coordinate various components of this project, we will look forward to Spring 2017 to begin the construction.
  
4. The annual audit – The City completed its portion for at least the 3<sup>rd</sup> time. We do not anticipate any additional "list of new items to complete" from the Auditors. One of the most challenging accomplishments in this audit was to finalize the asset management list and ensure this list tied back to financials as far back as FY 2009/10. I will work hard to ensure the audit is presented to City Council before my service period ends with the City.

One interesting product of this work was to develop a list of expenditures by object code for the City dating back to FY 2008. This document is pure numbers on dollars spent. I have asked the Finance Director if there is any way he can produce similar data on revenues. Having a 10 year look at the City's expenditures and revenue will help the City to plan for its future goals.

5. 4<sup>th</sup> of July Parade was a great success. Thousands of residents and visitors lined up along the parade route and joined the festivities at Pinky's Park. Good time was had by all, especially the very young. There was plenty of food to sample, games to play and thing to buy. The rain held off till late in the afternoon and the Public Works crew and many volunteers cleaned up after the event.

Special "Thank You" to all the Parks, Rec and YK Facility Committee who volunteered to coordinate the parade. Thank you to our Veteran's and men and woman who wear the uniforms of first responders. The 4<sup>th</sup> of July festivities is an amazing community event and the 4<sup>th</sup> of July Committee should start meeting right after the new year. The City should hire a temporary "coordinator" who can raise private funds to augment the City's financial commitment to the event. This year, YKHC donated \$500 towards the 4<sup>th</sup> of July event and I am still waiting to hear from Donlin Gold regarding the \$2,500 grant that I submitted for this event.

6. Boardwalk Repairs: boardwalk repairs were completed prior to the 4<sup>th</sup> of July event both at Pinky's Park and behind the Moravian church. There may be some additional work need but majority of the work is done for this year.

Pinky's Park expansion – is going forward, however there may be less funding available after the unexpected expenditure on the boardwalk at Pinky's Park. There may be some other funding opportunities to repair and augment the existing boardwalk behind Pinky's Park as part of the "exercise loop" for YK Fitness Center.

7. YK Pool and Fitness Center: Health Fitness has officially taken over the management of this facility on July 1, 2016. Everyone at the City is looking forward to their success. As Health Fitness starts the roll out of their programs and adds staff, the facility users will note great changes.

8. Sales Tax Audit – has been completed on 4 businesses within the City. The goal is to have additional 4 audits completed within the next few months (as soon as audit staff is available). This first audit has already "paid" for itself in findings.

Sales Tax collection and City Business Licenses: much of the credit in spearheading the the updates in the Sales Tax Code goes to the City Attorney and Finance Department staff. The issue of collection and the outdated COB section on "non-profit" taxation should be resolved with the new sales tax rewrite. A letter clarifying the many questions by the non-profit sector has been mailed. The City will begin working with the non-profit sector in documenting their IRS designation and devising a system to ensure clarity in the matter of sales taxation for the non-profit sector.

9. Wetlands Permitting: A letter has been submitted to US Corps of Engineers requesting the renewal of the "general permit".

10. Transit Bus 'barn': The initial review of the history of parking transit buses into a "covered" facility came about when the National Guard vacated the current facility. At that time the City transit drivers had to be brought in on *overtime* to start the vehicles every morning during the cold months. When the current structure was made available a decision was made to store the vehicles inside to save on the operational costs and wear and tear to the vehicles. For now, these vehicles could be stored at the Public Works building but during the cold weather months, there is no room for the transit buses in what becomes a crowded garage with storage of water, sewer, sand, garbage trucks and other heavy equipment. The City does receive 50% of total operational funding from FTA for heating and keeping the transit buses in the garage.
11. Vehicle Tracking System: Finance Department is preparing a RFP for the installation and purchase of the system and the PW Department is determining who will be tasked and trained to track and analyze the data. Having looked into the system there is a healthy competitive market for the installation and the type of equipment that tracks vehicles. PW is also seeking to have the system installed on the new water and sewer trucks.
12. The Janitorial Services for City Hall and the Courthouse will be going out for an RFP given the current service provider gave a notice of discontinued monthly services. While there was some interest by other service providers, Kagista Janitorial will provide janitorial services to the City until the RFP is awarded. The oversight of janitorial services has been transferred from Finance Department to Public Works Department.
13. The City had a surprise inspection of the lagoon and associated wastewater treatment equipment and related facilities. According to the State Inspector, the Bethel lagoon has not had an on-site inspection in since 2008. The DEC will be sending the inspection report to the City.
14. LKSD and Kilbuck School grounds clean up: the City has been in discussion with DEC (EPA) on the environmental analysis of the debris left from the fire. The City has been in discussion with LKSD on the amount of space that would be needed for the disposition of the debris and any DEC regulations that would have to be met in order for the City to accept the debris to its solid waste site. There has been no discussion on the costs associated with this or how the City would proceed in charging LKSD given the debris actually belongs to the City of Bethel as the structures that burned down are owned by the City. During my last meeting with LKSD the School Superintendent and the Business Manager, were not certain on the rebuilding of the facility although they opined that the language school may be rebuilt on the existing site and the student boarding facility may be relocated. This of course is a different direction than was announced 6 months ago that new facilities would be built in conjunction and on the same site as Yuut. I have several emails to LKSD Superintendent and was told he was out of the office at this time. The information from LKSD is somewhat fluid given the involvement of the insurance and settlements. I will keep the Council informed to the extent that I can between Council meetings via email.

# City of Bethel Sewer Lagoon Rehabilitation Project

Repayment schedule: From Funding Sources in order of repayment:

1. City of Bethel Matching Funds
2. Indian Health Services
3. State of Alaska Designated Legislative Grant
4. USDA Loan
5. USDA Grant

- Project Needs**
1. Dredging and baffle replacement the sewer lagoon
  2. Reconstruction of the sewer truck approach (jetty)
  3. Purchase of related equipment (3 sewer trucks)

City of Bethel  
Set aside \$365,000  
in reserves for  
equipment maintenance

1  
City of Bethel Matching  
Funds - Cash Outlay  
\$206,000

2  
Indian Health Services  
Funding for 1  
Sewer Truck - \$250,000

4  
City of Bethel/USDA  
Loan - \$913,000  
Federal

5  
USDA -- Grant  
\$1,669,358

3  
State of Alaska  
Designated Legislative Grant  
\$700,000

**Financing Sources for  
Estimated Project Needs  
\$7,938,358**

\$157,000 Federal Grant  
Design the lagoon "project"  
structural/repairs to the  
existing

EPA - Federal  
(Through State of Alaska DEC)  
\$4.2 Million (estimated)

**Reconstruction of the sewer  
truck approach - Jetty  
& 3 sewer trucks  
\$3,738,358**

(1) City of Bethel ordered (1) sewer truck with the permission of the USDA (loan/grant). However, the payment will not be made till after the 30 days of delivery which is expected on the last barge in October 2016. (2) Designated Legislative Grant paid for the PER and the ER in order to qualify/obtain the loan/grant from USDA. (3) All funding agencies agree that there should be "one" engineering firm to coordinate all the facets of the project.

**COOPERATIVE PROJECT AGREEMENT  
SANITATION FACILITIES IMPROVEMENTS  
CITY OF BETHEL, ALASKA**

**PROJECT NO. AN 16-N0U**

DATE OF AGREEMENT:  
JUNE 2016

**A. INTRODUCTION**

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

Orutsararmiut Native Village	=	Tribe
City of Bethel	=	City
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Indian Health Service	=	IHS
U.S. Environmental Protection Agency	=	EPA
Clean Water Act, Indian Set-Aside	=	CWA ISA

ANTHC DEHE has as its mission to create safe and healthy communities. Through Public Laws 86-121, 93-638, and 105-83, ANTHC has assumed management of the sanitation facilities construction program.

This CPA contains information about the project scope of work, funding, costs, and administration.

**B. SCOPE OF PROJECT**

This project will provide one sewer haul truck to the City of Bethel.

In addition to the project scope, Home Inventory Tracking System (HITS) data for the community of Bethel will be updated in the IHS Sanitation Tracking and Reporting System.

**C. PROJECT COST**

**C 1. Cost Estimate Table**

Job Type	Scope of Work	Qty	Units	Unit Cost	Extended Cost	Funding Source	
						EPA	CWA
M-PT	Sewer haul truck	1	LS	\$250,000.00	\$250,000.00	\$250,000.00	
M-PT	Support svcs direct charges	1	LS	\$16,000.00	\$16,000.00	\$16,000.00	
<b>Total</b>					<b>\$266,000.00</b>	<b>\$266,000.00</b>	

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>EPA</u>	<u>(Federal) 2016</u>	<u>CWA ISA</u>	<u>\$ 266,000</u>
<b>TOTAL PROJECT FUNDING</b>			<b><u>\$ 266,000</u></b>

Funding for this project will be contributed toward the cost of the sanitation facilities as described in this agreement. Project activities will not proceed until either the transfer of contributions from funding sources has occurred or a payment schedule between the IHS/other project contributors and ANTHC has been developed.

The total funding and the associated scope of work identified in the cost estimate table for this project will be contributed toward the cost of the sanitation facilities described in this agreement. Project activities will not proceed before the execution of this agreement.

