

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on August 8, 2017 at 6:30 p.m., in the council chambers, Bethel, Alaska.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
Mayor Rick Robb	Council Member Mark Springer
Vice-Mayor Fred Watson	Council Member Alisha Welch
Council Member Leif Albertson	Council Member Michael Shantz
Members Absent:	
Council Member Naim Shabani	
Also in attendance were the following:	
City Manager Pete Williams	City Clerk Lori Strickler
City Attorney Patty Burley	

IV. PEOPLE TO BE HEARD

Wesley Russell- Spoke in opposition to the issuance of liquor licenses within the City of Bethel.

Bonnie Bradbury- Provided a statement on behalf of her husband Lorin Bradbury, recommending amendments to Ordinance 17-39 related to the taxation of utilities charged by landlords.

Mary Nanuwak- Provided a statement of opposition for all liquor licenses in Bethel.

David E. Trantham Jr. – Explained his water bill just went up 3%, he now pays \$300.00 per month for his water. Stated that the quarter machine at the pump house doesn't work, the City should fix it.

Kevin Tressler – Spoke in favor of tax exemption for non-profits who do limited fundraising events.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion:	Approve the Consent and Regular Agenda.
Moved by:	Albertson
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz
Opposed:	-0
Removal from Consent:	Resolution 17-14.
Moved by:	Watson
Removal from Consent:	Introduction of Ordinance 17-41.
Moved by:	Springer

VI. APPROVAL OF THE MEETING MINUTES

Item A – 7-25-2017 Regular Meeting Minutes.
Passed on the Consent Agenda

VII. REPORTS OF STANDING COMMITTEES

Public Safety and Transportation Commission

No one to report.

Port Commission

A meeting has not been held due to a lack of quorum of members.

Planning Commission

Parks, Recreation, Aquatic Health and Safety Center Committee -

A meeting will be held next week.

Finance Committee

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

Energy Committee

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

Public Works Committee

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

VIII. UNFINISHED BUSINESS

Item A – Public Hearing of Ordinance 17-39: Repealing And Replacing Chapter 4.16 Of The Bethel Municipal Code, Sales And Use Tax.

Mayor Robb opened the Public Hearing.

Jon Cochrane, Chair of the Finance Committee – Found another reference to Bingo and skills of chance that will need to be stricken from the Ordinance.

David Trantham- Stated some concerns with regard to cost associated with implementing this ordinance.

Buck Bukowski- If the Council implements a sales tax on gaming, it will jeopardize the continued operations for nonprofit organizations who rely of gaming proceeds.

Jared Karr- Stated this Ordinance would prevent community growth.

Mayor Robb closed the Public Hearing.

Main Motion: A motion to adopt was made at the July 25, Regular Meeting.

Moved by:	Shantz
Seconded by:	Albertson
Action:	Postponed

Amend to insert under 4.16.150 Exemptions:

Services. That portion of the selling price of a single service that exceeds \$12,000. This amount will be adjusted in 2019 and every two (2) calendar years thereafter consistent with the Consumer Price Index for all urban consumers for Anchorage metropolitan area compiled by the United States Department of Labor, Bureau of Labor Statistics. Adjustments to the amount listed will be rounded to the nearest \$100. For the purposes of this subsection, a single service is interrelated and interdependent function necessary to perform a specified action. For the purposes of this subsection, a single service is an interrelated and interdependent function necessary to perform a specified action. If a single service is performed over a period exceeding one month, the selling price must be apportioned to a monthly or invoice basis, whichever is more frequent, proportionate to the service performed, except for:

Main Motion:

- a) a commission paid to an agent for negotiating the sale of real property (the commission is taxed at the first \$12,000 of the sale regardless of the length of time the agent has in selling the property); or
- b) a written contingency fee agreement award or settlement (to be collected on the first \$12,000 of the fee award regardless of the length of time taken to resolve the case).

Moved by: Albertson
 Seconded by: Springer
 Action: Motion carries by a vote of 6-0
 In favor: Robb Albertson Watson Springer Welch Shantz
 Opposed: -0

Primary Amendment: Amend to strike under 4.16.010 Definitions Q 1, J "Selling bingo cards or pull tabs; or"

Moved by: Springer
 Seconded by: Albertson
 Action: Motion carries by a vote of 6-0
 In favor: Robb Albertson Watson Springer Welch Shantz
 Opposed: -0

Amend 4.16.150 Tax Exemptions to amend Rental Units to read:
 Cost incurred by owners/landlords for rental units, such as included fuel and electricity are exempt if:

1. The inclusion of fuel and/or electricity is clearly stated in the lease agreement and;
2. A City of Bethel business license for the rental business or exemption card is provided to the utility company and/or fuel distributor at the time of purchase.

