



City of Bethel

P.O. BOX 1388

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Regular City Council Meeting

August 27, 2013

6:30 P.M.

Council Chambers; Bethel, Alaska



City Council Meeting Agenda

Regularly Scheduled Meeting

August 27, 2013-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers

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

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

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

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

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

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

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

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

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

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

Paul Richards
Lobbyist
paul_richards@gci.net

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PEOPLE TO BE HEARD – Five minutes per person
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA
- VI. APPROVAL OF MEETING MINUTES
 - a) **P3** *August 13, 2013 City Council Regular Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEES
 - a) Port Commission
 - b) Planning Commission
 - c) Finance Committee
 - d) Public Works Committee
 - e) Energy Committee
 - f) Parks And Recreation Committee
 - g) Public Safety And Transportation Commission
- VIII. SPECIAL ORDER OF BUSINESS
 - a) Appreciation To Vice-Mayor Peltola For His Dedication To The Community (Mayor Klejka)
- IX. UNFINISHED BUSINESS
- X. NEW BUSINESS
 - a) **P25** *Introduction Of Ordinance 13-21: Amending BMC Title 13.20 Cemeteries (Council Member Whitney)
 - b) **P47** *AM 13-17: Appointment of Delbert Egoak To The Public Works Committee (Mayor Klejka)
- XI. MAYOR'S REPORT
- XII. MANAGER'S REPORT
- XIII. CLERK'S REPORT
- XIV. COUNCIL MEMBER COMMENTS
- XV. EXECUTIVE SESSION
 - a) **P67** Executive Session To Discuss The Annual Evaluation Of The City Attorney, Patty Burley As Per Alaska Statutes 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 (City Manager Foley)
- XVI. ADJOURNMENT

Agenda posted on August 7, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

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

All Resolutions noted with an asterisk (*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council. Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing August 27, 2013**)

Approval of the Minutes

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on August 13, 2013 at 6:30pm, in the council chambers, Bethel, Alaska.

In the absence of the Mayor and Vice-Mayor City Clerk, Lori Strickler called the meeting to order at 6:37p.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:

Council Member Mary Sattler, Council Member Rick Robb, Council Member Eric Whitney, Council Member Sharon Sigmon and Council Member Mark Springer (arrived after roll call)

Members Absent were:

Vice-Mayor Gene Jr. Peltola and Mayor Joseph Klejka

Also in attendance were the following:

City Clerk Lori Strickler, City Manager Lee Foley, City Attorney Patty Burley

In the absence of the Mayor and Vice-Mayor, the Council went through nominations of Mayor Pro Temp.

	Nominate Council Member Whitney as Mayor Pro Temp.
Main Motion:	Temp.
Moved by:	Sattler
Seconded by:	Robb
Action:	Motion carried unanimously by a vote of 4-0
In favor:	Sattler, Robb, Whitney and Sigmon
Opposed:	None

IV. PEOPLE TO BE HEARD

No one present to be heard.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: To approve the Consent and Regular Agenda.

Moved by: Robb
Seconded by: Sigmon
Action: Motion carried unanimously by a vote of 4-0
In favor: Sattler, Robb, Whitney and Sigmon
Opposed: None

Remove the introduction of Ordinance 13-20 from the consent agenda.

Moved by: Robb

Primary Amendment #2: Amend the Consent and Regular Agenda by postponing the executive session evaluation of the City Attorney until the next meeting.

Moved by: Robb
Seconded by: Sattler
Action: Motion carried unanimously by a vote of 4-0
In favor: Sattler, Robb, Whitney and Sigmon
Opposed: None

Primary Amendment #3: Amend the Consent and Regular Agenda by postponing the Special Order of Business item, appreciation to Vice-Mayor Peltola.

Moved by: Robb
Seconded by: Sattler
Action: Motion carried unanimously by a vote of 4-0
In favor: Sattler, Robb, Whitney and Sigmon
Opposed: None

VI. APPROVAL OF THE MEETING MINUTES

Item A- July 23, 2013 City Council Regular Meeting Minutes.
Passed on the Consent Agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A- Port Commission –
Port Director, Pete Williams-
Working on the Bethel Docks.

Item B- Planning Commission
Council Representative Rick Robb –
Set the agenda for the coming year.
Discussed economic development and the impacts of Donlin Gold to the
community.
The Planning Commission has two vacancies.

Item C-Public Works Committee –
No one available to provide a report.

Item D-Energy Committee –
Council Member Whitney-
Not able to provide a report of the committees last meeting.

Item E-Public Safety and Transportation Commission-
Sharon Sigmon, Council Representative-
Looked over an agreement between Bethel Friends of Canines and the
City to help promote a no kill shelter for the community.

Item F- Finance Committee-
Finance Director Bobby Sutton-
The next finance committee meeting will be held on the fourth Monday of
this month.

Item G-Parks and Recreations Committee
Council Member Mary Sattler-
The last meeting was held on August 5th.
The Parks and Recreation committee is working diligently on the Bethel
Fair.

VIII. UNFINISHED BUSINESS

Item A – Introduction Of Ordinance 13-19: Amending BMC Title 15 To
Rescind Title 15.04 Hazards and Nuisances And To Enact 15.03
Abandoned Homes.

Main Motion: Introduce Ordinance 13-19.

Moved by: Robb
Seconded by: Sigmon
Action: Motion failed by a vote of 1-4
In favor: Robb
Opposed: Sattler, Springer, Whitney and Sigmon

Council Member Mark Springer arrived at 7:01p.

Incidental Motion: Motion to suspend the rules to hear from the Planning Director Rachael Pitts on this issue.

Moved by: Robb
Seconded by: Sigmon
Action: Motion carried unanimously by a vote of 5-0
In favor: Sattler, Springer, Robb, Whitney and Sigmon
Opposed: None

IX. NEW BUSINESS

Item A – Introduction Of Ordinance 13-20: An Ordinance Establishing Section 9.38 Chronic Nuisances.

Main Motion: Introduce Ordinance 13-20.

Moved by: Sigmon
Seconded by: Robb
Action: Motion fails by a vote of 2-3
In favor: Sigmon and Whitney
Opposed: Springer, Sattler and Robb

Incidental Motion: Motion to suspend the rules to hear from the Police Chief, Larry Elarton.

Moved by: Sattler
Seconded by: Sigmon
Action: Motion carried unanimously by a vote of 5-0
In favor: Sattler, Springer, Robb, Whitney and Sigmon
Opposed: None

Incidental Motion: Motion to suspend the rules to hear from the public on this issue.

Moved by: Sattler
Seconded by: Springer
Action: Motion carried unanimously by a vote of 5-0
In favor: Sattler, Springer, Robb, Whitney and Sigmon
Opposed: None

Item B – Rescind Ordinance 12-08: Acquisition Of Real Property Alaska Housing Finance Corporation, Located At Lot 10, Block 3, Plat 87-6.

Main Motion: Rescind Ordinance 12-08.

Moved by: Sattler
Seconded by: Springer
Action: Motion carried unanimously by a vote of 5-0
In favor: Sattler, Springer, Robb, Whitney and Sigmon
Opposed: None

Item C – AM 13-16: Travel And Training Request For City Attorney.
Passed on the consent agenda.

Item D- AM - Approval Of Evaluation Mechanism For City Attorney’s Annual Evaluation.

Main Motion: Approve AM 13-17.

Moved by: Sattler
Seconded by: Robb
Action: Motion carried unanimously by a vote of 5-0
In favor: Sattler, Springer, Robb, Whitney and Sigmon
Opposed: None

Primary Amendment #1: Amend to insert under Interaction with City Council to include “Regular attendance of council meeting and a second line to state, availability for committee and commission meetings.

Moved by: Sattler
Seconded by: Springer
Action: Motion carried unanimously by a vote of 5-0
In favor: Sattler, Springer, Robb, Whitney and Sigmon
Opposed: None

Primary Amendment #2: Amend to insert under Interaction with City Council "Grammatically correct and internally consistent language in Ordinances".

Moved by:	Sattler
Seconded by:	Robb
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Sattler, Springer, Robb, Whitney and Sigmon
Opposed:	None

XII. MAYOR'S REPORT

XIII. MANAGERS REPORT

XIV. CITY CLERK'S REPORT

XV. COUNCIL MEMBER COMMENTS

Council Member Springer-
Senator Cantwell will be accompanying Senator Murkowski.
Best dust control tool is the rear view mirror, slow down and the cloud of dust will be lower.
Hopes the slowing trend stays gradual.

Council Member Robb-
Thanked Mayor Pro Tem for his running of the meeting.
If anyone is interested in running for council he deadline for declaration of candidacy is August 20th,
For the hunters, it is time to apply for the moose and caribou tags.
Good luck berry picking.

Council Member Sattler-
Bethel's air quality is poor with all of the dust on the roads which need to be addressed. The City Council needs to get serious about this issue.
The elementary school and Jr. High schools are opening. Please watch the traffic around school zones.

Council Member Sigmon-
Anyone in Bethel, if you choose to cause harm to puppies, cats, please come to city council and tell us why you are doing this.
Appreciate the community working together, really enjoying the summer.

Council Member Whitney-
Touching on dust control, there are a number of roads that have been
free of a lot of dust, specifically the BIA.

XVI. ADJOURNMENT

Main Motion:	Adjournment
Moved by:	Springer
Seconded by:	Sattler
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Sattler, Springer, Robb, Whitney and Sigmon
Opposed:	None

Eric Whitney, Mayor Pro Temp.

ATTEST:

Lori Strickler, City Clerk

Reports of Standing Committees

City of Bethel, Alaska Planning Commission

August 8, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

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

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

II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: John Guinn, Rick Robb, Cliff Linderoth, and Joy Shantz. Excused: Abe Palacios.

Ex -Officio members present were the following:

Rachael Pitts, Planning Director

Betsy Jumper, Recorder

III. PEOPLE TO BE HEARD

- None

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA FOR THE AUGUST 8, 2013 MEETING

MOVED:	Joy Shantz	To approve the agenda for the August 8, 2013 meeting.
SECONDED:	Rick Robb	
VOTE ON MAIN MOTION	All in favor Motion passes; 4 yes and 0 opposed.	

V. APPROVAL OF MINUTES

MOTION TO APPROVE THE MINUTES FROM THE JULY 11 2013 Meeting

MOVED:	Joy Shantz	To approve the minutes of the July 11, 2013 meeting.
SECONDED:	Rick Robb	
VOTE ON MAIN MOTION	All in favor Motion passes; 4 yes and 0 opposed.	

VI. PLANNER'S REPORT: Rachael talked about the activities of the planning department.

VII. COMMISSIONER'S COMMENTS: Cliff asks people to think about Donlin Creek and the impact/effect it will have on the infrastructure of Bethel; Rick says the abandoned homes ordinance goes to Council next week; John asks the Planning Director to advertise the two open vacancies on the Planning Commission.

VIII. UNFINISHED BUSINESS: None.

IX. NEW BUSINESS: A. Calendar for the Planning Commission Meetings for the Remainder of the Year: After a brief discussion, it was decided to keep the calendar as is for the remainder of 2013. **B. Planning for the APA/AML:** The Planning Director inquired as to who might be interested in attending as there is travel money in the budget. Joy said yes, but doesn't know for sure; Cliff is interested but would like more information on it; John will think about it, and Rick said it depends.

X. ADJOURNMENT, Motion to adjourn the meeting.

MOVED:	Cliff Linderoth	To adjourn the meeting at 6:50 pm.
SECONDED:	Joy Shantz	
VOTE ON MAIN MOTION	All in favor Motion passes; 4 yes and 0 opposed.	

Next meeting will be on September 12, 2013.

John Guinn, Chairman

Betsy Jumper, Recorder

City of Bethel, Alaska

Public Safety & Transportation Commission

August 6th, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on August 6th, 2013 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:01PM

II. ROLL CALL

Present: Brian Lefferts *Chair*
 Johnny Furlong *Vice Chair*
 Sharon Sigmon *Council Member*
 Joe Yoon
 Pat Jennings
 Joan Dewey
 Jennifer Dobson

Absent: George Young *Fire Chief*

Ex-Officio Present: Laurance Elarton *Chief of Police*
 KaJena Baty *Recorder and Transportation Inspector Designee*

III. PEOPLE TO BE HEARD

Nicholas Kwiek- *With Bethel Friends of Canines. Would like to see a full-time Animal Control Officer. Witnessed dogs that were hung.*
 Nancy Elliot- *With Bethel Friends of Canines. Would like to see a full-time Animal Control Officer.*
 Garret Lieb- *Would like to see a full-time Animal Control Officer. Is tired of animal abuse, also witnessed dogs that were hung.*

IV. APPROVAL OF AGENDA

MOVED:	Dobson	Motion to approve the agenda.
SECONDED:	Dewey	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Furlong	Motion to suspend the rules to hear from the Chief of Police regarding a letter in response to an Animal Control Officer from the City Manager.
SECONDED:	Sigmon	

VOTE ON MAIN MOTION	All in favor
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V. APPROVAL OF MINUTES

MOVED:	Jennings	Motion to approve the minutes of July 2 nd , 2013.
SECONDED:	Sigmon	
VOTE ON MAIN MOTION	All in favor	

VI. CHIEFS' COMMENTS

Larry Elarton *Police Chief- See Chief's Monthly Report to City Manager*

VII. TRANSPORTATION INSPECTOR REPORT

KaJena Baty- *In the month of July, Taxi Cab Co. had their vehicle inspections and gained 5 new drivers. Taxi Cab has 12 vehicle permits, 10 of which are in compliance with inspections Taxi cab 76 and Taxi cab 83 did not participate in inspections in July, no reason was given. Qu yana Cab Co. purchased a permit from a private owner bringing their total number of owned permits to 12 as well. Kusko Cab, Inc. also owns 12 and Alaska Cab Co. owns 9 but dispatched for 4 privately owned permits. There were very few complaints made this month.*

VIII. COUNCIL MEMBER'S COMMENTS

Council Member Sigmon- *The last council meeting was 26 minutes long. A couple of ordinances were sent back to the Public Safety and Transportation Commission. Has been in touch with the Kodiak Police Department, has a copy of the current MOU between KPD and their Humane Society, they now have a no kill shelter.*

(See copy of MOU in packet)

IX. SPECIAL ITEM OF BUSINESS

PUBLIC HEARING: On the Price and Quality of Service Provided by All Regulated Vehicles.

No one present to be heard

X. UNFINISHED BUSINESS

A. Ordinance 13-16

MOVED:	Furlong	Motion to introduce Ordinance 13-16
SECONDED:	Dobson	
VOTE ON MAIN MOTION	All in favor.	

MOVED:	Jennings	Motion to postpone action on Ordinance 13-16 until the next regular meeting.
SECONDED:	Furlong	

VOTE ON MAIN MOTION	All in favor.
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XI. NEW BUSINESS

A. Animal Issues in Bethel (Joan Dewey)

XII. COMMISSION MEMBER COMMENTS

Sharon Sigmon *Council Member- Thanks everybody, feels like we are making progress in the business we discuss.*

Pat Jennings- *Glad to have this meeting, sorry to have missed the last one.*

Jennifer Dobson- *Supports an Animal Control Officer Position.*

Johnny Furlong *Vice Chair- Supports an Animal Control Officer Position.*

Joe Yoon- *No comment.*

Joan Dewey- *Appreciates being a part of the Public Safety and Transportation Commission.*

Brian Lefferts *Chair- Thanks Police Department for helping to catch the guys that stole their two cars.*

XIII. ADJOURNMENT

MOVED:	Dobson	Motion to adjourn.
SECONDED:	Dewey	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 8:45pm

APPROVED THIS _____ DAY OF _____, 2013.

KaJena Baty, Recorder

Brian Lefferts, Chair

Special Order of Business

Unfinished Business

New Business

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-21

AN ORDINANCE AMENDING SECTION 13.20 CEMETERIES AND BURIALS

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

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

SECTION 2. Amendment The Bethel Municipal Code Section 13.20, is amended as follows (new language is underlined and ~~old language is stricken out~~):

Chapter 13.20 CEMETERIES AND BURIALS

Sections:

- 13.20.010 Purpose and intent.
- 13.20.015 Definitions.
- 13.20.020 Permits required.
- 13.20.030 Burial – Generally.
- 13.20.040 Grave preparation, interments, and disinterments – Responsibility.
- 13.20.050 Marking of graves.
- 13.20.060 Compliance with Native American Graves Protection and Repatriation Act.
- 13.20.070 City cemeteries designated.
- 13.20.080 Burial lot reservations in city cemeteries.
- 13.20.090 Rights reserved by the city.
- 13.20.100 Care of city cemeteries.
- 13.20.110 Burial records.
- 13.20.120 Prohibited acts.
- 13.20.130 Rules and regulations – Promulgation and authority.
- 13.20.140 Fees.
- 13.20.150 Enforcement.
- 13.20.160 Violations – Penalties.

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
Public Hearing:
Action:
Vote:

13.20.010 Purpose and intent.

It is the intent of this chapter to provide for the orderly organization of cemeteries within the city to promote the public safety, health and welfare; to provide for proper burial in such cemeteries; ensure the continuity of their operation; and provide for accountable recordkeeping for ~~city~~ cemeteries within the city.

13.20.015 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations will have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and words in the masculine gender include the feminine. The word "will" is always mandatory and not merely directory.

"Burial" or "interment" means the permanent disposition of the remains or cremations of a deceased person by crypt or vault entombment, burial of remains in a niche or container, or earth burial.

"Burial lot" means a single platted parcel of land within a cemetery designed for interment of human remains, including graves, plots, sites or spaces.

"Burial permit" means a valid city permit allowing the burial of a deceased person in any cemetery.

"Burial preparation" or "grave preparation" means the excavation, backfill and removal of excess material from a burial lot and replacement of the turf.

"Cemetery" means a burial park for earth and crypt interments.

"City" means the city of Bethel.

"City cemetery" or "municipal cemetery" means a cemetery owned and operated by the city in accordance with this chapter and designated as a city cemetery under BMC 13.20.070.

"Disinterment" or "exhumation" means the removal of a deceased person's remains from a grave.

"Immediate family" means the person's spouse, domestic partner, siblings, children, parents, grandparents or grandchildren.

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
Public Hearing:
Action:
Vote:

“Memorial” means any marker, monument, tablet, headstone or structure upon or in a burial lot, niche or crypt placed thereupon for the identification or memory of the interred.

“Native American Graves Protection and Repatriation Act” means the federal laws embodied in United States Code Title 25, Chapter 32, which were enacted to protect the ownership and control of Native American cultural items.

“Permittee” means a person who has acquired the right to use a burial lot in accordance with this chapter, and any rules or regulations promulgated in accordance with this chapter.

“Perpetual care” means providing for normal and reasonable maintenance of burial lots, the grounds, walks, roadways, boundaries and structures in a city cemetery in order that they shall remain and be reasonably cared for as cemetery grounds forever. Perpetual care includes cutting of grass at reasonable intervals; removal of rubbish; general care and pruning of trees and shrubs that may be along the walks, roadways and boundaries. It does not include the care or cultivation of any special flowers, shrubs, trees or other plants on any particular burial lots or grave spaces; nor the repairing, removal, replacement, reconstruction or maintenance of monuments or memorials; nor the construction or reconstruction of any marble, granite, bronze or concrete work on any lot where same is damaged from any cause whatsoever. The city is solely responsible for determining the level of perpetual care and normal and reasonable maintenance that it shall provide at city cemeteries.

“Remains” means any part or parts of the body of a deceased person.

“Reservation” means the reserving of a burial lot(s) in advance of interment, and does not imply any fee simple transfer of ownership.

13.20.020 Permits required.

A. The use of burial lots, including grave preparation, interment and disinterment in city cemeteries or in private cemeteries within the city shall be accomplished only upon the issuance of a permit, to include a certified copy of the deceased’s death certificate and payment of a permit fee to the city. Permits shall be issued in accordance with rules and regulations promulgated under this chapter. Permits shall not be issued unless the permit applicant has previously complied with ~~7 AAC 05.520, et seq., and any other later enacted state requirements for burials.~~ all current state, federal and local laws and regulations.

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
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Vote:

B. For use of private cemeteries within the city, permits issued by the city will be required in addition to obtaining authorization and satisfying other requirements of the owners and operators of the private cemeteries.

C. A one-time permit fee as specified in the current city of Bethel fee schedule will give the permit holder exclusive use of the lot so identified. As public law prohibits the actual sale of cemetery land, there is no conveyance of title or land ownership involved in the reservation or issuance of a permit for a gravesite. Such reservation or permit is essentially a "lifetime easement" which guarantees such exclusive use.

13.20.030 Burial – Generally.

A. Reservation of the burial site, interments, and disinterments shall be accomplished in accordance with the provisions of this chapter, any applicable rules and regulations promulgated under this chapter, and the laws of the state of Alaska.

B. It shall be unlawful to bury any human remains within the city except within the city cemeteries designated in this chapter or in a private cemetery which meets the requirements imposed on private cemeteries by this chapter.

13.20.040 Grave preparation, interments, and disinterments – Responsibility.

A. All grave openings, closings, site preparation, interments, disinterments and exhumations (referred to in this section as "such actions") will be performed in accordance with this chapter and any rules and regulations adopted under this chapter. All such actions shall be performed by and are the responsibility of the person who reserved the burial plot where such actions will take place. The city accepts no responsibility and shall not be held liable for the performance of any such actions, or any damages, claims, or lawsuits arising from or related in any way to such actions.

B. Notwithstanding subsection A of this section, the city may, at its sole and exclusive discretion, perform such actions. If it does perform such actions, however, it accepts no responsibility and shall not be held liable for the performance of such actions, or any damages, claims, or lawsuits arising from or related in any way to such actions.

C. The city must be notified at least forty-eight (48) hours before any interment and up to one week notice prior to any disinterment. Disinterments will be done at a time determined by the city clerk but only during the months of September and October.

D. It is unlawful to permit final disposition of a dead human body or fetus unless accompanied by a duly executed burial-transit permit issued by the State of Alaska, any

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
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other state in the union, or Canada. This permit must accompany the body until its final disposition and will then be retained in permanent records kept by the city. The process of cremation is itself considered final disposition. Cremated remains shall not require a burial-transit permit for interment in the cemetery.

F. No body shall be disinterred for removal to another cemetery without a permit issued by the State of Alaska Division of Vital Statistics. All other health and transportation requirements shall be fulfilled. A licensed mortician must be present at all disinterments and the family is responsible for hiring a licensed and insured contractor to perform the disinterment.

G. Prior to performing a disinterment, the city must receive written consent from the interment right owner or successor-in-interest and the person(s) who are lawfully authorized to control the final disposition of the human remains. The authorizing agents, in the order of priority are as follows:

1. The person who was designated by the decedent prior to death as the authorizing agent to control final disposition;
2. The surviving spouse;
3. The decedent's surviving children 18 years of age or older;
4. The decedent's surviving parents;
5. The decedent's surviving siblings 18 years of age or older.

H. Whenever a body is being disinterred from the city cemetery, it shall be necessary to obtain the consent of the families of those burial plots which will be affected by the disinterment.

I. If consent to disinter cannot be obtained by the deceased's authorizing agents or by the families whose burial lots will be affected by the disinterment, the human remains may only be disinterred by order of the District Court.

I. Upon the disinterment of the deceased, the casket shall be wrapped in plastic so as to contain all fluids and prevent leakage. The casket shall remain wrapped throughout the entire transport process and may not be unwrapped until it has reached the new grave location. Once a casket has been removed from a city cemetery, it is the

Introduced by: Council Member Eric
Whitney
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responsibility of those seeking the disinterment to ensure all contaminated soil surrounding the disinterred casket is collected and disposed of using locally and federally accepted hazardous materials disposal. A police escort shall be secured at least one week in advance to escort the transport of the deceased from one gravesite to another.

J. Permits for interments into the Veterans Memorial Cemetery located within the Bethel Memorial Cemetery must be accompanied by a copy of the deceased's DD214. If a copy of the DD214 is not readily available it is the responsibility of the family to prove without question the validity of the services by the deceased.

13.20.050 Marking of graves.

A. A permanent marker identifying the person interred must be placed on a grave within one (1) year of interment.

~~B. All markers and memorials, including size and type, shall conform to rules or regulations adopted under this chapter.~~ shall at minimum contain the following information:

1. First and last name of deceased, year of birth and year of death.
2. Additional inscriptions are optional, but must be in good taste as determined by the city of Bethel.

C. The city accepts no responsibility and shall not be held liable for the care and marking of graves.

13.20.060 Compliance with Native American Graves Protection and Repatriation Act.

All persons engaging in grave preparation, disinterment, or other activities at city cemeteries shall comply with the Native American Graves Protection and Repatriation Act.

13.20.070 City cemeteries designated.

A. The municipal cemetery owned and operated by the city, located at Plat No. 81-4, known as Ridgecrest Memorial Cemetery; the municipal cemetery owned and operated by the city, located at Plat No. 97-24, known as Ptarmigan Memorial Cemetery; and approximately nine and one-half (9 1/2) acres adjoining the west boundary of the Bethel Airport in the area commonly known as the "Sand Pit" located within Sections 13 and 14, T. 8 N., R. 72 W., Seward Meridian, known as Bethel Memorial Cemetery are

Introduced by: Council Member Eric
Whitney
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Action:
Vote:

hereby dedicated for burial purposes and shall be made available subject to the provisions of this chapter to all persons regardless of sex, race, creed, color, age, religion, disability, national origin or other legally protected status. ~~The above-referenced cemeteries are designated as city cemeteries. After the nine and one-half (9 1/2) acres in the "Sand Pit" is formally surveyed as provided for in subsection B of this section, the formally surveyed area shall be designated as a municipal cemetery, and the city shall name the cemetery.~~

B. The city manager will cause the boundaries of the city cemeteries to be surveyed, platted and the plats recorded with the district recorder's office. The city clerk will cause a map to be developed within the platted boundaries of the city cemeteries that depicts burial lots, an identification system of burial lots, access ways, fencing, open spaces and all other features that will facilitate the orderly use and maintenance of the cemeteries. The map shall be kept on file at the city.

C. By resolution, the city council may close city cemeteries, or portions thereof, for additional burial due to capacity limits or other reasons consistent with protection of the public safety, health, and welfare.

D. The city may, in its sole and exclusive discretion, limit or deny access to certain or all areas of a city cemetery, or limit or deny use of burial lots at city cemeteries. Any person who does not comply with such closure or limited access shall be in violation of this chapter.

13.20.080 Burial lot reservations in city cemeteries.

A. Burial lots in city cemeteries may be reserved upon payment of a fee, on a first- (1st) come, first- (1st) served basis by any person. To avoid speculation on city burial lots by commercial interests and to preserve the ability of family members to be buried together to the extent reasonably possible, no person may reserve more than ten (10) burial lots, and no person may sell or transfer his or her reservation rights to anyone other than an immediate family member, after receipt of a burial lot reservation from the city. The city must be informed of any transfer of reservation rights within six months of transfer.

B. The city will have the sole and exclusive discretion to assign a specific burial lot to an applicant for reservation of a burial lot in a city cemetery.

C. The city will maintain burial reservation records which shall include the name and address of the person who has obtained the reservation and the date of reservation.

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
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Vote:

D. The city will not authorize the burial of any person in the burial lot other than the person who has obtained the reservation or a member of his or her immediate family.

E. Burial reservation rights to any unused plot may be relinquished to the city but may not be sold or otherwise transferred except as provided in this section.

F. Reservation fees for a plot vacated due to exhumation or relinquishment will not be refunded, and the burial site will return to the pool of unreserved sites or removed from circulation based on the condition of the site location.

G. Notwithstanding the provisions of this section, a person shall not be required to reserve a burial lot in order to be buried in a city cemetery if there is space available for burial, upon payment of a burial permit fee and otherwise complying with this chapter and any rules or regulations promulgated in accordance with this chapter. Spaces that are not reserved shall be assigned on a first- (1st-) come, first- (1st-) served basis.

13.20.090 Rights reserved by the city.

With respect to city cemeteries, the city reserves the right at any time:

- A. To enlarge, reduce, replat or change the boundaries or any part thereof;
- B. To modify, change location, move or regrade roads, drives, walks or any part thereof;
- C. To lay, maintain, operate, alter or change pipelines, gutters, sprinkler systems or drainage;
- D. To relocate grave sites or allow disinterment upon proper legal authority;
- E. To change or add requirements for type and size of burial markings, decorations, and memorials;
- F. To change or add requirements related to issuance of permits;
- G. To change the fees charged under this chapter;
- H. To change or add interment locations, space, or capacity;
- I. To control access in and out of the city cemeteries or to any part thereof by pedestrians, vehicles, bicycles, and any other means of transportation;

Introduced by: Council Member Eric
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J. To change or add requirements related to maintenance, landscaping, care, construction, repairs, and grave preparation;

K. Of ingress and egress over all plots for the purpose of maintenance, operations or any emergency work necessary to the operation of the cemetery;

L. To make any other changes, impose any conditions or requirements, or otherwise act to protect the public safety, interest and welfare; and

M. To change, add, or amend any of the conditions, requirements, and provisions of this chapter.

13.20.100 Care of city cemeteries.

A. The city will be responsible for perpetual care at city cemeteries. In doing so, the city may control access to any and all driveways, gates or fencing and may close access to certain portions of the cemeteries for the protection of public property or to provide for the safety, health and welfare of the public.

B. The city will take reasonable precautions to protect all grave markers at city cemeteries from loss, damage or destruction. Notwithstanding such reasonable precautions, the city expressly disclaims any responsibility or liability for any loss, damage or destruction that does occur, including but not limited to loss, damage or destruction that results, directly or indirectly, from theft, vandalism, malicious mischief, accidents or acts of nature.

13.20.110 Burial records.

A. The city clerk shall keep and maintain records of all burials and disinterments in city cemeteries.

B. The city will not be responsible for compiling, keeping, or maintaining, and shall not compile, keep or maintain, records regarding burials, disinterments, or any other actions which took place at city cemeteries prior to ~~the effective date of this chapter.~~
June, 2001.

13.20.120 Prohibited acts.

A. Deposit of Materials. No person will deposit any rubbish, filth, waste or other unclean or unsightly substance in the city cemeteries.

B. Vehicle Operation Limitations. It is unlawful for any person to operate any vehicle, motorized or nonmotorized, in a city cemetery except on the established roadways in
City of Bethel, Alaska

Introduced by: Council Member Eric
Whitney

Date: August 27, 2013

Public Hearing:

Action:

Vote:

accordance with all applicable local and state laws. Vehicles may not exceed a speed of ten (10) miles per hour. No vehicle may enter the cemetery except for the purpose of attending funerals, visiting graves or other activity approved in advance by the city clerk. Any damage caused to vehicles while operating within the cemeteries are not the responsibility of the city.

C. Hazardous Conditions. The city reserves the right to remove or to demand that the permittee or designated agent remove any tree, shrub, plant, fencing or other structure, enclosure, decoration, headstone, tomb, marker or monument located on any individual grave space which becomes dangerous or detrimental to the operations of a city cemetery or interferes with or encroaches upon adjacent grave spaces.

D. Property Damage. It will be unlawful for any person to destroy, mutilate, cut, remove, break, deface or injure any trees, shrubs, plants, ornaments, walks, sidewalks, fences, gateposts, monuments, markers or other things used in or belonging to a city cemetery.

E. Animals. It is unlawful to ride or drive any animal upon, over or across the lands or lots of any cemetery except on established vehicle ways; or to hitch or tie any animal to any trees, shrubs, plants or other ornament within any cemetery, or permit any animal to be pastured in the cemetery. It is unlawful to bury any animal remains in the cemetery.

F. Noise. It is unlawful for any person, except a city employee or contractor in the performance of his or her duty in caring for a city cemetery, to willfully make any unreasonable noise or disturbance within a city cemetery.

13.20.130 Rules and regulations – Promulgation and authority.

The city clerk shall be responsible for general administration of cemeteries within the city and shall promulgate rules and regulations to implement this chapter. Such rules and regulations may include, but not be limited to, use, maintenance, hours of operation, administration, permits, and reservations for city cemeteries and burial, disinterment and other requirements for all cemeteries within the city. Such rules and regulations shall be deemed approved by the city council unless the council acts to disapprove them within thirty (30) days of their adoption by the city clerk. The city clerk shall hold at least one (1) public hearing on any proposed rules or regulations under this chapter before adopting them.

13.20.140 Fees.

Introduced by: Council Member Eric
Whitney
Date: August 27, 2013
Public Hearing:
Action:
Vote:

The city shall impose fees necessary to adequately administer this chapter, fulfill its obligations under this chapter and maintain city cemeteries. Such fees shall be established and may be periodically adjusted through noncode ordinance. Such fees may also be adjusted in accordance with BMC 4.04.025.

13.20.150 Enforcement.

The city manager and/or his or her designee will enforce this chapter and all cemetery rules and regulations promulgated in accordance with this chapter.

13.20.160 Violations – Penalties.

Any person who violates any provision of this chapter will, upon conviction thereof, be fined in an amount not exceeding three hundred dollars (\$300). Each day such violation is committed or permitted to continue will constitute a separate offense and will be punishable as such hereunder.

SECTION 3. Effective Date. This section shall become effective immediately upon the passage by City Council.

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

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

**Chapter 13.20
CEMETERIES AND BURIALS**

Sections:

- 13.20.010 Purpose and intent.
- 13.20.015 Definitions.
- 13.20.020 Permits required.
- 13.20.030 Burial – Generally.
- 13.20.040 Grave preparation, interments, and disinterments – Responsibility.
- 13.20.050 Marking of graves.
- 13.20.060 Compliance with Native American Graves Protection and Repatriation Act.
- 13.20.070 City cemeteries designated.
- 13.20.080 Burial lot reservations in city cemeteries.
- 13.20.090 Rights reserved by the city.
- 13.20.100 Care of city cemeteries.
- 13.20.110 Burial records.
- 13.20.120 Prohibited acts.
- 13.20.130 Rules and regulations – Promulgation and authority.
- 13.20.140 Fees.
- 13.20.150 Enforcement.
- 13.20.160 Violations – Penalties.

13.20.010 Purpose and intent.

It is the intent of this chapter to provide for the orderly organization of cemeteries within the city to promote the public safety, health and welfare; to provide for proper burial in such cemeteries; ensure the continuity of their operation; and provide for accountable recordkeeping for city cemeteries within the city.

Comment [1s1]: Modified so that all cemeteries within the City are included in the provisions. There are cemeteries within the community that are no longer run and operated by the City.

13.20.015 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations will have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and words in the masculine gender include the feminine. The word "will" is always mandatory and not merely directory.

"Burial" or "interment" means the permanent disposition of the remains or cremations of a deceased person by crypt or vault entombment, burial of remains in a niche or container, or earth burial.

"Burial lot" means a single platted parcel of land within a cemetery designed for interment of human remains, including graves, plots, sites or spaces.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

"Burial permit" means a valid city permit allowing the burial of a deceased person in any cemetery.

"Burial preparation" or "grave preparation" means the excavation, backfill and removal of excess material from a burial lot and replacement of the turf.

"Cemetery" means a burial park for earth and crypt interments.

"City" means the city of Bethel.

"City cemetery" or "municipal cemetery" means a cemetery owned and operated by the city in accordance with this chapter and designated as a city cemetery under BMC 13.20.070.

"Disinterment" or "exhumation" means the removal of a deceased person's remains from a grave.

"Immediate family" means the person's spouse, domestic partner, siblings, children, parents, grandparents or grandchildren.

"Memorial" means any marker, monument, tablet, headstone or structure upon or in a burial lot, niche or crypt placed thereupon for the identification or memory of the interred.

"Native American Graves Protection and Repatriation Act" means the federal laws embodied in United States Code Title 25, Chapter 32, which were enacted to protect the ownership and control of Native American cultural items.

"Permittee" means a person who has acquired the right to use a burial lot in accordance with this chapter, and any rules or regulations promulgated in accordance with this chapter.

"Perpetual care" means providing for normal and reasonable maintenance of burial lots, the grounds, walks, roadways, boundaries and structures in a city cemetery in order that they shall remain and be reasonably cared for as cemetery grounds forever. Perpetual care includes cutting of grass at reasonable intervals; removal of rubbish; general care and pruning of trees and shrubs that may be along the walks, roadways and boundaries. It does not include the care or cultivation of any special flowers, shrubs, trees or other plants on any particular burial lots or grave spaces; nor the repairing, removal, replacement, reconstruction or maintenance of monuments or memorials; nor the construction or reconstruction of any marble, granite, bronze or concrete work on any lot where same is damaged from any cause whatsoever. The city is solely responsible for determining the level of perpetual care and normal and reasonable maintenance that it shall provide at city cemeteries.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

"Remains" means any part or parts of the body of a deceased person.

"Reservation" means the reserving of a burial lot(s) in advance of interment, and does not imply any fee simple transfer of ownership.

13.20.020 Permits required.

A. The use of burial lots, including grave preparation, interment and disinterment in city cemeteries or in private cemeteries within the city shall be accomplished only upon the issuance of a permit, to include a certified copy of the deceased's death certificate and payment of a permit fee to the city. Permits shall be issued in accordance with rules and regulations promulgated under this chapter. Permits shall not be issued unless the permit applicant has previously complied with 7 AAC 05.520, et seq., and any other later enacted state requirements for burials. all current state, federal and local laws and regulations.

Comment [1s2]: This has been a long term requirement however not identified in current code.

Comment [1s3]: Modified to include all state, local and federal regulations.

B. For use of private cemeteries within the city, permits issued by the city will be required in addition to obtaining authorization and satisfying other requirements of the owners and operators of the private cemeteries.

C. A one-time permit fee as specified in the current city of Bethel fee schedule will give the permit holder exclusive use of the lot so identified. As public law prohibits the actual sale of cemetery land, there is no conveyance of title or land ownership involved in the reservation or issuance of a permit for a gravesite. Such reservation or permit is essentially a "lifetime easement" which guarantees such exclusive use.

Comment [1s4]: Provides notice that the land granted is not an ownership of the land to the permit holder but an "easement" of property owned and operated by the municipality.

13.20.030 Burial – Generally.

A. Reservation of the burial site, interments, and disinterments shall be accomplished in accordance with the provisions of this chapter, any applicable rules and regulations promulgated under this chapter, and the laws of the state of Alaska.

B. It shall be unlawful to bury any human remains within the city except within the city cemeteries designated in this chapter or in a private cemetery which meets the requirements imposed on private cemeteries by this chapter.

13.20.040 Grave preparation, interments, and disinterments – Responsibility.

A. All grave openings, closings, site preparation, interments, disinterments and exhumations (referred to in this section as "such actions") will be performed in accordance with this chapter and any rules and regulations adopted under this chapter. All such actions shall be performed by and are the responsibility of the person who reserved the burial plot where such actions will take place. The city accepts no responsibility and shall not be held liable for the performance of any such actions, or any damages, claims, or lawsuits arising from or related in any way to such actions.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

B. Notwithstanding subsection A of this section, the city may, at its sole and exclusive discretion, perform such actions. If it does perform such actions, however, it accepts no responsibility and shall not be held liable for the performance of such actions, or any damages, claims, or lawsuits arising from or related in any way to such actions.

C. The city must be notified at least forty-eight (48) hours before any interment and up to one week notice prior to any disinterment. Disinterments will be done at a time determined by the city clerk but only during the months of September and October.

Comment [Is5]: General notification is a must however with disinterment the City must have time to line up the staffing necessary. The month limitations were added to help contain any hazardous materials within the site location.

D. It is unlawful to permit final disposition of a dead human body or fetus unless accompanied by a duly executed burial-transit permit issued by the State of Alaska, any other state in the union, or Canada. This permit must accompany the body until its final disposition and will then be retained in permanent records kept by the city. The process of cremation is itself considered final disposition. Cremated remains shall not require a burial-transit permit for interment in the cemetery.

Comment [Is6]: Reiterating the need for the death certificate to accompany any burial permit.

F. No body shall be disinterred for removal to another cemetery without a permit issued by the State of Alaska Division of Vital Statistics. All other health and transportation requirements shall be fulfilled. A licensed mortician must be present at all disinterments and the family is responsible for hiring a licensed and insured contractor to perform the disinterment.

Comment [Is7]: Many cemeteries require a licensed mortician or funeral director to be present during the disinterment. Also, it is common for the cemetery authority to do the digging of the graves and excavating of the graves however the City of Bethel does not carry that same responsibility nor do we have anyone trained in handling the hazardous materials that correspond with the digging of previously interred bodies. This would require a licensed mortician to be present for the disinterment which would be trained in these kind of actions additionally, it was recommended not to allow the family to do the digging because of trauma of the event as well as liability to the City. By requiring a licensed contractor be responsible for the excavating, the city will not be liable.

G. Prior to performing a disinterment, the city must receive written consent from the interment right owner or successor-in-interest and the person(s) who are lawfully authorized to control the final disposition of the human remains. The authorizing agents, in the order of priority are as follows:

1. The person who was designated by the decedent prior to death as the authorizing agent to control final disposition;
2. The surviving spouse;
3. The decedent's surviving children 18 years of age or older;
4. The decedent's surviving parents;
5. The decedent's surviving siblings 18 years of age or older.

Comment [Is8]: To protect the City it is necessary to have the authorizing agents approve of any disinterment, this section is a protection to the City.

H. Whenever a body is being disinterred from the city cemetery, it shall be necessary to obtain the consent of the families of those burial plots which will be affected by the disinterment.

Comment [Is9]: As with the older cemeteries within the City, some graves are overlapping in parts. If a disinterment were to occur which would disrupt the surrounding graves, approval from the families of those burial plots which will be affected by the disinterment should be required.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

I. If consent to disinter cannot be obtained by the deceased's authorizing agents or by the families whose burial lots will be affected by the disinterment, the human remains may only be disinterred by order of the District Court.

Comment [Is10]: Ultimately, if a family is unable to obtain consent for disinterment, a court order would still allow for one to occur.

I. Upon the disinterment of the deceased, the casket shall be wrapped in plastic so as to contain all fluids and prevent leakage. The casket shall remain wrapped throughout the entire transport process and may not be unwrapped until it has reached the new grave location. Once a casket has been removed from a city cemetery, it is the responsibility of those seeking the disinterment to ensure all contaminated soil surrounding the disinterred casket is collected and disposed of using locally and federally accepted hazardous materials disposal. A police escort shall be secured at least one week in advance to escort the transport of the deceased from one gravesite to another.

Comment [Is11]: Hazards come with any disinterment. This requirement would further protect the families performing the disinterment as well as the grounds around the area.

J. Permits for interments into the Veterans Memorial Cemetery located within the Bethel Memorial Cemetery must be accompanied by a copy of the deceased's DD214. If a copy of the DD214 is not readily available it is the responsibility of the family to prove without question the validity of the services by the deceased.

Comment [Is12]: The City has had no authority written in code with regard to the veteran's cemetery. This would simply identify the requirement we are already enforcing.

13.20.050 Marking of graves.

A. A permanent marker identifying the person interred must be placed on a grave within one (1) year of interment.

B. All markers and memorials, including size and type, shall conform to rules or regulations adopted under this chapter. shall at minimum contain the following information:

1. First and last name of deceased, year of birth and year of death.
2. Additional inscriptions are optional, but must be in good taste as determined by the city of Bethel.

Comment [Is13]: Previously stated that this should "conform to rules or regulations adopted under this chapter" however there were none, so we established some.

C. The city accepts no responsibility and shall not be held liable for the care and marking of graves.

13.20.060 Compliance with Native American Graves Protection and Repatriation Act.

All persons engaging in grave preparation, disinterment, or other activities at city cemeteries shall comply with the Native American Graves Protection and Repatriation Act.

13.20.070 City cemeteries designated.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

A. The municipal cemetery owned and operated by the city, located at Plat No. 81-4, known as Ridgecrest Memorial Cemetery; the municipal cemetery owned and operated by the city, located at Plat No. 97-24, known as Ptarmigan Memorial Cemetery; and approximately nine and one-half (9 1/2) acres adjoining the west boundary of the Bethel Airport in the area commonly known as the "Sand Pit" located within Sections 13 and 14, T. 8 N., R. 72 W., Seward Meridian, known as Bethel Memorial Cemetery are hereby dedicated for burial purposes and shall be made available subject to the provisions of this chapter to all persons regardless of sex, race, creed, color, age, religion, disability, national origin or other legally protected status. ~~The above referenced cemeteries are designated as city cemeteries. After the nine and one-half (9 1/2) acres in the "Sand Pit" is formally surveyed as provided for in subsection B of this section, the formally surveyed area shall be designated as a municipal cemetery, and the city shall name the cemetery.~~

Comment [Is14]: Identifying current Cemetery

Comment [Is15]: General clean up.

B. The city manager will cause the boundaries of the city cemeteries to be surveyed, platted and the plats recorded with the district recorder's office. The city clerk will cause a map to be developed within the platted boundaries of the city cemeteries that depicts burial lots, an identification system of burial lots, access ways, fencing, open spaces and all other features that will facilitate the orderly use and maintenance of the cemeteries. The map shall be kept on file at the city.

C. By resolution, the city council may close city cemeteries, or portions thereof, for additional burial due to capacity limits or other reasons consistent with protection of the public safety, health, and welfare.

D. The city may, in its sole and exclusive discretion, limit or deny access to certain or all areas of a city cemetery, or limit or deny use of burial lots at city cemeteries. Any person who does not comply with such closure or limited access shall be in violation of this chapter.

13.20.080 Burial lot reservations in city cemeteries.

A. Burial lots in city cemeteries may be reserved upon payment of a fee, on a first- (1st) come, first- (1st) served basis by any person. To avoid speculation on city burial lots by commercial interests and to preserve the ability of family members to be buried together to the extent reasonably possible, no person may reserve more than ten (10) burial lots, and no person may sell or transfer his or her reservation rights to anyone other than an immediate family member, after receipt of a burial lot reservation from the city. The city must be informed of any transfer of reservation rights within six months of transfer.

Comment [Is16]: This is necessary so that the City Clerk's Office can modify the contact information for any reservation.

B. The city will have the sole and exclusive discretion to assign a specific burial lot to an applicant for reservation of a burial lot in a city cemetery.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

C. The city will maintain burial reservation records which shall include the name and address of the person who has obtained the reservation and the date of reservation.

D. The city will not authorize the burial of any person in the burial lot other than the person who has obtained the reservation or a member of his or her immediate family.

E. Burial reservation rights to any unused plot may be relinquished to the city but may not be sold or otherwise transferred except as provided in this section.

F. Reservation fees for a plot vacated due to exhumation or relinquishment will not be refunded, and the burial site will return to the pool of unreserved sites or removed from circulation based on the condition of the site location.

Comment [Is17]: If a site is unintermentable for any reason, this provides the City Clerk's Office with the option of removing the plot from being issued.

G. Notwithstanding the provisions of this section, a person shall not be required to reserve a burial lot in order to be buried in a city cemetery if there is space available for burial, upon payment of a burial permit fee and otherwise complying with this chapter and any rules or regulations promulgated in accordance with this chapter. Spaces that are not reserved shall be assigned on a first- (1st-) come, first- (1st-) served basis.

13.20.090 Rights reserved by the city.

With respect to city cemeteries, the city reserves the right at any time:

- A. To enlarge, reduce, replat or change the boundaries or any part thereof;
- B. To modify, change location, move or regrade roads, drives, walks or any part thereof;
- C. To lay, maintain, operate, alter or change pipelines, gutters, sprinkler systems or drainage;
- D. To relocate grave sites or allow disinterment upon proper legal authority;
- E. To change or add requirements for type and size of burial markings, decorations, and memorials;
- F. To change or add requirements related to issuance of permits;
- G. To change the fees charged under this chapter;
- H. To change or add interment locations, space, or capacity;
- I. To control access in and out of the city cemeteries or to any part thereof by pedestrians, vehicles, bicycles, and any other means of transportation;

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

J. To change or add requirements related to maintenance, landscaping, care, construction, repairs, and grave preparation;

K. Of ingress and egress over all plots for the purpose of maintenance, operations or any emergency work necessary to the operation of the cemetery;

L. To make any other changes, impose any conditions or requirements, or otherwise act to protect the public safety, interest and welfare; and

M. To change, add, or amend any of the conditions, requirements, and provisions of this chapter.

13.20.100 Care of city cemeteries.

A. The city will be responsible for perpetual care at city cemeteries. In doing so, the city may control access to any and all driveways, gates or fencing and may close access to certain portions of the cemeteries for the protection of public property or to provide for the safety, health and welfare of the public.

B. The city will take reasonable precautions to protect all grave markers at city cemeteries from loss, damage or destruction. Notwithstanding such reasonable precautions, the city expressly disclaims any responsibility or liability for any loss, damage or destruction that does occur, including but not limited to loss, damage or destruction that results, directly or indirectly, from theft, vandalism, malicious mischief, accidents or acts of nature.

13.20.110 Burial records.

A. The city clerk shall keep and maintain records of all burials and disinterments in city cemeteries.

B. The city will not be responsible for compiling, keeping, or maintaining, and shall not compile, keep or maintain, records regarding burials, disinterments, or any other actions which took place at city cemeteries prior to ~~the effective date of this chapter.~~ June, 2001.

13.20.120 Prohibited acts.

A. Deposit of Materials. No person will deposit any rubbish, filth, waste or other unclean or unsightly substance in the city cemeteries.

B. Vehicle Operation Limitations. It is unlawful for any person to operate any vehicle, motorized or nonmotorized, in a city cemetery except on the established roadways in accordance with all applicable local and state laws. Vehicles may not exceed a speed of ten (10) miles per hour. No vehicle may enter the cemetery except for the purpose of attending funerals, visiting graves or other activity approved in advance by the city

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

clerk. Any damage caused to vehicles while operating within the cemeteries are not the responsibility of the city.

Comment [Is18]: There are rebar located at the cemetery which are used for markers of the roadways within. They are often marked with bright paint and or flags however if someone is driving where they shouldn't be, then they may find themselves with a flat tire. This should not be the City's liability.

C. Hazardous Conditions. The city reserves the right to remove or to demand that the permittee or designated agent remove any tree, shrub, plant, fencing or other structure, enclosure, decoration, headstone, tomb, marker or monument located on any individual grave space which becomes dangerous or detrimental to the operations of a city cemetery or interferes with or encroaches upon adjacent grave spaces.

D. Property Damage. It will be unlawful for any person to destroy, mutilate, cut, remove, break, deface or injure any trees, shrubs, plants, ornaments, walks, sidewalks, fences, gateposts, monuments, markers or other things used in or belonging to a city cemetery.

E. Animals. It is unlawful to ride or drive any animal upon, over or across the lands or lots of any cemetery except on established vehicle ways; or to hitch or tie any animal to any trees, shrubs, plants or other ornament within any cemetery, or permit any animal to be pastured in the cemetery. It is unlawful to bury any animal remains in the cemetery.

F. Noise. It is unlawful for any person, except a city employee or contractor in the performance of his or her duty in caring for a city cemetery, to willfully make any unreasonable noise or disturbance within a city cemetery.

13.20.130 Rules and regulations – Promulgation and authority.

The city clerk shall be responsible for general administration of cemeteries within the city and shall promulgate rules and regulations to implement this chapter. Such rules and regulations may include, but not be limited to, use, maintenance, hours of operation, administration, permits, and reservations for city cemeteries and burial, disinterment and other requirements for all cemeteries within the city. Such rules and regulations shall be deemed approved by the city council unless the council acts to disapprove them within thirty (30) days of their adoption by the city clerk. The city clerk shall hold at least one (1) public hearing on any proposed rules or regulations under this chapter before adopting them.

13.20.140 Fees.

The city shall impose fees necessary to adequately administer this chapter, fulfill its obligations under this chapter and maintain city cemeteries. Such fees shall be established and may be periodically adjusted through noncode ordinance. Such fees may also be adjusted in accordance with BMC 4.04.025.

13.20.150 Enforcement.

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MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

The city manager and/or his or her designee will enforce this chapter and all cemetery rules and regulations promulgated in accordance with this chapter.

13.20.160 Violations – Penalties.

Any person who violates any provision of this chapter will, upon conviction thereof, be fined in an amount not exceeding three hundred dollars (\$300). Each day such violation is committed or permitted to continue will constitute a separate offense and will be punishable as such hereunder.

City of Bethel Action Memorandum

Action memorandum No.	13-17		
Date action introduced:	08-27-13	Introduced by:	Mayor Klejka
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approval of Mayor Klejka's Appointment of Delbert Egoak to the Public Works Committee.

Route to:	Department/Individual:	Initials:	Remarks:
X	Public Works Director		

Attachment(s): Application

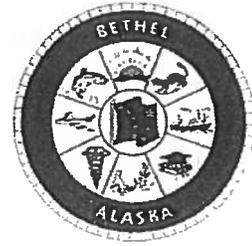
Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 13-17 is sponsored by Mayor Klejka on behalf of the City Clerk.

Mr. Egoak has submitted an application for appointment to the Public Works Committee which currently has one vacancy with a two year term ending December 31, 2015.

Upon review by the City Clerk's Office, Mr. Egoak's application meets the requirements provide in the Bethel Municipal Code.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide an Alaska Public Offices Commission (APOC) Statement to the City Clerk's Office within 30 days of appointment. Commissioners must continue to provide an updated APOC statement to the clerk's office by the 15th of March annually.

NAME: Delbert Egoak

MAILING ADDRESS: PO Box

RESIDENCE ADDRESS:

HOME PHONE:

WORK PHONE:

CELL PHONE:

E-MAIL:

OCCUPATION: Accountant

EMPLOYER: AVCP

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

NO

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

NO

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

NO

4. Are you a resident of the City of Bethel? Yes ___ No If so, for how long? 29 yrs

5. Does your schedule permit you to regularly attend required meetings: Yes ___ No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:

Date:

8/9/13

FOR OFFICE USE ONLY

Date Received: 8/9/2013

Date of Council Approval:

Action Memorandum Number: 13-17

Date Applicant Notified:

Term Expiration:

Registered voter of the City Yes ___ No

Mayor's Report

Manager's Report

CITY OF BETHEL

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



August 20, 2013

From: Lee M. Foley, City Manager

To: Bethel City Council

-

Info: Lori Strickler, City Clerk

Subj: City Manager's Report

Listed below are some of the action items and activities that I've been working on, and involved in, for the period August 13-20, 2013.

CITY ADMINISTRATION ACTION ITEMS AND ACTIVITIES

Projects:

- **YK Aquatic Center** - Regular weekly teleconference meetings between the Project Management Team and City Administration are held each Friday at 9:00 a.m. The following items are germane:
 1. Steel is nearly complete and approximately 75% of the decking is underway. The pan bed for the pool is in place and, with the pool experts on-site, siding and structural support for the pool proper is set to commence. The east side of the fire road is complete and work on the west side has commenced. Initial roof panels are also being installed.
 2. The Administration has prepared a letter to the Rasmuson Foundation as the first step in the Tier 2 Grant application phase to obtain funding for FF&E (Furniture, Fixtures, & Equipment). Martha Schoenthal (ProDev) and John Sargent (COB) are coordinating this effort.
 3. Representatives from Architects Alaska and BBFM Engineers are in Bethel for a site visit and will be consulting with ProDev, BSI, and various sub-contractors.
 4. On a project of this magnitude, impact issues routinely develop. The impact issues currently being addressed include a domestic water re-circulation line, painting owner provided piles, creating a wind turbine access road, the pool cover, and storage for water chemicals.

- **Institutional Corridor** – The Administration’s Statement of Work (SOW) has been accepted by the State and the Grant Document has been signed. The next step in the process is to develop and RFP to address the SOW requirements. The City has made it clear to the State that the \$7M awarded is only sufficient for partial funding of the entire project as envisioned. The first step will be to drill a second well at the City Sub Water treatment plant to handle the increased water usage envisioned for YKHC and the Department of Corrections.
- **Harbor Dredging** – The \$4,000,000.00 for this project is derived from a State-wide Bond sale for upgrades to harbors and ports. Originally, the money was to go to the Denali Commission and then disseminated to the City as the project moved forward. However, that process is now not acceptable to the State and they insist that only the City, Corps of Engineers, and the State will be involved. The Corps always asks for all of the money upfront before they undertake to do the job. In this case, the State will only advance funds if they are spent and the construction is completed within 45 days. Since this is not feasible, all stakeholders are now in discussions as to how everyone’s requirements can be achieved. One possibility is dividing up the project into a series of phases so money could be advanced up-front for an entire phase and then recouped from the State by the City. The entire project has until June 30, 2017, to be completed, but I wanted Council to be aware of the issues involved.

Personnel:

1. With the Aquatic Center coming online in November 2014, the Administration’s proposed budget for FY 2015 will need to include a Facility Manager, Pool Operator, at least 4 certified lifeguards, and at a minimum, a part-time maintenance person. These will be new positions and come under PERS. Funding will be the major challenge. While the “BATH” Fund continues to grow and is to be used for operating and maintaining the Aquatic Center, it will deplete rapidly if it is also used to fund personnel. To mitigate the effect of personnel requirements on the “BATH” Fund, the Administration is urging the present members of Council, and whoever may be elected to fill the four seats coming open, to strongly consider retaining the Tobacco Excise Tax so that a portion of the revenue could be allocated for Aquatic Center personnel costs.
2. The Administration will also be looking to re-fund the Animal Control position that has been dormant for so long.

Miscellaneous:

- **Bethel Friends of Canines** – The City has executed a Memorandum of Understanding with BFK9 regarding the adoption of abandoned dogs, Under this arrangement, BFK9 and the City will partner to ensure that “no dog is left behind.”

- **Armory** – The City’s part in this process has been completed with the lease of the land to the National Guard being terminated, and a new leasing agreement with LKSD put into effect. Language in the agreement makes LKSD responsible for any future demolition of the building and returning the land to its original condition. LKSD has signed and notarized a Conveyance Agreement, signifying their willingness to accept the old Armory building from the National Guard. Once they have received a signed and notarized copy back from DMVA, the deal will have been fully executed.

Thank you.

Clerk's Report



City of Bethel, Alaska

City Clerk's Office

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

Upcoming Council Events:

August 28, Joint Task Force Meeting 6:30p
September 10, Regular City Council Meeting

Records Retention

The City Clerk's Office is in the final stages of completing the records retention schedule. Once completed, the City Clerk will provide the document to the City Attorney for review before its submission to the City Council for approval.

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

The City Clerk's Office has built the repository for the City's records within the Laserfiche system. This means the departments are one step closer to scanning and archiving documents at their own work stations.

Election

The City Clerk's Office is in the processes of lining up election workers for the 2013 Election. This task is proving to be a difficult one, if anyone is interested in learning more about working as a poll worker, they are encouraged to contact the City Clerk's Office.

We have confirmed the availability of the polling places for the election. There are no REAA seats open for the area so there will not be a State election concurrent to this year's City election. The City has negotiated the use of the State ballot counting machines for the Election and the memory cards have been sent out for programming.

Declaration of Candidacies have been received by:

Johnny Furlong

Richard Robb

Leif Albertson

Mark Springer

Heather Pike

Byron Maczyski

The Office will conduct their annual name pulling out of a hat route to determine the placement of the candidates on the ballot. Following the drawing, the draft ballot will be set up and provided to the printing company for ballot preparation.

The Deadline to register to vote in the October 1st election will be September 1st.

Election supply boxes to include accountability reports and transfer bags will be prepared within the next week which will finalize the preparation of the election.

On the 16th of September the City Clerk's Office will begin absentee in person and by mail ballot distribution.

On September 26th the City Clerk's Office will conduct the annual election training for the election workers.

Passports

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

Document Review and Research

There are a number of code modifications come through the office. It is important for the City Clerk's Office to have an opportunity to review each of the ordinances to help insure the amendments conform with other areas of the code.

Disinterment has been the topic of research for the City Clerk's Office this week.



The City of Bethel currently has vacancies on the following Committees & Commissions.

Port Commission (1 Commission Vacancy 2 Alternate Vacancies)

1 one year term

Public Works Committee (1 committee Vacancy 2 Alternates Vacancies)

1 two year term

Energy Committee (2 Committee Vacancies 2 Alternate Vacancies)

1 two year term

Finance Committee (2 Alternate Vacancies)

Planning Commission (2 Commission Vacancies and 2 Alternate Vacancies)

1 two year term

1 one year term

Public Safety and Transportation Commission (2 Alternate Vacancies)

The City of Bethel is committed to citizen involvement in local government to develop programs and services, which provide efficient and positive benefits for residents, workers and visitors. The City has established committees which are advisory in nature and commissions which are quasi-judicial. Qualifications to serve vary with the committees and commissions, but the most important qualifications are interest and a willingness to serve your community.

If you are interested in offering your services to Bethel's community, by serving on a committee or commission, please pick up an application at the City Clerk's office or contact the City Clerk at 543-1384 or at lstrickler@cityofbethel.net for more information.

Executive Session



NEGOTIATED AGREEMENT

Between
City of Bethel
and
Patty Burley

THIS AGREEMENT, by and between the City of Bethel, Alaska, a municipal corporation, hereinafter called "Employer", as the party of the first part, and Patty Burley, hereinafter called "Employee," as the party of the second part, both of whom understand as follows:

WITNESSETH

WHEREAS, Employer desires to employ the services of said Employee as City attorney of the City of Bethel, Alaska, as provided by Section AS 29.20370 of the Alaska Statutes; and

WHEREAS, it is the desire of the City Council of the City of Bethel, hereinafter called "Council," to provide certain benefits, establish certain condition of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the Council to secure and retain the services of Employee through compensations set by Council; and

WHEREAS, Employee desires to accept employment as City attorney of Bethel, Alaska.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Employer and Employee agree as follows:

Section 1. POWERS AND DUTIES

Employer hereby agrees to employ Patty Burley as City attorney of the City of Bethel, Alaska to perform the functions, powers and duties outlined in Title 29, specifically AS 29.20.370 of the Alaska Statutes, and to perform other legally permissible and proper duties and functions as the Council shall from time to time assign. Furthermore, the City attorney must have membership in the Alaska Bar no later than August 1, 2012.

Section 2. TERM

A. Employee shall serve at the pleasure of the Council and as an at-will employee of the City of Bethel. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of the Employee at any time with or without cause, subject only to the provisions set forth in Section 5,

paragraph A of this agreement. The City shall comply with the City's insurance policy endorsement regarding any termination.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with employer, subject only to those provisions set forth in Section 5, paragraph B, of this agreement.

Section 3. DURATION

This Agreement which expressly supersedes the provisions of any other previous agreement, is the sole and complete agreement between the Employer and Employee. This Agreement shall become effective August 1, 2012 and shall continue in full force and effect until August 1, 2015.

Section 4. SALARY

From August 1, 2012 to August 1, 2013 Employee shall be paid an annual base salary of \$110,000 subject to review and adjustment by the City Council, agreeable to both parties of this agreement payable in installments at the same time as other employees of the Employer. The Employee shall have an annual performance evaluation review on or about August 1 of each year during the term of the Agreement.

Section 5. TERMINATION AND SEVERANCE PAY

A. In the event Employee is terminated by the majority vote of the Council before the duration of this agreement has expired, the Employee will be provided a lump sum payment by payroll check equal to one (1) month aggregate salary. However, in the event the Employee is terminated for culpable cause, Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph. The Employer shall include in a notification of termination of Employee, a statement of cause and a complete bill of particulars.

The Employee may notify the Employer in writing that he requests an informal hearing before the Council. The informal hearing shall be held by the Council at it's next regularly meeting following receipt of the request.

The informal hearing may be opened or closed at the Employee's request. The Employee may be represented by counsel and may present and examine witnesses for the purpose of contesting the termination. Such witnesses shall be sworn. The Employee may examine witnesses presented by the Council, if any. The Employee and the Council shall advise each other in writing, at a mutually agreeable time before the hearing (1) if they plan to be represented by counsel at the hearing and (2) provide to each other the names of witnesses that will testify at the hearing on their behalf. A written transcript, tape or similar recording of the proceedings shall be kept. Transcribed copies shall be furnished to the Employee at cost upon his

request. The decision of Council shall be furnished to the Employee within a reasonable time upon conclusion of the informal hearing and shall include the basis for the decision.

B. In the event Employee voluntarily resigns his position with Employer before the duration of this agreement has expired, the Employee shall give Employer 30 days notice in advance, unless both parties agree in writing.

Section 6. EMPLOYEE EVALUATION

A. Purpose

Evaluation of the performance of the City attorney shall be directed toward improving the performance of the Employee. However, evaluations shall also serve as a method for gathering data relevant to subsequent employment status decisions pertaining to the Employee.

B. Evaluation Instrument

1. Council approved City attorney evaluation documents will be used.. Factors to be considered will include, but not be limited to, administrative skills and techniques and interpersonal relationships with council members, city employees, general public and other business professionals.

2. The Council Representative (Mayor) will provide the Employee with a copy of the Council approved evaluation instrument within thirty (30) days prior to the start of the Employee evaluation process. The Council representative (Mayor) will further discuss the evaluation procedure with the Employee.

3. Before the Mayor provides the Employee with the evaluation instrument referred to in subparagraph B.2 above, the Council and Employee shall meet to review the evaluation instrument, and identify recommended improvements to it and to the evaluation process.

C. Methodology

1. The Council's evaluation of the City attorney will be in writing in accordance with Section 6. B above. The Employee may request one (1) additional written evaluation of her performance.

2. Acknowledgement of content signed by both the Mayor and the Employee must appear on the evaluations placed in the Employee's personnel file. The Employee shall be informed that she has the right to review each written evaluation prior to filing in the personnel file with the opportunity to comment in writing. The request to comment on her evaluation may not be used against her.

3. Any written complaint made against the Employee by a City employee, council member, or other person(s) which may be used in evaluating the Employee shall be

given to the Employee with the opportunity to respond in writing to the complaint.

4. Unless mutually agreed otherwise by both the Employer and Employee; no portion of an evaluation may be made public except as allowed or required by law.

Section 7. HOURS/DAYS OF WORK

It is recognized that the position of City attorney is an executive position requiring the exercise of independent judgment on the part of the Employee and requiring periods of extended work that exceed the normal office hours, work day and work week established by the Employer. The Employee should be available during regular business hours. Employee will be expected to work whatever hours are needed based upon the demands of the job. Employee forever waives any claim for overtime compensation or compensatory time compensation based on hours worked by Employee in excess of eight (8) hours per day or forty (40) hours per week. Any time in excess of the normal hours in a day or week is not compensated or credited in any manner.

Section 8. OUTSIDE EMPLOYEMENT

Outside employment and business pursuits are prohibited unless first authorized by Council. Any outside employment or business pursuits other than those authorized by Council must occur while Employee is on leave and must occur outside the regular business hours of the City. Notwithstanding the foregoing or any authorization by Council, the Employee is required to perform the duties of the City attorney when the interests of the City require without regard to regular work hours or days or the competing needs of the Employee's outside employment or business permits.

Section 9. COMPENSATED LEAVES

A. Personal Time Off (PTO)

PTO shall accrue at the rate of 20 hours per month of service. PTO can be accumulated up to a maximum accrual of 400 hours. PTO should be requested two weeks in advance. Unscheduled PTO shall be utilized only for the illness of the Employee or illness in the Employee's immediate family. Should the employee be absent for more than three consecutive working days, she shall be required to provide a physician's certificate to the Mayor. The employer agrees to compensate the employee for all remaining PTO hours at the time of termination of employment.

B. Emergency Leave

The Employer agrees to grant the Employee a maximum of forty (40) hours leave for death or serious illness in the immediate family. For the purposes of this type of leave, one's immediate family includes the spouse of Employee, child, son-in-law, daughter-in-law, parent, father-in-law, mother-in-law, brother and sister.

C. Court Leave

A. Employees called for jury duty shall be treated as being on approved leave without loss of longevity, leave or pay. Service in court when subpoenaed as a witness shall be treated the same as jury duty. Fees paid by the court, other than those for an Employee's appearance at any time outside the Employee's regularly scheduled shift, for travel, parking and subsistence allowances, shall be remitted to the City.

B. An Employee shall provide the City Council with a copy of a notice to call for jury duty immediately upon receipt by the Employee. When excused or released from Jury Duty for the day, the employee shall return to work immediately, allowing for delay for the period of time reasonably necessary to travel to and from home to change into work clothing.

D. Holidays

All holidays recognized by the Employer shall be granted to the Employee with holiday pay status provided the same as regular full time and regular part-time positions of the Employer.

Section 10. BENEFITS

A. Employee shall be allowed to participate in the City employee's group coverage plan for full family Life, Accidental Death & Dismemberment, Long Term Disability, Dental, Vision and Health insurance program with no premium deductibles charged to the employee.

B. Employee shall have the opportunity to participate in the City Utility Services Benefit for the same monthly fee as paid by other management level employees.

C. Employer agrees to purchase on behalf of Employee a whole life insurance policy in the amount of two (2) times the first annual gross salary of Employee. Employer shall pay the required premiums and Employee may name a beneficiary to receive any benefits paid.

D. Retirement: The Employer shall offer the Employee the opportunity to join and participate in the Alaska Public Employees Retirement System (PERS) equal to that which is provided for all other employees of the Employer.

Section 11. INDEMNIFICATION

A. Employee agrees to hold harmless and indemnify Employer from and against any and all claims and damages, including costs and attorney's fees, caused by or resulting from any intentional or malicious act or omission by Employee during and in the scope of her position as City attorney.

B. Employer agrees to hold harmless and indemnify Employee from and against any and all claims and damages, including costs and attorney's fees, caused by or resulting from any act or omission of ordinary negligence by Employee in and during the scope of her employment as City attorney, but only to the extent such an act or omission can be insured by Employer at reasonable, affordable premium costs charged by a reasonable, prudent underwriter in the normal course of purchasing municipal liability insurance coverage.

Section 12. BONDING

Employer shall bear full costs of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 13. OTHER TERMS AND CONDITONS OF EMPLOYMENT

Council may consider any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, Bethel Municipal Code, or any other laws.

Section 14. REDUCTION OF BENEFITS

Employer shall not at any time during the term of this agreement reduce salary, compensation or other benefits of Employee.

Section 15. NOTICES

Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed *as* follows:

- | | |
|------------------------------|---|
| (1) EMPLOYER: CITY OF BETHEL | c/o Mayor Joseph A. Klejka
PO Box 1388
Bethel, AK 99559 |
| (2) EMPLOYEE | Patty Burley
c/o City of Bethel
PO Box 2715
Bethel, AK 99559 |

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as applicable to civil judicial practice. Notice shall be deemed given as of the date of the personal service or as of the date of deposit of such notice in the course of transmission in the United States Postal Service.

Section 16. GENERAL PROVISIONS

A. This agreement constitutes the entire agreement between both parties. Any modification or amendment shall be enforceable only if approved by a majority vote of the council in a dully convened public session, and if transcribed to a written document executed by both parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Employee.

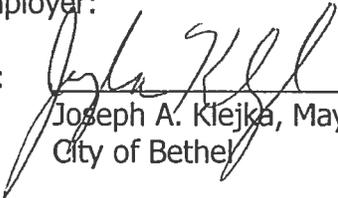
c. If any provisions or any portion thereof contained in this agreement is held unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable. The remainder of this agreement shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Bethel has caused this agreement to be signed and executed in its behalf by its Mayor and the Employee has signed and executed this agreement both in duplicate.

Dated this 31 day of July 2012

Employer:

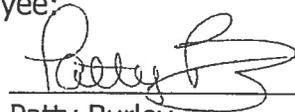
By:



Joseph A. Klejka, Mayor
City of Bethel

Employee:

By:



Patty Burley

CITY OF BETHEL
CITY ATTORNEY ANNUAL EVALUATION—AUGUST 27, 2013

City Attorney: Patty Burley

Rating: 5 = Excellent; 1 = Needs improvement

	5	4	3	2	1
<i>Interaction with City Council</i>					
Keeps Council informed on legal issues concerning the City					
Provides professional advice in a clear, concise manner to Council on items requiring Council action					
Provides sufficient information to enable Council to make well-informed decisions					
Successfully translates Council directives into ordinances, policies or actions					
Provides unbiased, objective advice to Council					
Provides timely, accurate advice to Council					
Successfully negotiates and drafts contracts that meet the City's needs					
Attendance at City Council Meetings					
Availability for committee and commission meetings					
Provides Grammatically correct and internally consistent language in Ordinances					
Comments:					

	5	4	3	2	1
<i>Interaction with City Staff</i>					
Provides professional advice in a clear, concise manner on items that are otherwise confusing to City staff					
Provides sufficient information to enable staff to act accordingly and communicate with their customers (public)					
Responds to staff questions in a timely, accurate fashion					

**CITY OF BETHEL
CITY ATTORNEY ANNUAL EVALUATION—AUGUST 27, 2013**

Provides unbiased, objective advice						
Provides concise, relative legal advice to staff allowing the staff to make confident work decisions and policies						
Comments:						

Legal skills	5	4	3	2	1
Knowledge of State and Federal law					
Knowledge of City law					
Ability to interpret and relate legal concepts					
Ability to research the law and clearly present research					
Comments:					

Litigation and Prosecutorial skills	5	4	3	2	1
Provides sound legal representation for the City					
Exercises prosecutorial and defense functions justly and effectively					
Willingness to exercise prosecutorial and defense functions to meet needs of the City					

**CITY OF BETHEL
CITY ATTORNEY ANNUAL EVALUATION—AUGUST 27, 2013**

Comments:

<i>Ethics and Communication</i>	5	4	3	2	1
Defends principle and conviction in the face of partisan influence and pressure					
Maintains high standards of ethics, honesty and integrity in all matters					
Effectively communicates with staff, Council and the public					
Writes clearly and concisely					
Expresses ideas and opinions in a forthright, logical manner					
Remains poised and calm in difficult situations					
Represents the City to the public in a positive light					
Comments:					

Total Score: _____

Excellent: 145

Very Good: 116

Good: 87

Satisfactory: 58

Needs Improvement: 29

Additional Information

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