In addition, the total funding shown in the cost estimate table is the not-to-exceed estimated budget amount to provide the scope of work identified in this agreement. The community and ANTHC acknowledge that once the project scope of work is completed, any remaining funding may be used for sanitation facilities design and/or construction work in other communities and on other projects without amendment of this agreement, as completion of the project scope of work will be validated in the Acknowledgement of Project Completion and actual costs will be recorded in a Final Report. In turn, if the actual cost of this project is anticipated to exceed the estimated budget, ANTHC may reduce the scope of work or seek the additional funding required to complete the scope of work. ANTHC may provide additional funds to complete the scope of work by amendment to this agreement if funding is available from other sources, such as sanitation facilities construction projects completed under budget in other communities.

Funding from the EPA will be made available to ANTHC through a separate Project Funding Agreement (PFA) between the IHS and ANTHC. If a PFA is not executed, no action will be taken by ANTHC on this project.

D. SANITATION FACILITY DEFICIENCIES

The following sanitation facility deficiencies will be addressed by this project.

The sewer trucks are reaching the end of their useful life. The truck haul system serves over 1,400 customers. Trucks were purchased in the 1990s, are obsolete. It is difficult to make repairs and find parts. A massive failure is possible if the trucks are not replaced within four years.

For additional project planning information, including existing facilities and alternatives considered, see the Project Planning Information Table in the Appendix.

E. PROJECT ADMINISTRATION

This project will be administered by the VSW program on behalf of ANTHC. The VSW Project Engineer and the City of Bethel will be responsible for completion of design and construction management. VSW's policies and procedures will be utilized for administration of this project, as noted in this Agreement.

The following table provides the anticipated project schedule:

<b>Project Activity</b>	<b>Date</b>
Projected Procurement Date	January 2017
Projected Inspection Date	August 2017
Final Report Date	August 2018

F. SUSTAINED OPERATIONS CONSIDERATIONS

F 1. Operations and Maintenance Responsibilities

The City of Bethel will assume or retain ownership of and responsibility for all operation and maintenance of the improvements and facilities constructed under this project.

F 2. Operator Certification

Upon completion of this project, the Alaska Department of Environmental Conservation regulations require the following water/sewer system operator certification levels:

- Water Treatment: 2
- Water Distribution: 1
- Sewer Treatment: 1
- Sewer Collection: 1

F 3. Operation Revenue Source and Expense

Preliminary projected annual revenues and expenses associated with the community-wide sanitation facilities provided by this, previous, or ongoing projects are provided in the following tables:

REVENUE SOURCE	
Source	Annual Amount
User Fees	
Household	\$ 1,718,723.00
Total	\$ 1,718,723.00

EXPENSE	
Expense	Annual Amount
Labor	\$ 928,000.00
Fuel	\$ 160,000.00
Electricity	\$ 9,000.00
Parts, materials	\$ 31,000.00
Equipment	\$ 345,000.00
Reserves	\$ 245,723.00
Total	\$ 1,718,723.00

Source: Hauled Sewer Figures from Bethel City Budget FY16.

Currently, an approximate 1,600 homes pay a monthly fee of \$88.00. This project will not alter the fee.

G. PROVISIONS FOR PROJECT COMPLETION

The ANTHC, DEHE General Provisions Manual defines the operating parameters for planning, design, and construction projects performed under this project. General Provisions dated March 2009 applicable to this agreement are found in Attachment 1, which is hereby incorporated by reference.

H. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for the identification and protection of cultural resources including avoiding unnecessary disturbance of reported or known human burials and for providing mitigation when appropriate. The NHPA also requires Tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people. Although NAGPRA often is inapplicable to ANTHC projects, ANTHC recognizes the inherent rights and claims of Tribes when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (i.e., human burials, associated items, and/or archaeological artifacts) VSW will notify the Orutsararmiut Native Village and treat it as a consulting party.

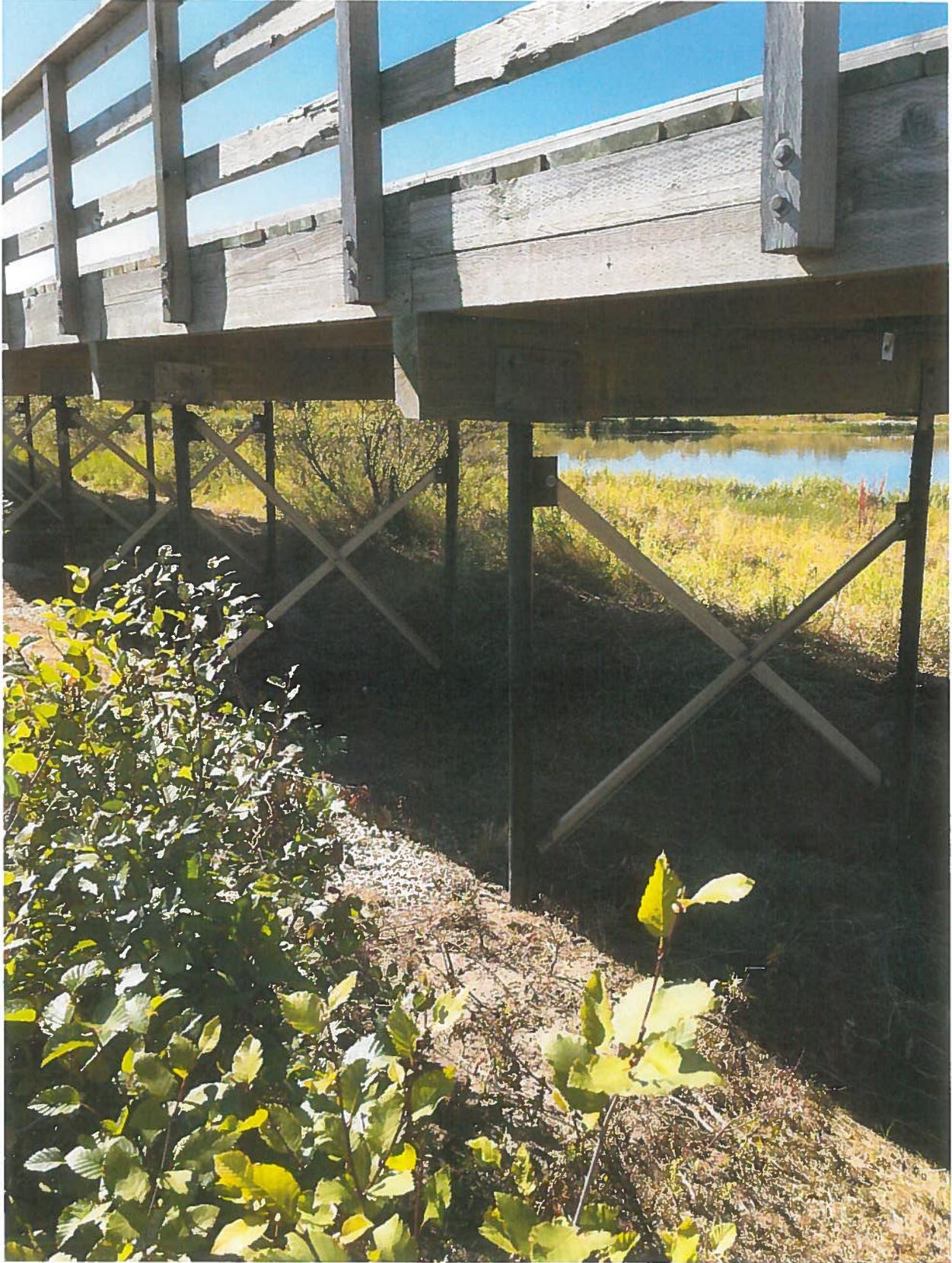
The Orutsararmiut Native Village will help ensure compliance with the NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims.

The Tribal Council will:

- Identify and help locate any known or reported archaeological site, artifact, or ancient human remains prior to the beginning of construction to avoid unnecessary damage to sensitive resources.

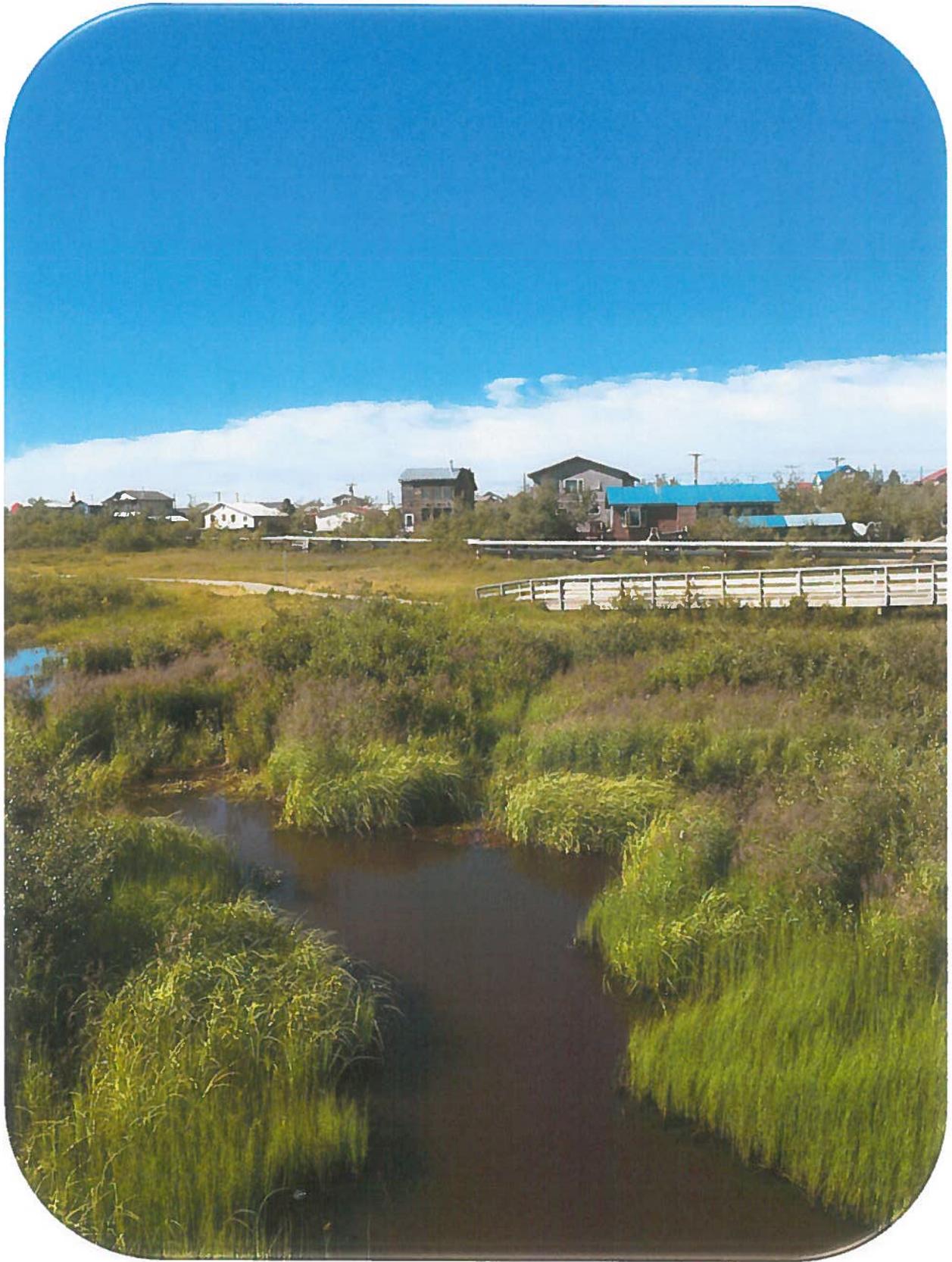
VSW will:

- Delay construction in the vicinity of a discovery until procedures in conformance with 36 CFR Part 800, Subpart B are complete.
- Identify and perform appropriate mitigation measures in conformance with Part 36 CFR 800, Subpart B.
- Ensure an archaeologist has an opportunity to view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensure that, if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that there will be no further study, tests or photographs of the remains without the consent of the Orutsararmiut Native Village (which will be provided in a separate agreement).
- Contact the Village Public Safety Officer or State Troopers if a modern human burial is discovered and avoid any further disturbance of the scene until they have conducted any investigation that may be necessary. No police notification is needed for archaeological remains.
- Ensure the inherent and legally protected rights of the Orutsararmiut Native Village are respected, including their right to take possession of, control, and /or determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledge that the inherent claims or rights of the Orutsararmiut Native Village are not diminished by the fact that the land is under ownership by another party.
- Ensure that, if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, employees, contractors and subcontractors involved in construction operations shall comply with the NAGPRA if appropriate.

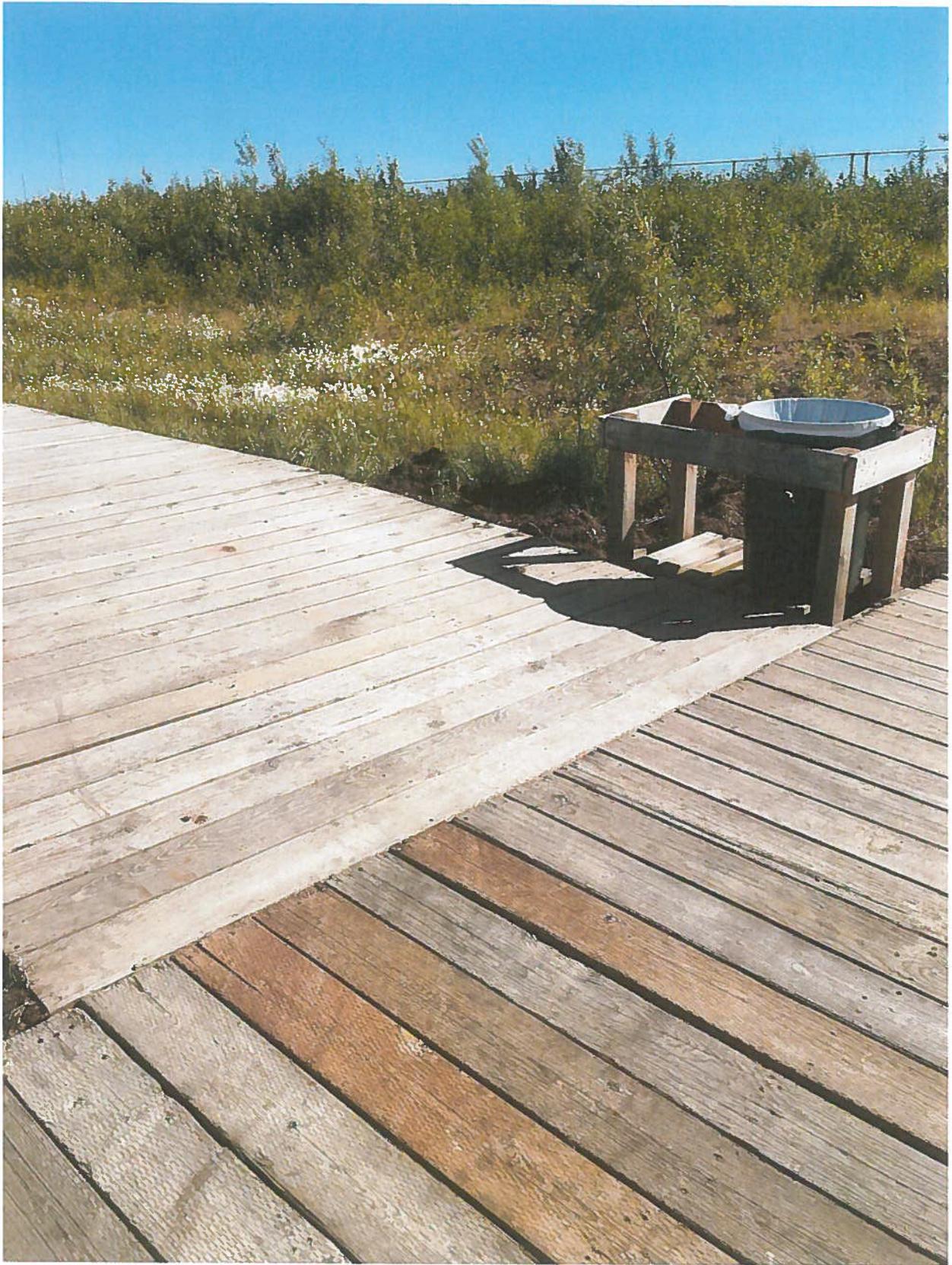








**Pinky's Park-Boardwalk: Bethel, Alaska July 3, 2016**





**4<sup>TH</sup> of July, 2016 Bethel, Alaska**



## CITY OF BETHEL

P.O. Box 1388 • Bethel, Alaska 99559-1388  
Phone (907) 543-2087 • Fax (907) 543-4171  
[www.cityofbethel.org](http://www.cityofbethel.org)

June 30, 2016

Ryan H. Winn  
Chief, North Section  
U.S. Army Corps of Engineers  
Regulatory Division, CEPOA-RD  
P.O. Box 6898  
JBER, AK 99506-0898

**Re: SPN-2011-124**

Dear Mr. Winn,

On June 28, 2016 Bethel City Council approved Council Action directing the City Manager to apply for renewal of General Permit POA-2011-124, Discharge of dredged/or fill material into wetlands at Bethel, Alaska. Attached is the current Permit POA-2011-124 which expires on August 31, 2016.

The City appreciates if the Corps would keep the City of Bethel informed on matters related to said permit. While the Corps is reviewing the existing permit and/or issuance of future permits, following is requested for consideration:

1. Annual training program for City of Bethel staff that would be reviewing/approving said permits.
2. Language for indemnification for the City for actions taken by City employees on behalf of the Corps.
3. Developing a program that would assist the City with the permitting process for permits that are deemed 'substantial' projects in scope and financial value.
4. Remuneration to the City for processing Corps permits.

Please feel free to contact me at your earliest convenience at (907) 545-0143 or [acapela@cityofbethel.net](mailto:acapela@cityofbethel.net).

Respectfully,

  
Ann K. Capela

cc: w/encl Bethel City Council

GENERAL PERMIT



# Special Public Notice

US Army Corps  
of Engineers  
Alaska District

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

DATE: August 17, 2011  
IDENTIFICATION NO.: SPN-2011-124  
(In reply, respond to above number)  
EXPIRATION DATE: August 31, 2016

RE-ISSUANCE OF GENERAL PERMIT POA-2011-124  
DISCHARGE OF DREDGED AND/OR FILL MATERIAL INTO WETLANDS  
AT BETHEL, ALASKA

The Alaska District, United States (U.S.) Army Corps of Engineers, in accordance with its regulations and pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. Seq.) has issued General Permit POA-2011-124, which permits the placement of dredged and/or fill material into waters of the United States (U.S.), including wetlands, within specific areas of Bethel, Alaska. The GP boundary is limited to an area within the city limits of Bethel, less excluded areas.

This GP authorizes the discharge of fill material into waters of the U. S., including wetlands, for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development. The GP authorizes excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. The GP also authorizes those activities when the placement of piling would have the effect of a discharge of fill material.

Maps showing the areas subject to authorization under this GP, and areas specifically excluded, are available for public use at the City of Bethel, Planning Department Office, and at the Regulatory Division, Alaska District, Corps of Engineers. A map showing the boundaries of areas covered or excluded under this GP is attached for guidance (Enclosure I). The area excluded from GP coverage would be subject to an individual permit review.

GP POA-2001-124 has been re-issued for a period of five (5) years, effective the date of the signature shown on the last page of the attached permit. At the end of this five (5) year period, an evaluation of the GP will be made, and at that time it will be decided whether or not this GP should be renewed. The District Commander may at any time during this five (5) year period alter, modify, suspend, or revoke this permit, if he deems such action is in the public interest.

The attached GP POA-2011-124 outlines criteria that would have to be met in order for work to be authorized under this GP. All authorized activities must be in accordance with the conditions of the GP. Failure to comply with the terms and conditions of the permit could result in suspension, modification,

or revocation of the permit, and/or imposition of penalties as provided by law.

The discharge of dredged and/or fill material authorized under this GP may be undertaken and completed without prior notification to the Corps of Engineers, provided that the applicant comply with the terms and conditions of the GP.

As stated in Condition 1 of the GP a "Site Plan Review" must be approved by the City of Bethel Planning Department prior to beginning work under this permit. A "Site Plan Approval" form and drawing guidance are attached (Enclosures 2a-c). If the proposed work does not meet the requirement of the terms and conditions of the GP the applicant would be required to apply for an individual permit or different form of authorization.

Any questions or requests for additional information should be directed to: Alaska District, Corps of Engineers, Attention: Mr. Robert Jobson, Regulatory Division, Post Office Box 6898, JBER, Alaska 99506-0898, phone (907) 753-2714 or toll free in Alaska at (800) 478-2712.

District Engineer  
U.S. Army, Corps of Engineers

Enclosure

RE-ISSUANCE GENERAL PERMIT POA-2011-124

Discharge of Dredged and/or Fill Material into Wetlands  
In Bethel, Alaska

INTRODUCTION

Under the authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), the Secretary of the Army authorizes the placement of dredged and fill material into waters of the U.S., including wetlands, within specific areas of Bethel, Alaska. A maximum of 7,696 acres of waters of the U.S. are included within the area subject to this General Permit (GP) and would potentially be authorized for development. The GP boundary is limited to an area within the city limits of Bethel, less excluded areas (Enclosure 1).

AUTHORIZED ACTIVITIES

This GP authorizes the placement of fill material into waters of the U.S., including wetlands, for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development. The GP authorizes excavation activities, including mechanized land clearing, ditching, and other excavation activities that can result in the re-deposition of material. The GP authorizes activities where the placement of pilings and/or boardwalks would have the effect of a discharge of fill material.

General Permit POA-2011-124 is valid for five (5) years from the date of issuance. The District Engineer may, at any time during this period, alter, modify, or revoke the permit if he deems such action to be in the public interest.

PROCEDURES

All authorizations are contingent upon receiving approval from the City of Bethel. As stated in condition number 1 below, a "Site Plan Review" must be approved by the City of Bethel Planning Department prior to beginning work under this permit. A "Site Plan Review" application form is attached for guidance (Enclosure 2a and 2b). An example of a project drawing is also attached (Enclosure 2c). If the City of Bethel reviews the project and does not approve the site plan or the proposed work would not meet the requirements of the terms and conditions of GP POA-2011-124, the GP would not apply and the applicant would be required to apply for a Department of the Army individual permit or a different form of authorization from the Corps of Engineers.

Information required for evaluating the "Site Plan Review" includes:

1. Name, address, and phone number of responsible party.
2. Scaled drawings on paper no smaller than 8.5" by 11" in size, to include the location and a plan and cross section view of the proposed fill. The drawings shall also show lot size and the placement of structures to be located on the wetland fills.
3. State the purpose of the fill (e.g., building foundation, road, etc.).

4. The type of fill material.

GENERAL CONDITIONS:

All activities identified and authorized by this GP must be consistent with the following conditions:

1. That each applicant/permittee inform the City of Bethel of the proposed project no less than 10 days before beginning work under this permit. The applicant/permittee will complete and receive approval of a "City of Bethel, Site Plan Review" from the City Planning Department before starting work. If the City of Bethel, Planning Department determines that a proposed project would not be authorized by this GP, then the applicant would need to apply for an individual Department of the Army (DA) permit from the Corps of Engineers.
2. That discharges are not authorized within certain excluded areas as shown on the 1:500 Scale "General Permit Area" map available for viewing at the City of Bethel, Planning Department, Public Works Building, 1155 Ridgecrest Drive, Bethel, Alaska 99559; telephone (907) 543-5301.
3. No discharged dredged or fill material shall consist of unsuitable fill material. This includes but is not limited to trash, metal debris, car bodies, over burden material, wood waste, asphalt, and petroleum products. All material used for construction or discharged must also be free from toxic pollutants in toxic amounts as defined by Alaska State Law and the Toxic Pollutants List in Section 307 of the Clean Water Act.
4. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems, and other measures, to the extent practicable, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate noncompliance with this condition.
5. Appropriate and effective erosion controls shall be implemented and maintained before, during, and after construction, until such time as all disturbed areas have been permanently stabilized.
6. Slopes of fills shall be no greater than 2:1 (horizontal to vertical), and all side slopes shall be stabilized by re-vegetating with native grasses, mulch, sandbagging and/or other reasonable material after fill placement. This stabilization would minimize erosion, turbidity, siltation, and prevent inadvertent sloughing of fill into adjacent wetlands or waters.
7. The proposed activity shall not adversely affect a threatened or endangered species as identified in 50 CFR 17.11 and 17.12, August 23, 1973, "Endangered and Threatened Wildlife and Plants" and subsequent updates, or endanger the critical habitat of such species. The subsequent discovery of the presence of a threatened or endangered species which may be affected by a permitted action or related activities shall result in immediate suspense of the GP for the specific project until Section 7 consultation required by the Endangered Species Act of 1973, as amended, is complete.

8. The permittee must maintain the lands and facilities subject to this GP in good condition and in conformance with the terms and conditions of this GP.

Permittee is not relieved of this requirement even if the activity is abandoned. The permittee may transfer the permit to a third party in compliance with condition number nine below. Should the permittee cease to maintain the authorized activity or should they desire to abandon the project without a transferee, then the permittee must obtain approval from this office, which may require restoration of the area.

9. If the permittee sells the property rights or transfers a lease associated with an activity authorized by this GP, they must obtain the signature of the new property owner or new lessee, along with appropriate documentation to record the transaction, and submit them to this office to validate the transfer of the authorized activity.

10. No activity, which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the Corps has completed Section 106 review, as per the National Historic Preservation Act. In addition, if any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this GP, you must immediately notify this office and the State Historic Preservation Office of what you have found. The DE will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. If the activity occurs on Federal land, the land manager is responsible for coordination.

11. A water quality certification has been issued for this GP by the Alaska Department of Environmental Conservation as required under Section 401 of the Clean Water Act (Public Law 95-217). For your convenience, a copy of the certification is attached. The permittee must comply with the conditions specified in the certification as general conditions to this permit.

12. Permittee must allow the City of Bethel, the DE, or their designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that the work is being or has been accomplished in accordance with the terms and conditions of this GP.

13. If permafrost is present, sufficient fill (or other methods of insulation) shall be placed on the ground to provide thermal stability. Signs of thermokarsting or standing water indicate non-compliance with this condition.

14. No fill or construction materials shall be stockpiled in waters of the U.S. including wetlands, outside of the project boundary which shall be staked, or otherwise delineated, prior to any mechanized land clearing or fill placement.

15. The activities authorized under this GP shall not adversely affect Essential Fish Habitat (EFH). Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 60 provide the requirements

for EFH consultation. The District Engineer shall make a determination whether or not the action will adversely affect EFH. The determination and an EFH assessment (per 30 CFR 600.920) shall be provided in any subsequent notice should the action adversely affect EFH.

REPORTING AND MONITORING:

The City of Bethel shall submit a summary report of all approved "Site Plan Review" authorizations under this GP, on a quarterly basis, to the Alaska District, Corps of Engineers, Regulatory Division, North Branch. The summary report shall include the name and address of responsible party, project location, fill quantity, dimensions of fill, and purpose of the authorized fill. If questions as to the applicability of the GP arise, or if there is any uncertainty whether a project is authorized by the GP, then the City of Bethel shall contact the Alaska District, Corps of Engineers, Regulatory Division, North Branch for assistance prior to approving the specific "Site Plan Review". These quarterly reports are due by the last day of March, June, September, and December for the previous 3 calendar months, for the entire term of the permit. In addition, the City of Bethel shall provide a map annually showing the permitted activities for the previous year by January 10.

LIMITS OF THIS AUTHORIZATION:

- (1) This permit would not obviate the need to obtain other Federal, state, or local authorizations required by law.
- (2) This permit would not grant any property rights or exclusive privileges.
- (3) This permit would not authorize any injury to the property or rights of others.
- (4) This permit would not authorize interference with any existing or proposed Federal Project.

LIMITS OF FEDERAL LIABILITY:

In issuing this permit, the Federal Government would not assume any liability for the following:

- (1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- (2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- (3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- (4) Design or construction deficiencies associated with the permitted work.
- (5) Damage claims associated with any future modification, suspension, or revocation of this permit.

REVALUATION OF PERMIT DECISION:

The Corps may reevaluate its decision to issue a GP authorization to any person or agency at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:

- (1) The permittee or the City of Bethel fails to comply with the terms and conditions of this permit.
- (2) The information provided by the permittee in support of an application under the GP proves to have been false, incomplete, or inaccurate.
- (3) Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- (4) The City of Bethel (itself) is found to be party to violations of the Clean Water Act. If the DE determines that this has occurred, this GP may be modified by the Corps, such that the Alaska District Regulatory Branch would assume the verification role until such time as the issue is resolved to the District Engineer's satisfaction. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with terms and conditions of the GP and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by this office, and if the permittee fails to comply with such directive, this office may in certain situations (as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

INSPECTION:

The DE, or his designated representative, may inspect sites of authorized work to determine that the work is being, or has been, performed in conformance with the terms and conditions of this GP. In the event that work is being or has been performed in noncompliance with this GP, appropriate measures shall be taken to resolve the violation, including a requirement to obtain an individual permit.

PENALTIES FOR VIOLATION:

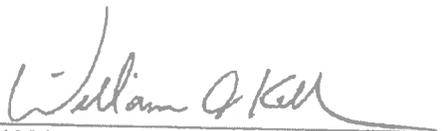
Failure to comply with the terms and conditions of this GP may result in suspension of the work, revocation of the permit, removal of dredged and/or fill material or other structures, restoration of waters and/or wetlands, and/or imposition of penalties as provided by law. The discharge of dredged and/or fill material not in accordance with the terms and conditions of this GP is a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S.C. 1319), by a fine of not less than \$2,500, nor more than \$25,000, per day of violation, or by imprisonment of not more than one year, or both. That individual is also subject to a civil penalty not to exceed \$25,000 per day of the violation.

EXTENSION, MODIFICATION, AND REVOCATION OF GENERAL PERMIT:

This GP may be revoked by issuance of Public Notice at any time the DE determines that the individual or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DE would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified. This GP and its associated State Water Quality Certification will be in effect for a period of five years. During that time, it may be modified by the DE if the determines that the singular or cumulative impacts of the activities authorized by this GP have an unacceptable adverse effect upon the public interest. During its fifth year, this GP and the work authorized under it shall be reviewed to determine if this GP should be modified, extended, or discontinued. The time limit for authorizing work under this GP ends five years from the date of issuance. Any activity authorized by this GP before the expiration date must also be completed by that date, unless the activities are underway, will be completed within twelve months of the expiration date, and the permittee notifies the Corps of their intent to continue work on the project. Further time extension may be considered on a case-by-case basis under provisions of 33 CFR 325.6. If the applicant finds that they need more time to complete the authorized activity, they may submit their request for a time extension to this office for consideration at least one month before the expiration date.

FOR THE DISTRICT ENGINEER:

Aug 16, 2011  
Date

  
William A. Keller, Chief, North Branch  
Regulatory Division  
Alaska District, Army Corps of Engineers

# CITY OF BETHEL

P.O. BOX 1388-BETHEL-ALASKA-99559  
807-543-5301  
FAX# 807-543-2046

## SITE PLAN APPLICATION

Title 18 of the Bethel Municipal Code requires the review of a Site Plan prior to the erection of any improvement on real property within the City limits. Application for a Site Plan Review shall be filed with the City of Bethel Planning Department. Upon approval of the application, a permit will be issued and is required to be displayed on the property to be improved. By submitting this application you are authorizing public access to the displayed Site Plan Permit area. Approval of plans does not presume to give approval to oversights by the City of Bethel Planning Office not grant authority to violate or cancel the provisions of any other federal, state or local laws regulating the use of development of this land.

<b>Name of Applicant</b>	<b>Legal Description of Property</b>
<b>Mailing Address</b> <b>Phone Number</b>	<b>Lot #:</b> <b>Block #:</b>
<b>City</b> <b>State</b> <b>Zip</b>	<b>Plat Number</b>
<b>Name of Property Owner</b> <b>Date</b>	<b>US Survey Number</b>
<b>Authorization of Property Owner (Signature)</b>	<b>R./T./Sec.</b>
<b>Mail Approval/Permit to:</b>	<b>Subdivision</b>
	<b>Physical Address</b>

**Please Do Not Write Below This Line. To be filled out by Planning Dept. Staff**

<b>Fire Marshall Approval:</b>	<b>Flood Hazard Zone:</b>
<b>Authorized &amp; Mandatory Improvements:</b>	
<b>City of Bethel Reviewed:</b>	<b>City of Bethel Approved:</b>
<b>Date:</b>	<b>Date:</b>

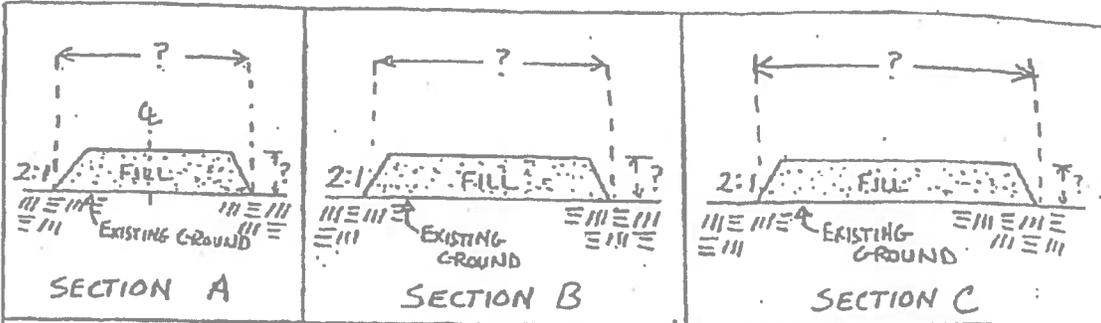
Enclosure 2a

**Draw to scale and show the following:**

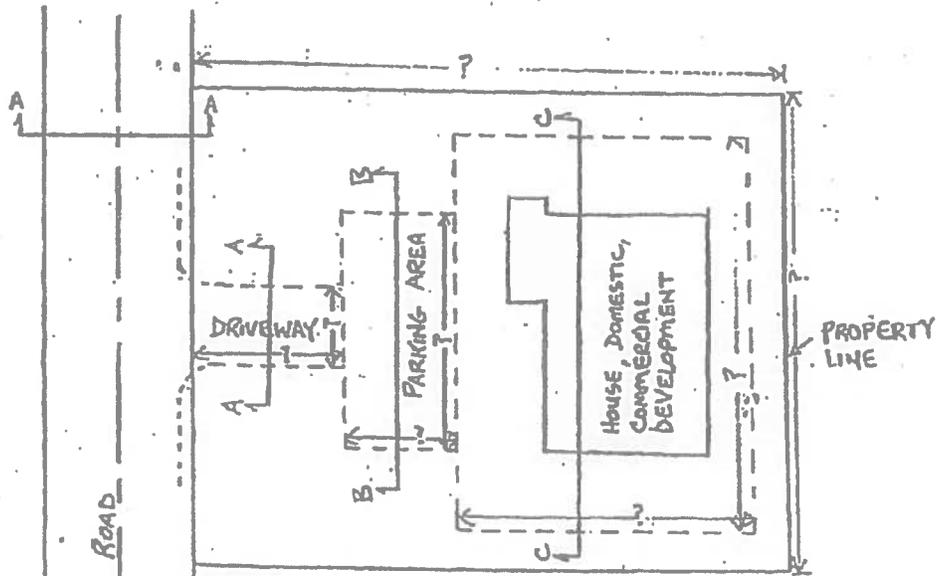
1. The location and dimension of the boundary lines, easements, and required setbacks.
2. The location and use of existing and proposed buildings on the site. The approximate location of existing structures on abutting property (within 50 ft.).
3. The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, service and utility areas, fencing, signs, and lighting. Proposed improvements to building must be clearly labeled.
4. The location of watercourses and drainage features.
5. Illustration of existing and proposed changes to topography. A cross section drawing showing the length, height, width, and type of fill material.

<b>Intended improvements: Describe improvements or site activity.</b>	
<b>Intended use: Residential, or Commercial.</b>	
<b>Lot Size:</b>	<b>Sq. ft.      Proposed total number of Residential and/or Commercial building on lot. #</b>
<b>If placing fill indicate: (If no fill is needed, indicate: 0).</b>	
<b>(Required) Max. Height of fill:</b>	<b>Method of stabilizing sand pad slope</b>
<b>(Required) Length of fill:</b>	<b>Seeding <input type="checkbox"/>      Sandbagging <input type="checkbox"/></b>
<b>(Required) Width of fill:</b>	
<b>If improvements include construction, renovation or relocation of a residence, or an addition to a residence, indicate the following:</b>	
<b># of bedrooms:</b>	<b>Water tank size:                      Sewer tank size:</b>
	<b>Gals.    Gals.</b>
<b>I attest that all information and measurements presented are correct.</b>	
<b>Signature of applicant:</b>	

Enclosure 2b



This is an example drawing. The drawing provided must include a plan and section view, location, dimensions, lot size, structures, purpose of the fill, and type of fill material.



NOTE:  
THIS IS A TYPICAL REPRESENTATION  
OF A DEVELOPMENT

PLAN VIEW

SCALE: NONE

Enclosure 2c

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

**DIVISION OF WATER**  
Wastewater Discharge Authorization Program

SEAN PARNELL, GOVERNOR

555 Cordova Street  
Anchorage, AK 99501-2617  
Phone: (907) 269-7564  
Fax: (907) 334-2415  
TTY: (907) 269-7511  
<http://www.state.ak.us/dec/>

May 4, 2011  
Certified Mail 7003 1680 0004 2882 3468

Robert Jobson  
Regulatory Division, Alaska District  
Corps of Engineers  
CEPOA-RD, PO Box 6898  
JBER, Alaska 99506-0898



Subject: General Permit for Bethel, Alaska POA-2011-124

Dear Mr. Jobson:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for issuance of a general permit for the discharge of dredge and/or fill material into wetlands at Bethel, Alaska

Department of Environmental Conservation (DEC) regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Morgan".

Sharon Morgan, Manager  
Wastewater Discharge Authorization Program

Enclosure

cc: (with encl.)

Michael Daigneault, ADF&G/Habitat, Anch.

Matt LaCroix, EPA, AK Operations

Sean Palmer, ADEC, Anchorage

Ann Rappoport, USF&WS, Anchorage

**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance (CRA), in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards is issued to the Regulatory Division, Corps of Engineers, CEPOA-RD, PO Box 6898, JBER, Alaska 99506-0898, for the general permit (GP) that authorizes the placement of dredged and/or fill material into waters of the U.S., including wetlands, for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development within specific areas of Bethel. The GP would authorize excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. The GP would also authorize activities when the placement of piling would have the effect of a discharge of fill material. The proposed GP POA-2011-124 outlines criteria that would have to be met in order for work to be authorized under the GP. All authorized activities must be in accordance with the procedures and general conditions of the GP.

The proposed activity is located in Bethel, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2011-124, and a discharge may result from the proposed activity.

The DEC reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date May 4, 2011

Sharon Morgan  
Sharon Morgan, Manager  
Wastewater Discharge Authorization Program



---

---

# ***Management Team Reports***

---

---



Chief

CITY OF BETHEL

Fire Department

*William F. Howell III, Fire*

*P.O. Box 1388, Bethel, Alaska 99559*

*Phone: (907)-543-2131*

*Fax: (907)-543-2702*

*bhowell@cityofbethel.net*

*Celebrating 50 Years of Service*

DATE: July 5, 2016  
TO: Ann Capela, City Manager  
FROM: Bill Howell, Fire Chief  
SUBJECT: June 2016 Management Report

### **Current Events**

- On 06/22/16, the Department attended a meeting with YKHC members concerning the Institutional Corridor construction project.
- The Department received funding through the 2016 State of Alaska Volunteer Fire Assistance grant for communications equipment. The grant will provide the department with three more portable radios. The total for this project is \$11,100 with a City match of 10%.
- Department EMS call volume for the period May 3 2016 through June 6 2016 was 9% higher: 122 calls for service vs. 110 in 2015. Alcohol related call volume during this time period was nearly double 2015 numbers: 69 vs. 35 in 2015.
- Work on plumbing and heating leaks under the Fire Station is substantially complete. Invoices and a check request have been submitted to finance for payment. An amended contract was initiated after contractors discovered new joist deterioration under the hose tower from a water leak and significant water leaks under the apparatus bays. Completion of the project has been moved to the middle of August to allow the floor structure to thoroughly dry before re-insulating and closure.
- The Department conducted fire and life safety inspections of Dimitri's Restaurant per the City alcohol ordinance. All required documents were submitted on time to the manager and Council. The business was inspected again for repair updates. Some of the violations were abated, but the owner is still waiting on work to be performed by a contractor and fire protection technician.

- On June 10<sup>th</sup> one of the departments two ATVs was stolen in the early morning hours. City employees discovered the ATV in the BNC sandpit with the apparent thief passed out at the wheel and one suspect fleeing the scene. Bethel Police apprehended one juvenile suspect. Damages are estimated at \$900 dollars. A mechanic estimate has been submitted to the police for inclusion into their report and charging documents.
- The department met with the YKHC architects Bettisworth North regarding fire service features at new proposed clinic. Issues discussed included water supply, access, and fire department connections. The department routinely works with architects engineers and project managers of large and small developments to ensure compliance with State fire codes and local requirements.
- Fire Department staff sealed the asphalt driveway/apron. The apron is partially covered in gravel to fill a sink hole that developed in the last two decades. Re-paving will be needed in the next few years.

### **Emergency Planning/Homeland Security**

- On June 1, the department attended the monthly Homeland Security teleconference.
- Firefighters are conducting address and map checks. A list of missing street signs was sent to Public Works administration.
- The Department is working with Vitus (formerly North Star Gas) to develop a site for trans-filling of propane (LPG).

### **Training**

- On 06/09/16 at 7:00 p.m. a Fire Meeting was held at the fire station. Firefighters reviewed recent fire calls and conducted practice drills setting up a Fol-da-Tank water supply.
- The EMT Meeting on 06/21/16 and the Fire Meeting on 06/23/16 were cancelled.
- Staff Meeting on 06/24/16 was cancelled due to staff being on leave. All pertinent information was passed on to members via phone calls and email.
- The Department was forced to cancel the Basic Fire Fighter – ETT class due to lack of participation by the applicants. The class will be advertised again in the near future.

### **Responses**

- The Bethel Fire Department responded to 88 EMS and 10 Fire incidents during the month of June.
- On 06/01/16 at 12:23 a.m. medics responded to Chief Eddie Hoffman Highway for the report of a vehicle rollover. The patient was extricated from the wreckage and transported to the hospital.

- On 06/07/16 at 7:02 a.m. firefighters responded to the old Kilbuck School for the report of gray smoke emitting from the building. Firefighters extinguished the fire and overhauled the contents. The cause of the fire is under investigation.
- On 06/16/16 at 7:58 p.m. medics responded to the area of Ptarmigan Road for the report of a person who was bitten by a dog. The patient was assessed and transported to the hospital.
- On 6/17/16 at approximately 2:00 p.m., the Bethel Fire Department was requested by the Alaska Air National Guard for two EMT's to assist with locating the site of a aircraft crash. Two Firefighter/EMT's went with the Blackhawk. The crew located the downed aircraft and located the patient. The patient had facial and spinal injuries. The patient was stabilized and carried to the helicopter with the help of two bystanders. EMT's worked on the patient during the flight back to Bethel. The patient was immediately transferred to an awaiting Life Med Leer Jet and transported to Anchorage for treatment.
- On 6/19 at 6:45 p.m. Firefighters responded to Q2 for an electrical line outside on fire. Upon arrival, firefighters blocked off the area and waited for the power to be disconnected. Once power was disconnected, firefighters extinguished the fire and gathered information from the building occupants.
- During the last two weeks, firefighters have responded to multiple fire alarms at the LKSD District Office and BNC Complex. Both occupancies are experiencing problems with their alarm systems and detectors. Maintenance personnel from both buildings have been attempting to troubleshoot the problems and will contact the alarm companies to request a technician to fix the problems.

## **Vehicles & Equipment**

- Engine 3 our 1986 Grumman reserve pumper was placed out of service to repair a leaking tank, relief valve, and tank to pump valve and pump packing. This work is being performed by department staff. Cost for repairs in time and materials are estimated at approximately \$10,000. Repairs are 50% complete.
- Both department ambulances are running poorly again. Medic -5 has no power and will only accelerate to 15 MPH, due to injector problems. Medic-5 has developed white smoke from the exhaust. Medic-4 has poor handling in the steering. The department has contacted a mechanic to address these issues.
- The department is raising funds for a new ambulance.
- The department is performing annual Hydrant and Hose testing per NFPA and ISO requirements.
- The department was visited by Underwriters' Laboratories (UL) on June 13<sup>th</sup> for ladder and pump testing. The department's 1980 aerial, Truck-1 received its annual aerial inspection. UL also tested 315 feet of ground ladders. Of the department's three pumpers, only the newest; Engine 4, received a pump test.

Pumps on Truck-1 and our 1986 Grumman, Engine-3 are undergoing significant pump and valve overhaul and will be tested in August by department staff.

- A list of unneeded or unusable items has been submitted to finance for disposal at an upcoming City auction.

### **Budget/Financial**

- Charges for damages to the Dale Construction excavator were submitted to the manager. The excavator was damaged at the Kilbuck Fire.
- Virtually all fire department accounts are depleted. The department has transferred additional funds into its building maintenance accounts to fund repairs to the foundation, plumbing and heating systems in the building. Additional funds from Public works are also being contributed to complete repairs/construction.
- Insurance cost increases reflect, at least partially, an adjustment to the premiums following an evaluation of vehicle values by Brown and Associates Insurance. All other department accounts are within limits.
- Record call volume in FY 16 and the new three hour minimum callback have contributed to overages in FLSA and Callback overtime. Additionally, with only one person on two of three shifts, coverage for employee leave must be done using FLSA overtime.
- MS&S has some overages particularly in vehicle maintenance and supplies categories as our aging fleet receives ever increasing maintenance and repair.
- Final volunteer stipend payments were submitted for FY16. This account is within budget.

### **Grants**

- A Phase 16 Code Blue grant request for a new ambulance was approved for \$45,000. An additional \$5,000 was raised through the Bethel Volunteer Emergency Services Association (BVESA). The Department plans to raise the balance of the funds through its FY 2017 budget request and donations from the community's non profits. Applications and letters for financial support are being sent to Donlin Gold, Bethel Lions Club, VFW, VFW auxiliary, Alaska Marine Lines and others.
- The Department completed an application to the FEMA 2015 Staffing for Adequate Fire and Emergency Response (SAFER) grant. We seek to fund four additional positions to comply with NFPA 1720. The application filed by the department, seeks \$840,000 total for the two year period of performance.
- The Department applied for funding through the 2015 FEMA Assistance to Firefighters Grant Program. We seek funding to replace aged turnout gear and fire hose. The project requested is budgeted at \$130,000 and requires a 5%

match. Funding announcements are normally made in September of the following year.

- FEMA Assistance to Firefighters Grant for Self Contained Breathing Apparatus is complete. All goals and objectives of the project were met. Final closeout reports will be submitted at the end of the month.
- The Department continues to coordinate with the Grants Manager, on the 2016 Homeland Security grant. The department has requested funding of portable radios. Total funding requested for all City departments is approximately \$430,000.

### **Staffing/recruitment**

- The department is excited to hire a new Firefighter/EMT to the position defunded in FY15. We are thankful and appreciative of the hard work of the Council, the Manager, and department heads throughout the FY 17 budget process.
- All funded positions are filled. A hiring list is being assembled to select a candidate for one opening in July 2016.
- The Department has several qualified applicants, in the event of vacancies.
- Volunteer Firefighter and EMT numbers are at a low this summer. Department administration is considering possible strategies to remedy the low numbers.

# MEMORANDUM



DATE: July 1, 2016  
TO: Ann K. Capela, City Manager  
FROM: John Sargent, Grant Manager  
SUBJECT: Grant Manager's Report – July 12, 2016 Bethel City Council Meeting

## **Grant Projects**

### E-911 Purchase and Installation

ProComm Alaska worked with UII, GCI, Airbus DS Communications, and the City of Bethel to purchase, ship, install the E-911 system at the Bethel Police Station Dispatch Center. The equipment and software were installed over a two-week period in June. Network connections were established. Mapping databases were merged.

The "cut-over" occurred on June 30, 2016, where the old phone lines were cut and the new lines turned on to work with the system. The system is functional and is in use now. Police dispatchers were trained how to use the system. The punch list shows that the system is 98% fully operational. A few bugs in the system are being worked on before the last training is held on July 19-21, 2016. Completion of this project represents the last City homeland security grant project currently funded.

### LED Streetlights

I secured an extension to June 30, 2017 of the State Legislative Grant that funded the LED Streetlight project. One more purchase of streetlights and mast arms will be made with the remaining \$27,000.

### New Police Station

I secured an extension to June 30, 2016 of the State Legislative Grant that funded the police station renovation. Police Chief Achee will spend the remaining \$10,000 in the next few months.

### Dispatch Center Project

ProComm Alaska is working to finish their tower preparation work so that the City can go out to bid to purchase and install a communications tower. The purchase and installation of the tower will coincide with the movement of City communications equipment off of the YKUK tower and out of the GCI communication shack and the relocation of all public safety communications equipment to the Police Station.

### Sewer Lagoon Rehabilitation Project

The City is preparing the Request for Proposals to hire an engineer firm that will accomplish several functions: project management, design truck dump site, design dredging/baffle replacement, oversees inspections, and develop a utility business plan. Two different grants will fund the engineer costs.

The City continues to work to satisfy the conditions outlined in the USDA-RD Letter of Conditions. Once the conditions are met, the City will be given the USDA-RD grant agreement that will fund the replacement of the truck dump site.

Transit System Billing

I continue to work with Transit Manager Bill Ferguson to correctly prepare and submit monthly billing summaries for transit expenditures. All billing summaries must be submitted by August 1, 2016 for reimbursement.

Bus Shelters

The City's bus shelters were manufactured and have been shipped to Seattle for barge shipment to Bethel. They should arrive in July 2016. Installation to occur shortly thereafter.

**Grant Applications**

Alaska Transportation Alternatives Grant (ATAP)

I prepared and submitted the City's first ATAP grant to the Alaska Dept. of Transportation and Public Facilities. The City requested funding to construct a \$400,000 ADA - compliant gravel trail from the hospital to City Subdivision. YKHC put up the 20% match or \$80,000.

**RFBs and RFPs**

There are several non-grant related RFP/RFBs in the hopper: janitorial services for City Hall and Courthouse, senior center use, and tracking equipment for City vehicles.

<p align="center"><b>City of Bethel Grant Summary Calendar Year 2016</b></p>					
<p><b>Preparing</b></p>					
<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts. (Partners)</b>	<b>Date</b>	<b>\$ Grant \$ City Match</b>
United States Dept. of Agriculture-Rural Development	Wastewater Program	Replacement of Truck Dump Site	Public Works	On-going	\$1,237,500 \$1,512,500
Alaska Public Entity Insurance	Grant	Safety equipment/supplies	Public Works	Feb. 2015	\$1,000 0
<p><b>Submitted in Calendar Year 2016</b> <span style="float:right">Most recent first</span></p>					
<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts.</b>	<b>Date</b>	<b>\$ Grant \$ Match</b>
AK Dept. of Transportation & Public Facilities	AK Transportation Alternatives Program	Construction of gravel trail from hospital to City Sub.	Public Works	6/30/16	\$340,000 \$80,000 YKHC
Federal Emergency Management Agency	Staffing for Adequate Fire and Emergency Response	4 Firefighter/EMT positions for two years.	Fire	3/25/16	\$839,000 0

<b>Sponsor</b>	<b>Name</b>	<b>Products/Services</b>	<b>City Depts.</b>	<b>Date</b>	<b>\$ Grant \$ Match</b>
Federal Emergency Management Agency	Code Blue Program administered by YKHC	Ambulance	Fire	3/25/16	\$45,000 \$5,000 BVESA \$172,000 needed
AK Division of Homeland Security and Emergency Mgmt.	State Homeland Security Grant	Radios, video cameras, foam extinguisher, portable light banks.	Police Fire Public Works Port	2/19/16	\$429,816 0
<b>Approved</b>					Most recent first
AK Dept. of Health and Social Services	Community Safety Patrol Grant	Three CSP positions, equipment, training.	Police	5/6/16	\$346,259 \$51,974
Environmental Protection Agency & AK Dept. of Environmental Conservation	Wastewater Grant Program	Design, inspections, permitting, dredging, baffle replacement.	Public Works	On-going	\$157,000 0
Alaska Dept. of Transportation and Public Facilities	SFY 2017 AK Community Transportation Grant	Transit operations and admin.	PW-Transit	12/11/15	\$250,597 \$80,580
Total					\$753,856
<b>Not Approved</b>					Most recent first

To: Ann Capela, City Manager  
From: Ted Meyer, Planner  
Subject: June 2016 Activity Report  
Date: June 30, 2016

---

### **Marijuana Advisory Committee**

Two sections of the draft ordinance were edited by the Committee at the June 8 meeting.

### **Mapping**

Sent the City Attorney's edits of the proposed mapping contract with WHPacific for Zoning and Land Status map work to WHP for review. The accepted all edits and returned the signed copy back to the City.

### **Code Enforcement**

Responded to complaints regarding code violations. Had one vehicle located on city property (at the dumpster site on Ptarmigan Road at Tundra Ridge) towed to the Public Works lot. The vehicle posed a traffic hazard by significantly blocking the line of sight from vehicles coming from the west.

### **Site Plan Permits**

We are processing many Site Plan Permit applications. Most involve fill for existing pads. 42 have been approved to date.

### **Minor Plats**

Approved a Minor Re-plat on Ptarmigan Road.

### **ONC Proposed Right of Way to Lot 15**

Coordinating with the City Attorney and RPK Engineering for getting proper documentation for an agreement between ONC and the City for the ROW/easement.

### **FEMA Risk Map Update**

DCRA, Homeland Security, and FEMA staff came to Bethel on June 15 to update the map used in the National Flood Insurance Program for Bethel. Various city department staff and citizens participated in the work.

### **Planning Commission Business**

1. The Conditional Use Permit hearing for alcohol sales at Baba's was held at a Special Meeting on Thursday, June 9. The quorum was lost during the meeting due to a conflict of interest realized during one of the public testimonials. The hearing is to be continued on the July 21 PC meeting date.
2. Code Amendment  
Preparing a draft ordinance to amend the BMC by designating which City Zoning Districts will allow marijuana facilities (and requiring a Conditional Use Permit). This amendment will be presented at the July 21 Planning Commission meeting for recommendation to the City Council.

# PORT OF BETHEL

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



TO: Ann Capela  
FROM: Peter A. Williams – Port Director  
SUBJECT: June 2016 Managers Report

## **PORT ADMINISTRATION ACTION ITEMS AND ACTIVITIES**

- **SMALL BOAT HARBOR** – “No Wake” and “Parking & Kids Don’t Float” signs and portable toilets were installed. Stocked PFD’s provided for by YKHC through the State of Alaska. Cutting grass, picking up trash, and maintenance of the floats and policing the parking lots are some of the duties the SBH attendants have accomplished. They have sold about 600 SBH usage permits and 68 of 120 moorage spaces. The water truck was used as needed for dust control. We counted 312 vehicles, 50% with trailers attached, using the parking lots in the SBH while the fishing periods were in progress. We have started to enforce the speed limit for the vessels using the SBH. A guard rail was installed on 3rd Ave. and readied for East Ave. Recently data for a hydrographic survey was completed for the USACE that will be reviewed and eventually published by the USACE. The information will be on the USACE web-site in the future.  
The data shows that the mooring basin has 6ft. of water at MLLW and the Entrance Channel 10ft. at MLLW. It appears that the dredging completed a few years ago accomplished its purpose.
- **City Dock** – 75T of gravel applied the surface of the dock. Walkways along highway and bridge washed with the water truck, 10 plus loads of water truck and 4T of calcium chloride for dust control was applied to the surface of the dock: painting and hanging the safety ladders and bull rails was completed. Maintenance was performed on the dump truck, light plants, loader, and vehicles. The purchase agreement for the new loader was forwarded to administration for review and put on the council’s agenda.  
-There were 86 vessel arrivals and departures at the port facilities in June.  
- Approximately 6,000 ton of freight was unloaded at the city dock, 2,700 tons was transferred to the beach and shipped to the villages.
- **Petroleum Dock** – 5M plus gallons of fuel was unloaded and transferred at the petro port Crowley’s tank farm. Approximately 1 million gallon has been downloaded vessels for the villages in the area. Safety ladders, portable toilets and a dumpster were installed.

- **Port Office** – Pro-Dev is working on a RFP for a design of a new office that is to be completed by July 12<sup>th</sup>. It will be reviewed and hopefully published by August 1<sup>st</sup>, 2016.
- **Personnel** – We are fully staffed. Delbert Egoak obtained a CDL license with help from P.W. and port personnel. We have one person ready to test for the written portion of the CDL.
- **Finances** – All of the invoicing is up to date and mailed out. Temporary hire Emily Russel has been working to reconcile the port's account receivables. A lot of progress has been made to ensure that the payments we have received in the last three years have been accounted for and recorded properly. There are outstanding balances due to what appears to be the lack of effort in the past to reconcile these accounts or to collect payments for, that has produce outstanding balances, due to re-occurring late fees that are not reasonable for us to expect payment for. Some reoccurring charges in the system go back to 2001; these need to be dealt with in some manner before we can produce accurate statements for the accounts.

I believe the outstanding balance due overall will be approximately \$10,000 sometime in July. Faulkner/Walsh is the only customer that we have any serious issues with. He is now past due \$11,000 and on July 2<sup>nd</sup> their account will be overdue.

Peter Williams  
Port Director



# **Memorandum**

DATE: July 5, 2016  
TO: Ann K Capela, City Manager  
FROM: Hansel L Mathlaw, Finance Director  
SUBJECT: Manager's Report – July 2016

## **Finance Committee**

The finance committee is on summer break until September 2016. The committee recommended to change the gaming sales tax to 12% of net deposits minus prizes awarded. Currently, the tax is 6% of sales, like any other business.

## **Finance Department**

### State of Alaska PERS Audit

The State of Alaska conducted an onsite PERS audit the week of June 27. The State Audit team performs audits on PERS participants every three to five years. Their focus is to match what was reported to the state to source documents the city has on file. No issues were flagged. HR and the new Accounting Specialist performed most of the work. In reviewing other audit reports many issues that were brought up last audit are now cleared.

### Payroll

As all is aware, I had to perform payroll for a month and a half on top of my other duties. Now I have promoted within to take over the duties of Accounting Specialist focusing on payroll. My hands are free from payroll duties so I can focus big picture items. The summary of payroll duties are as follows: process payroll, IRS tax payments, 457 contribution reporting, payroll deductions, State of Alaska PERS reporting and updating payroll to the general ledger. HR and Payroll have been in contact with Caselle about the union one (1) percent base salary increase.

### Utility Billing

The new water and sewer rates went into effect July 1, 2016. The Accounting Specialist has been notifying the public in as many forums as possible. Advertisements have been brought in the Delta Discovery of the three (3) percent increase, on the water sewer billings, posting around town and when customers come in to pay their bill.

### Sales Tax

The Accounting Specialist will be taking the lead on the new sales tax procedures.

### General Ledger

The journal entries are complete through April 2016. Today, 90% of May is complete.

### Audit

Finally, the final stages of the FY15 audit are coming together. More information will be coming this week.

### **Budget**

The salaries budget for FY16 was \$501,962 for the Finance Department. If the Finance Department did not receive accounting assistance from the firm the remaining unspent funds would be around \$100,000, which amounts to 20% of the total budget. Two factors entered into the unspent funds 1) the general ledger accountant was unfilled for six months and the assistant finance director for 5 and ½ months. From my seat, I do not view this as cost savings but as work not being performed and I am not able to perform everything.

### FY17 Budget

The budget will be printed out today. I will compare my changes with the meeting minutes, but this year was not the same as prior years.

I may have to enter the budget into the software myself the same as last year.

# **MEMORANDUM**

**DATE:** 07/01/2016  
**TO:** Ann Capela, City Manager  
**FROM:** Muzaffar Lakhani, Public Works Director  
**SUBJECT:** Manager's Report –

## **Programs/Divisions**

### **Public Works Director:**

State of Alaska D.O.T. has denied the construction permit for the city to construct the new water pipe (Institutional Corridor piped water supply project) in the Chief Edie Hoffman Hwy utility R.O.W., which they had no problems when 30% design, was submitted for their review about a year ago. The reason for denial at this point is that due to Hospital expansion and a proposed third lane in the highway, the city must move the new proposed water pipe outside the existing R.O.W.

This will require city's engineers to go back and revise the design for the new alignment, shortening the loop, sizing of pumps check the hydraulic models for the fire pressures and flows, surveys, acquiring 11 to 13 new easements from BNC and other private owners.

So as a result, this will cause the city to miss the construction season of 2016, additional engineering fees, and to pay for additional easements required. Since we only have limited funds in this grant for this project, we have to shorten the loop to pay for these unplanned and unexpected expenditures.

### **Utility Maintenance:**

This month we replaced media (Anthracite) in Bethel Heights Water Treatment Plants filters. We also finished discharging the lagoon which was about 70 million gallons. Currently we are replacing old sewer line at pre-maternal property. This is about 800 feet. We are also continuing to monitor the lift stations on a daily basis.

### **Hauled Utilities:**

For June, the water drivers, have delivered 2.5 million gallons of water with an average of 35 stops per driver per day this includes boats through the port. The sewer crew has hauled nearly 2.3 million gals of sewage, with an average of 31 stops per driver per day. The trash truck has hauled nearly 4000 cubic yards of trash to the landfill with an average of 48 stops per day. We have also had the clean up green up truck out and about, which has also hauled over 300 cubic yards of trash from the dumpster sites as well from the neighborhoods and the streets about town. All of this with a severe truck shortage, especially in the sewer department. We can hardly wait for the new truck(s) to get here.

**Property Maintenance:**

Summer maintenance of the buildings is busy with day to day issues of ventilation and other items at several buildings. The Courthouse equipment for ventilation is being gone through. There is no air conditioning so all we can do is keep the air to air exchange moving. Actuators, fans and pumps are being replaced or adjusted to keep the staff in these buildings comfortable. These hot days are offering no relief unless they have the windows open. The buildings are shifting with the change of the seasons and we have had to adjust a number of doors in a few areas. Other maintenance issues are related to plumbing fixtures, garage doors, pressure washers and other ageing building equipment.

LED lighting is being retrofitted into the high bay lighting and other fixtures in between work orders. There are still quite a few to change out. Frontier Fire Protection was here to service and take care of the Fire Alarm Panels, Sprinkler Systems and extinguishers.

We have been assisting the Parks crew with repairs and preparation for the Fourth of July.

**Parks and Recreation:** For the month of June Parks crew has been working overtime to keep up with tasks. The part time help hired for parks this summer did not work out well. Matt Ross recommended letting him go. Building maintenance crew is helping in parks to repair the toilets, buildings, boardwalks and other stuff; also we get the help from community service guys to help in cutting overgrowth in the boardwalk areas of the parks. The Pinky's park board walk was repaired this month by a local contractor hired by the city, who did very good job in leveling the bridge area by the log cabin and other few areas in the park. The board walk behind the Moravian church from Kilbuck Street to Mission Lake road was raised and repaired by the Utility Maintenance crew of the PW Department, a job well done. We have received a lot of compliments from the members of the community and different committee members.

We have been preparing for the 4<sup>th</sup> of July festivities. City has authorized overtime for the city employees to help arrange/organize and monitor this event. Garbage dumpsters and port-a potty have been delivered to the Pinky's park by the Hauled utilities division, the parade route and the roads leading to Pinky's park have been treated with Calcium and are continuously being watered by the streets/roads division to control the dust due to heavy traffic and dry conditions.

**Road Maintenance:**

Streets and Roads division fixed three washouts in Kasayuli Subdivision from the rain of 12<sup>th</sup> of June. Hauled in the gravel and graded it.

We worked on third round of calcium to apply on the roads this month due to dry out conditions of the roads. Heavy traveled roads and roads in the subdivisions were covered that generate more dust due to high speed traffics.

We Hauled sand to stock pile on the north side of the city shop from the city sand pit. This will be mixed with the salt when we get it this fall on the barge. We also hauled abandoned cars pickups, four wheelers, snow machines and other large items to the city landfill for the clean-up green-up event.

**Vehicles and Equipment:**

This department has also been working hard with the broken sewer/water trucks issues, which is an ongoing challenge. Mainly power take off units hydraulic motors and pumps and hydraulic motors, but also a few vacuumed pumps as well. We prepared a list of surplus vehicles/equipments for the annual city auction, which is scheduled to be held during the month of July 2016. One sewer driver, who had experience as mechanic was transferred to V&E to fill out one of the vacant positions there. It is hard to keep these positions filled at all the times. All in all things seem to be getting better in this department.

**Transit System:**

The transit manager Bill Ferguson is on vacation starting June 20<sup>th</sup> thru July 18<sup>th</sup>, 2016. Brenda George will be filling in for him in his absence. The ridership has been low as always.

**Landfill / Recycle Center:**

The landfill has been concentrating on covering trash with sand as quickly as possible. This could not have been accomplished without the continued help from Streets and Roads division. The Landfill technician's position has been posted on the city's web-site for applications. The Kilbuck School which was on fire wants to bring the debris due to the fire to the city landfill. They must certify to the city that there is no asbestos in their debris.

**Staffing Issues/Concerns/Training:**

This has been always a challenge.

---

---

# ***City Clerk's Report***

---

---

---

---

# ***Executive Session***

---

---

---

---

# *Additional Information*

---

---