Primary Amendment:

Moved by: Springer
 Seconded by: Watson
 Action: Postponed

After this motion was made, Council Member Albertson declared a conflict of interest due to his ownership in rental properties in the community.

Mayor Robb determined, Council Member Albertson does have a conflict of interest on this question.

Council Member Albertson returned to the council desk after this motion was voted on.

Subsidiary Motion: Postpone the amendment to the next meeting.

Moved by: Springer
 Seconded by: Welch
 Action: Motion carries by a vote of 6-0
 In favor: Robb Albertson Watson Springer Welch Shantz
 Opposed: -0

Main Motion: Postpone Adoption of Ordinance 17-39.

Moved by: Shantz
Seconded by: Welch
Action: Does not carry by a vote of 2-4
In favor: Welch Shantz
Opposed: Robb Albertson Watson Springer

Insert "**4.16.170 Special Exemption for Charitable Events**

- A. A special sales tax exemption may be granted no more than two (2) times in a calendar year to an nonprofit organization or nonprofit institution business exempting the organization or business institution from the obligation to collect sales taxes on sales of tangible personal property or admissions sold by such organization or business as part of a project to raise funds for a particular charitable project, upon the filing of an application for a charitable project sales tax exemption permit filed not less than thirty (30) days prior to the date for commencement of the exemption on a form required by the City and compliance with each of the following requirements:
1. The nonprofit organization or institution is organized exclusively for religious, educational or charitable purposes;
 2. The fundraising project must be to raise funds to be used and expended solely and exclusively for a qualified charitable project as set forth and specified in the application;
 3. All proceeds and revenues received from the sales from the project, less only the actual cost of the items sold, including shipping, must be used solely and exclusively for the specific charitable purpose that is identified and approved in the application and permit as issued;
 4. Separate accounting records as required by the finance department shall be kept as to all sales; and
 5. A tax return on such form as is required by the finance director shall be filed no later than thirty (30) days after the date specified in the application for conclusion of the fundraising project which tax return shall specify:
 - (i) The total amount of gross receipts received;
 - (ii) The amount actually paid to the charitable organization to be funded as specified in the application and permit; and
 - (iii) Such further and additional information, data and verification as is deemed appropriate by the finance director.
 6. Sales taxes collected shall be submitted no later than the last day of the month following the month of collection along with the properly completed tax return form.
- B. Requests for exemptions of \$999 or less may be approved by the Finance Director. All requests for exemptions totaling \$1,000 or more will require City Council approval prior to the exemption being granted.
- C. In the event a tax return is not filed as herein provided, or if all of the funds are not paid in the manner and to the specific charity as required by the permit, the permittee shall be liable and responsible for payment of the entire amount of sales tax that would have been collected and remitted had the sales not been conducted as sales tax exempt, plus interest and penalties thereon as provided for in this chapter from the date the sales tax amount would have become due.

**Primary
Amendment:**

D. No applicant may be granted a permit under this subsection to exempt more than sixty (60) calendar days or more than ten-thousand (\$10,000) dollars in gross sales, in any calendar year."

Moved by:	Springer
Seconded by:	Albertson
Action:	Motion does not carry by a vote of 1-5
In favor:	<input checked="" type="checkbox"/> Robb
Opposed:	<input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz

Subsidiary Motion: Suspend the rules to hear from the Chair of the Finance Committee Jon Cochrane.

Moved by:	Albertson
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz
Opposed:	-0

Subsidiary Motion: Amend insert under 4.16.150 Tax Exemptions "Annual and semiannual fundraising events held for charitable organizations.

Moved by:	Springer
Seconded by:	Albertson
Action:	Motion does not carry by a vote of 2-4
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson
Opposed:	<input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz

Main Motion: Postpone Adoption of Ordinance 17-39.

Moved by:	Shantz
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz
Opposed:	-0

Item B – Public Hearing Of Ordinance 17-40: Amending Bethel Municipal Code Section 7.10.130 Poll Worker Pay-Election.

Mayor Robb opened the Public Hearing.

Mary Nanuwak- stated that she has tried to be part of the election process in the past but was turned away. When she worked elections in the past, she felt that poll workers should not be paid and those funds should be used elsewhere.

Mayor Robb closed the Public Hearing.

Main Motion: Adopt Ordinance 17-40.

Moved by:	Springer
Seconded by:	Welch
Action:	Motion carries by a vote of 6-0

In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz
Opposed:	-0

IX. NEW BUSINESS

Item A—Introduction Of Ordinance 17-41: Amending The Bethel Municipal Code Chapter 5.04.050(A), Additional Fees For Businesses Selling Games Of Skill And Chance.

Main Motion: Introduce Ordinance 17-41.

Moved by:	Springer
Seconded by:	Shantz
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Watson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz
Opposed:	-0

Item B – Resolution 17-14: Protesting The Issuance Of A Package Store License To Swanson’s Package Store.

Main Motion: Adopt Resolution17-14.

Moved by:	Albertson
Seconded by:	Springer
Action:	Motion carries by a vote of 5-1
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Springer <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Shantz
Opposed:	<input checked="" type="checkbox"/> Watson

Swanson’s Package Store Representative, Cliff Linderoth, had an opportunity to defend the Package Store License.

Primary Amendment: Strike under the fourth whereas statement, 2. Police Chief- from January 1, 2017 to June 30, 2017 there were 133 calls for service of which 63 were for pedestrians being intoxicated; 6 vehicle related offences two of which were accidents.

Moved by:	Watson
Seconded by:	
Action:	Motion does not carry due to a lack of a second.

Item C –AM 17-54: Approve The Operations Plan For The YK Fitness Center For July 1,2017 Through June 30, 2018.

Main Motion: Approve AM 17-54.

Moved by:	Welch
Seconded by:	Springer
Action:	Referred back to Parks Recreation Aquatic and Health Committee

Subsidiary Motion: Suspend the rules to hear from Stacey Reardon, Health Fitness Representative and Facility Manager.

Moved by: Watson
Seconded by: Springer
Action: Motion carries by a vote of 6-0
In favor: Robb Albertson Watson Springer Welch Shantz
Opposed: -0

Primary Amendment: Amend the Operations Plan to reflect increases in the daily rates.

Moved by: Albertson
Seconded by:
Action: Motion does not carry due to a lack of a second

Subsidiary Motion: Refer to the Parks Recreation Aquatic and Health Committee.

Moved by: Albertson
Seconded by: Welch
Action: Motion carries by a vote of 6-0
In favor: Robb Albertson Watson Springer Welch Shantz
Opposed: -0

Item D – Rescinding Resolution 17-03: Protesting the Issuance Of A Package Store License To Kusko Liquor Store – License ID # 5533; Located At 801 Front Street, Owned by Cezary Maczynski.

Main Motion: Rescind Resolution 17-03.

Moved by: Watson
Seconded by: Shantz
Action: Motion carries by a vote of 6-0
In favor: Robb Albertson Watson Springer Welch Shantz
Opposed: -0

Subsidiary Motion: Suspend the rules to hear from Mr. Maczynski.

Moved by: Albertson
Seconded by: Springer
Action: Motion carries by a vote of 6-0
In favor: Robb Albertson Watson Springer Welch Shantz
Opposed: -0

- X. MAYOR'S REPORT**
- XI. MANAGER'S REPORT**
- XII. CLERK'S REPORT**
- XIII. COUNCIL MEMBER COMMENTS**

Mayor Richard Robb –
Wished everyone the best in their hunts.

Vice-Mayor Fred Watson –
Provided condolences to the family of Vincent Moses.

Council Member Leif Albertson –
The Fire Department ISO visit went well.

Council Member Mark Springer –
Provided condolences to the family of Vincent Moses.

Council Member Alisha Welch–
No comment.

Council Member Michael Shantz–
No comment.

XIV. EXECUTIVE SESSION

Item A– Alaska Statutes Title 44.62.310: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Potential Litigation AVCP-RHA.

Move into Executive Session-
Alaska Statutes Title 44.62.310: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Potential Litigation AVCP-RHA. Those attending Item A were: City Manager, City Clerk and City Attorney.

Main Motion:

Moved by: Springer
Seconded by: Shantz
Action: Motion carries by a vote of 6-0
In favor: Robb Albertson Watson Springer Welch Shantz
Opposed: -0

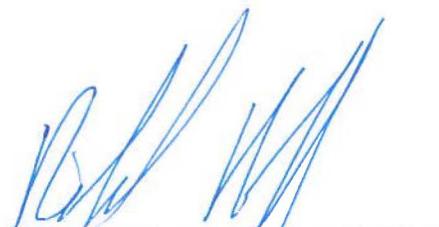
Council went back on the record at 10:31p.m.

XV. ADJOURNMENT

Main Motion: Adjournment.

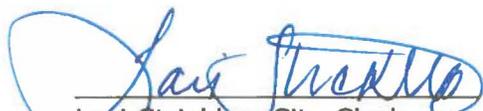
Moved by: Springer
Seconded by: Welch
Action: Motion carries by a vote of 6-0
In favor: Robb Albertson Watson Springer Welch Shantz
Opposed: -0

Council adjourned at 10:32p.m.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk