



City of Bethel

P.O. Box 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

Fax: 907-543-3781

Regular City Council Meeting

Tuesday, September 13, 2016

6:30 P.M.

Council Chambers; Bethel, Alaska



**City Council Meeting Agenda
Regularly Scheduled Meeting
September 13, 2016 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

Rick Robb
Mayor
Term Expires 2017
543-1879
rrobb@cityofbethel.net

Byron Maczynski
Vice-Mayor
Term Expires 2016
545-8010
bmacynski@cityofbethel.net

Leif Albertson
Council Member
Term Expires 2017
543-2819
labertson@cityofbethel.net

Zach Fansler
Council Member
Term Expires 2016
545-4503
zfansler@cityofbethel.net

Nikki C. Hoffman
Council Member
Term Expires 2017
543-2608
nhoffman@cityofbethel.net

Alisha Welch
Council Member
Term Expires 2017
545-6026
arwelch@cityofbethel.net

Mary Weiss
Council Member
Term Expires 2016
545-3211
mweiss@cityofbethel.net

Ann Capela
City Manager
543-2047
acapela@cityofbethel.net

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

Patty Burley
City Attorney

Mary Sattler
Lobbyist

Agenda posted on September 7, 2016, at City Hall, AC Co., Swanson's, and the Post Office.

- 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) *8-23-2016 Regular Meeting Minutes
 - b) *8-25-2016 Special Meeting Minutes **P2**
 - c) *8-31-2016 Special Meeting Minutes **P4**
 - d) *9-2-2016 Special Meeting Minutes **P6**
- VII. REPORTS OF STANDING COMMITTEE**
 - a) Public Safety and Transportation Commission
 - b) Port Commission
 - c) Planning Commission
 - d) Parks, Recreation, Aquatic Health And Safety Center Committee
 - e) Finance Committee
 - f) Energy Committee
 - g) Public Works Committee
 - h) Marijuana Advisory Committee
 - i) Non Standing Committee Reports
- VIII. SPECIAL ORDERS OF BUSINESS**
 - a) United Pools Presentation (Mayor Robb)
 - b) Council's Consideration Of Participating in Section 106, Related To The Donlin Gold Mine, Organized By The Army Corps. Of Engineers (City Manager Capela)
- IX. UNFINISHED BUSINESS**
 - a) Public Hearing Of Ordinance 16-25: Amending Bethel Municipal Code 13.03.030, Individual Sewer System Concerning The Inclusion Of Composting And Incinerating Toilets (Energy Committee) **P66**
 - b) Public Hearing Of Ordinance 16-26: Amending Bethel Municipal Code To Insert Chapter 2.45, Administrative Adjunction (Mayor Robb) **P69**

Lori Stickler, City Clerk

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

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

Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing September 27, 2016**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
September 13, 2016 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

X. NEW BUSINESS

- a) *Ordinance 16-28: Authorizing A Lease Revenue Refund Bond (City Manager Capela) **P77**
- b) *Resolution 16-27: Council In Support Of Alaska DOT For Bethel Airport Improvements (Mayor Robb) **P99**
- c) *AM 16-57: Appointment Of R. Mark Jones To The Parks, Recreation, Aquatic Health & Safety Center Committee (Mayor Robb) **P107**
- d) *AM 16-58: Consideration To Approve The Consortium Library Agreement Between The City Of Bethel And University Of Alaska Fairbanks, Kuskokwim Campus (City Manager Capela) **P108**
- e) *AM 16-59: Appointment Of Brian Lefferts To The Parks, Recreation, Aquatic Health & Safety Center Committee (Mayor Robb) **P134**
- f) *AM 16-60: Appointment Of Bob Jones To The Parks, Recreation, Aquatic Health & Safety Center Committee (Mayor Robb) **P135**
- g) *AM 16-61: Appointing Peter Williams As Acting City Manager, September 23, 2016 Until A New City Manager Begins At The City Of Bethel (Mayor Robb) **P136**
- h) *AM 16-62: Support For Internal Financial Data Recording And Analysis (City Manager Capela) **P137**

XI. MAYOR'S REPORT

XII. MANAGER'S REPORTS

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. ADJOURNMENT

Agenda posted on September 7, 2016, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Stickler, City Clerk

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

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

Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing September 27, 2016**)

Approval of the Meeting Minutes

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on August 25, 2016 at 5:30 p.m., 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 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski (arrived at 5:42 p.m.)	<input checked="" type="checkbox"/> Council Member Zach Fansler
<input checked="" type="checkbox"/> Council Member Alisha Welch	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Council Member Leif Albertson	
<input checked="" type="checkbox"/> Council Member Mary Weiss	
Members Absent:	
<input checked="" type="checkbox"/> Mayor Rick Robb	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Attorney Patty Burley	<input checked="" type="checkbox"/> City Clerk Lori Strickler
<input type="checkbox"/> City Manager Ann Capela	<input type="checkbox"/> Assistant To City Clerk Adriane Welch

Main Motion: Nominate Alisha Welch as Mayor Pro Temp

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

Vice-Mayor Maczynski arrived at 5:42 p.m.

IV. PEOPLE TO BE HEARD

No one present to be heard.

V. APPROVAL OF THE AGENDA

Main Motion: Approve the Agenda.

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

VI. NEW BUSINESS

Item A – City Manager Recruitment Process.

1) Candidate Interviews.

Council conducted interviews with Candidate.

VII. ADJOURNMENT

Main Motion: Adjourn.

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

Council adjourned at 7:29 p.m.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on August 31, 2016 at 12:00 p.m., in the council chambers, Bethel, Alaska.

Mayor Richard Robb called the meeting to order at 12:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

IV. PEOPLE TO BE HEARD

No one present to be heard.

V. APPROVAL OF THE AGENDA

Main Motion: Approve the Consent and Regular Agenda.

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

VI. NEW BUSINESS

Item A – City Manager Recruitment Process.

1) Candidate Interviews.

VII. EXECUTIVE SESSION

Item A – Subjects That Tend To Prejudice The Reputation And Character Of Any Person – City Manager Candidates (Note: All City Manager Candidates May Be Discussed During The Executive Session)

Move into Executive Session to discuss subjects That Tend To Prejudice The Reputation And Character Of Any Person – City Manager Candidates (Note: All City Manager Candidates May Be Discussed During The Executive Session)

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

Main Motion:

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

VIII. ADJOURNMENT

Main Motion: Adjourn.

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

Council adjourned at 8:17 p.m.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on September 2, 2016 at 12:00 p.m., in the council chambers, Bethel, Alaska.

Mayor Richard Robb called the meeting to order at 12:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Mayor Rick Robb (arrived at 12:17 p.m.)	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski (arrived at 12:09 p.m.)	<input checked="" type="checkbox"/> Council Member Alisha Welch
<input checked="" type="checkbox"/> Council Member Leif Albertson	<input checked="" type="checkbox"/> Council Member Mary Weiss
Members Absent:	
<input checked="" type="checkbox"/> Council Member Zach Fansler	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Attorney Patty Burley	<input checked="" type="checkbox"/> City Clerk Lori Strickler
<input type="checkbox"/> City Manager Ann Capela	<input type="checkbox"/> Assistant To City Clerk Adriane Welch

IV. PEOPLE TO BE HEARD

No one present to be heard.

V. APPROVAL OF AGENDA

Main Motion: Approve the Consent and Regular Agenda.

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

VI. NEW BUSINESS

Item A – City Manager Recruitment Process.

- 1) Candidate Interviews.
- 2) Determination of Second Round Interview Questions
- 3) Determination of Second Round Candidates

VII. EXECUTIVE SESSION

Item A – Subjects That Tend To Prejudice The Reputation And Character Of Any Person – City Manager Candidates (Note: All City Manager Candidates May Be Discussed During The Executive Session)

Move into Executive Session to Discuss Subjects That Tend To Prejudice The Reputation And Character Of Any Person – City Manager Candidates (Note: All City Manager Candidates May Be Discussed During The Executive Session)

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

Main Motion:

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

VIII. ADJOURNMENT

Main Motion: Adjourn.

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

Council adjourned at 1:30 p.m.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Reports of Standing Committees

City of Bethel, Alaska

Finance Committee Minutes

Monday August 22, 2016

Special Meeting

Bethel, Alaska

CALL TO ORDER

A special meeting of the Finance Committee was held on August 22, 2016 at 6:30 p.m. in City Council Chambers.

Meeting was called to order by chair Willard at 6:30 PM.

ROLL CALL

Comprising a quorum of the Committee, the following were present:

Cochrane, Shantz, Trantham, Albertson, Willard, Egoak

Excused absences: Shear

Unexcused absences: Russell

Also in attendance were the following:

Ann Capela, City Manager

Hansel Mathlaw, Finance Director

Patty Burley, City Attorney

Carole Jung, Recorder

PEOPLE TO BE HEARD

Michelle DeWitt – Spoke about the sales tax rewrite.

MOTION: APPROVAL OF AGENDA

MOVED BY:	Cochrane	To approve the agenda.
SECONDED BY:	Albertson	

VOTE ON MOTION	Motion carried by unanimous vote.

MOTION: APPROVAL OF MINUTES OF August 15, 2016 Special Meeting

MOVED BY:	Shantz	To approve the minutes from the August 15 meeting.
SECONDED BY:	Cochrane	

VOTE ON MOTION	Motion carried by unanimous vote.
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OLD BUSINESS

1. Sales Tax Code – Finance director. Member Shantz stated that he will be leaving at 7:40 PM.

MOTION: To go into committee as a whole

MOVED BY:	Trantham	To go into committee as a whole.
SECONDED BY:	Cochrane	

VOTE ON MOTION	Motion carried by unanimous vote.
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MOTION: To come out of committee as a whole.

MOVED BY:	Cochrane	To come out of committee as whole.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion carried by unanimous vote.
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MOTION: To schedule a special meeting September 6, 2016

MOVED BY:	Cochrane	To schedule a special meeting on Tues. Sept. 6. From 6:30-8:30 PM. Will start up on page 9 where we left off.
SECONDED BY:	Egoak	

VOTE ON MOTION	Motion carried by unanimous vote.
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COMMENTS

Council Rep Comments- Thanked everyone for coming. Hope to see you at the city council meeting tomorrow night and we had 12 applicants for city manager. And 6 new potential city council members.

Finance Director- Thanked everyone for attending. Is glad for the frequent meetings.

Co-Chair Cochrane- No comments.

Member Egoak- No comments.

Member Trantham- Thanked everyone for coming along with the guest. Thanks for showing interest in the subject.

Chair Willard- Appreciates everybody’s time and energy, this is an important topic.

ADJOURNMENT

MOVED BY:	Trantham	Meeting was adjourned at 8:35 PM.
SECONDED BY:	Cochrane	

VOTE ON MOTION	Motion carried by unanimous vote.
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APPROVED THIS ___ DAY OF _____, 2016.

Carole Jung, Recorder

Carol Ann Willard, Chair



City of Bethel

Committees and Commissions

Recommendation to City Council

Committees and Commissions that wish to make a recommendation to City Council should turn this form in to the City Clerk or to the City Council representative on the committee or commission.

Committee/Commission: Finance	Chairman: Jon Cochrane, Vice Chair
Date Submitted: 8/23/2016	Council Rep: Leif Albertson

Issue:

Method of calculating Sales Tax on Non-Profit Gaming.

The non-profit groups of Bethel who conduct gaming requested that the finance committee review the current method of calculating sales tax on gaming. The groups collectively felt that the current method of calculating tax using their gross receipts was unfair as it did not take into account the prizes awarded and brought their effective tax rate much higher then was the intention of the original code.

Recommendation:

It is the recommendation of the finance committee that the method of calculating sales tax on non-profit gaming be changed from the current method of charging 6% of the gross receipts to charging 12% of the total of the gross receipts less prizes awarded. This method of calculating gaming tax mirrors the method used by the State of Alaska. (See Below)

Sec. 05.15.184. Pull-tab tax.

A pull-tab distributor shall collect a tax of three percent of an amount equal to the gross receipts less prizes awarded on each series of pull-tabs distributed. The pull-tab distributor shall pay to the department the tax collected in the preceding month at the time that the report under AS 05.15.183(d) is filed with the department.

As the finance committee is currently reviewing a complete rewrite of the Sales Tax Code, we will submit this recommendation as a part of the new code.

Received by: *Leif Albertson*
 Date: 8-23-2016



City of Bethel

Committees and Commissions

Recommendation to City Council

Committees and Commissions that wish to make a recommendation to City Council should turn this form in to the City Clerk or to the City Council representative on the committee or commission.

Committee/Commission: Finance Committee	Chairman: Carol Ann Willard
Date Submitted: 8/29/16	Council Rep: Lief Albertson
<p><i>Issue:</i></p> <p>Finance Department needing some assistance with day to day tasks such as journal entries due to staffing in the last year and high turnover. Some of the more mundane day to day tasks were not getting done. This would be a way to ensure that the work gets done.</p>	
<p><i>Recommendation:</i></p> <p>It is our the Finance Committee’s recommendation that we get Caselle Accounting Support Services to take on some of the finance department’s day to day tasks, such as journal entries, to help ensure that the work gets done in a more timely manner.</p>	

Received by: _____
Date: _____

Our primary focus during August was on staff hiring/training and on Facility Maintenance. Staff focus included both expansion of staff to include filling programming needs as well as training of all staff on updated policies, processes and procedures. Facility focus included procurement of chemicals and supplies that needed to be barged in to assure we have the items needed to keep the facility running smoothly through the winter. Additional attention was on working with LKSD to establish new working practices for fulfilling their contract and on program planning.

Staffing

Hiring: Throughout July and early August we reviewed facility use patterns and made adjustments to the schedule for operational staff, reducing staffing levels during quiet times and increasing staffing levels during peak usage. We also continued to hire qualified local candidates. Currently operational staffing is at levels that allow us to cover operational hours without the need for scheduled overtime. We do still need to resort to overtime to cover unexpected circumstances such as staff illness or emergency, so we continue to interview and hire qualified candidates to provide more coverage overall and to assure backup coverage is available when needed.

Staff Training: We held our first in-service trainings for all staff on 8/7 & 8/12. We provided 2 training dates to assure that all staff were able to attend. Topics discussed included: work performance expectations, utilization of scheduling and payroll software, and processes and procedures for finding shift coverage. Future staff in-service trainings will include both all staff trainings as well as separate trainings for each team to focus on tasks specific to their position.

Facility Maintenance

Water Usage: since being made aware of water concerns on 8/4/16 we have been tracking water usage and have made the following findings.

- From 8/4/16- 8/31/16 the facility used 42, 300 gallons of water.
- Average Daily use on weekdays is approximately 1,100 gallons; weekends is approximately 1,700.
- Backwashing the Main Pool uses approximately 1,500 gallons of water. Backwashing needs to be completed 2-3 times per month.
- Draining and re-filling the spa uses approximately 5,000 gallons. How often the spa needs to be drained depends on usage and water chemistry. We will be monitoring both to determine an appropriate maintenance schedule, but anticipate draining to need to be completed approximately every 4-6 weeks.
- Backwashing the spa uses approximately 500 gallons of water. Backwashing needs to be completed 1-2 times per month.

In summary, our water usage for August met normal criteria for a facility this size. We will continue to monitor water usage on a regular basis and will work with the Public Works department if any unexpected overages occur.

Maintenance

Routine Maintenance:

- Spa was drained, scrubbed and refilled on 8/22/16
- Main pool was backwashed on 8/12/16 & 8/23/16
- Spa pH and ORP sensors cleaned and recalibrated
- Chlorine feeder for main pool cleaned

Corrective Maintenance:

- Slide sensor that had detached from slide was repaired and slide is fully operational.

Maintenance Needed:

- Suit spinner for family locker room needs repairs. Parts arrived on 8/30/16, we anticipate the suit spinner being operational by 8/6/16.
- Rod in pool cover #6 is broken and needs to be repaired/replaced. Repair options are being reviewed.
- One of the doors at the front of the building needs a replacement part for the locking mechanism. We are currently searching for replacement parts.
- Handicapped entrance door at the building front needs to be evaluated. There is no option for unlocking the door to which the automatic opener is attached, consequently the door cannot be opened by the automatic opener and the building is not in compliance with ADA accessibility requirements. Review of building specifications is needed to determine cause.
- We are experiencing ongoing issues with high calcium hardness levels in both pools. High calcium hardness levels cause calcium buildup in pipes and throughout the filtration system and can result in reduced circulation due to clogs. Excessive buildup requires pipes and elements within the filtration and heating systems to be replaced. We are reviewing the causes of the buildup and evaluating options for long term solutions.
- We are experiencing issues with ORP readings by the Bec7 chemical feeding system. Troubleshooting procedures for ORP reading issues have been reviewed and implemented without resolving the issue. We have reached out to the manufacturer and are waiting for a response.

Cleaning: A review of the cleaning processes and materials being used found both to be insufficient to meet the needs of keeping the facility clean while maintaining the integrity of facility materials. After review it was determined that a new cleaning system was required to ensure proper chemicals were being used in the correct concentrations to provide cleanliness, disinfection and material preservation. To this end we procured a WAXIE chemical dispenser and purchased appropriate chemical concentrates. The new cleaning system will assure the use of proper concentrations of chemicals that are appropriate to cleaning and preserving the facility. Use of this system is also safer for our staff as there are no concerns of spilling or splashing chemicals while attempting to mix products for use. The new system became operational on 8/30/16 and positive reports have been received both from staff utilizing the new products and from patrons. Staff are pleased with the ease of use of the new system. Patrons are pleased with the overall increase in cleanliness.

Cleaning processes were reviewed and it was found that many areas in need of cleaning were being missed due to lack of a comprehensive checklist of duties and lack of directions for appropriate cleaning processes. Working with the facility attendant staff we developed a broad list of daily, weekly and monthly tasks to be completed to keep the facility clean. We will continue to review the list regularly and make updates as needed. We are also working on developing and improving the processes used to assure correct cleaning is taking place and are developing a set of specific directions for cleaning procedures for uncommon areas. For example, the water extractors in the locker rooms have a manufacturer recommended cleaning process that had not been followed, resulting in the buildup of dirt and mold in the extractors. We have added the manufacturer recommended cleaning process to the cleaning routine and consequently the extractors are clean and working at top performance. Review and updating of regular duties and processes will remain an ongoing task.

Chemical Procurement: Inventory of chemicals needed for the pool was completed and orders were placed for the 3 primary chemicals needed in bulk to maintain the pool. Muriatic acid, chlorine pellets and calcium hypochlorite granular shock are all scheduled for September barge shipment.

Programming

Aquatics:

- Swim Classes for BRHS students started 8/16/15 and run Tuesdays through Fridays until 12/21/16 with 9 students enrolled.
- BRHS started swim team practices on 8/16/15 and have 12 students committed to the team.
- 2 Swim Instructors have been hired and swim lessons for the public will begin 9/6/16, with programs available for ages 1.5 years through adult.
- As part of our ongoing efforts to increase staffing we are looking into offering Lifeguard and Swim Instructor training courses during September and October. Schedules are currently under construction.

Fitness:

- 5 instructors hired
 - Yoga classes ran through July as part of already established schedule and are scheduled to continue with drop in classes being offered based on the instructor's schedule. 2 classes were offered in August, the instructor is out of town most of September, and we have classes 4 classes scheduled when she returns.
 - New classes for Aqua Zumba, Boxing, Children's Ballet, Judo, and Zumba begin 9/6/16, with 14 hours of fitness classes available per week.

Rentals: August rentals included 5 parties and 24.5 hours of studio rental time.

Events: On 8/20/16 the 3rd annual Zombie run was held at the facility. The run is sponsored by the YKHC Diabetes Prevention Team. The weather was very poor, with rain and wind all day so turnout was only 30 participants, well below their anticipated 100+.

Memberships

LKSD: check-in and reporting procedures for groups covered under the contract with LKSD were reviewed. Previous procedures included check-in on paper sign in sheets and paper lists which proved difficult to keep up to date and a challenging administrative task to provide usage reporting. Verification procedures were updated to maintain online lists which can be updated regularly and check-in procedures were changed to have all participants entered into our software system Rec1. This change allows for more accurate and comprehensive reporting and tracking of facility usage by individuals and groups covered under the LKSD contract. Moving forward we will be working with all of our corporate members to make similar updates to their membership processing.

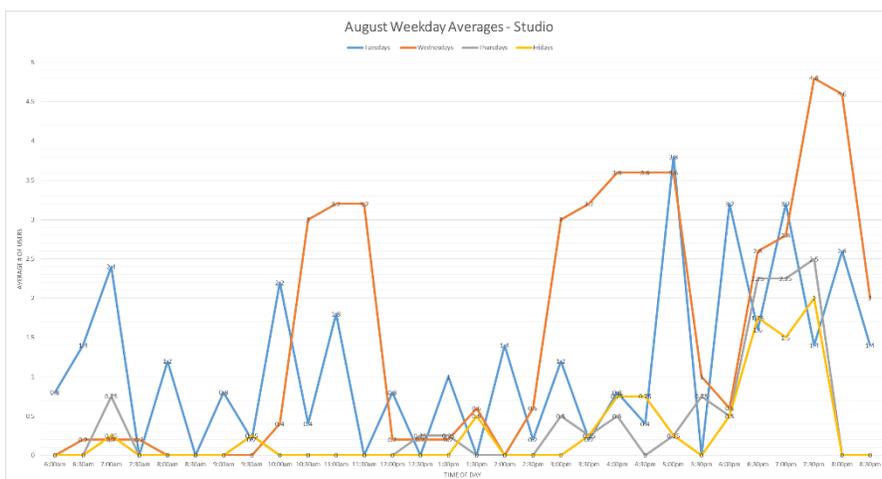
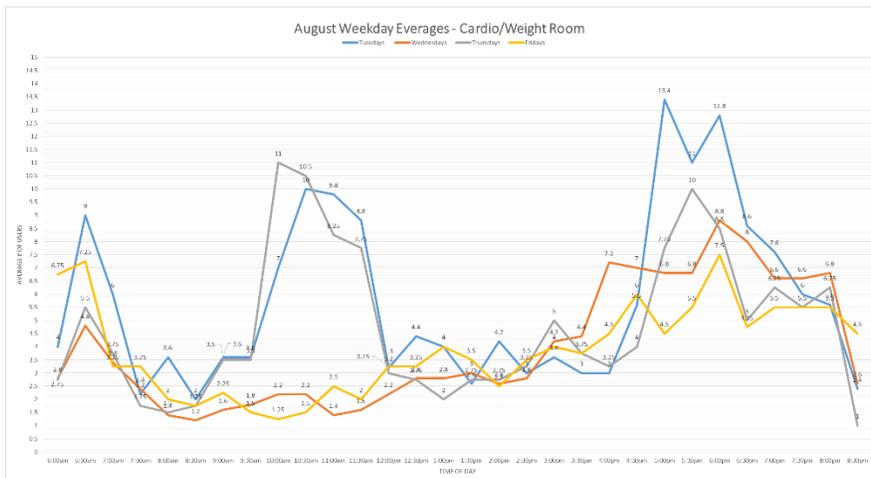
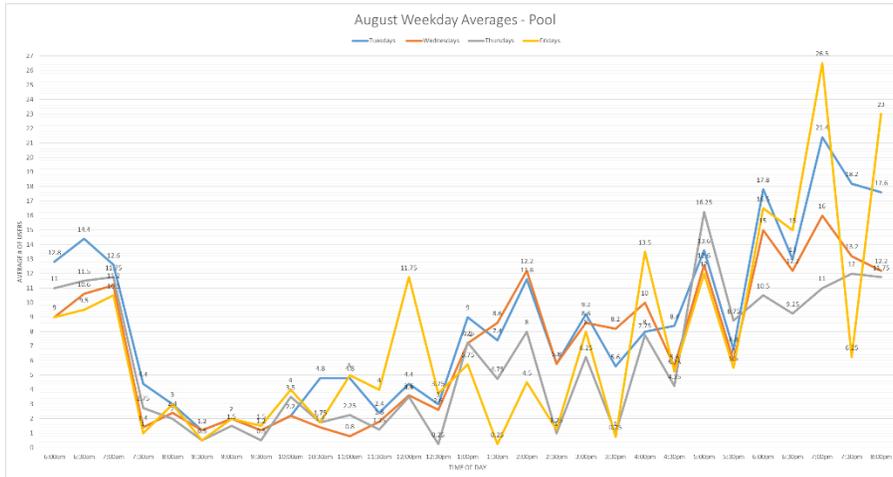
Facility Utilization

Facility Check-In: Facility Check-In numbers represent the total number of patrons who visited the facility and are based on a compilation of the number of members who checked-in, the number of daily passes sold and the number of participants in programs, activities, rentals and special events. These numbers represent facility visits, not individuals as most individuals visit the facility multiple times.

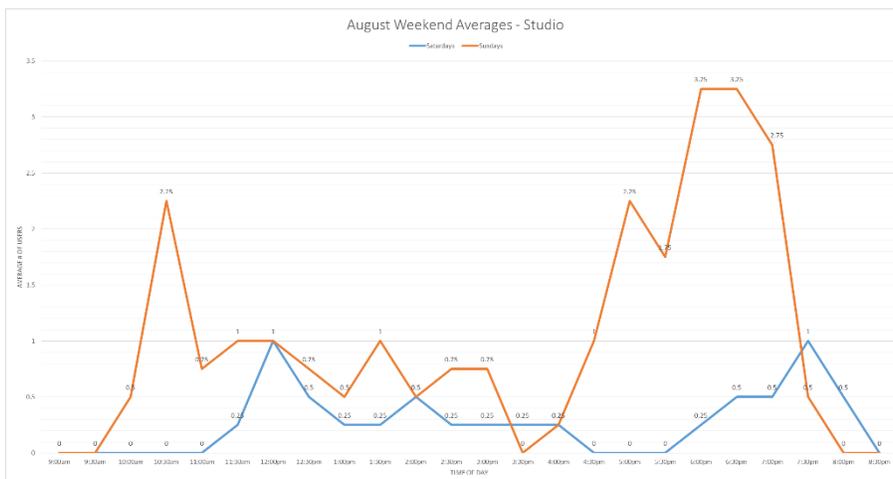
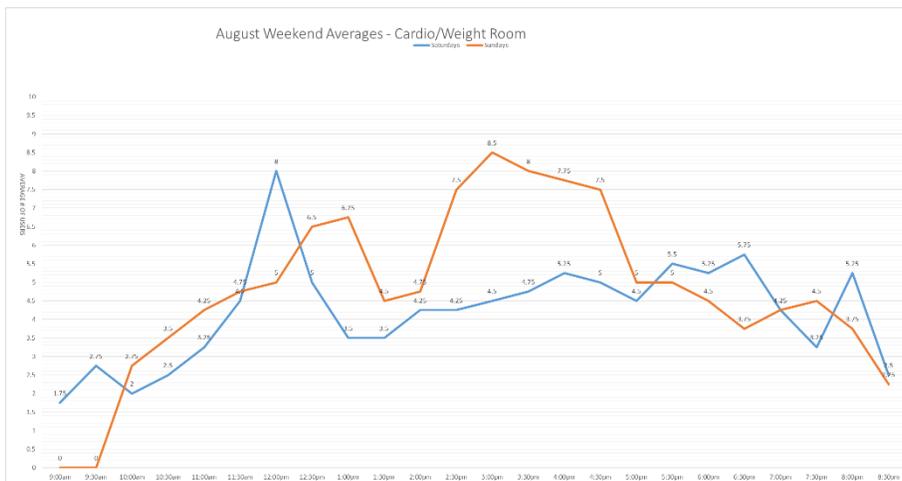
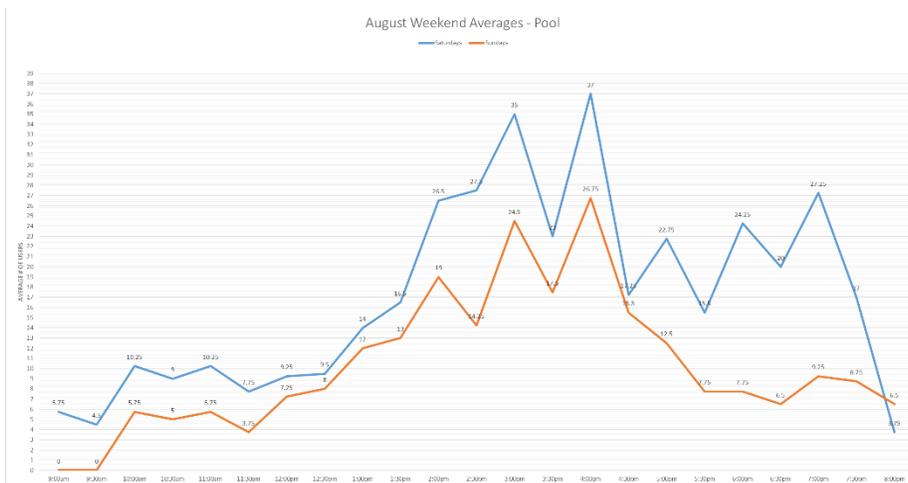
Facility Check-In	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total
Member Checkins	1830	2134											3964
Daily Admissions	1189	1095											2284
Rentals	25	105											130
Events	0	30											30
Fitness Programming	64	12											76
Aquatics Programming	0	220											220
Monthly Totals	3108	3596	0	0	0	0	0	0	0	0	0	0	6704

Area Usage: To determine area usage, facility staff take a count of the number of individuals in each area of the facility at the top and bottom of each hour. These numbers show trends and patterns of area usage, but are not an accurate reporting of the number of patrons using the facility as patrons who remain in any area for more than 30 minutes are counted more than once. The below charts show average number of users for each area, by day of the week, per 30 minute period. Due to the significant utilization differences between weekdays and weekends, the charts are separated accordingly. The raw data can be found in Appendix B.

Weekdays: For all areas peak usage times are in the mornings, from 6am-8am, and in the evenings after 4pm. Midday spikes in usage are due predominantly to two groups. In the pool area we have Bethel Regional High School swim lessons Tuesday-Thursday from 1-2pm and Fridays from 12-12:30pm. In the Cardio/Weight Room Bautista House brings patrons to work out between 10am-12pm on Tuesdays and Thursdays. Additionally, the morning utilization rates for the pool include the newly established BRHS Swim Team which practices from 6-7am.



Weekends: Weekend peak hours fluctuate depending on weather and other activities in the community, but tend to be slow in the morning, pick up in the afternoons starting around 12:30pm.



Marketing

Website: new facility website was built by Katie Basil with funding from Bethel Community Services Foundation. Website has been populated with basic content and will be live as soon as url information is available from City of Bethel IT department. Website content will be maintained by HealthFitness, but website ownership will be turned over from BCFS to the City of Bethel at the end of the current fiscal year.

Facebook: New Facebook page was created and went live on 8/15/16. The page is owned by the City of Bethel but content is being managed by HealthFitness. We have been utilizing the facebook page as part of our marketing strategy, posting class and facility information.

Concessions

Purchasing: Regular purchasing has been required to keep the concessions area stocked with high preference items. Our top sellers were Soft Pretzels, Gatorade, and Nachos and regular buying has been required to keep a stock of these items available. Efforts have been made to introduce some breakfast options into the menu including muffins and oatmeal as well as some healthier options including granola bars and trail mix. The muffins in particular have been well received with the first, exploratory purchase selling out within a week and additional purchasing needed to restock.

July Concessions	Quantity	Total
Big Pickle	3	\$7.08
Bottle Water	88	\$208.97
Candy	88	\$174.42
Chips	110	\$275.00
Coffee	19	\$23.40
Corn Dog	30	\$82.50
Crackers	3	\$1.50
Extra Cheese	5	\$3.75
Extra- Chill	1	\$0.75
Fruit Snacks	34	\$48.25
Gatorade	98	\$392.00
Granola Bars	23	\$34.17
Hot Dogs	43	\$155.78
Large Juice	69	\$270.52
Nachos	22	\$99.00
Peanut butter crackers	11	\$16.50
Pizza	19	\$104.50
SanPellegrino	14	\$40.98
Small Juice	14	\$28.00
Soft Pretzels	17	\$59.50
Trail Mix	3	\$6.62
Vitamin Water	1	\$3.77
Concessions Total:	715	\$2,036.96

August Concessions	Quantity	Total
Big Pickle	3	\$4.25
Bottle Water	82	\$154.87
Burrito	2	\$6.60
Candy	51	\$96.32
Chicken Nuggets	14	\$44.00
Chips	73	\$182.50
Coffee	34	\$40.12
Corn Dog	28	\$72.56
Crackers	8	\$9.44
Extra Cheese	5	\$3.75
Extra- Chill	3	\$2.25
Fruit Snacks	4	\$7.55
Gatorade	125	\$500.00
Granola Bars	31	\$43.98
Hot Chocolate	24	\$28.32
Hot Dogs	43	\$152.20
Hot Pocket	18	\$63.00
Large Juice	68	\$256.43
Mac&Cheese	2	\$7.00
Muffin	29	\$79.75
Nachos	101	\$454.50
Nutella &Go pack	10	\$30.00
Oatmeal	9	\$12.76
Peanut butter crackers	3	\$4.50
Pizza	31	\$160.89
Popcorn	2	\$2.36
Pudding Cup	5	\$7.50
Small Juice	52	\$104.00
Soft Pretzels	169	\$591.50
Trail Mix	9	\$19.08
Vitamin Water	1	\$3.77
Salted Peanuts	2	\$4.00
Yogurt	1	\$2.36
Concessions Total:	1042	\$3,148.11

Proshop

Purchasing: A review of Pro-shop inventory showed that the inventory was low on adult swim suits and goggles. New purchases of these items were made. The new goggles went very quickly and secondary and tertiary purchases were consequently made.

July Pro Shop	Quantity	Total
Animal Kids Goggles	38	\$285.00
Anti Fog Goggles	4	\$32.00
Anti Fog Metallic Goggles	24	\$432.00
Beach Balls	2	\$6.00
Beach Towel	2	\$36.00
Boys Swim Trunks	25	\$575.00
Critter Silicon Swim Cap	5	\$60.00
Dive Rings, Sticks or Discs	3	\$27.00
Ear plugs	15	\$71.25
Flip Flops	3	\$15.75
Fun Kids Kickboards	4	\$56.00
Girls One Piece Suit	21	\$588.00
Hand Paddles	2	\$18.00
Head Phones	2	\$14.00
Lock	33	\$330.00
Men's Swim Trunks	14	\$350.00
Noodles	4	\$34.00
Nose Plugs	45	\$135.00
Regular Kickboards	1	\$16.00
Swim Diapers	18	\$36.00
Water Squirts	2	\$20.00
Women's Solid Color One Piece Suit	13	\$416.00
YKFC T-Shirt	11	\$330.00
Pro Shop Total:	291	\$3,883.00

August Pro Shop	Quantity	Total
Activity Counter	1	\$20.00
Animal Kids Goggles	29	\$175.00
Anti Fog Goggles	48	\$480.00
Anti Fog Metallic Goggles	5	\$90.00
Beach Towel	5	\$50.00
Boys Swim Trunks	14	\$319.00
Camelbak eddy Water Bottle	1	\$25.00
Critter Silicon Swim Cap	2	\$20.00
Dive Rings, Sticks or Discs	9	\$45.00
Ear plugs	15	\$41.00
Flip Flops	2	\$8.00
Fun Kids Kickboards	5	\$66.00
Girls One Piece Suit	8	\$200.00
H2O Dumbbells	1	\$15.00
Head Phones	4	\$22.00
Lock	15	\$95.00
Men's Swim Trunks	14	\$350.00
Mesh Bag	1	\$10.00
Noodles	5	\$28.50
Nose Plugs	27	\$81.00
Shammy Towel	2	\$28.00
Small(White) Towel	1	\$3.00
Swim Diapers	19	\$38.00
Water Squirts	3	\$15.00
Women's Multi-Color one piece suit	4	\$84.00
Women's Solid Color One Piece Suit	11	\$366.00
YK water bottle	2	\$24.00
YKFC T-Shirt	6	\$160.00
YKFC Tank Top	1	\$20.00
Pro Shop Total:	260	\$2,878.50

Pricing: Pro shop pricing was reviewed and pricing was updated. In most instances product prices were reduced to make high priced items more available to patrons, particularly swim toys for children.

Item	Previous	New
	Prices include tax	
Youth	Boys - 24.38 Girls - 29.68	\$ 21.20
Adult Trunks	\$ 26.50	\$ 26.50
Women's Solid Colors	\$ 33.92	\$ 36.04
Women's Multi-Color	\$ 50.88	\$ 44.52
Flip Flops	\$ 5.57	\$ 4.24
Kick Boards	\$ 16.96	\$ 10.60
Hand Paddles	\$ 9.54	\$ 8.48
Pull Floats	\$ 12.19	\$ 8.48
Ear Plugs	\$ 5.04	\$ 2.12
Mesh Bag	\$ 12.19	\$ 10.60
Critter Swim Cap		\$ 8.48
Silicone Swim Cap	\$ 12.72	\$ 10.60
Towel (beach towel or shammie)	Beach - 19.08 Shammie - 14.84	\$ 10.60
Animal Goggles	\$ 7.95	\$ 5.30
Jr. Goggles	\$ 8.48	\$ 10.60
Adult Goggles	\$ 19.08	\$ 10.60
Inflatable Ball	\$ 3.18	\$ 2.12
Dive Sticks, Rings or Discs	\$ 9.54	\$ 5.30
Water Cannon	\$ 10.60	\$ 5.30
Swim Noodles	\$ 9.01	\$ 5.30
Activity Tracker	\$ 26.50	\$ 21.20
Gloves	\$ 15.90	\$ 15.90
Armband (for electronics)	\$ 26.50	\$ 15.90
Ear bud headphones	\$ 7.42	\$ 5.30
YKFC Tank Top	\$ 31.80	\$ 21.20
YKFC T-Shirt	\$ 31.80	\$ 26.50
lock	\$ 10.60	\$ 5.30
Flip Flops	\$ 5.57	\$ 4.24

September

Our focus for September will be on addressing the ongoing maintenance concerns, getting new classes off to a smooth start, continued hiring and training of staff and review and update of maintenance, operations and policies and procedures.

HeathFitness Operating Budget
August 2016

Revenue	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total	Projected
Taxes	\$ 962.95	\$ 1,025.90											\$ 1,988.85	570,833.00
Member Enrollment Fee and Monthly Dues	\$ 6,615.31	\$ 12,734.77											\$ 19,350.08	\$336,000.00
Facility Rental	\$ 940.00	\$ 945.00											\$ 1,885.00	\$15,000.00
Aquatic Programming	\$ 210.00	\$ 116.00											\$ 326.00	\$110,000.00
Concessions	\$ 2,036.96	\$ 3,148.11											\$ 5,185.07	\$69,000.00
Pro Shop	\$ 3,883.00	\$ 2,878.50											\$ 6,761.50	\$48,000.00
Wellness and Fitness Programming	\$ 2,090.00	\$ 189.00											\$ 2,279.00	\$31,200.00
Monthly Revenue Total	\$16,738.22	\$21,037.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$37,775.50	1,180,033.00
Expenses	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total	Budgeted
FT Staff Wages	\$ 6,990.88	\$ 10,663.96											\$ 17,654.84	\$ 135,000.00
PT Staff Wages	\$ 10,725.25	\$ 22,825.70											\$ 33,550.95	\$ 381,733.50
Benefits	\$ 2,686.50	\$ 5,023.45											\$ 7,709.95	\$ 96,410.03
Management	\$ 11,666.67	\$ 11,666.67											\$ 23,333.34	\$ 140,000.00
Liability Insurance													\$ -	\$ 15,062.87
Staff Meetings													\$ -	\$ 2,200.00
Cost of Living Adjustment	\$ 3,000.00	\$ 3,000.00											\$ 6,000.00	\$ 36,000.00
Bank Fees													\$ -	\$ 13,000.00
Advertising/Marketing													\$ -	\$ 10,000.00
Sub-Contractor Maintenance Cost													\$ -	\$ 35,790.00
Building Maintenance Contingency Reserve													\$ -	\$ 3,300.00
Exercise Equipment Maintenance													\$ -	\$ 5,600.00
Pool/Building Maintenance Supplies	\$ 73.20												\$ 73.20	\$ 5,000.00
Chemical Supplies													\$ -	\$ 26,500.00
Paper and Cleaning Products													\$ -	\$ 22,000.00
Point of Sale System	\$ 800.00												\$ 800.00	\$ 5,889.31
Office Supplies													\$ -	\$ 4,000.00
Postage													\$ -	\$ 1,000.00
Unforeseen Expense	\$ 43.20												\$ 43.20	\$ 1,500.00
Fitness Items													\$ -	\$ 1,500.00
Aquatics Program Items													\$ -	\$ 2,500.00
Concession Items													\$ -	\$ 42,000.00
Pro-Shop Items													\$ -	\$ 32,000.00
Auto Fuel													\$ -	\$ 3,000.00
Cable TV													\$ -	\$ 1,908.00
Shipping													\$ -	\$ 20,000.00
Monthly Expenditures	\$35,985.70	\$53,179.78	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$89,165.48	\$ 1,042,893.71

August Patron Counts																										
Steno	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun		
Time	8/2/2016	8/3/2016	8/4/2016	8/5/2016	8/6/2016	8/7/2016	8/9/2016	8/10/2016	8/11/2016	8/12/2016	8/13/2016	8/14/2016	8/16/2016	8/17/2016	8/18/2016	8/19/2016	8/20/2016	8/21/2016	8/23/2016	8/24/2016	8/25/2016	8/26/2016	8/27/2016	8/28/2016	8/30/2016	8/31/2016
6:00am	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30am	6	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0
7:00am	9	0	0	1	0	0	1	1	0	0	0	0	1	0	1	0	0	0	0	0	0	2	0	0	1	0
7:30am	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00am	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30am	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:00am	3	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30am	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00am	10	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2
10:30am	0	0	0	0	0	2	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	15
11:00am	7	0	0	0	0	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	15
11:30am	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	15
12:00pm	4	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	2	3	0	1
12:30pm	0	0	0	0	0	1	0	0	0	0	0	1	2	0	0	0	0	0	0	0	1	0	1	0	0	1
1:00pm	5	0	1	0	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	1
1:30pm	0	0	0	2	0	3	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3
2:00pm	7	0	0	0	1	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:30pm	0	0	0	0	1	2	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	3
3:00pm	5	0	2	0	0	2	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	15
3:30pm	0	0	1	0	0	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	15
4:00pm	3	3	2	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0	1	0
4:30pm	0	3	0	1	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	15
5:00pm	15	3	0	0	0	0	2	0	1	0	0	5	0	0	0	0	0	1	0	2	2	0	0	0	2	0
5:30pm	0	2	1	0	0	0	0	0	2	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	3
6:00pm	12	12	0	1	1	0	1	0	1	0	1	0	5	3	0	0	0	0	0	0	0	0	0	6	3	4
6:30pm	0	0	2	1	1	0	3	1	0	3	1	1	4	0	0	2	0	2	0	0	0	7	1	0	10	1
7:00pm	8	0	2	0	2	0	3	1	0	3	0	0	4	1	0	2	0	1	0	0	7	1	0	10	1	
7:30pm	0	1	0	0	2	0	0	0	2	0	1	0	4	5	1	8	1	2	0	3	7	0	0	3	15	
8:00pm	6	1	0	0	1	0	0	0	0	0	0	4	5	0	0	1	0	0	1	0	0	0	0	0	2	15
8:30pm	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Total:	117	13	12	7	11	16	20	7	7	11	8	19	21	11	2	13	2	20	3	10	24	4	5	44	11	197

C/W	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	
Time	8/2/2016	8/3/2016	8/4/2016	8/5/2016	8/6/2016	8/7/2016	8/9/2016	8/10/2016	8/11/2016	8/12/2016	8/13/2016	8/14/2016	8/16/2016	8/17/2016	8/18/2016	8/19/2016	8/20/2016	8/21/2016	8/23/2016	8/24/2016	8/25/2016	8/26/2016	8/27/2016	8/28/2016	8/30/2016	8/31/2016	
6:00am	4	0	3	5	9	6	12	6	6	6	6	8	7	6	6	8	6	6	8	6	8	6	8	11	2		
6:30am	9	0	2	5	5	5	5	5	4	1	1	2	7	5	2	7	4	4	4	5	5	5	5	7	1	1	
7:00am	0	0	2	1	0	4	3	2	1	1	0	3	5	3	7	3	3	3	0	4	4	0	4	1	1		
7:30am	6	0	3	1	0	2	3	2	3	1	0	3	2	2	4	2	4	2	0	2	0	2	0	2	0		
8:00am	0	0	1	0	2	1	0	2	1	1	1	2	3	1	7	3	4	2	0	4	2	0	0	4	0		
8:30am	3	0	2	1	2	3	1	5	1	2	2	3	3	3	4	2	6	3	4	3	1	1	3	1	3		
9:00am	0	0	1	0	3	5	1	5	3	3	3	3	3	1	1	7	3	5	2	4	4	3	2	4	3		
9:30am	10	0	14	2	3	5	5	16	1	2	1	2	3	12	1	2	1	6	1	2	1	1	1	4	12	2	
10:00am	0	2	12	2	2	4	13	4	15	2	3	1	14	3	12	1	3	5	11	1	1	1	1	2	4	12	1
10:30am	7	1	12	4	2	3	11	2	10	3	4	3	9	2	10	1	5	8	12	1	1	2	2	3	10	1	
11:00am	0	1	3	4	4	4	12	2	12	2	5	6	10	3	14	1	5	5	12	0	2	3	4	4	10	2	
12:00pm	4	0	4	6	11	7	4	5	3	3	7	4	4	3	2	1	10	1	1	1	3	3	4	8	3	2	
12:30pm	0	3	3	4	5	12	7	3	2	4	4	7	2	3	2	8	2	5	3	3	3	3	8	3	3		
1:00pm	5	2	3	5	5	15	7	1	2	3	2	6	2	4	2	4	5	3	3	3	4	4	2	3	4		
1:30pm	0	0	3	4	5	10	8	9	5	2	5	3	3	3	3	4	2	1	0	5	1	1	0	2	0		
2:00pm	7	0	2	1	5	6	6	8	5	1	2	4	2	4	4	5	6	8	3	1	0	3	4	1	3	0	
2:30pm	0	2	2	3	6	11	5	4	5	5	2	6	4	2	4	3	5	10	3	5	2	3	4	3	3	1	
3:00pm	5	4	5	5	6	9	5	3	7	5	6	9	2	4	5	3	3	13	2	6	3	3	3	4	5		
3:30pm	0	8	4	5	5	8	6	3	4	5	6	8	1	2	6	2	4	6	2	4	1	3	4	5	6	5	
4:00pm	3	12	2	4	6	7	6	3	4	6	6	10	3	5	6	4	11	2	6	2	4	5	3	0	7	4	
4:30pm	0	16	4	6	7	6	6	1	4	7	5	10	7	6	4	9	4	11	8	7	4	2	4	3	7	5	
5:00pm	15	13	10	6	7	5	12	1	9	3	4	6	14	10	5	7	2	6	15	8	7	2	5	3	11	2	
5:30pm	0	5	12	9	7	7	17	1	12	7	3	6	16	11	7	6	5	9	10	9	0	7	2	13	7	7	
6:00pm	12	3	12	9	5	8	16	9	8	10	5	6	14	10	4	4	6	5	7	14	10	7	5	1	15	8	
6:30pm	0	6	3	1	5	3	5	3	5	6	6	4	14	12	5	15	8	4	7	7	9	6	5	2	9	6	
7:00pm	8	6	4	7	3	5	10	7	10	4	6	1	7	8	7	4	3	7	6	7	4	7	5	4	7	5	
7:30pm	0	6	5	3	4	4	7	10	7	8	4	3	9	7	2	4	2	5	6	6	8	7	3	6	8	4	
8:00pm	7	7	10	4	5	4	4	7	5	9	8	2	7	9	2	2	4	2	4	5	8	7	4	7	6	6	
8:30pm	6	6	0	1	2	3	0	0	3	8	2	3	2	2	1	2	3	2	1	4	0	7	3	1	3	1	
Total:	117	101	148	122	113	149	220	123	179	124	102	106	179	147	146	104	126	174	135	104	120	85	79	178	88		

Pool	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed	Thurs	Fri	Sat	Sun	Tues	Wed
Time	8/2/2016	8/3/2016	8/4/2016	8/5/2016	8/6/2016	8/7/2016	8/9/2016	8/10/2016	8/11/2016	8/12/2016	8/13/2016	8/14/2016	8/16/2016	8/17/2016	8/18/2016	8/19/2016	8/20/2016	8/21/2016	8/23/2016	8/24/2016	8/25/2016	8/26/2016	8/27/2016	8/28/2016	8/30/2016	

August Daily Averages

Studio	Tuesdays	Wednesdays	Thursdays	Fridays	Total:	Saturdays	Sundays	Weight Room	Tuesdays	Wednesdays	Thursdays	Fridays	Total:	Saturdays	Sundays	Pool	Tuesdays	Wednesdays	Thursdays	Fridays	Total:	Saturdays	Sundays
6:00am	0.8	0	0	0	6:00am	0	0	6:00am	4	2.8	2.75	6.75	6:00am	0	0	6:00am	12.8	9	11	9	6:00am	0	0
6:30am	1.4	0.2	0	0	6:30am	0	0	6:30am	9	4.8	5.5	7.25	6:30am	0	0	6:30am	14.4	10.6	11.5	9.5	6:30am	0	0
7:00am	2.4	0.2	0.75	0.25	7:00am	0	0	7:00am	6	3.4	3.75	3.25	7:00am	0	0	7:00am	12.6	11.2	11.75	10.5	7:00am	0	0
7:30am	0	0.2	0	0	7:30am	0	0	7:30am	2.2	2.4	1.75	3.25	7:30am	0	0	7:30am	4.4	1.4	2.75	1	7:30am	0	0
8:00am	1.2	0	0	0	8:00am	0	0	8:00am	3.6	1.4	1.5	2	8:00am	0	0	8:00am	3	2.4	2	3	8:00am	0	0
8:30am	0	0	0	0	8:30am	0	0	8:30am	2	1.2	1.75	1.75	8:30am	0	0	8:30am	1.2	1.2	0.5	0.5	8:30am	0	0
9:00am	0.8	0	0	0	9:00am	0	0	9:00am	3.6	1.6	3.5	2.25	9:00am	1.75	0	9:00am	2	2	1.5	2	9:00am	5.75	0
9:30am	0.2	0	0.25	0.25	9:30am	0	0	9:30am	3.6	1.8	3.5	1.5	9:30am	2.75	0	9:30am	1.2	1.2	0.5	1.5	9:30am	4.5	0
10:00am	2.2	0.4	0	0	10:00am	0	0.5	10:00am	7	2.2	11	1.25	10:00am	2	2.75	10:00am	2.2	2.2	3.5	4	10:00am	10.25	5.75
10:30am	0.4	3	0	0	10:30am	0	2.25	10:30am	10	2.2	10.5	1.5	10:30am	2.5	3.5	10:30am	4.8	1.4	1.75	1.75	10:30am	9	5
11:00am	1.8	3.2	0	0	11:00am	0	0.75	11:00am	9.8	1.4	8.25	2.5	11:00am	3.25	4.25	11:00am	4.8	0.8	2.25	5	11:00am	10.25	5.75
11:30am	0	3.2	0	0	11:30am	0.25	1	11:30am	8.8	1.6	7.75	2	11:30am	4.5	4.75	11:30am	2.4	1.8	1.25	4	11:30am	7.75	3.75
12:00pm	0.8	0.2	0	0	12:00pm	1	1	12:00pm	3.2	2.2	3	3.25	12:00pm	8	5	12:00pm	4.4	3.6	3.5	11.75	12:00pm	9.25	7.25
12:30pm	0	0.2	0.25	0	12:30pm	0.5	0.75	12:30pm	4.4	2.8	2.75	3.25	12:30pm	5	6.5	12:30pm	3	2.6	0.25	3.75	12:30pm	9.5	8
1:00pm	1	0.2	0.25	0	1:00pm	0.25	0.5	1:00pm	4	2.8	2	4	1:00pm	3.5	6.75	1:00pm	9	7.2	7.25	5.75	1:00pm	14	12
1:30pm	0	0.6	0	0.5	1:30pm	0.25	1	1:30pm	2.6	3	2.75	3.5	1:30pm	3.5	4.5	1:30pm	7.4	8.6	4.75	0.25	1:30pm	16.5	13
2:00pm	1.4	0	0	0	2:00pm	0.5	0.5	2:00pm	4.2	2.6	2.75	2.5	2:00pm	4.25	4.75	2:00pm	11.6	12.2	8	4.5	2:00pm	26.5	19
2:30pm	0.2	0.6	0	0	2:30pm	0.25	0.75	2:30pm	3	2.8	3.25	3.5	2:30pm	4.25	7.5	2:30pm	5.8	5.8	1	1.25	2:30pm	27.5	14.25
3:00pm	1.2	3	0.5	0	3:00pm	0.25	0.75	3:00pm	3.6	4.2	5	4	3:00pm	4.5	8.5	3:00pm	9.2	8.6	6.25	8	3:00pm	35	24.5
3:30pm	0.2	3.2	0.25	0.25	3:30pm	0.25	0	3:30pm	3	4.4	3.75	3.75	3:30pm	4.75	8	3:30pm	5.6	8.2	1	0.75	3:30pm	23	17.5
4:00pm	0.8	3.6	0.5	0.75	4:00pm	0.25	0.25	4:00pm	3	7.2	3.25	4.5	4:00pm	5.25	7.75	4:00pm	8	10	7.75	13.5	4:00pm	37	26.75
4:30pm	0.4	3.6	0	0.75	4:30pm	0	1	4:30pm	5.6	7	4	6	4:30pm	5	7.5	4:30pm	8.4	5.6	4.25	5.25	4:30pm	17.25	15.5
5:00pm	3.8	3.6	0.25	0.25	5:00pm	0	2.25	5:00pm	13.4	6.8	7.75	4.5	5:00pm	4.5	5	5:00pm	13.6	12.6	16.25	12	5:00pm	22.75	12.5
5:30pm	0	1	0.75	0	5:30pm	0	1.75	5:30pm	11	6.8	10	5.5	5:30pm	5.5	5	5:30pm	6.8	6	8.75	5.5	5:30pm	15.5	7.75
6:00pm	3.2	0.6	0.5	0.5	6:00pm	0.25	3.25	6:00pm	12.8	8.8	8.5	7.5	6:00pm	5.25	4.5	6:00pm	17.8	15	10.5	16.5	6:00pm	24.25	7.75
6:30pm	1.6	2.6	2.25	1.75	6:30pm	0.5	3.25	6:30pm	8.6	8	5	4.75	6:30pm	5.75	3.75	6:30pm	13	12.2	9.25	15	6:30pm	20	6.5
7:00pm	3.2	2.8	2.25	1.5	7:00pm	0.5	2.75	7:00pm	7.6	6.6	6.25	5.5	7:00pm	4.25	4.25	7:00pm	21.4	16	11	26.5	7:00pm	27.25	9.25
7:30pm	1.4	4.8	2.5	2	7:30pm	1	0.5	7:30pm	6	6.6	5.5	5.5	7:30pm	3.25	4.5	7:30pm	18.2	13.2	12	6.25	7:30pm	17	8.75
8:00pm	2.6	4.6	0	0	8:00pm	0.5	0	8:00pm	5.6	6.8	6.25	5.5	8:00pm	5.25	3.75	8:00pm	17.6	12.2	11.75	23	8:00pm	3.75	6.5
8:30pm	1.4	2	0	0	8:30pm	0	0	8:30pm	2.4	2.6	1	4.5	8:30pm	2.5	2.25								

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

August 29, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

The meeting was called to order by Michelle Dewitt at 6:03 pm.

II. ROLL CALL

Comprising a quorum of the Committee, the following were present: Michelle DeWitt, Kathy Hanson, Barbara Mosier, Kathryn Baldwin, Beverly Hoffman, and Rick Robb

Excused absent(s): Judy Wasierski and Brian Lefferts

Also in attendance were the following:
Public Works Director, Muzaffar Lakhani
Fitness Center Facility Director, Stacey Reardon

III. PEOPLE TO BE HEARD:

VI. SPECIAL ORDER OF BUSINESS:

- A. Sept 13 City Council Report:** Kathy Hanson volunteered to give the report.
- B. Consideration of postponing or rescheduling of the September 12, 2016 regular scheduled meeting per code 2.52.30:**

MOVED BY:	Barbara Mosier	Motion to reschedule the September 12, 2016 meeting to September 26, 2016
SECONDED BY:	Kathy Hanson	
VOTE ON MOTION	Unanimously approved	

- C. September 12 Meeting with Health and Fitness:** Announcement that there is a Health and Fitness meeting that will be held at the pool. Kathy Hanson and Barbara Mosier have volunteered to meet with them.
- D. Art at the Fitness Center:** Rasmusson grant needs to be spent. The deadline was June 30, 2016. It was suggested to be transferred to the Bethel Community Service Foundation (BCSF), and have it spent how the City wants. This is to allow time to move forward with the artwork and at the same time, allow the remainder of the grant to taken "off the books" by Rasmusson Foundation.
- E. Consideration to change the committee name:** Committee member Kathy Hanson, who brought the topic to the committee member withdrew her request for consideration.
- F. Committee Member Weiss' seat:** Mary Weiss' seat on the committee is now open. She submitted her resignation from the committee to the City Clerk because she is now running for City Council.
- G. City of Bethel employee wellness program:** Committee will discuss possible options for the City at the next meeting. The program would benefit the City of Bethel employees.

XII. ADJOURNMENT:

MOVED BY:	Barbara Mosier	Motion to adjourn the meeting at 7:16 pm
SECONDED BY:	Kathy Hanson	
VOTE ON MOTION	Unanimously approved	

APPROVED THIS ___ DAY OF _____, 2016.

Pauline Boratko, Committee Recorder

Michelle DeWitt, Chair

DRAFT

City of Bethel, Alaska

Planning Commission Meeting

Aug 18, 2016

Regular re-scheduled Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular re-scheduled meeting of the Planning Commission was held on Thursday, August 18, 2016, at 6:30 PM at the City Hall back room in Bethel, Alaska. Chair Shantz 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: Joy, Lorin, Kathy, and John (telephonically). Cliff Linderoth arrived at 6:32.

Also present was Planning Director Ted Meyer, Haley Hanson, and Betsy Jumper.

III. PEOPLE TO BE HEARD

Nobody wished to be heard.

IV. MOTION TO APPROVE THE MINUTES OF THE JUNE 9, 2016 MEETING & THE JULY 28 SPECIAL MEETING

MOVED:	Lorin Bradbury	To approve the June 2016 and the July 28, 2016 minutes.
SECONDED:	Kathy Hanson	
VOTE ON MOTION	All in favor 4 opposed. Motion carries.	

V. APPROVAL OF THE AGENDA

MOTION TO APPROVE THE AGENDA OF AUGUST 18, 2016

MOVED:	Kathy Hanson	To approve the agenda.
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	All in favor 4 and 0 opposed. Motion carries.	

VI. OLD BUSINESS: PUBLIC HEARING: Applicant: Baba's Pizza is applying for a Conditional Use Permit (CUP) to obtain a liquor license. The Legal Description is United States Survey Number 4117, lot 38E of Park Place Subdivision. The physical address is 1725 State Highway. (Action Item)

Chair Shantz opened the public hearing.

The Planning Director gave his report on the Baba's Conditional Use permit application and his facts and findings.

Applicant Trey Chavez stated the reason why they submitted an application was to increase sales revenues in the restaurant.

People to be Heard: Nobody wished to be heard.

After much discussion, a motion was made.

MOTION TO DENY BABA’S CONDITIONAL USE PERMIT APPLICATION

MOVED:	Lorin Bradbury	To deny Baba’s request for a CUP. The reasons for the denial were: 1. The site plan map was one space shy of the required 12 parking spaces (BMC 18.48.160 D16, off street parking); 2. The parking area entrance and exit driveways are within the required 50’ distance of the nearest street intersection (BMC 18.48.200 E1, Driveway standards; and 3. Regarding compatibility with the neighborhood, the selling of alcohol would have an adverse impact on the high concentration of neighboring residences (68 trailers-- and 4 houses, located across the street in the trailer court—BMC 18.60.060).
SECONDED:	Kathy Hanson	
VOTE ON MOTION	All in favor 4 and 0 opposed. Motion carries.	

Chairman Shantz closed the public meeting.

VII. PLANNER’S REPORT: Ted went over the Planning Director’s monthly activity report.

IX. COMMISSIONER’S COMMENTS: **Kathy:** These CUP hearings are good and fascinating. I appreciate how thorough the Planner and staff are. **Lorin:** I have several things; thank you to the Planner and staff. This is educational; we have to go by this much like a judge would do. Also, a couple of things that need to be worked on that I noticed; there’s only one place in the BMC that the word “Church” even appears here, and that’s under Public Lands and Institutions—typically in most codes, churches can be in residential, general use, etc. zones. Churches need to be included more than once in the BMC; I think we need to revisit this. And, the other item is, the trailer court area got me wondering, what are the definitions of streets, private roads, driveways, dedicated right-of-ways? Also we need to visit usable space/square footage and parking spots—we need to be consistent. **Cliff:** The only thing, in reference to the motion that I couldn’t vote on, was that in general, people protest more than they support them. There’s mass apathy about Baba’s. The people I spoke to in the trailer court were against it for moral reasons, not land use issues—there were safety concerns expressed to me, but where are the parents to voice that here at this meeting? The very question too, if trailer court were modern apartments and if somebody wanted to open a pub there, rather than a rundown trailer court, I think the perception would be different. **John:** no comments. **Joy:** I think Cliff had a really good point, but I still feel that, for me, I didn’t make an arbitrary decision—I took in the high impact residential area proximity. I think that if there were a high class pub neighborhood I would probably take in the exact same concerns and considerations that I took on with this. It’s the density-I would use the same standards.

X. ADJOURNMENT

MOVED:	Kathy Hanson	Motion to adjourn the meeting at 8:15.
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	5 yes and 0 opposed. Motion carries.	

The next meeting will be on Sept. 8, 2016

_____, Joy Shantz, Chairman
 ATTEST: _____, Betsy Jumper, Recorder



City of Bethel Police Dept.

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

PUBLIC NOTICE REGULAR MEETING OF THE PUBLIC SAFETY & TRANSPORTATION COMMISSION **Tuesday, September 6th, 2016 -7:00 p.m.** **300 STATE HIGHWAY – CITY COUNCIL CHAMBERS** **AGENDA**

Members

Joan Dewey
Chair

Eileen Henrikson
Vice Chair

Mary Weiss
Council Representative

Naim Shabani

Julene Webber

Daniel Maczynski

Ex-Officio Members

Andre Achee
Chief of Police

William Howell III
Fire Chief

Christina Him
Recorder

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF June 7th, 2016 , July 5th, 2016 and August 2nd, 2016.
- VI. SPECIAL ITEM OF BUSINESS
 - A. PUBLIC HEARING: On the price and quality of service provided by all regulated vehicles, chauffeurs, and dispatch services
- VII. CHIEFS' COMMENTS
 - Fire Chief
 - Police Chief
- VIII. TRANSPORTATION INSPECTOR'S REPORT
- IX. COUNCIL REPRESENTATIVE'S COMMENTS
- X. UNFINISHED BUSINESS
 - A. Traffic Impact Analysis of the YKHC's hospital expansion project and Ayaprun Elitnaurvik's relocation to the Kipusvik Building (Ted Meyer, *City Planner*)
 - B. Consideration of a "Neighborhood Watch" program (Commission Member Maczynski)
- XI. NEW BUSINESS
 - A. Community Service Options for Juvenile Offenses (Commission Member Maczynski)
 - B. Title 6 Proposal: Animal Control
 - C. Heroin Issue: Medical & behavioral health approaches & treatment options (Teri Forst, *Clinician, Bethel Family Clinic*)
 - D. Statewide Task Force Update on Heroin (Byron Maczynski, *Council Member*)
 - E. Western Alaska Alcohol & Narcotics Team (WAANT): Regional Update
- XII. COMMISSION MEMBER'S COMMENTS
- XIII. ADJOURNMENT

Christina Him, *Recorder*
POSTED on August 31st, 2016
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.
Next Public Safety and Transportation Commission Meeting will be **October 4th, 2016.**

"Deep Sea Port and Transportation Center of the Kuskokwim"

Chapter 6.04 Animal Control

6.04.010	Definitions
6.04.020	Authority of Animal Control Officers
6.04.030	Failure to Prevent Nuisance Action of Animals Prohibited
6.04.040	Animal Licensing Required
6.04.050	Removal of Animal from City Prohibited
6.04.060	Impoundment of Animals
6.04.070	Redemption of Impounded Animals
6.04.080	Payment Required Upon Redemption
6.04.090	Adoption of Animals
6.04.100	Quarantine Required When an Animal Bites
6.04.110	Notices Required When an Animal Bites
6.04.120	Enforcement
6.04.130	Presumptions
6.04.140	Penalties
6.04.200	Animal Rescue Entities – Registration
6.04.210	Animal Rescue Entities – Recordkeeping
6.04.220	Animal Rescue Entities – Inspection

6.04.010 Definitions.

1. "Animal" means any nonhuman vertebrate.
2. "Animal Control Officer" means a designee of the Bethel Police Department empowered to impound, adopt, euthanize, care for and respond to animal calls within the City.
3. "Animal running at large" means an animal that is off or outside the premises of a keeper's property and not under the immediate control, restraint or command of a keeper.
4. "Animal rescue entity" means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary, animal foster home or boarding kennel that keeps, houses, and on average maintains in its physical or legal custody four (4) or more animals and that solicits or accepts donations in any form. The term "animal rescue entity" does not include a veterinary facility.
5. "Authorized representative of the City" means any City of Bethel police officer, code enforcement officer, community service patrol officer or other employee of the City of Bethel.
6. "Bites" means that an animal's teeth or jaws cause a wound or break in the skin.

7. "Corrective action" means a mandatory act, prevention of an act, condition or restriction imposed on a keeper by the Chief of Police, animal control officer or hearings officer.
8. "Dangerous Dog" means a dog that:
 - a. Without provocation and in an aggressive manner inflicts serious physical injury on a person or kills a person;
 - b. Acts as a potentially dangerous animal after having previously engaged in conduct that violated, or would be a violation of, BMC 6.04.030(H); or
 - c. Is used as a weapon in the commission of a crime.
9. "Days" means calendar days unless otherwise specified in this chapter.
10. "Disturbing animal noise" means either of the following:
 - a. Barking, whining, howling or similar sounds that occur for more than fifteen (15) minutes on at least three (3) different days within a ten (10) day period and that have a tendency to disturb a reasonable person off the keeper's property; or
 - b. Barking, whining, howling or similar sounds that occur for more than five (5) minutes during at least three (3) different night periods within ten (10) consecutive days and that have a tendency to disturb a reasonable person off the keeper's property.
 - c. For the purposes of this definition, the term "night period" means the time between the hours of 10:00 p.m. and 7:00 a.m. the following day.
11. "Dog" means any member of the canine family, whether pure bred, mixed breed or hybrid.
12. "Domestic animal" means any animal other than livestock, that is owned or possessed by a person.
13. "Keeper" means any person who owns, possesses, controls, or otherwise has responsibility for the care or custody of an animal. Veterinary hospitals and Internal Revenue Code Section 501(c)(3) qualifying animal shelters are not considered keepers for the purposes of this chapter unless expressly provided herein. An animal may have multiple keepers and all keepers are jointly and severally responsible under this chapter.
14. "Mandatory Condition of Adoption" means an action that an adoptive owner of an animal must complete within a specific time period as a condition of the animal control officer's approval of the adoption.
15. "Menace" means lunging, growling, snarling or other behavior by an animal that would cause a reasonable person to fear for the person's safety.
16. "Physical injury" means impairment of physical condition or substantial pain.
17. "Potentially dangerous dog" means a dog that:
 - a. Without provocation and while not on premises from which the keeper may lawfully exclude others, menaces a person;
 - b. Without provocation, inflicts physical injury on a person that is less severe than a serious physical injury; or
 - c. Without provocation and while not on premises from which the keeper may lawfully exclude others, inflicts physical injury on or kills a domestic animal.

18. "Provocation" includes but is not limited to wrongfully assaulting an animal or its keeper or trespassing upon premises belonging to the animal's keeper.
19. "Quarantine" means strict confinement and isolation for a period of time.
20. "Risk to the community" means that reasonable information indicates that an animal's keeper has failed to prevent the animal from acting in violation of BMC 6.040.030, and that the keeper cannot reliably or effectively contain and control the animal during the administrative enforcement process. Prior experience with the keeper, including other animals of the keeper, may be considered.
21. "Secure enclosure" means a fully fenced pen, kennel or structure; or a house, garage or similarly enclosed structure. Secure enclosures may include the following characteristics: locked entrance, height requirements, secure and covered top, secure bottoms or sides that are embedded into the ground.
22. "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.
23. "Trespass" means to enter the property of another without privilege or consent.

6.04.020 Authority of Animal Control Officers.

Animal control officers are authorized to:

- A. Enforce all the provisions of this chapter and other ordinances relating to licensing, impoundment and control of animals;
- B. Enforce other provisions within state law relating to the licensing, impoundment and the control of animals;
- C. Impound and safely keep any animal that is loose, apparently abandoned, or as required by the health department of the State;
- D. Investigate reported violations of this chapter and violations of state law relating to animals killing, wounding, injuring or chasing children, adults or other animals;
- E. Issue citations for violations of this chapter relating to domestic animals killing, wounding, injuring or chasing children, adults or other animals;
- F. Represent the City of Bethel animal control and appear as a witness in court and or administrative hearings and other proceedings.

6.04.030 Failure to Prevent Nuisance Action of Animals Prohibited.

The keeper of an animal commits a violation if the keeper's animal commits any act listed below:

- A. Runs at large.
- B. The keeper's animal or animals, either individually or in concert, create a disturbing animal noise.
- C. Scatters garbage while off the keeper's property.
- D. Damages or destroys property of a person other than keeper while off the keeper's property.

- E. Trespasses onto private property of persons other than the keeper of the animal.
- F. Chases a person or a vehicle on premises other than premises from which the keeper of the animal may lawfully exclude others.
- G. Is a female in heat and running at large.
- H. Is a dangerous or potentially dangerous animal.

6.04.040 Animal Licensing Required.

- A. Any keeper of a domestic animal in the City of Bethel shall obtain a license for the animal when the animal has a set of permanent teeth or is six months old, whichever comes first.
- B. Any keeper of a domestic animal who has purchased a valid pet license from any jurisdiction that is outside the City but within the State of Alaska may present the valid license, together with a valid rabies certificate, to the City of Bethel Police department which shall issue a City of Bethel animal license at no charge. The newly issued animal license will expire no later than the expiration of the animal license purchased from the other jurisdiction in the State of Alaska.
- C. Every person applying for a City of Bethel animal license is required to provide a valid rabies certificate and a spayed/neutered certificate (if applicable) at the time of application. No animal license will be issued without a valid rabies certificate that indicates that the effective date of the vaccine given to the animal is within two (2) months of the term of the animal license being issued.
- D. An animal license shall not be issued for a term that exceeds two (2) years.
- E. The City of Bethel Public Safety Commission shall periodically establish license fees for fertile and neutered/spayed dogs/cats, multiple-year license fees, license fees for dogs/cats owned by individuals aged 65 and older, license fees for dogs/cats that are considered kennel inventory, replacement license fees and administrative fees. The Committee shall also establish effective dates for animal license fees.
- F. Notwithstanding other provisions of this chapter, no license fee is required to be paid for any dog/cat that is:
 - 1. Kept by a person who is blind and who uses the animal as a guide; or
 - 2. Used as a registered assistance animal.

This fee exemption does not remove the requirement that the dogs/cats described in this subsection be licensed and inoculated against rabies.

- G. The Public Safety Commission shall establish an administrative fee that will be charged to those keepers who do not obtain an animal license in a timely manner. If a keeper fails to obtain an animal license in a timely manner as required in subsection (A) of this section, an administrative fee shall be charged at the time the license is obtained. This administrative fee is intended to cover the department's cost of obtaining license compliance.
- H. A person commits a violation if that person fails to obtain an animal license as required within this section.

- I. It shall be an affirmative defense to a violation for failure to obtain a license if a keeper:
 - 1. Has not resided in the City of Bethel for thirty (30) calendar days prior to the issuance of the citation; or
 - 2. Was not the keeper of the animal for thirty (30) calendar days prior to the issuance of the notice of the citation.
- J. Upon issuance of a license, the Bethel Police Department shall issue the licensee a suitable identification tag with the name "City of Bethel," and an identifying number. The license tag shall be worn by the dog/cat at all times when the dog/cat is not on the premises of the keeper. If a City of Bethel tag is lost, or the tag from another jurisdiction is replaced, a replacement tag must be purchased from the Bethel Police Department after payment of a replacement fee as established by the Public Safety Commission.
- K. All funds derived from fees established pursuant to this section shall be deposited into the animal control fund and shall be expended as provided by the budget proposed annually by the Public Safety Commission and approved by the City Council.

6.04.050 Removal of Animal from City Prohibited.

- A. A person commits a violation if that person knowingly removes or causes the removal of a dog/cat from the City for which the keeper has a pending citation for a violation of state law, a pending criminal matter or a pending citation from the City of Bethel for a violation of this chapter.
- B. Notwithstanding subsection (A) of this section, a keeper may remove a dog/cat from the City if the keeper receives written permission from the City of Bethel Police Chief.

6.04.060 Impoundment of Animals.

- A. Any City of Bethel police or peace officer may impound an animal upon a reasonable belief that the animal is the subject of a violation of this chapter by immediately delivering such animal to an appropriate kennel facility as designated by the Chief of Police.
- B. A person may apprehend and hold for delivery to either a police or peace officer an animal that the person believes is running at large. A person who takes control of an animal pursuant to this subsection must keep the animal in a humane manner and must contact the Bethel police department as soon as possible after apprehension of the animal.
- C. Except as provided in BMC 06.04.100, the Police Chief shall determine whether an animal should be impounded pending the conclusion of the administrative process, and any appeal, because the animal represents a risk to the community. Continued impoundment is only permitted if an animal has run at large on two (2) or more occasions, or if an animal is alleged to have acted, or has previously been found to have acted, as a dangerous animal, a potentially dangerous animal or an animal

that has harmed or chased children, adults or other animals. If the Police Chief determines that continued impoundment is necessary, the keeper of the animal shall be notified immediately in writing.

- D. An owner who disagrees with the decision of the Police Chief to impound an animal, may file an appeal with the City Clerk. An appeal hearing shall be scheduled in an expedited fashion. Any objection to the continued impoundment must be raised during the hearing. If the animal keeper objects to the continued impoundment, the hearing officer shall determine whether the animal should continue to be impounded until any additional appeal process is concluded.
- E. Any impounded animal which, by reason of injury, disease or other cause, is suffering extreme pain or is dangerous to keep impounded may be promptly and humanely euthanized. The Police Chief may request a veterinarian to certify this fact in writing before the euthanization takes place. The Police Chief will make reasonable efforts to contact a keeper of the animal before euthanasia occurs.
- F. If an impounded animal has evidence of a valid license, City of Bethel animal control shall send out a notice within two (2) business days after impoundment. A notice of impoundment shall be given by depositing in the United States mail a first class, postage prepaid letter addressed to the last known address of the person who licensed the animal as indicated in the animal control licensing records. The notice shall advise the person that the animal has been impounded, the place where the animal is kept, and the procedure required for redemption.
- G. Any animal not redeemed within the time frame set forth in this section and BMC 06.04.070 shall be considered abandoned and become the property of the City of Bethel. Any animal that becomes the property of the City of Bethel may be disposed of in a manner that the Chief of Police deems appropriate.
- H. Any animal that is impounded at the City of Bethel pound, or other appropriate kennel facility designated by the Chief of Police, shall be scanned for a readable, implanted microchip providing information on the animal. If a readable, implanted microchip is not located on the animal by City staff, a readable microchip may be appropriately implanted in the animal before the animal is released from the facility. The microchip is intended to assist animal control staff in identifying an animal and its keeper in the future. The City of Bethel Public Safety Commission shall establish a fee in an amount that recovers the cost of implanting the microchip.

6.04.070 Redemption of impounded animals.

- A. If an impounded animal has no evidence of being licensed and has not been redeemed within three (3) days after impoundment, City of Bethel animal control may release the animal for adoption pursuant to BMC 06.04.090, or may dispose of the animal in a manner that the Police Chief deems appropriate. If the animal was impounded for biting a person, and was not validly inoculated against rabies at that time, the animal shall be quarantined in compliance with BMC 06.04.100.

- B. If an impounded animal has evidence of a valid license but has not been redeemed within five (5) days after notice of impoundment is mailed, City of Bethel animal control may release the animal for adoption pursuant to BMC 06.04.090, or may dispose of the animal in a manner that the Police Chief deems appropriate.
- C. Any keeper of an impounded animal is obligated to pay the cost of boarding and impounding the animal regardless of whether the animal is redeemed. These costs shall include the following:
 - 1. Impound fee;
 - 2. Daily boarding fee; and
 - 3. The cost of any veterinary care, medical care or euthanasia if provided.
- D. Any animal impounded by a court, hearing officer or animal control officer's order shall be released to the animal's keeper upon payment of all fees and charges in BMC 06.04.080 and upon receipt of written order of release from the impounding authority.

6.04.080 Payment Required Upon Redemption.

- A. A keeper must pay the following before an animal is considered redeemed:
 - 1. Impound fee;
 - 2. Daily board fee;
 - 3. License fee, if unlicensed and the animal keeper is able to produce the required proof of rabies inoculation at the time of redemption;
 - 4. Rabies deposit fee, if the keeper is unable to produce proof of rabies inoculation, in an amount equal to an altered animal license fee. If the animal keeper fails to provide proof of rabies inoculation within ten (10) days, the rabies deposit fee shall be forfeited to the City and a citation will be issued for failure to license an animal;
 - 5. Implanted microchip fee, if any;
 - 6. Any unpaid civil penalty, fee or cost previously imposed against the animal keeper pursuant to this chapter or;
 - 7. Cost of veterinary or medical care provided to the redeemed animal, if any.
- B. Notwithstanding subsection (A) of this section, the City of Bethel animal control may enter into an agreement with a keeper establishing a payment plan. An animal may be released once the keeper and the animal control officer or Police Chief have signed the payment plan.

6.04.090 Adoption of Animals.

- A. An animal that is not redeemed within the timelines set forth in BMC 06.04.060 and 06.04.070 may be released for adoption or transferred to another adoption agency, approved by the Police Chief, subject to the following conditions:
 - 1. The adoptive owner shall agree in writing to furnish proper care to the animal;

2. The adoptive owner shall pay any required adoption fee; however, approved adoption agencies are exempt from the requirement of paying the adoption fee; and
 3. The Police Chief may require an adoptive owner to comply with a mandatory condition of adoption. A person commits a violation if that person fails to comply with a mandatory condition of adoption.
- B. The Police Chief may decline to release an animal for adoption under any circumstance including but not limited to:
1. The prospective adoptive owner has violated this chapter in the past or has been convicted of a crime relating to animal treatment;
 2. The prospective adoptive owner has inadequate or inappropriate facilities for confining or caring for the animal;
 3. The existence of other circumstances that would endanger the animal or that would threaten the health, safety and welfare of persons residing in the City.
- C. The Public Safety Commission shall establish adoption guidelines and an adoption fee that shall be charged to persons adopting an animal from the City of Bethel.

6.04.100 Quarantine Required When a Dog Bites.

- A. An animal suspected of biting a person will be quarantined at the keeper's expense for a period of at least ten (10) days following the bite.
- B. The animal may be quarantined at the animal control shelter, at the premises of a licensed veterinarian, or, at the discretion of the Police Chief, at the premises of the keeper; provided, that the animal is kept within a secure enclosure or with approved restraints.
- C. When an animal is quarantined at the premises of the keeper, the animal shall not be permitted to leave the confines of the premises and must be kept in accordance with the Chief's requirements.
- D. The State health department, City of Bethel police department staff or their designees may make spot checks to ensure proper quarantine procedures are followed. The animal's keeper must grant access to the premises. If the animal's keeper fails to provide access to the animal, it may be seized for confinement in a kennel facility designated by the Police Chief.
- E. If any animal alleged to have bitten a person dies within ten (10) days after biting such person, the animal shall be immediately delivered or made available to the State health department staff or their designated agents by the keeper so that the remains of the animal may be delivered to a laboratory for analysis. When an analysis is performed, the owner of such animal shall be liable for the cost of such laboratory testing.
- F. Upon proper showing of probable cause and obtaining a court order by the City, any animal suspected of being a carrier of rabies virus shall be taken from the keeper for quarantine and if necessary euthanized and submitted for laboratory analysis.

6.04.110 Notices Required When an Animal Bites.

- A. The keeper of an animal shall immediately notify the Bethel Police Department when the keeper's animal bites a person or another animal; provide the name and address of the person bitten, if known, and abide by the quarantine instructions given by the Bethel Police Department.
- B. Any person who is bitten by an animal shall promptly notify the Bethel Police Department of the bite and provide a description of the animal and name and address of the keeper if possible.
- C. A doctor, veterinarian or hospital employee shall promptly notify the Bethel Police Department upon receiving information that a person has been bitten by an animal.

6.04.120 Enforcement.

- A. This chapter may be enforced through an administrative process.
- B. The Police Chief or animal control officer shall initiate enforcement of this chapter through the issuance of a citation. The citation shall conform to the requirements of the Alaska Court Rules.

6.04.130 Presumptions.

A rebuttable presumption exists that:

- 1. Serious physical injury has occurred when an animal causes any broken bone or any wound that requires one or more sutures or suturing;
- 2. When an animal chases, threatens, or injures a person or a domestic animal, the action is unprovoked;
- 3. An animal that has acted as a dangerous animal cannot be safely kept and should be euthanized;
- 4. All adults in a household with an animal are keepers of that animal;
- 5. In addition to any other keeper, the person that licenses an animal shall be responsible for the action or behavior of the animal as provided within this chapter; and
- 6. A correctly addressed and properly mailed letter was received in the regular course of the mail.

6.04.140 Penalties.

- A. A person who fails to comply with any portion of this chapter is guilty of an infraction and may be issued a citation. The penalty for these infractions is:
 - 1. A fine of fifty dollars (\$50) for the first (1st) violation;
 - 2. A fine of one hundred dollars (\$100) for the second (2nd) violation; or
 - 3. A fine of two hundred dollars (\$200) for a third (3rd) or subsequent violation.

- B. Each day in which an act or omission occurs constitutes a separate violation.
- C. The city may seek injunctive relief to enforce compliance with this chapter.
- D. Upon a finding that a person has violated a provision of this chapter, in addition to and not in lieu of any fine, a keeper may be required to take corrective actions reasonably intended to abate future violations.
- E. A judicial officer may impose any corrective action including, but not limited to, the following:
 - 1. Requiring that the animal be muzzled, leashed and under the control of a keeper at all times when off the keeper's property;
 - 2. Requiring that the keeper and the animal attend and complete an animal behavior and training class authorized by the Police Chief;
 - 3. Requiring that the keeper spay or neuter any animal that was the subject of the violation;
 - 4. Requiring that the keeper repair, construct or maintain a secure enclosure for the animal subject to the approval of the animal control officer and/or Police Chief;
 - 5. Requiring that an animal be kept in a keeper's residence during hours specified by the judicial officer;
 - 6. Requiring that a bark collar be kept on an animal when the animal is outside the residence;
 - 7. Requiring that the animal be relocated to a new location;
 - 8. Requiring that the keeper's rights to the animal be relinquished to the City of Bethel, to a new owner as approved by the City of Bethel or to an approved adoption agency;
 - 9. Requiring that the animal be euthanized after consideration of the factors outlined in subsection (F) of this section;
 - 10. In the case of repeated violations by the same keeper, suspending the keeper's right to own or keep an animal in the City of Bethel for a period of time not to exceed five (5) years as specified by the judicial officer; and
 - 11. Requiring that the keeper take other corrective actions reasonably designed to abate any future violation.
- F. In determining whether an animal shall be subjected to euthanasia, the judicial officer shall consider the following factors:
 - 1. If the animal has injured a person, the circumstances and severity of the injury, including whether the animal was provoked by the person injured;
 - 2. If the animal has injured a domestic animal, the circumstances and severity of the injury, including whether the animal was provoked;

3. Whether the animal keeper has a history of maintaining animals that are a public nuisance;
 4. The impact of an animal keeper's actions on the behavior of the animal;
 5. The ability and inclination of the animal keeper to prevent the animal from biting, menacing or injuring domestic animals;
 6. Whether the animal has unjustifiably chased or menaced a person on a prior or subsequent occasion;
 7. Whether the animal can be relocated to a secure facility;
 8. The effect a transfer of ownership would have on ensuring the health and safety of the public; and
 9. Any other factors that the judicial officer may deem relevant.
- G. The court is not required to treat any single factor as controlling.
- H. The keeper shall pay the costs of complying with any corrective actions imposed under this section.
- I. Failure to provide acceptable proof of compliance to animal control on or before the deadline established by the court constitutes a rebuttable presumption that the person has failed to comply. If animal control finds the proof submitted by the person unacceptable, animal control shall send notice of that finding to the person no later than five (5) days after the proof is received.
- J. The animal control officer may request a hearing to determine whether a keeper has failed to take corrective actions previously imposed. If the hearing officer determines that a keeper has failed to take corrective actions previously imposed, the hearing officer may take any action allowed under this chapter to address the violation. This may include, but is not limited to, lifting suspended fines previously imposed or imposing additional corrective actions.

6.04.200 Animal Rescue Entity – Registration.

- A. An animal rescue entity shall comply with the following registration requirements:
1. An animal rescue entity shall obtain a certificate of registration from the Bethel Police Department. The obligation to obtain a certificate of registration applies to any entity currently qualifying as an animal rescue entity, and also to any entity that qualified as an unregistered animal rescue entity within one-year prior to the passage of this Title.
 2. The animal rescue entity shall pay a reasonable fee, as established by the Public Safety Commission, for a certificate of registration to provide for the actual cost of regulating animal rescue entities. The Commission shall establish fees and the effective terms for certificates of registration and renewed certificates by recommendation to the City Council. City Council approval is required before any fees can become effective.

3. An animal rescue entity may transfer a certificate of registration issued under this section to another person with the written consent of the City of Bethel Police Department.
- B. A person commits a violation for failure to obtain an animal rescue certificate of registration as required within this section.
- C. Whenever a City of Bethel authorized representative is advised or has reason to believe that an animal rescue entity is operating without a certificate of registration, the representative may visit and conduct an on-site investigation of the premises of the suspected animal rescue entity. The purpose of the investigation is to determine whether the animal rescue entity is subject to the registration requirements of this section.
- D. At any reasonable time, an authorized representative of the City of Bethel, a law enforcement agency, or the United States Department of Agriculture may conduct an on-site investigation to determine whether the entity is in compliance with this section and Alaska law.

6.04.210 Animal Rescue Entity – Record Keeping.

- A. An animal rescue entity shall maintain a record for each animal that identifies:
 1. The sex, breed type and date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;
 2. The date the animal rescue entity acquired possession, control or charge of the animal, the source of the animal, and weight of the animal at intake;
 3. A photograph of the animal taken within twenty-four (24) hours of intake by the animal rescue entity;
 4. The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable; and
 5. The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal.
- B. An animal rescue entity shall permit an authorized representative of the Bethel Police Department to inspect the records of the animal rescue entity required by this section and an animal rescue entity shall furnish reports and information as required by the City of Bethel.
- C. A person commits a violation for failure to comply with the record keeping and inspection requirements in this section.

6.04.220 Animal Rescue Entities – Inspections.

- A. An authorized representative of the City of Bethel shall conduct an on-site investigation of the premises of any registered animal rescue entity if the agency receives a complaint about the animal rescue entity that the City determines is credible and serious.

- B. If, during the course of an inspection made under this chapter, the City of Bethel authorized representative finds evidence of animal neglect, unsafe conditions, and/or cruelty in violation of AS 11.61.140, an authorized representative shall seize the evidence and report the violation to law enforcement. Evidence of animal cruelty found through a valid inspection this chapter shall be presumed admissible in any subsequent criminal proceeding.
- C. An animal rescue entity commits a violation for failure to comply with any of the inspection requirements in this section.

City of Bethel, Alaska

Public Safety & Transportation Commission

June 7, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

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

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

II. ROLL CALL

Present:

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

Absent:

Joan Dewey *Chair*
Naim Shabani

Ex-Officio Present:

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

III. PEOPLE TO BE HEARD

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

IV. APPROVAL OF AGENDA

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

V. APPROVAL OF MINUTES

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

VI. CHIEFS' COMMENTS

Chief Bill Howell - *See Report in Commission Packet*

Chief Andre Achee

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

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

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

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

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

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

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

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

VII. TRANSPORTATION INSPECTOR REPORT

See Report in Commission Packet

VIII. COUNCIL MEMBER'S COMMENTS

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

IX. UNFINISHED BUSINESS

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

Passed by Council, addressed in Council Packet.

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

Discussed, no action taken.

X. NEW BUSINESS

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

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

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

Discussed, no action taken.

XI. COMMISSION MEMBER COMMENTS

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

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

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

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

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

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

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

XII. ADJOURNMENT

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

Meeting adjourned at 9:05 pm.

APPROVED THIS _____ DAY OF _____, 2016.

Christina Him, Recorder

Joan Dewey, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

July 5, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on July 5, 2016 in the City Hall Council Chambers.

This meeting was called to order at 7:17pm

II. ROLL CALL

Present: Joan Dewey *Chair*
Eileen Henrikson *Vice Chair*
Julene Webber
John Sargent

Excused Absent: Naim Shabani
Daniel Macynski
Mary Weiss
Andre Achee *Chief of Police*

Ex-Officio Present: Daron Solesbee *Fire Captain*, in lieu of Fire Chief Bill Howell
Christina Him *Recorder and Transportation Inspector Designee*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:18pm.

APPROVED THIS _____ DAY OF _____, 2016.

Christina Him, Recorder

Joan Dewey, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

August 2, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on August 2, 2016 in the City Hall Council Chambers.

This meeting was called to order at 7:03pm

II. ROLL CALL

Present: Joan Dewey *Chair*
Daniel Maczynski

Excused Absent: Mary Weiss *Council Representative*
Eileen Henrikson *Vice Chair*
Naim Shabani
Julene Webber

Ex-Officio Present: Andre Achee *Chief of Police*
Christina Him *Recorder and Transportation Inspector Designee*

Ex-Officio Absent: Bill Howell *Fire Chief*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:04pm.

APPROVED THIS _____ DAY OF _____, 2016.

Christina Him, Recorder

Joan Dewey, Chair

**2nd Draft TIA
(75%) Review**

**PROJECT NAME: JVCP Clinic and Hospital Renovation
PROJECT NUMBER: 31801 / ARR #25885**

	DATE: 4/12/15 REVIEWER: SET SECTION: TS PHONE: 269-0639	Confirmation of action taken on comment by:

In Sheet No. column, use a 1 for General comments, X for estimate comments, Y - pg # for Specifications, and Z - pg # for DSR, and the alpha numeric pg # of Plan sheets (use an A if no Alpha is used on the plan sheets)
In the Section column below please use your assigned Functional group identifier: Right-of-Way = RW; Traffic/Safety = TS; Highway Design = HD; Materials = M; Bridge Design = B; Survey = SC; Internal Review = QC; Construction = C; Utilities = U; Specifications = S; Review Engineer = RE; Maintenance = M&O.

Itm No.	Sheet/ Page No.	By	Comment	Recommendation/Response?	Meeting Note
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1)	All	TS	<p>Thank you for well adjudicated comments from the last TIA review, and a much improved report.</p> <p>There are still three significant topics to be revised and completed in more detail –</p> <ul style="list-style-type: none"> I. background Kipusvik turning movements are needed, II. more hours of signal warrants checked in the Design Year forecasts, and III. noon hour pedestrian crossing review, changes at peak ped volume. <p>These were all noted in July 2015 scoping.</p> <p>We are open to discussing the comments in order to help you get to a final signed report before May 12th or after June 1. We will provide noon hour ped counts and video.</p>		
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**2nd Draft TIA
(75%) Review**

PROJECT NAME: JVCP Clinic and Hospital Renovation

PROJECT NUMBER: 31801 / ARR #25885

	DATE: 4/12/15 REVIEWER: SET SECTION: TS PHONE: 269-0639	Confirmation of action taken on comment by:

2)	Fig 2 Site Plan	TS	<p>For the record, DOT/PF has no objection to the Site Plan shown in Figure 2. Thus DOT/PF has no objection to site construction startup in 2016 internal to the property.</p> <p>We do request platted or planned setbacks or reserves for potential roundabout or signal access in the long term, beyond the Design Year 2030 for this TIA analysis.</p> <p>Following TIA completion and acceptance, but prior to 2020 opening, a joint Agreement will need be signed by DOT/PF-YKHC and possibly the CITY. This Agreement will set the scope, schedule, and budget of any traffic mitigation within the highway right of way.</p> <p>As per 17 AAC 10.020 and 17 AAC 10.075, all traffic mitigation and maintenance of access control features is to be provided by YKHC absent any other agreement between all parties. As per 17 AAC 10.060, DOT/PF will weigh safety and capacity in terms of “the greatest public benefit, at the least private cost.”</p>		
3)	Figures 2, 10 Roundabouts, Signals	TS	<p>Site Plan. No objection to structures as shown.</p> <p>No additional building structures should be placed between the hospital and the roads other than the ambulance ramp and walkways, parking. The problem with more structures is it will limit long term options to serve YKHC at the intersection of Old Hospital Road beyond the Design Life of the TIA.</p>		

**2nd Draft TIA
(75%) Review**

PROJECT NAME: JVCP Clinic and Hospital Renovation

PROJECT NUMBER: 31801 / ARR #25885

	DATE: 4/12/15 REVIEWER: SET SECTION: TS PHONE: 269-0639	Confirmation of action taken on comment by:

4)	Pg 1	TS	<p>Right of Way/ Cross-Section - Executive Summary. Before concluding this report's recommendations, a conceptual review of available ROW needs to be performed. The goal is to check for width available to provide for left turns needs to be performed. This can be done by examining recent pathway work and ROW plans. Otherwise, if widening is not a feasible option, then alternative routes may need to be entered into the report.</p> <p>A conceptual cross section will need to be added to the TIA as part of this review.</p>		
5)	Pg 7 Water-line	TS	<p>This week, DOT/PF has objected to draft routing plans for the City of Bethel waterline extensions because it precludes traffic mitigation options in this YKHC Hospital TIA.</p> <p>This objection is consistent with Policy 7c cited at the bottom of Page 7.</p>		
6)	Pg 7 Plan-ning	TS	<p>Under Section B – Review past letters and findings for historical context that tells more of the YKHC and DOT historical work on this site. Letters and documents can be considered for recap here and in an appendix. To expedite this recap, DOT/PF will provide a summary listing of past efforts at this site.</p>		

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	DATE: 4/12/15 REVIEWER: SET SECTION: TS PHONE: 269-0639	Confirmation of action taken on comment by:

7)	Fig 4 Back-ground	TS	<p><u>Item I.</u> Kipusvik turning traffic not shown. DOT/PF made a mistake in last TIA review – not noticing previous figures did not include Kipusvik turning traffic. Use Kipusvik site generated turning traffic forecasted per the Kittelson TIA as background trips. The building will be considered at full original occupancy. This will cover all likely scenarios of reoccupancy of this building over time. These trips are at the Old Hospital Driveway and the South entrance. Keep these background trips throughout the analysis.</p> <p>This was required in the original July 2015 scoping and email discussions in Feb 2016.</p> <p>This will change the LOS outcomes. It appears no turns are shown because the site was in an interim use stage this winter. However, full occupancy and turns were required in the original scoping.</p> <p>To be clear, the trips are not YKHC generated but are to be background to the YKHC added trips and set the baseline for LOS and queue changes.</p>		
8)	Pg 26 Warrants	TS	<p><u>Item II.</u> Complete signal warrant review for all daytime hours, in order to check 4 hour and 8 hour warrants. Take out the unknown and “may” statements beyond the peak hours. The Noon hour should be prorated for warrant review.</p> <p>Signal warrant or All Way Stop Control warrant review was required in the original scoping in July 2015 and will need more hours to be complete.</p> <p>Prorate and forecast predicted hours in 2030 from the PTR data using the mainline volumes percentages by the hour to prorate other hours of the day. It is an estimate of warranting hours.</p>		

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9)	Pg 26 Peds	TS	<p><u>Item III.</u> As per the last draft TIA review and the Scoping in July 2015, review noon hour pedestrian traffic warrant as well.</p> <p>Noon hour has been shown as the historical higher peak hour for nonmotorized demand.</p> <p>DOT/PF will supply past counts (62 ped/hr in 2000) and recent re-counts to expand this discussion. This is important because it is 2X busier than counted in the AM and PM and could trigger Ped Hybrid Beacon warrants.</p> <p>Any review that shows renovation and new facilities could reduce pedestrian crossing demand is important. This is currently showing demand is below the Hybrid Beacon warrants, and the existing Active Warning Beacon is operating well.</p>		
10)	Figure 10 Circulation	TS	<p>Circulation: Old Hospital Road – cannot have two lanes departing CEH Hwy into the site at the same time. Start as one lane entering and taper out to storage lanes and circulating lane. Label taxi lanes/drop off lanes.</p>		
11)	Figure 10 Circulation	TS	<p>Circulation: Old Hospital Road – Consider 3rd lane, two way flow clockwise to Old Hospital Road.</p> <p>This allows left turns out of the site at one major intersection. Main concern is long term intersection upgrades to a signal or roundabout, beyond the Design Life of this project, are more affordable at one intersection than at three. If not built at this time, the two-way flow should be reserved for future consideration.</p>		

**2nd Draft TIA
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12)	Figures 10, 11 Roundabouts, Signals	TS	<p>Circulation: For discussion and potential Figure detail – may want to show reserving (blocking out) area for future circulation changes on this figure. This would illustrate what should be reserved to take place beyond the Design Life of this 10 Year TIA analysis.</p> <p>This site plan splits up left turning demand amongst three intersections out of site necessity. Drop off on the passenger side to the existing Hospital means one way flow that is more efficient internally, but it also means left turns out of the site must be served at a separate location from Old Hospital Road. Then with the new demand at the equally busy North Clinic Drive, we are faced with 3 points of access all needing left turn gaps.</p> <p>The point is – upgrades to a roundabout or signal is a 2-3 million dollar proposal or higher. If there are three intersections that need gaps, the costs triple. Whenever the traffic can be consolidated at one intersection, the costs can be kept to one investment and at the same time reduce intersection maintenance.</p> <p>Old Hospital/YKHC is traditionally the busiest turning intersection. Beyond left turn bays, the next level upgrade would be a roundabout or a traffic signal. This benefits left turns the most and keeps traffic moving. However, there are equally significant left turns at the south and north driveways.</p> <p>The key is to figure out where the long term investment can be made beyond this TIA, which is the best intersection, and preserve that investment, in order to minimize the costs of that investment at a later date.</p>		
13)					
14)			MORE DETAILED COMMENTS		
15)					

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16)	Tbl 6 LT's	TS	Left turn lane recommendations alternate between “yes” and “no” in 2020. Warrant charts do not depend upon exact percent left turns. Consider rounded left turn percentages and the likelihood these are all three “yes” results.		
17)	Pg 1	TS	4 th par. Delete sentence about City boardwalk repairs and not being YKHC responsibility. This is not analysis information – this is Agreement information that comes after the TIA, or can be resolved externally between the City and YKHC under city permitting.		
18)	Pg 1	TS	4 th par. Change “signalized” to “active warning” pedestrian crossing.		
19)	Pg 3	TS	Item 2. Parking. 306 vehicles. Do you know what the City requires? Understood there is less need than in southcentral communities due to the prevalent use of taxis and shuttles, other modes.		
20)	Fig 2	TS	Other modes – mentioned will be reviewed. Where does the site plan or report address the use of the other modes?		
21)	Pg 4	TS	6 th par. Can change “shall” to “should” in terms of 1190 driveway spacing. All distances are subject to case specific site limitations.		
22)	Pg 9	TS	Item 2. 2 nd par. Ok to cite if there are known operational and security of connecting Corrections and the Hospital. Both sites benefit from at least two points of access for safety and security and emergency response needs. Thus driveway elimination and sharing is not mandatory, just something to be explored in balance with all other needs.		
23)	Pg 9	TS	Item 2. 3 rd par. Request deleting driver confusion statement. As long as the driveway and the facility are visible at the same time, this does not appear to be documented as a common problem.		
24)	Pg 11	TS	Item 3. 3 rd par. Can also add – the STIP does not have any planned federal or state funds for this roadway in the next 3 years.		
25)	Pg 12	TS	Item 5. 3 rd par. Clarify – Midterm School should not impact this report...because...as per <u>Item I</u> , “larger Kipusvik turning traffic volumes were already accounted for in a previous TIA and in the background traffic analyzed in this report.”		

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26)	Pg 21	TS	<p>Consider deleting “significantly” from LT lane improvements. Not always true in Alaska records. Depends on how much deceleration is allowed and how fast the road is. Some deceleration in the through lanes will help to control thru traffic speeds.</p>		
27)	Pg 23	TS	<p>First sent. TWLTL can reduce head on collisions, but not as well if there is a short distance between opposing left turns. This paragraph is ok as long as there is a caveat statement that shared access and alignment of driveways helps prevent busier overlapping left turns to minimize crash risk.</p>		
28)	Pg 27	TS	<p>Top. Four crashes. Is this counting only those susceptible to correction by a signal? For a roundabout, you can count all crashes. For a signal, only angles, left turning crashes.</p>		
29)	Pg 29	TS	<p>Item C.1. Last sentence = change 4 foot median to 6 feet to allow refuge as recommended by ADAAG as one option. Note that is “IF” a raised median were used. DOT/PF does not want to use raised median.</p> <p>It will be preferable to conclude that adequate gaps occur based upon current design performance, because motorist yielding is extremely high at this site historically.</p>		
30)	Pg 30	TS	<p>Clarifications – Consider adding for the HAWK – that</p> <ul style="list-style-type: none"> a) the higher compliance ratio is a mute point if the current device is working so well, and b) HAWK setbacks from intersections in the MUTCD is a subject of debate due to studies of its original intent – therefore this could be considered near an intersection with further exploration, but not needed at this time. 		
31)	Pg 31	TS	<p>Ped Hybrid Beacon – Cons – recommend adding – not expected to improve compliance. Requires more programming and maintenance of a signal controller system.</p>		
32)	Pg 32	TS	<p>Last par. LT lane at South driveway not clearly demonstrated by warrants. Revisit this once adding background traffic at Kipusvik, plus added YKHC site growth.</p>		

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33)	Pg 34	TS	<p>RT lane at N drive is subject to further detail and choice of most desirable options in Design. The cutting off of the buffered path is a concern as shown in Fig 10.</p>		
34)	Pg 34	TS	<p>Item 2. 50' left turn lanes are very short. Usually 100 ft is the minimum. A Longer turn bay and a sharper taper may have to be used. If traffic was too heavy between the Middle and North driveways and turning conflicts too high, this site plan could result in a frontage connecting from the Middle drive to the N Clinic and no left turns at the N Clinic Drive.</p> <p>The site plan sketches should show a frontage setback for worst case use during conflicts.</p>		

City of Bethel, Alaska

Public Works Committee Minutes

August 17, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular Public Works Committee Meeting was held on August 17, 2016 at the council chambers of the City Hall, Bethel, Alaska. The meeting was called to order at 6:30 pm by Joseph Klejka

II. ROLL CALL:

Comprising a quorum of the committee, the following were present: Joseph Klejka, Delbert Egoak, Jennifer Dobson, and Scott Guinn

Excused absence(s): Robert Champagne

Unexcused absence(s): Byron Maczynski

Also Present:

Public Works Director, Muzaffar Lakhani

Committee Recorder, Pauline Boratko

III. PEOPLE TO BE HEARD: none

IV. APPROVAL OF AGENDA:

MOVED BY:	Scott Guinn	Motion to approve the agenda.
SECONDED BY:	Jennifer Dobson	
VOTE ON MOTION	Motion carried by unanimous vote.	

V. APPROVAL OF MINUTES:

MOVED BY:	Scott Guinn	Motion to approve minutes of July 20, 2016 regular meeting.
SECONDED BY:	Jennifer Dobson	
VOTE ON MOTION	Motion carried by unanimous vote.	

VI. SPECIAL ORDER OF BUSINESS:

VII. UNFINISHED BUSINESS:

- A.** Institutional Corridor Piped Water Supply Project: The City Council approved DOWL Engineer's change order # 2 in the amount of \$90,000.00 to obtain the additional 13 easements, update the hydraulic model and change the design route to meet the Department of Transportation directions. It is expected DOWL will complete and submit the 90% design to all stakeholders on August 23.

- B.** Sewer Lagoon- PER (Preliminary Engineering Report) and ER (Environmental Report) for Truck Dump site and other options: The RFP (Request for Proposal for Engineering services) is currently being reviewed by the USDA (United States Department of Agriculture), waiting for comments.
- C.** Preventative maintenance logs and schedule for City trucks: A copy of the logs for the month of June was provided to the committee via email.
- D.** Update on boardwalk/trail behind the college to hospital: The approval of the grant has been received by the grant office of the city of Bethel.
- E.** Closure of the dump for salvage: The council has approved a written policy. Anyone who wishes to salvage from the dump will have to sign a waiver and request a permit from the Finance department.
- F.** Leveling of the Bethel Heights Water Treatment Plant Building: DOWL Engineers recommended that a log be kept on a month to month bases to monitor measurements of any changes with the floor level of the treatment plant, to monitor if the piles are sinking or heaving?
- G.** Recommendation for ordinance modification allowing composting toilets: A motion was sent to the City Council and we will wait until the next meeting to hear from Byron Maczynski.

VIII. NEW BUSINESS:

- A. 2015 Water Quality Reports and customer concerns:** Some community member has brought it to Jennifer Dobson’s attention their concern of the rust/color in the piped water in the Bethel Heights Subdivision. The committee requested to post some educational/informational material on the city’s social media and web site about the color in the water to address the citizen’s concerns.

- IX. DIRECTOR’S REPORT:** Director of Public Works, Muzaffar Lakhani reports that about 80% of the new multipurpose sports field in the Pinky’s Park is completed. The handrails on the boardwalk by the end of the Owl Park has been completed also, and there is a new basketball court being made at the park across the slough. There are two newly hired employees, one in the Parks and Recreation department, and one in the Landfill Department. One mechanic, Nicolaus Madison, resigned this month.

X. MEMBER COMMENTS:

- Delbert Egoak-** no comment.
- Jennifer Dobson-** no comment.
- Scott Guinn-** no comment.
- Joseph Klejka-** no comment.

XI. ADJOURNMENT:

MOVED BY:	Jennifer Dobson	Motion to adjourn.
SECONDED BY:	Delbert Egoak	

VOTE ON MOTION	Motion carried by unanimous vote
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With no further business, meeting adjourned at 7:12 pm

APPROVED THIS _____ DAY OF _____, 2016.

Pauline R. Boratko
Recorder of Minutes

Joseph Klejka
Chair

DRAFT

Special Order of Business

Unfinished Business

Introduced by: Energy Committee
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance # 16-25

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 13.08.300 INDIVIDUAL SEWER SYSTEM CONCERNING THE INCLUSION OF COMPOSTING AND INCINERATING TOILETS

WHEREAS, the City of Bethel is committed to reducing its energy use and reducing the costs associated with that use;

WHEREAS, City water production and distribution and sewage collection and treatment is expensive;

WHEREAS, permitting the installation and use of composting and/or incinerating toilets has no negative financial impact on the City of Bethel;

WHEREAS, permitting the installation and use of composting and/or incinerating toilets will reduce water use and sewage production;

WHEREAS, permitting the installation and use of composting and/or incinerating toilets has the potential to provide financial and water savings to property owners;

WHEREAS, composting and incinerating toilets are proven technologies with decades of safe, effective use in other municipalities in the United States and around the world.

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

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

Section 2. Amendment. Chapter 13.08.300 of the Bethel Municipal Code titled Individual Sewer System is hereby amended to read as follows (new wording is underlined and deleted wording is stricken):

Introduced by: Energy Committee
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

13.08.290 Unlawful sewage disposal.

It is unlawful for a person to dispose of sewage, liquid waste or human excreta from any premises by any method other than through ~~a composting or incinerating toilet~~[p1] or utilization of the city sewer service or its appointed designee.

13.08.300 Individual sewer system.

It is unlawful for any person to operate or maintain an individual disposal system, without a state wastewater discharge permit, ~~unless the individual disposal system is a composting or incinerating toilet~~[p2], 18 AAC 72.010.

13.08.305 Composting/Incinerating Toilets

All composting or incinerating toilets must meet the following conditions:

1. Composting toilets utilize a waterless toilet in conjunction with a tank in which aerobic bacteria break down the waste. Incinerating toilets burn human waste. ~~Composting and incinerating toilets must conform to NSF/ANSI Standard 41.~~
2. Design, construction, installation and maintenance of Composting Toilets must meet the requirements of ANSI/NSF Standard 41. Liquid and solid waste from a composting toilet must be disposed of either in the home sewage tank or a properly certified solid waste landfill.
3. Design, construction, installation and maintenance of gas-fired Incinerating Toilets must meet ANSI Z21.61 standards.
4. Design, construction, installation and maintenance of electric-fired Incinerating Toilets must meet NSF Standards.
5. All liquid from an Incinerating Toilet must be disposed of in the home's sewage tank.
6. In restrooms accessible to employees or the public, a permanent placard must be installed on the wall immediately adjacent composting and or incinerating toilets. The bottom edge of the placard must be between 35" and 48" above the floor. The placard will state that a composting toilet is present and provide instructions for its use. Lettering on the placard will be no less than 1/4" in height and easy to read
7. When restrooms are required to be accessible, composting and/or incinerating toilets in those rest rooms must also meet all accessibility requirements.
8. When composting or incinerating toilets are installed in a residence, permanent use and maintenance instructions must be provided to subsequent owners or tenants. The property owner is responsible for providing training to tenants in the proper use and care of composting or incinerating toilets.

Introduced by: Energy Committee
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

9. Notice that the building contains composting and or incinerating toilets must be recorded in the permanent property record.

ENACTED THIS 23rd DAY OF AUGUST 2016 BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Mayor Robb
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-26

AN ORDINANCE BY THE BETHEL CITY COUNCIL CREATING CHAPTER 2.45 OF THE BETHEL MUNICIPAL CODE - ADMINISTRATIVE ADJUDICATION

WHEREAS, the Bethel Municipal Code (BMC) currently contains sections that allow for the review of decisions made by department heads, committees, commissions and/or the City Manager;

WHEREAS, over the last three (3) years the BMC has been undergoing a review and updates have been proposed to correct outdated language or to simplify areas that have gotten confusing or become inapplicable with the passage of time;

WHEREAS, as the BMC is updated, the need for a stronger review process has become apparent;

WHEREAS, in order to provide citizens and those doing business with the City of Bethel better opportunity to have a grievance heard, it is necessary that a mechanism be in place that allows both sides to have as much information as possible about the nature of an allegation or accusation so that they may properly respond;

WHEREAS, since that time, applications for additional licenses within the City of Bethel have been submitted to the Alcohol and Marijuana Control Office (formerly the Alcohol Beverage Control Board); and

WHEREAS, the proposed language is intended to be a starting point making it clear to all that decisions are reviewable but that both sides have a right to know what is being alleged and both sides have a right to be fully prepared to respond;

THEREFORE, BE IT ORDAINED by the City Council of Bethel, Alaska, that: section 2.45 Administrative Adjudication is hereby added to the BMC.

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

SECTION 2. Amendment. Section 18.61 of the Bethel Municipal Code is created as follows (new language is underlined and old language is stricken):

2.45 Administrative Adjudication

- 2.45.010 Applicability of Section
- 2.45.020 Definitions
- 2.45.030 Accusation
- 2.45.040 Application for Administrative Decision
- 2.45.050 Notice of Appeal
- 2.45.060 Date of Hearing
- 2.45.070 Hearing Procedures
- 2.45.080 Scope of Review
- 2.45.090 Decisions
- 2.45.100 Reconsideration
- 2.45.110 Ex Parte Contacts Prohibited
- 2.45.120 Conflicts of Interest
- 2.45.130 Transition Measures
- 2.45.140 Appeals from Administrative Decision

2.45.010 Applicability of Section

Except as otherwise provided by this Code or by law, the provisions of this chapter apply to all quasi-judicial proceedings and administrative hearings conducted by City officials, agencies, boards and commissions and the City Council. Where the provisions of this chapter are in conflict with the specific provisions of another law, statute or ordinance, the provisions of that law, statute or ordinance shall govern.

2.45.020 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Administrative hearing" means any hearing, formal conference or other proceeding before a City board, agency, commission or official which is required by law or by this Code as a condition precedent to the determination by such board, agency, commission or official of any matter relating to the rights, privileges, duties, obligations or remedies of an identified individual.
2. "Agency, board and commission" mean any elected or appointed body, department, division or other administrative organ of the City having any legislative, quasi-judicial or administrative functions.

Introduced by: Mayor Robb
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

3. "Official" means any person elected, appointed, named or employed by the City to conduct as part of his duties quasi-judicial proceedings or administrative hearings.
4. "Quasi-judicial proceeding" means any hearing, formal conference or other proceeding before a City board, commission or official, to review the legality, appropriateness or wisdom of official actions taken on behalf of the City as they relate to the particular legal rights, privileges, duties, obligations or remedies of identified individuals.

2.45.030 Accusation

An administrative hearing permitted under this Code to determine whether a right, authority, license, privilege or permit should be suspended, revoked, limited or conditioned shall be initiated by the filing of an accusation on behalf of the official, board or commission empowered to take such action. The accusation:

- A. Shall set forth in writing, in ordinary and concise language, the acts or omissions with which the respondent is charged so that a defense may be prepared;
- B. Shall specify the ordinance, statute or regulation which the respondent is alleged to have violated, but may not consist merely of charges phrased in the language of the statute and rule; and
- C. Must be served personally on the respondent, or in compliance with the Alaska Rules of Court.

2.45.040 Application for Administrative Decision

An administrative hearing permitted under this Code to determine whether a right, authority, license, permit or privilege shall be granted, issued or reviewed is initiated by the filing of a written application for such administrative action with the official, board or commission empowered by law to take such action. The written application must identify the applicant, specify the nature of the right, authority, license, permit or privilege desired by the applicant, explain the reasons for such application, and recite the legal authority for such application. The application shall be served personally on the official, agency, board or commission empowered to make the decision.

2.45.050 Notice of Appeal

Where, under the provisions of this Code, a quasi-judicial proceeding is permitted to review an administrative action, the appellant shall apply in writing to the official, board or commission empowered to hear such appeal and shall identify himself, cite the administrative decision from which the appeal is taken, and in a succinct and coherent manner state the reasons for such appeal.

2.45.060 Date of Hearing

Introduced by: Mayor Robb
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

- A. Where an administrative hearing is allowed following an accusation as described in section 2.45.030, such hearing shall take place no less than thirty (30) calendar days and no more than sixty (60) calendar days following the date of service of such accusation on the respondent unless the parties agree to extend or reduce the time for a hearing. Any changes in scheduling are subject to approval of the hearing officer.
- B. Where an administrative hearing is permitted upon formal application by one seeking any right, authority, license, permit or privilege, such hearing shall take place no less than forty-five (45) calendar days and no more than ninety (90) calendar days following date of actual receipt of such application by the administrative official, agency, board or commission empowered to conduct such administrative hearing unless the parties agree to extend or reduce the time for a hearing. Any changes in scheduling are subject to approval of the hearing officer.
- C. Where a quasi-judicial proceeding is permitted to review any administrative action taken on behalf of the City, such proceeding shall take place no more than sixty (60) calendar days following the date a written notice of appeal as provided by section 2.45.050 is filed with the official, board or commission empowered to hear such appeal unless the parties agree to extend the time for a hearing. Any changes in scheduling are subject to approval of the hearing officer.

2.45.070 Hearing Procedures

Administrative hearings and quasi-judicial proceedings shall be conducted informally and may be governed by such rules and procedures as the official board or commission empowered to conduct such hearings or proceedings may choose to establish, except that:

- A. Parties may appear in person or through counsel.
- B. Parties may present witnesses and evidence on their own behalf.
- C. Parties or their counsel may cross examine opposing witnesses on matters relevant to the issues, impeach witnesses regardless of which party first called the witness to testify, and rebut evidence against the party.
- D. Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule which makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be considered provided there are guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.

Introduced by: Mayor Robb
Date: August 23, 2016
Public Hearing: September 13, 2016
Action:
Vote:

- E. All administrative hearings and quasi-judicial proceedings shall be open to the public, unless otherwise agreed by all parties to such hearings or proceedings.
- F. All parties shall have the right to subpoena witnesses and documents using a form provided by the City clerk and submitted to the City clerk for issuance at least ten (10) business days before the date of the hearing.
- G. All administrative hearings and quasi-judicial proceedings shall be memorialized by an electronic recording.

2.45.080 Scope of Review

Unless otherwise provided in this Code, officials, boards or commissions empowered to conduct quasi-judicial proceedings may hear and decide de novo all matters appealed and may exercise independent judgment as to the weight of evidence supporting or refuting the findings of the City official, board or commission from whose decision the appeal is taken, and may exercise independent judgment on legal issues raised by the parties. Decisions by Department Heads or city officials may be modified, remanded or affirmed by the reviewing official, board or commission.

2.45.090 Decisions

No later than thirty (30) calendar days following an administrative hearing or quasi-judicial proceeding conducted under this chapter, the official, agency, board or commission empowered to conduct an administrative hearing or proceeding shall issue a written decision based on findings and conclusions adopted by the official, agency, board or commission. Such findings must be in writing and must be reasonably specific so as to provide interested persons and, where appropriate, reviewing authorities, a clear and precise understanding of the reasons for the decision entered. The decision, findings of fact and conclusions of law shall be forwarded to all parties to the appeal. A final appealable decision must indicate that it is a final order and that a party disputing the decision has thirty (30) calendar days to appeal.

2.45.100 Reconsideration

A decision of a board, commission or official reached at the conclusion of a quasi-judicial proceeding or administrative hearing may be reconsidered or reheard only if:

- A. There was substantial procedural error in the original proceedings;
- B. The official, board or commission acted without jurisdiction in the original proceeding; or
- C. The original decision was based on fraud or misrepresentation.

Any person seeking reconsideration or rehearing must file a request with the City

Clerk together with the materials supporting one or more of the grounds stated in this section within fifteen (15) calendar days of the decision for which reconsideration or

Introduced by: Mayor Robb
Date: August 23, 2016
Public Hearing: September 13, 2016
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rehearing is requested. A rehearing shall be conducted in the same manner as the original proceeding.

2.45.110 Ex Parte Contacts Prohibited

Officials, boards or commissions while acting in their quasi-judicial capacity shall be impartial in all matters both in fact and in appearance. No member of any board, commission or any official shall receive or otherwise engage in ex parte communications with the appellant, applicant or other parties adversely affected by the appeal or application or members of the public concerning the appeal or application or issues specifically presented in the notice of appeal either before the appeal hearing or during the period of time the matter is subject to reconsideration. This section shall not be deemed to prevent those charged with conducting administrative hearings or quasi-judicial proceedings from discussing matters relating to the appeal among themselves or to prohibit communications between the City staff and such persons where staff members are themselves not named parties to an appeal or members of any body which has in its own name become an active party to the appeal.

2.45.120 Conflicts of Interest

No person shall serve on any board or commission or as an administrative official empowered to conduct an administrative hearing or quasi-judicial proceeding if:

- A. That person or a member of his immediate family has a measurable financial interest in any property affected by the application or appeal;
- B. That person or a member of his immediate family could foreseeably profit in any material way through resolution of the matters before such official, agency, board or commission;
- C. That person believes they could not be fair and impartial or due to the person's job, position or other reason, a reasonable person would believe the person serving could not be fair and impartial; or
- D. That person would be faced with a violation of the code of ethics of the City by voting on or participating in the application or appeal.

2.45.130 Transition Measures

The provisions of this chapter shall apply only to those appeals or applications for administrative decisions filed on or after the effective date of the ordinance from which this chapter is derived.

2.45.140 Appeals from Administrative Decision

A final decision issued under section 2.45.090 may be appealed to the Superior Court, Fourth Judicial District, within thirty (30) calendar days of the date the decision was

Introduced by: Mayor Robb
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issued. For the purposes of this section the date of issuance is the date upon which the decision was mailed or delivered to the parties.

SECTION 2. Effective Date. This ordinance shall become effective September 20, 2016.

ENACTED THIS 23rd DAY OF SEPTEMBER 2016, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

New Business

Introduced by: City Manager, Ann K. Capela
Date: September 13, 2016
Public Hearing: September 27, 2016
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-28

AN ORDINANCE AUTHORIZING THE CITY OF BETHEL TO ISSUE A LEASE REVENUE REFUNDING BOND, 2016 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,400,000, TO REFUND CERTAIN OUTSTANDING LEASE REVENUE BONDS OF THE CITY, FIXING CERTAIN DETAILS OF SUCH BOND AND AUTHORIZING THE SALE OF SUCH BOND, AND PROVIDING FOR RELATED MATTERS

WHEREAS, the City of Bethel, Alaska (the "City"), a second class city organized under the Constitution and laws of the State, owns and operates the Nora Guinn Courthouse Building, formerly known as the Braund Building Courthouse (the "Courthouse Complex"); and

WHEREAS, pursuant to Section 4.19.020 of the Bethel Municipal Code ("BMC"), the City has established the Braund Building Enterprise Fund into which are deposited all revenues derived from the leasing, licensing, and other revenue-producing uses of the Courthouse Complex (as further defined herein, the "Lease Revenue"); and

WHEREAS, there is now outstanding \$2,470,000 principal amount of Lease Revenue Bond, 2007 of the City (the "2007 Bond") issued under Ordinance #07-14 approved by the Council on June 12, 2007; and

WHEREAS, the Council finds that it is in the best interest of the City to provide for the refunding, including the payment of principal of and interest on, those principal installments of the 2007 Bond maturing on and after September 1, 2018, in the aggregate principal amount of \$2,295,000, whose refunding the City Manager or City Finance Director determines will produce the debt service savings specified in this ordinance, by the issuance of a lease revenue refunding bond in the aggregate principal amount of not to exceed \$2,400,000 (the "Bond"); and

WHEREAS, AS 29.47.250 and 29.47.310 provide that the City may issue revenue bonds and refunding revenue bonds without ratification of the voters; and

WHEREAS, the Council finds that it is necessary and appropriate to delegate to each of the City Manager and City Finance Director authority to determine the principal installment amounts, interest rates and other details of the Bond, and to determine other matters pertaining to the Bond that are not provided for in this ordinance; and

WHEREAS, the Alaska Municipal Bond Bank will purchase the Bond with proceeds of its general obligation bonds pursuant to the terms of an amendatory loan agreement (the "Amendatory Loan Agreement"); and

WHEREAS, the Amendatory Loan Agreement will amend the Loan Agreement dated as of July 1, 2007, to provide for the refunding of the Refunded Bond, and related matters.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Definitions.

Terms not herein defined shall have the meaning set forth in the herein defined Parity Bond Ordinance. The following terms shall have the following meanings in this ordinance:

- A) "Amendatory Loan Agreement" means the Amendatory Loan Agreement between the City and the Bond Bank, amending the Loan Agreement to provide for the refunding of the Refunded Bond through their exchange for the Bond, and related matters.
- B) "Annual Debt Service" means, for any Fiscal Year the sum of:
 - i. all interest due in such year on all outstanding Parity Bonds, excluding interest to be paid from the proceeds of Parity Bonds,
 - ii. the principal of all Serial Bonds due in such year, and
 - iii. the Sinking Fund Requirement, if any, for such year.
- C) "Bond" means the "Lease Revenue Refunding Bond, 2016" of the City of Bethel, the issuance and sale of which is authorized herein.
- D) "Bond Bank" means the Alaska Municipal Bond Bank, a public corporation of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.
- E) "Bond Bank Bonds" means a series of bonds issued by the Bond Bank.
- F) "Bond Fund" means the City of Bethel Lease Revenue Bond Fund established pursuant to Section 5.1 of the Parity Bond Ordinance to pay and secure the payment of all Parity Bonds.

- G) "Bond Register" means the registration books maintained by the Registrar, which include the names and addresses of the Registered Owners of the Bond or their nominees.
- H) "City" means the City of Bethel, a municipal corporation duly organized and existing under the Constitution and laws of the State of Alaska.
- I) "City Manager" means the City Manager or the Acting City Manager of the City or the successor to the duties of such office.
- J) "Code" means the Internal Revenue Code of 1986, as amended from time to time, together with all regulations applicable thereto.
- K) "Consultant" means at any time an independent consultant having a favorable reputation for skill and experience with the operation of properties comparable to the Courthouse Complex selected by the City to perform the duties of the Consultant as required by this ordinance. For the purpose of providing a certificate required by Section 16(B)(3) hereof, the term Consultant may also include an independent public accounting firm appointed by the City to provide such certificate.
- L) "Costs of Maintenance and Operation" means all necessary operating expenses (net of any reimbursement of such expenses by any tenant of the Courthouse Complex), current maintenance expenses, expenses of reasonable upkeep and repairs, and insurance and administrative expense with respect to the Courthouse Complex, but excludes depreciation, payments for debt service or into debt service reserve accounts with respect to obligations of the City payable from Lease Revenue, costs of capital additions to or replacements of the Courthouse Complex, municipal taxes, or payments to the City in lieu of taxes.
- M) "Continuing Disclosure Certificate" means a certificate relating to the Bond executed in connection, and delivered by the City, with respect to compliance with paragraph (b)(5) of Rule 15c2-12 of the Securities and Exchange Commission, as such certificate may be amended or supplemented from time to time.
- N) "Council" means the legislative authority of the City as duly constituted from time to time.
- O) "Courthouse Complex" means the Nora Guinn Courthouse Building, formerly known as Braund Building Courthouse, located in Bethel, Alaska.
- P) "Debt Service Account" means the account of that name authorized to be established within the Bond Fund pursuant to Article V of the Parity Bond Ordinance.
- Q) "Federal Tax Certificate" means the certificate executed by the City setting forth certain covenants relating to the tax-exempt status of interest on the Bond.

- R) "Finance Director" means the Finance Director or Acting Finance Director of the City or the successor to the duties of such office.
- S) "Fiscal Year" means the fiscal year used by the City at any time. At the time of the adoption of this ordinance, the Fiscal Year is the twelve-month period beginning July 1 of each year and ending June 30 of the following year.
- T) "Future Parity Bonds" means any lease revenue bonds of the City, the principal of and interest on which are payable from the Revenue Fund on a parity with the payments required to be made from such Fund to pay and secure the payment of the principal of and interest on the 2007 Bond and the Bond.
- U) "Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States Government.
- V) "Junior Lien Obligations" means lease revenue bonds or other obligations issued by the City pursuant to the provisions of Section 18 of this ordinance.
- W) "Lease Revenue" means all revenues derived from the leasing, licensing, and other revenue-producing uses of the Courthouse Complex, including income from the investment of any money in the Revenue Fund, the Bond Fund and any other bond or redemption fund for lease revenue bonds (but excluding bond proceeds, income from investments of bond proceeds, and income from investments irrevocably pledged to the payment of lease revenue bonds pursuant to a plan of defeasance or refunding).
- X) "Loan Agreement" means the Loan Agreement between the City and the Bond Bank dated as of July 1, 2007, as amended by the Amendatory Loan Agreement.
- Y) "Net Revenue" means all Lease Revenue less the Costs of Maintenance and Operation.
- Z) "Parity Bonds" means the 2007 Bond, the Bond and any Future Parity Bonds.
- AA) "Parity Bond Ordinance" means Ordinance #07-14, approved by the Council on June 12, 2007.
- BB) "Refunded Bond" means the principal installments of the 2007 Bond whose refunding is approved by the City Manager or Finance Director under Section 11 of this ordinance.
- CC) "Registered Owner" means the person named as the registered owner of a Bond in the Bond Register.
- DD) "Registrar" means the City Finance Director.
- EE) "Reserve Account" means the account of that name established within the Bond Fund pursuant to Article V of the Parity Bond Ordinance.
- FF) "Reserve Requirement" means the least of (i) maximum Annual Debt Service, (ii) 125% of average Annual Debt Service, or (iii) 10% of the face amount of the Parity Bonds.

GG) "Revenue Fund" means the "Braund Building Enterprise Fund" established pursuant to Section 4.19.020 of the BMC, into which all Lease Revenue is deposited as received.

HH) "2007 Bond" means the outstanding \$2,470,000 Lease Revenue Bond, 2007 of the City.

Section 2. Authorization of Bond and Purpose of Issuance.

For the purpose of effecting the refunding by exchange of the Refunded Bond in the manner set forth hereinafter and in the Amendatory Loan Agreement, the City hereby authorizes and determines to issue and sell the Bond in the aggregate principal amount of not to exceed \$2,400,000.

Section 3. Designation, Maturities, Interest Rates, and Other Details of the Bond.

The Bond shall be designated "City of Bethel, Alaska, Lease Revenue Refunding Bond, 2016." The Bond shall be in denominations of \$5,000 or any integral multiple thereof and with such designation as the Registrar deems necessary for purposes of identification, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to the rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

Installments of principal of the Bond shall be paid annually commencing on or after January 1, 2017 and continuing no later than December 31, 2027. The Bond shall bear interest from its dated date, payment commencing on a date on or after December 1, 2016, and semi-annually thereafter in each year. Interest will be computed on the basis of a 360-day year consisting of twelve 30-day months.

The dated date, the principal and interest payment dates, the aggregate principal amount, the principal amount of each installment, and the interest rates for each principal installment of the Bond shall be determined at the time of execution of the Amendatory Loan Agreement pursuant to Section 21 of this ordinance.

Section 4. Prepayment.

Provisions for the optional prepayment of some or all principal installments of the Bond may be established pursuant to Section 21 of this ordinance and shall be set forth in the Amendatory Loan Agreement. Portions of the principal amount of the Bond, in installments of \$5,000 or any integral multiple of \$5,000, may be prepaid.

So long as the Bond Bank is the Registered Owner of the Bond, notice of prepayment shall be given according to the terms of the Loan Agreement. If

the Bond Bank is not the Registered Owner of the Bond, notice of prepayment shall be given not less than thirty (30) nor more than sixty (60) days prior to the date fixed for prepayment by first class mail, postage prepaid, to the Registered Owner of the Bond at the address appearing on the Bond Register. The requirements of this Section shall be deemed complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of the Bond.

Each official notice of prepayment shall be dated and shall state:

- (i) the prepayment date,
- (ii) the prepayment price or prepayment premium, if any, payable upon such prepayment;
- (iii) if less than all of an installment of principal is to be prepaid, the principal amount to be prepaid (which must be an integral multiple of \$5,000);
- (iv) that the interest on the Bond, or on the principal amount thereof to be prepaid, designated for prepayment in such notice, shall cease to accrue from and after such prepayment date; and
- (v) that on such date there will become due and payable on the Bond the principal amount thereof to be prepaid and the interest accrued on such principal amount to the prepayment date.

Section 5. Form of Bond.

The Bond shall be in substantially the following form, with such variations, omissions and insertions as may be required or permitted by this ordinance:

**UNITED STATES OF AMERICA
STATE OF ALASKA**

CITY OF BETHEL
(A Municipal Corporation of the State of Alaska)

NO. _____

\$ _____

LEASE REVENUE REFUNDING BOND, 2016

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: \$ _____

The City of Bethel, Alaska (the "City"), a municipal corporation of the state of Alaska, hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, its registered assigns, the Principal Amount indicated above in the following installments on December of each of the following years, and to pay interest on such installments from the date hereof, payable on June 1, 20____ and semiannually thereafter on the 1st days of December and June of each year, at the rates per annum as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
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Introduced by: City Manager, Ann K. Capela
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Principal of, interest, and premium, if any, on this Bond are payable solely out of the special fund of the City known as the "City of Bethel Lease Revenue Bond Fund" (the "Bond Fund") established pursuant to Ordinance #07-14 and Ordinance #16-__ of the City (the "Bond Ordinance"). Both principal of and interest on this Bond are payable in lawful money of the United States of America. Installments of principal of and interest on this Bond are payable by check or draft of the City's Finance Director (the "Registrar") mailed (on the date such interest is due) to the Registered Owner hereof at the address appearing on the records maintained by the Registrar as of the fifteenth day of the month preceding the interest payment date. The final installment of principal of and interest on this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this bond at the office of the Registrar in Bethel, Alaska. Notwithstanding the foregoing, so long as the Alaska Municipal Bond Bank (the "Bond Bank") is the Registered Owner of this Bond, payments of principal of and interest on this Bond shall be made to the Bond Bank in accordance with the Loan Agreement dated July 1, 2007, as amended on _____, 2016 (the "Loan Agreement").

This Bond is issued under and pursuant to the Bond Ordinance, and under the authority of and in full compliance with the Constitution and laws of the State of Alaska. This Bond is issued to refund outstanding lease revenue bonds of the City. Capitalized terms used and not otherwise defined on this Bond shall have the meanings given such terms in the Bond Ordinance.

This Bond is subject to prepayment as provided in the Bond Ordinance and the Loan Agreement.

By the Bond Ordinance, the City has pledged to set aside from the Revenue Fund, and to pay into the Bond Fund and Debt Service Account and Reserve Account therein, the various amounts required by the Bond Ordinance to be paid into and maintained in said fund and accounts, all within the times provided by the Bond Ordinance. The City has further pledged and bound itself to pay into the Revenue Fund as collected all of the Lease Revenue.

Said amounts so pledged to be paid out of the Revenue Fund into the Bond Fund and the Accounts therein are hereby declared to be a prior lien and charge upon the money in the Revenue Fund superior to all other charges of any kind or nature except the Costs of Maintenance and Operation and equal in rank to any charges that may be

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made on the Revenue Fund to pay and secure the payment of any Parity Bonds and Future Parity Bonds.

This Bond is transferable as provided in the Bond Ordinance, (i) only upon the bond register of the City, and (ii) upon surrender of this Bond together with a written instrument of transfer duly executed by the registered owner or the duly authorized attorney of the registered owner, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and maturity shall be issued to the transferee in exchange therefor as provided in the Bond Ordinance and upon the payment of charges, if any, as therein prescribed. The City may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price, if any, hereof and interest due hereon and for all other purposes whatsoever.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts or things required by the constitution or statutes of the State of Alaska to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said constitution, statutes, or charter.

IN WITNESS WHEREOF, THE CITY OF BETHEL, ALASKA, has caused this Bond to be signed in its name and on its behalf by the manual or facsimile signature of its Mayor and its corporate seal (or a facsimile thereof) to be impressed or otherwise reproduced hereon and attested by the manual or facsimile signature of its Clerk, all as of the _____ day of _____, 2016.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

[SEAL]

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
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ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells assigns and transfers unto

(Please insert Social Security or taxpayer identification number of transferee)

(Please print or typewrite name and address, including zip code of transferee)

the within bond and does hereby irrevocably constitute and appoint _____, of _____, or its successor, as Registrar, to transfer said bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed
Pursuant to law.

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 6. Execution.

The Bond shall be executed in the name of the City by the Mayor or her/his designee, and its corporate seal shall be impressed or otherwise reproduced thereon and attested by the City Clerk. The execution of the Bond on behalf of the City by persons who at the time of the execution are duly authorized to hold the proper offices shall be valid and sufficient for all purposes, although any such person shall have ceased to hold office at the time of authentication of the Bond or shall not have held office on the date of the Bond.

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Section 7. Payment of Principal and Interest.

The Bond shall be payable in lawful money of the United States of America which at the time of payment is legal tender for the payment of public and private debts. As long as the Bond Bank is the Registered Owner of the Bond, payment of principal and interest on the Bond shall be made as provided in the Loan Agreement. If the Bond Bank is no longer the Registered Owner of the Bond, installments of principal and interest on the Bond shall be paid by check mailed by first class mail to the Registered Owner as of the fifteenth day of the month preceding each installment payment date at the address appearing on the Bond Register; provided that the final installment of principal and interest on the Bond shall be payable upon presentation and surrender of the Bond by the Registered Owner at the office of the Registrar.

Section 8. Registration.

The Bond shall be issued only in registered form as to both principal and interest. The City designates the City Finance Director as Registrar for the Bond. The Registrar shall keep, or cause to be kept, the Bond Register at the principal office of the City. The City covenants that, until the Bond has been surrendered and canceled, it will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code. The City and the Registrar may treat the person in whose name any Bond shall be registered as the absolute owner of such Bond for all purposes, whether or not the Bond shall be overdue, and all payments of principal of and interest on a Bond made to the Registered Owner thereof or upon its order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Section 9. Transfer and Exchange.

The Bond shall be transferred only upon the books for the registration and transfer of the Bond kept at the office of the Registrar. Upon surrender for transfer or exchange of the Bond at such office, with a written instrument of transfer or authorization for exchange in form and with guaranty of signature satisfactory to the Registrar, duly executed by the Registered Owner or the duly authorized attorney of the Registered Owner, the City shall execute and deliver an equal aggregate principal amount of Bond of the same maturity of any authorized denominations, subject to such reasonable regulations as the City may prescribe and upon payment sufficient to reimburse it for any tax, fee or other governmental charge required to be paid in connection with such transfer or exchange. The Bond surrendered for transfer or exchange shall be canceled by the Registrar.

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Section 10. Bond Mutilated, Destroyed, Stolen or Lost.

Upon surrender to the Registrar of a mutilated Bond, the City shall execute and deliver a new Bond of like maturity and principal amount. Upon filing with the Registrar of evidence satisfactory to the City that a Bond has been destroyed, stolen or lost and of the ownership thereof, and upon furnishing the City with indemnity satisfactory to it, the City shall execute and deliver a new Bond of like maturity and principal amount. The person requesting the execution and delivery of a new Bond under this Section shall comply with such other reasonable regulations as the City may prescribe and pay such expenses as the City may incur in connection therewith.

Section 11. Designation of Refunded Bonds.

The City Manager and the City Finance Director each is authorized to designate which principal installments of the 2007 Bond are authorized to be refunded in this ordinance shall be refunded, provided that the refunding of the 2007 Bond so designated shall realize an aggregate debt service savings, net of all issuance costs and underwriting discount, on a present value basis.

Section 12. Bond Fund; Debt Service Account.

A) Bond Fund. The Parity Bond Ordinance established a special fund of the City designated as the "City of Bethel Lease Revenue Bond Fund" (the "Bond Fund"), which fund is to be drawn upon for the sole purpose of paying the principal of, premium, if any, and interest on Parity Bonds. Within the Bond Fund there was established a Debt Service Account and a Reserve Account.

B) Payments into Debt Service Account. So long as the Bond remains outstanding, the City obligates and binds itself to set aside and pay into the Debt Service Account out of money in the Revenue Fund, the following:

- (i) On or before the 25th day of each month, commencing in the first month following the issuance of the Bond, a proportional amount of the interest due on the Bond on the next succeeding interest payment date; and
- (ii) On or before the 25th day of each month, commencing in the first month following the issuance of the Bond, a proportional amount of the principal due on the Bond on the next succeeding principal payment date; and
- (iii) Amounts required to be transferred from the Reserve Account pursuant to Section 13(B) hereof.

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Money in the Debt Service Account shall be held for the benefit of the owners of all Parity Bonds then outstanding and payable equally and ratably and without preference or distinction as between different series, installments or maturities.

Section 13. Reserve Account.

- A) Reserve Account. The Reserve Account shall be maintained to secure the payment of the principal of, premium, if any, and interest on the 2007 Bond, the Bond, and any Future Parity Bonds. The City hereby covenants and agrees when the Bond is issued, an amount sufficient to satisfy the Reserve Requirement for the Bond shall be on deposit in the Reserve Fund.

The City further covenants and agrees that in the event it issues any Future Parity Bonds it will provide in each ordinance authorizing the issuance of such Future Parity Bonds that on or prior to the date of issuance of such Future Parity Bonds money shall be deposited into the Reserve Account, from proceeds of such bonds or other funds available therefor, so that the total amount of money in the Reserve Account will at least equal the Reserve Requirement.

The City further covenants that it will at all times maintain an amount in the Reserve Account sufficient to satisfy the Reserve Requirement, as determined each Fiscal Year with respect to the Parity Bonds, secured thereby. Whenever there is a sufficient amount in the Bond Fund, including all accounts therein, to pay the principal of, premium, if any, and interest on all Parity Bonds then outstanding, the money in the Reserve Account may be used to pay the principal of, premium, if any, and interest on the Parity Bonds secured thereby, after all funds available for such purpose in the Debt Service Account have been so used. Money in the Reserve Account may also be withdrawn to redeem and retire, and to pay the premium, if any, and interest due to such date of redemption, of the Parity Bonds secured thereby, so long as the money remaining on deposit in the Reserve Account is at least equal to the Reserve Requirement determined with respect to the Parity Bonds then outstanding.

- B) Deficiency in Debt Service Account. In the event there shall be a deficiency in the Debt Service Account to make any payment of interest on or principal of and interest on any Parity Bonds, such deficiency shall be made up by withdrawal of money from the Reserve Account and the sale or redemption of obligations held in the Reserve Account, if necessary, in such amounts as will provide cash in the Reserve Account sufficient to make up any such deficiency. Any deficiency created

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in the Reserve Account by reason of any such withdrawal shall then be made up out of Net Revenue, after making necessary provision for the payments required to be made by paragraphs First through Third, inclusive, of Section 16(A) of this ordinance, as soon as sufficient Net Revenue is available, but in any event no later than six months following any such withdrawal.

- C) Investment of Reserve Account Funds. Money in the Reserve Account may be kept in cash or invested in lawful investments for City funds maturing not later than the final maturity of the Bond. Interest earned on any such investments and/or any profits realized from the sale thereof shall be deposited in and become a part of the Revenue Fund.

Section 14. Lien of Revenue Fund.

The amounts pledged by the Parity Bond Ordinance and this ordinance to be paid out of the Revenue Fund into the Bond Fund and the Debt Service Account and Reserve Account therein are hereby declared to be a prior lien and charge upon all the money in the Revenue Fund superior to all other charges of any kind or nature except the charges required to pay Costs of Maintenance and Operation and equal in rank to any charges that may later be made on money in the Revenue Fund to pay the principal of, premium, if any, and interest on any Future Parity Bonds.

Section 15. Defeasance.

In the event that money and/or Government Obligations maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money, if necessary) sufficient to prepay and retire the Bond or a portion thereof in accordance with its terms, are set aside in a trust or escrow account held by a bank or trust company to effect such prepayment and retirement, and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose for the benefit of the owner of the Bond or portion thereof, then no further payments need be made into the Debt Service Account for the payment of the principal of and interest on the Bond or portion thereof so provided for, and the Bond or portion thereof shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the money so set aside and pledged, and such Bond or portion thereof shall be deemed not to be outstanding hereunder.

Section 16. Bond Covenants.

- A) Revenue Fund. Pursuant to Section 4.19.020 BMC, there has heretofore been established a special fund of the City known as the "Braund Building Enterprise Fund" (the "Revenue Fund"), into which all Lease Revenue shall be deposited as

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collected. The Revenue Fund shall be held separate and apart from all other funds and accounts of the City. The Lease Revenue deposited in the Revenue Fund shall be used only for the following purposes and in the following order of priority; provided, however, that any payments in lieu of taxes shall be subordinate to the payments required to be made into the Bond Fund out of the Revenue Fund:

First, to pay the Costs of Maintenance and Operation;

Second, to make all payments required to be made into the Debt Service Account to pay the interest on any Parity Bonds;

Third, to make all payments required to be made into the Debt Service Account to pay the maturing principal of any Serial Bonds and to satisfy the Sinking Fund Requirement;

Fourth, to make all payments required to be made into the Reserve Account;

Fifth, to make all payments required to be made into any bond redemption fund, debt service account, reserve account or sinking fund account established to pay and secure the payment of the principal of and interest on any revenue bonds or other revenue obligations of the City having a lien on Lease Revenue junior and inferior to the lien thereon for the payment of the principal of and interest on the Parity Bonds; and

Sixth, to retire by redemption or purchase in the open market any outstanding revenue bonds or other obligations of the City payable from the Revenue Fund, to make necessary additions, betterments, improvements and repairs to or replacements of the Courthouse Complex, or for any other lawful City purpose.

B) General Covenants. The City hereby covenants with the owner of the Bond, so long as the Bond is outstanding, as follows:

(1) Rate Covenant. That it will at all times establish, maintain and collect rentals, fees, and charges in the operation of the Courthouse Complex for as long as the Bond is outstanding that will produce Net Revenue in each Fiscal Year in an amount equal to at least 1.25 times Annual Debt Service. If this rate covenant is not met in any Fiscal Year, the City will retain a Consultant to make recommendations regarding the operation of the Courthouse Complex and the rentals, fees and charges established for use of the Courthouse Complex. The City shall not be in default under this

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
Public Hearing: September 27, 2016
Action:
Vote:

subsection (1) so long as the Council, to the extent permitted by law, within the next Fiscal Year, adopts the recommendations of such Consultant regarding the operations of the Courthouse Complex and any changes in rentals, fees and charges for use of the Courthouse Complex.

(2) Operation and Maintenance of Courthouse Complex; Enforcement of Leases. That it will at all times maintain and keep the Courthouse Complex in good repair, working order and condition, and will at all times operate the Courthouse Complex and the business in connection therewith in an efficient manner and at a reasonable cost. The City will perform at all times all of its covenants, undertakings, stipulations and provisions under any lease by the City of any portion of the Courthouse Complex, including but not limited to the leases by the City of portions of the Courthouse Complex to the State of Alaska, and the City will enforce against any tenant under such lease, including but not limited to the State of Alaska, all of the tenant's covenants, undertakings, stipulations and provisions under such lease.

(3) Sale or Disposition. That it will not mortgage, sell or otherwise encumber or dispose of the Courthouse Complex unless provision is made for payment into the Bond Fund of a sum sufficient to pay the principal and interest of all the outstanding Parity Bonds in accordance with the terms thereof, nor will it sell or otherwise dispose of any portion of the real property constituting the Courthouse Complex unless (i) the City (A) replaces such property with property that produces for the Revenue Fund approximately the same amount of revenue and (B) receives the prior written consent of the Bond Bank to such replacement or (ii) the City provides for payment into the Bond Fund of one of the following (as the Council may determine in its sole discretion):

(a) an amount that will be in the same proportion of the net principal amount of Parity Bonds then outstanding (defined as the total principal amount of such bonds then outstanding less the amount of cash and investments in the Bond Fund) that the Lease Revenue attributable to the portion of the Courthouse Complex to be sold or disposed of for any consecutive thirty-six (36) of the forty-eight (48) months preceding such sale or disposition bears to total Lease Revenue for such period; or

(b) an amount that will be in the same proportion of the net principal amount of all Parity Bonds then outstanding (as defined above) that the Net Revenue attributable to the portion of the Courthouse Complex to be sold or disposed of for any consecutive thirty-six (36) of the forty-

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
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eight (48) months preceding such sale or disposition bears to total Net Revenue for such period; or

- (c) an amount that will be in the same proportion to the net principal amount of all Parity Bonds then outstanding (as defined above) that the book value of the portion of the Courthouse Complex sold or disposed of bears to the book value of all of the Courthouse Complex immediately prior to such sale or disposition; and

The City obtains a certificate from a Consultant to the effect that the portion of the Courthouse Complex remaining after such sale or disposition shall provide sufficient Lease Revenue to pay when due the principal of and interest on all Parity Bonds that remain outstanding.

Any such money so paid into the Bond Fund shall be used to retire Parity Bonds at the earliest possible date

Notwithstanding anything in this Section 16(B)(3) to the contrary, the City may sell or otherwise dispose of any real or personal property constituting part of the Courthouse Complex with a value less than 5% of the net book value of the Courthouse Complex or that has become unserviceable, inadequate, obsolete or unfit to be used in the operation of the Courthouse Complex, or no longer necessary, material to or useful in such operation, without making any deposit into the Bond Fund.

- (4) Annual Audit. That it will within a period of one hundred eighty (180) days following the close of each Fiscal Year cause an audit of the Revenue Fund and any other books and accounts of the Courthouse Complex to be made by an independent certified public accountant or firm of certified public accountants, which audit shall show the income and expenditures of the Courthouse Complex, the balance sheet as of the end of such Fiscal Year, comments in regard to the manner in which the City has carried out the requirements of this ordinance, a list and amount of insurance policies in force on any part of the Courthouse Complex, and the number and classification of Courthouse Complex customers.
- (5) Insurance. That it will at all times carry fire and extended coverage, commercial general liability and property damage and such other forms of insurance with responsible insurers and with policies payable to the City for the full replacement value of the Courthouse Complex.

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
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Action:
Vote:

Section 17. Parity Bond Covenants.

The City hereby covenants with the owners of the Parity Bonds, including the Bonds:

- A) That at the time of the issuance of the Bonds there is no deficiency in the Bond Fund or any accounts therein.
- B) The Bonds shall be payable from the Bond Fund, in monthly payments as set forth in Section 12(B) of this ordinance.
- C) On the date of issuance of the Bond, amounts held in the Reserve Fund shall satisfy the Reserve Requirement.
- D) The issuance of the Bond results in a debt service savings and does not require an increase of more than \$5,000 in any year for Debt Service on the Bond or the Bond Bank has provided its written consent regarding the issuance of the Bond.

Section 18. Junior Lien Obligation.

Nothing contained in this ordinance shall prevent the City from issuing obligations payable from a lien on Lease Revenue that is junior and inferior to the lien thereon of the Parity Bonds.

Section 19. Tax Covenants.

The City covenants to comply with any and all applicable requirements set forth in the Code in effect from time to time to the extent that such compliance shall be necessary for the exclusion of the interest on the Bond from gross income for federal income tax purposes. The City covenants that it will make no use of the proceeds of the Bond which will cause the Bond or the Refunded Bonds to be "arbitrage bonds" subject to federal income taxation by reason of Section 148 of the Code. The City covenants that it will not take or permit any action that would cause the Bond to be "private activity bonds" as defined in Section 141 of the Code.

Section 20. Amendatory and Supplemental Ordinances.

- A) The Council from time to time and at any time may adopt an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this ordinance, for any one or more of the following purposes:
 - 1. To add to the covenants and agreements of the City in this ordinance, other covenants and agreements thereafter to be observed, or to surrender any right or power herein reserved to or conferred upon the City.

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
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Action:
Vote:

2. To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance or in regard to matters or questions arising under this ordinance as the Council may deem necessary or desirable and not inconsistent with this ordinance and which shall not adversely affect the interests of the Registered Owners of the Bond.

Any such supplemental ordinance may be adopted without the consent of the Registered Owner of the Bond at any time outstanding, notwithstanding any of the provisions of subsection (B) of this Section.

- B) With the consent of the Registered Owners of not less than 60 percent in aggregate principal amount of the Bond at the time outstanding, the Council may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall:
1. extend the fixed maturity of the Bond, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, without the consent of the Registered Owners of the Bond so affected; or
 2. reduce the aforesaid percentage of Registered Owners of the Bond required to approve any such supplemental ordinance without the consent of the Registered Owners of the Bond then outstanding.

It shall not be necessary for the consent of the Registered Owners of the Bond under this subsection to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent approves the substance thereof.

- C) Upon the adoption of any supplemental ordinance under this Section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all Registered Owners of the outstanding Bond shall thereafter be subject in all respects to such modification and amendment, and all the terms and conditions of the supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes.

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
Public Hearing: September 27, 2016
Action:
Vote:

- D) Each Bond executed and delivered after the execution of any supplemental ordinance adopted under this Section may bear a notation as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, a new Bond modified so as to conform, in the opinion of the City, to any modification of this ordinance contained in any such supplemental ordinance may be prepared by the City and delivered without cost to the Registered Owners of the Bond then outstanding, upon surrender for cancellation of such Bond in equal aggregate principal amounts.

Section 21. Exchange of Bond; Amendatory Loan Agreement.

The Bond shall be delivered to the Bond Bank in exchange for the Refunded Bond. The City has been advised by the Bond Bank that bond market conditions are fluctuating and that the most favorable market conditions for the sale of the Bond Bank Bonds may not occur on the date of a regular Council meeting. The Council has determined that it would be inconvenient to hold a special meeting on short notice to approve the terms of the Bond. Therefore, the Council hereby determines that it is in the best interest of the City to delegate the authority to approve the terms of the Bond as provided herein. Each of the City Manager and the City Finance Director is hereby authorized to determine the aggregate principal amount, principal installment amounts, interest rates, yields, dated date, principal and interest payment dates, and prepayment terms, if any, for the Bond, so that such terms of the Bond conform to the terms of the corresponding Bond Bank Bonds; provided that the interest rate on each principal installment of the Bond shall not exceed the interest rate on the corresponding maturity of the Bond Bank Bonds. Based upon the foregoing determination, the City Manager and the City Finance Director each is authorized to negotiate and execute an Amendatory Loan Agreement. The authority granted to the City Manager and City Finance Director by this Section shall expire one hundred eighty (180) days after the effective date of this ordinance. If the City Manager or City Finance Director has not executed an Amendatory Loan Agreement within one-hundred eighty (180) days from the effective date of this ordinance, the Amendatory Loan Agreement may not be executed on behalf of the City without further authorization from the Council.

Section 22. Official Statement.

The City Manager and City Finance Director are each hereby authorized to approve the form of the preliminary and the final Official Statement for the Bond Bank Bonds as each pertains to the City and the Bond.

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
Public Hearing: September 27, 2016
Action:
Vote:

Section 23. Authority of Officers.

The Mayor, the City Manager, the City Finance Director, and the City Clerk are, and each of them hereby is, authorized and directed to do and perform all things and determine all matters not determined by this ordinance, to the end that the City may carry out its obligations under the Bond and this ordinance.

Section 24. Miscellaneous.

No recourse shall be had for the payment of the principal of or the interest on the Bond or for any claim based thereon or on this ordinance against any member of the Council or officer of the City or any person executing the Bond. The Bond is not and shall not be in any way a debt or liability of the State of Alaska or of any political subdivision thereof, except the City, and does not and shall not create or constitute an indebtedness or obligation, either legal, moral or otherwise, of said state or of any political subdivision thereof, except the City.

Section 25. Continuing Disclosure.

The City hereby covenants and agrees that it will execute and carry out all of the provisions of a Continuing Disclosure Certificate in form and substance satisfactory to the Bond Bank if execution and delivery of such Certificate is required by the Bond Bank. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered a default of the City's obligations under this ordinance or the Bond; however, the beneficial owner of any Bond or Bond Bank Bond may bring an action for specific performance, to cause the City to comply with its obligations under this Section.

Section 26. Severability.

If any one or more of the provisions of this ordinance shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bond.

Section 27. Effective Date.

In accordance with Section 2.04.160(D) of the BMC, this ordinance shall be in full force and effect immediately upon its passage by the Bethel City Council.

Introduced by: City Manager Capela
Introduction Date: September 13, 2016
Public Hearing: September 27, 2016
Action:
Vote:

ENACTED THIS 23rd DAY OF AUGUST 2016, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

(City Seal)

Introduced by: Mayor Robb
Date: September 13, 2016
Action:
Vote:

CITY OF BETHEL

Resolution # 16-27

A RESOLUTION SUPPORTING THE DEVELOPMENT OF BETHEL AIRPORT IMPROVEMENTS

WHEREAS, The City of Bethel is a 2nd Class Incorporated Community; and

WHEREAS, The Bethel City Council is the recognized governing body for the City of Bethel; and

WHEREAS, The Bethel airport is a needed part of the local infrastructure that will serve both the social and economic needs of Bethel and the Yukon/Kuskokwim Delta; and

WHEREAS, The Bethel airport is in need of improvements to increase the efficiency and safety for aircraft and airport operations and maintenance; and

WHEREAS, The State of Alaska Department of Transportation and Public Facilities is committed to work closely with the City of Bethel to plan and design the airport improvement project.

NOW THEREFORE BE IT RESOLVED THAT the City of Bethel City Council fully supports the State of Alaska's efforts to implement improvements at the Bethel Airport.

The foregoing resolution was passed and approved by a duly convened meeting of the Bethel City Council, at which the required voting quorum was present and voted ____YES, ____NO, and ____ABSTAINING, this 13th day of September 2016.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation
and Public Facilities

DESIGN & ENGINEERING SERVICES
PRELIMINARY DESIGN & ENVIRONMENTAL

PO Box 196900
Anchorage, Alaska 99519-6900
Main: 907.269.0542
Toll Free: 800.770.5263
TDD: 907.269.0473

August 22, 2016

In Reply Refer To:
Bethel Airport Improvements
Project No.: Z58971000
Consultation Initiation

City Manager Ann Capela
City of Bethel
PO Box 1388
Bethel, AK 99559

Dear Ms. Capela:

The Alaska Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Aviation Administration (FAA), is proposing a Bethel Airport Improvements project that would improve the North Air Taxi Apron and the South General Aviation (GA) Apron at the Bethel Airport. The proposed project is located within Sections 12, 13 and 24, Township 8 North, Range 72 West, Seward Meridian, at Latitude 64.784° North, Longitude 161.835° West, in Bethel, Alaska (Figure 1).

For purposes of the National Historic Preservation Act, we are initiating this consultation with you to assist us in identifying historic properties and places that may be of traditional, religious, and cultural importance to your community. Please note that we are requesting information only on such places that you believe may be impacted by the proposed project so that we may try to avoid impacts. We would be pleased to discuss project details with you or any confidential concerns you may identify.

Project Description

The Bethel Airport is approximately two and a half miles west of the Kuskokwim River in the City of Bethel. The proposed improvements will enhance safety and improve infrastructure at the Bethel Airport. The proposed project would address poor pavement conditions and generally improve the North Air Taxi Apron, the South GA Apron, and their accesses at the Bethel Airport. The proposed work would include the following:

Proposed work at the North Air Taxi Apron would include the following (Figures 2a):

- Reconstructing apron
- Expanding apron to south
- Constructing a new connector road between Chief Eddie Hoffman Highway and North Air Taxi Road
- Relocating and widening North Air Taxi Road to the west
- Adding parking and a pedestrian path along North Air Taxi Road
- Providing landside access to southeast of the Apron

Proposed work at the South GA Apron would include the following (Figures 2b):

- Reconstructing apron and Taxiway J
- Rehabilitating Taxiway E
- Adding electrical service to southeast tie-downs
- Access improvements, as necessary

Activities at both Aprons would include the following, as necessary:

- Utilities relocations
- Drainage improvements, including installation of new culverts
- Vegetation clearing and grubbing

Preliminary Area of Potential Effect

The preliminary direct Area of Potential Effect (APE) for the proposed Bethel Airport Improvements project includes the anticipated construction boundaries, a possible staging area(s) within the airport property, and the pre-existing permitted material sites near the airport that could potentially be used as material sites for the proposed project. Because the scope of the work is consistent with the existing airport features, and the proposed work would minimally affect the existing viewshed of the Bethel CAA/FAA historic district or affect the eligibility of any structures to be listed on the National Register of Historic Places, indirect impacts are not considered for the proposed project. Any indirect visual or auditory impacts would be minimal and temporary in nature, or limited to the construction period. The final decision of material sites and staging areas determination would be left entirely to the Contractor. The Contractor awarded the project might not choose to use any of these material sites or staging area covered in the preliminary APE. See Figure 3 for a depiction of the preliminary APE for the proposed project.

If the material sites and the staging area identified in the preliminary APE are used, materials and equipment would be transported using the existing haul roads. No new haul roads would be constructed, and no additional ground disturbing activities like road expansion or compaction would take place on the existing haul roads for this project. If the Contractor elects to use an undeveloped material site, contract language will require the Contractor to comply with FAA environmental orders which may include an environmental assessment, acquire all necessary permits and clearances for the site(s) and provide copies to DOT&PF and the Project Engineer prior to development. Material from a borrow site that has not received the appropriate permits and clearances will not be accepted for project construction.

The proposed project’s Area of Potential Effect (APE) will be finalized after comments are received from consulting parties.

Identification Efforts

DOT&PF staff conducted a search of the Alaska Heritage Resource Survey (AHRs) database on July 20, 2016, to identify properties of historical, archaeological, and cultural significance within the study area. The search indicated that the Bethel Airport is located within the Bethel CAA/FAA historic district (AHRs # BTH-00127) which encompasses all of the Airport property including the North Air Taxi Apron and the South GA Apron. There are no historic properties or buildings eligible for listing on the National Register of Historic Places (NRHP) within the historic district. The five AHRs sites listed below are located on the airport property; none are eligible for the NRHP, and none are contributing elements to the historical district. The district was determined not eligible by the US Army Corps of Engineers and SHPO in 2000 (Letter, Judy Bittner to Guy R. McConnell, August 29, 2000).

Table of AHRs Properties at the Bethel Airport		
AHRs#	Name	NRHP Status
BTH-00127	Bethel CAA/FAA Historic District	Determined not eligible in 2000
BTH-00121	NWS Bethel Upper Atmosphere Facility	Determined not eligible in 2003
BTH-00124	Building 601, Fire Hose Storage Building, CAA/FAA	Determined not eligible in 2000
BTH-00125	Building 602, Fire Hose Storage Building, CAA/FAA	Determined not eligible in 2000
BTH-00126	Building 603, Fire Hose Storage Building, CAA/FAA	Determined not eligible in 2000
BTH-00128	Building 604, Fuel Pump Utility Building, CAA/FAA	Determined not eligible in 2000

A Bethel Airport Cultural Resources Report (Yarborough, 2000) prepared to support the Environmental Assessment for Bethel Airport Master Plan (2003) concluded that the potential to encounter undiscovered cultural or historic properties is low in the area. In 2001, the State Historic Preservation Officer (SHPO) concurred with the findings of the Bethel Airport Master Plan to have no adverse effects to historic properties.

Consulting Parties

Initiation letters are also being sent out to the State Historic Preservation Officer; Bethel Native Corporation; Calista Corporation; Association of Village Council Presidents; City of Bethel; and Orutsarmiut Native Council.

If you have questions or comments related to this proposed project, I can be reached at the address above, by telephone at 907-269-0534, or by e-mail at erik.hilsinger@alaska.gov.

Your timely response will greatly assist us in incorporating your concerns into project development. For that purpose, we respectfully request that you respond within thirty days of your receipt of this correspondence.

Sincerely,



Erik Hilsinger
Central Region Cultural Resource Specialist

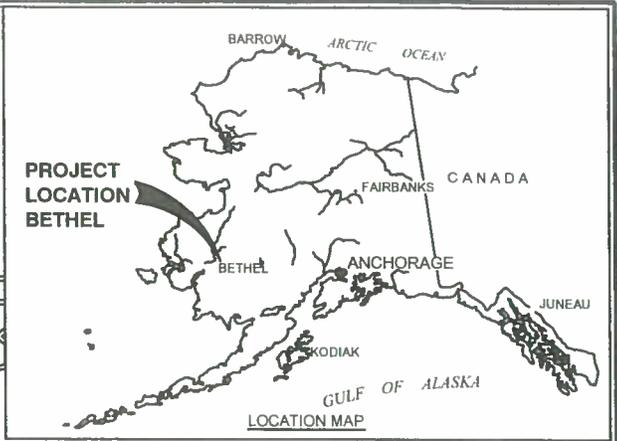
Enclosures:

- Figure 1: Location and Vicinity Map
- Figure 2a: North Air Taxi Apron Plan View
- Figure 2b: South GA Apron Plan View
- Figure 3: Preliminary APE

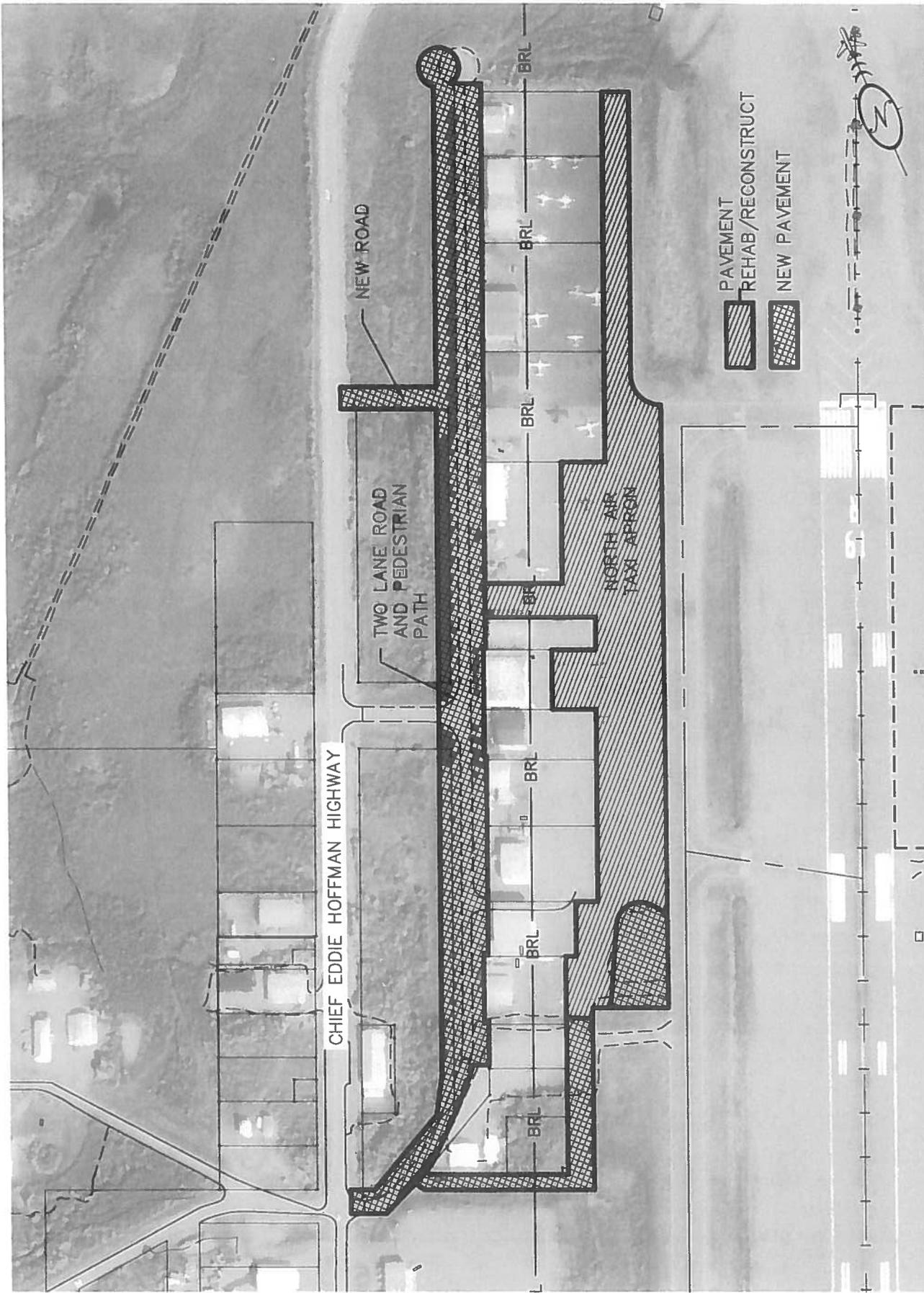
Electronic cc w/ enclosures:

- Brian Elliot, DOT&PF (Central Region), Regional Environmental Manager
- Keith Gordon, FAA, Environmental Protection Specialist
- Leslie Grey, FAA, Environmental Protection Specialist
- Morgan Merritt, P.E., DOT&PF (Central Region), Project Manager
- Kathy Price, DOT&PF Statewide, Cultural Resources Specialist
- Kathy Shea, DOT&PF (Central Region), Environmental Team Lead

W:\Environmental\Environmental Project Dwg\58971 Bethel Airport Improvements\58971 Fig 1 loc vic.dwg, 8/4/2016 2:35:48 PM, DWG To PDF.pc3



<p>STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p>	<p>SCALE: <u>NTS</u></p>	<p>BETHEL AIRPORT IMPROVEMENTS PROJECT NO. Z58971000 LOCATION AND VICINITY MAP BETHEL, AK</p>	<p>FIGURE 1</p>
<p>PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP</p>	<p>DATE: <u>7/28/2016</u></p>		
	<p>BY: <u>S PANDEY</u></p>		



DATE 8/4/2016
 FIGURE 2a

BETHEL AIRPORT IMPROVEMENTS
 NORTH AIR TAXI APRON & ACCESS ROAD
 PLAN VIEW

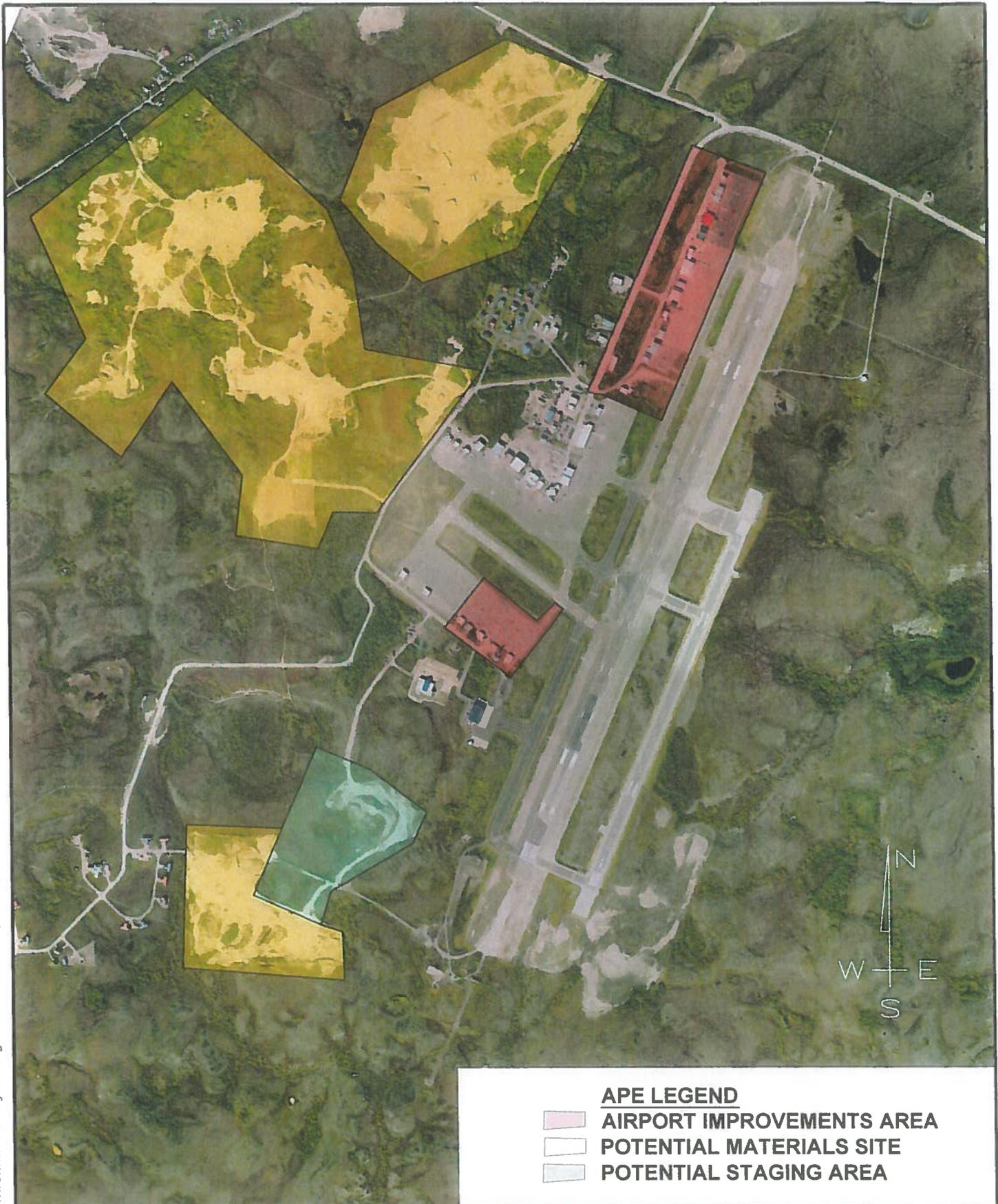
STATE OF ALASKA
**DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES**
 CENTRAL REGION AVIATION DESIGN



DATE 8/4/2016
 FIGURE 2b

BETHEL AIRPORT IMPROVEMENTS
 SOUTH GENERAL AVIATION (GA) APRON
 PLAN VIEW

STATE OF ALASKA
**DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES**
 CENTRAL REGION AVIATION DESIGN



- APE LEGEND**
- AIRPORT IMPROVEMENTS AREA
 - POTENTIAL MATERIALS SITE
 - POTENTIAL STAGING AREA

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
PRELIMINARY DESIGN AND
ENVIRONMENTAL GROUP

SCALE NTS
DATE 7/28/2016
BY S PANDEY

BETHEL AIRPORT IMPROVEMENTS
PROJECT NO. Z58971000
AREA OF POTENTIAL EFFECT
BETHEL, AK

FIGURE 3

City of Bethel Action Memorandum

Action Memorandum No. 16-57

Date Action Introduced: September 13, 2016

Date Action Taken:

Confirmed By:

Introduced By: Mayor Robb

Approved

Denied

SUBJECT/ACTION:

Approve Mayor's Appointment of R. Mark Jones to the Parks, Recreation, Aquatic Health And Safety Center Committee.

Route to:	Department/Individual:	Initials:	Remarks:

Attachment(s): None |

Amount of fiscal impact		Account information:
X	No fiscal impact	

Action Memorandum 16-57 is sponsored by the Mayor at the request of the City Clerk.

R. Mark Jones has requested appointment to the Parks, Recreation, Aquatic Health And Safety Center Committee. If appointed, he would be appointed to a term of three years with a term expiration of December 1, 2019.

City of Bethel Action Memorandum

Action Memorandum No.

Date Action Introduced:

Date Action Taken:

Confirmed By:

Introduced By:

Approved

Denied

Route to:	Department/Individual:	Initials:	Remarks:

Attachment(s):

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

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

I. Purpose

1. The Bethel Transit System provides public transit and paratransit services for the residents of the City of Bethel. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, the Bethel Transit System declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
2. Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
3. Any provisions set forth in this policy that are included under the sole authority of the Bethel Transit System and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of the Bethel Transit System will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

II. Applicability

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

III. Definitions

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, it is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Drug and Alcohol Program Manager (DAPM): Not required by the regulations, the primary employee assigned by the employer with the responsibility of overall program administration and management. The DAPM serves as the City's contact person designated under Part 655 to answer questions about the employer's drug and alcohol testing program.

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

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Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS-certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

1. The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
2. The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver's License (CDL).
3. Maintaining a revenue service vehicle or equipment used in revenue service.
4. Controlling the movement of a revenue service vehicle and
5. Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

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Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse(ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
2. Fails to remain at the testing site until the testing process is complete
3. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
6. Fails or declines to take a second test the employer or collector has directed you to take
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. If the MRO reports that there is verified adulterated or substituted test result
10. Failure or refusal to sign Step 2 of the alcohol testing form
11. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
12. Possess or wear a prosthetic or other device that could be used to interfere with the collection process

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13. Admit to the collector or MRO that you adulterated or substituted the specimen.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

IV. Education and Training

1. Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
2. All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

V. Prohibited Substances

Prohibited substances addressed by this policy include the following:

- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal

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prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including codeine, morphine, and heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including codeine, morphine, and heroin), and phencyclidine as described in Section VIII of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Bethel Transit System supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under the Bethel Transit System authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

VI. Prohibited Conduct

1. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
2. Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently

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be relieved of his/her on-call responsibilities and may be subject to discipline for not fulfilling his/her on-call responsibilities.

3. The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
4. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
5. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
6. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
7. Consistent with the Drug-free Workplace Act of 1988, all Bethel Transit System employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

VII. Drug Statute Conviction

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Bethel Transit System management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section XVII of this policy.

VIII. Testing Requirements

1. Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Sections XI, XII, XIII, XIV of this policy, and return to duty/follow-up. All employees covered under company authority will also be subject to testing for reasonable suspicion, post-accident, random and return to duty/follow-up using non-DOT testing forms.
2. A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function.
3. All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with the Bethel Transit System. Any safety-sensitive

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employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section XVII of this policy.

IX. Drug Testing Procedures

1. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
2. The drugs that will be tested for include marijuana, cocaine, opiates (including codeine, morphine, and heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
3. The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Bethel Transit System Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.

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4. If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
5. Any covered employee who questions the results of a required drug test under paragraphs XII through XVI of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The Bethel Transit System will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however the Bethel Transit System will seek reimbursement for the split sample test from the employee.
6. If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct the Bethel Transit System to retest the employee under direct observation.
7. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
8. Observed collections, consistent with 49 CFR part 40, as amended, will occur under direct observation (by a person of the same gender) with no advance notice if:
 - a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the Bethel Transit System that there was not an adequate medical explanation for the result;
 - b. The MRO reports to the Bethel Transit System that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - c. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).

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- d. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- e. The temperature on the original specimen was out of range;
- f. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- g. All follow-up-tests; or
- h. All return-to-duty tests.

X. Alcohol Testing

1. Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
2. An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of policy. The consequences of a positive alcohol test are described in Section XVII of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section XVII of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
3. The Bethel Transit System affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

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4. The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

XI. Pre-Employment Testing

All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.

1. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
2. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
3. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a Substance Abuse Professional. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of 49 CFR 655, subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
4. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section XVII herein.
5. If a pre-employment test is canceled, the Bethel Transit System will require the applicant to take and pass another pre-employment drug test.
6. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
7. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
8. Applicants are required (even if ultimately not hired) to provide the Bethel Transit System with signed, written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two

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years. Failure to do so will result in the employment offer being rescinded. The Bethel Transit System is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide the Bethel Transit System proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of 49 CFR 655, subpart G.

XII. Reasonable Suspicion Testing

1. All Bethel Transit System FTA-covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under the Bethel Transit System's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
2. The Bethel Transit System shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section XVII of this procedure. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section XVII of this procedure.
3. A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Bethel Transit System.
4. When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment

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consistent with Section XVII of this procedure. the Bethel Transit System shall place the employee on administrative leave in accordance with the provisions set forth under Section XVII of this procedure. Testing in this circumstance would be performed under the direct authority of the Bethel Transit System. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in this procedure or the associated consequences as specified in Section XVII.

XIII. Post-Accident Testing

1. FATAL ACCIDENTS - All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.
2. NON-FATAL ACCIDENTS - A post-accident test of the operator will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.
 - a. As soon as practicable following an accident, as defined in policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
 - b. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
 - c. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.
 - d. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

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- e. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- f. In the rare event that the Bethel Transit System is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the Bethel Transit System may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

XIV. Random Testing

1. All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
2. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
3. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
4. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
5. Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under the Bethel Transit System authority.
6. Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. Testing can occur during the beginning, middle, or end of an employee's shift.

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7. Employees are required to proceed immediately to the collection site upon notification of their random selection.

XV. Return-to-Duty Testing

The Bethel Transit System will terminate the employment of any employee that tests positive or refuses a test as specified in Section XVII of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

XVI. Follow-Up Testing

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

XVII. Test Results

1. Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional (SAP) for assessment, and may be terminated.
2. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
3. Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and may result in termination and referral to an SAP. A test refusal includes the following circumstances:
 - a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
 - b. Fails to remain at the testing site until the testing process is complete
 - c. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
 - d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
 - e. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
 - f. Fails or declines to take a second test the employer or collector has directed you to take
 - g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
 - h. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
 - i. If the MRO reports that there is verified adulterated or substituted test result
 - j. Failure or refusal to sign Step 2 of the alcohol testing form
 - k. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - l. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
 - m. Admit to the collector or MRO that you adulterated or substituted the specimen.

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

4. An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC.
5. In the instance of a self-referral or a management referral, disciplinary action against the employee may include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement may result in termination from the Bethel Transit System employment. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section XVI of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under Section XVII of this policy is under the sole authority of the Bethel Transit System and will be performed using non-DOT testing forms
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and may result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section XVII of this procedure.**
 - e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section XVII of this procedure.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the Bethel Transit System.
 - g. A voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
6. Failure of an employee to report within five (5) days a criminal drug statute conviction for a violation occurring in the workplace may result in termination.

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

XVIII. Grievance and Appeal

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

XIX. Proper Application of the Policy

The Bethel Transit System is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

XX. Information Disclosure

Drug/alcohol testing records shall be maintained by the Bethel Transit System Drug and Alcohol Program Manager (DAPM) and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

1. Retention

- a. All testing records will be secured by the DAPM, separate from general personnel or confidential personnel records.
- b. The City will maintain testing records resulting from DOT testing under this policy separately from records that are generated from non-DOT testing under the City's own authority.

2. Disclosure

- a. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- b. Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- c. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- d. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested

ZERO TOLERANCE

POL-56-200

See Also: 49 CFR Parts 40 and 655, as amended

Approved by: Bethel City Council

- individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding.
- e. Records will be released to the National Transportation Safety Board during an accident investigation.
 - f. Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
 - g. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
 - h. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the Bethel Transit System or the employee.
 - i. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken.
 - j. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.



CITY OF BETHEL

P.O. Box 1388
Bethel, Alaska 99559
Office: (907) 543-2047
Fax: (907) 543-3817

CONSORTIUM LIBRARY AGREEMENT CITY OF BETHEL AND THE UNIVERSITY OF ALASKA FAIRBANKS KUSKOKWIM CAMPUS

An Agreement made by and between the University of Alaska, hereinafter referred to as “University,” and the City of Bethel, a municipal corporation, hereinafter referred to as “City.”

Whereas, the University acting by and through its local affiliate, Kuskokwim Campus, and the City have determined that it is in the public interest to share library collections and facility in the operation of a library in Bethel and;

Whereas, a cooperative effort of the University and the City in serving residents of Bethel is cost-effective and mutually advantageous;

The parties hereto do mutually agree as follows:

ARTICLE I

The University shall:

- A. Manage the library facility to accommodate and include:
 - 1. Public access to Kuskokwim Consortium Library and its collection;
 - 2. Public access to reference and inter-library loan services;
 - 3. Public access to library assistance in the form of trained personnel;
 - 4. Provide a year-end report of grant expenses to the City of Bethel;
 - 5. Provide entire multipurpose room for annual Christmas party during December including set up and break down of equipment in December on a date to be mutually determined and at no cost to the City;
- B. Provide physical maintenance and utilities.
- C. Appoint, employ and compensate a full-time professional librarian during the College Academic Year who meets the appropriate standards of the American Library Association and whose duties shall include, but not be limited to, supervision of all operational services

offered by the library, and responsibility for all acquisitions (the parties understand and agree the Library will be closed for ¼ of the academic year due to remodeling);

- D. Employ other personnel as deemed necessary;
- E. Maintain separate accounting of financial records;
- F. Catalog and shelve all materials as a single collection;
- G. Provide hours of service and acquisitions budget as negotiated annually by both parties;
- H. Provide public access to the library for a minimum of 50 hours of library service per week during the University academic year and a minimum of 30 hours of library service per week during the time public schools are not in session (except while closed for remodel);
- I. Materials traditional to public libraries and the Kuskokwim Consortium library in quantity and quality sufficient to maintain the collection to meet the informational and recreational needs of the community;
- J. Provide library programs to meet the informational and recreational needs of the community as possible with existing library staff and Friends of the Library volunteers.
- K. Provide electronic lending library which allows users to borrow books on Kindle, Nook or other similar devices at no charge.

The City Shall:

- A. Pay Kuskokwim Campus for services as negotiated annually. Payment for these services will be made by the City of Bethel in two (2) equal payments of \$25,350.00, one prior to November 1, 2016 and the other prior to March 31, 2017;
- B. Provide snow removal for the Library parking lot as needed;
- C. Provide a dumpster and garbage removal;

ARTICLE II

It is further mutually agreed that:

- A. Equipment, furnishing, and literary holdings shall remain the property of the respective owner;
- B. Each party shall indemnify, protect and hold the other harmless from and against any and all claims, suits, causes of action and judgments arising in favor of any person or corporation, including but not limited to the employees, agents, representatives, and subcontractors of each party, or any third party, on account of any injury, death, or damage

to property resulting from the actions, negligence, misfeasance, omissions or errors of said party, its employees, servants, agents, representatives, subcontractors or independent contractors during the term of this Agreement;

- C. This agreement is subject to renegotiation and amendment at any time upon mutual consent of the parties. This agreement may be terminated by either party upon the filing of written notice of such intent sixty (60) days prior to October 1, 2017 with date of termination being November 1, 2017 or upon shorter notice by mutual consent of both parties;
- D. Each party shall participate in a joint University/City Library Advisory Board which will provide advice to the City and University relative to the operation of the consortium library;
- E. The library facility shall be known as the KUSKOKWIM CONSORTIUM LIBRARY.

FISCAL YEAR 2017

The following list reflects the library services to be provided by Kuskokwim Campus and their related costs to the City of Bethel during the period of July 1, 2016 through June 30, 2017;

1. All services described in the Consortium Agreement, with public access to the library for a minimum of 50 hours of library service per week during the University academic year and a minimum of 30 hours of library service per week during the time public schools are not in session, with the exception of the closure period necessitated by the library remodel project.
2. Materials traditional to public libraries and the Kuskokwim Consortium Library in quantity and quality sufficient to maintain the collection to meet the informational and recreational needs of the community.
3. Library programs to meet the informational and recreational needs of the community as possible with existing library staff and Friends of the Library volunteers.
4. Payment for these services will be made by the City of Bethel in two (2) equal payments of \$25,350.00, one prior to November 1, 2016 and the other prior to March 31, 2017.

Mary C. Pete
Director
Kuskokwim Campus
University of Alaska Fairbanks

Date

Pete Pinney

Date

Interim Vice Chancellor for Rural, Community and Native Education
College of Rural and Community Development
University of Alaska Fairbanks

Rosemary Madnick
Executive Director
Grants and Contract Services
University of Alaska Fairbanks

Date

Ann K. Capela
City Manager
City of Bethel

Date

City of Bethel Action Memorandum

Action Memorandum No. 16-59

Date Action Introduced: September 13, 2016

Introduced By: Mayor Robb

Date Action Taken:

Approved

Denied

Confirmed By:

SUBJECT / ACTION:

Approve Mayor's Appointment of Brian Lefferts to the Parks, Recreation Aquatic Health & Safety Center Committee.

Route to:	Department/Individual:	Initials:	Remarks:
✓	M. Lakahani, Public Works		

Attachment(s): None

Amount of fiscal impact:		Account information:
X	No fiscal impact	
	Funds are budgeted.	
	Funds are not budgeted. Budget modification is required.	
	Grant funding.	

Action Memorandum 16-59 is sponsored by the Mayor at the request of the City Clerk.

Brian Lefferts has requested appointment to the Parks, Recreation, Aquatic Health & Safety Center Committee. If appointed, he would be appointed to a term of two years as a regular member with a term expiration of December 31, 2017.

City of Bethel Action Memorandum

Action Memorandum No. 16-60

Date Action Introduced: September 13, 2016

Introduced By: Mayor Robb

Date Action Taken:

Approved

Denied

Confirmed By:

SUBJECT / ACTION:

Approve Mayor's Appointment of Bob Jones to the Parks, Recreation Aquatic Health & Safety Center Committee.

Route to:	Department/Individual:	Initials:	Remarks:
✓	M. Lakahani, Public Works		

Attachment(s): None

Amount of fiscal impact:		Account information:
X	No fiscal impact	
	Funds are budgeted.	
	Funds are not budgeted. Budget modification is required.	
	Grant funding.	

Action Memorandum 16-60 is sponsored by the Mayor at the request of the City Clerk.

Bob Jones has requested appointment to the Parks, Recreation, Aquatic Health & Safety Center Committee. If appointed, he would be appointed to a term of two years with a term expiration of December 31, 2017.

City of Bethel Action Memorandum

Action Memorandum No. 16-61

Date Action Introduced: September 13, 2016

Introduced By: Mayor Robb

Date Action Taken:

Approved

Denied

Confirmed By:

SUBJECT / ACTION:

Appointing Peter Williams as Acting City Manager from noon on September 23, 2016 until a new City Manager is hired and begins at The City of Bethel.

Route to:	Department/Individual:	Initials:	Remarks:

Attachment(s): None

Amount of fiscal impact:		Account information:
	No fiscal impact	
	Funds are budgeted.	
X	Funds are not budgeted. Budget modification is required.	
	Grant funding.	

Background:

The City Manager position will become vacant at noon on September 23, 2016 per the Agreement between the City Council and the current City Manager, Ann K. Capela. Until a new City Manager can be hired and can take over the position, the City Council is appointing Peter Williams, the Port Director, as Acting City Manager.

The Acting City Manager is to be paid at the rate of pay of the current City Manager during the time he is acting.

City of Bethel Action Memorandum

Action memorandum No.	16-62		
Date action introduced:	September 13, 2016	Introduced by:	City Manager Capela
Date action taken:		Approved	Denied
Confirmed by:			

SUBJECT / ACTION:

Request approval to enter into a service agreement with Caselle to perform financial data analysis for: Item #1 General Ledger cleanup for \$2,250 a month and Item #2 Accounts Receivable for \$800 per month. This service would be a **pilot project trial period for one (1) year** not to exceed the total cost of \$36,600 for the year.

Route to:	Department/Individual:	Initials:	Remarks:
Finance	Hansel Mathlaw		Recommend
C. M.	Ann K. Capela		Recommend
Legal			
City Finance Committee	City Finance Committee		Recommendation of the City Finance Committee 08/29/16

Attachment(s): City Finance Director's Determination for one source for required purchasing BMC 4.20.250

Amount of fiscal impact:		Account information:
	No fiscal impact	
	Funds are budgeted.	
\$36,600.00	Funds are not budgeted. Budget modification is required.	Account #10-53649 May/will require budget amendment
	Grant funding.	

Background:

City of Bethel purchased and entered into agreement with Caselle, a governmental accounting financial software system that is the financial "heart beat" of the City ability to record, analyze, and produce financial data to account for revenue and expenditure for the entry City of Bethel.

City of Bethel employees have received annual training and have reported excellent service from the technical support as Caselle.

The City has purchased several of the Caselle financial management modules and is currently moving to link the Express Bill Pay for sales tax remittances with Caselle system.

With this unique, as determined by the Finance Director propriety software; it is the recommendation of the City's Finance Committee that the City of Bethel enter into a service agreement for various financial and software support which includes but is may not be limited to; cleanup analysis of financial date and assist the City of Bethel with general ledger, additional reconciliation functions that will include quality control in the general ledger, periodic data file cleanup, limited accounts receivable function data transfer, assist in journalizing corrections, analysis of records to eliminate duplication, transaction archiving as well as assisting the City with reparation of financial documents for the annual financial audit.

Caselle will also assist in determining the best path to developing accurate financial data for asset management with a possible look back as far as 2009. This determination is crucial in order to establish base in the asset management to meet GASB guidelines.



Memorandum

DATE: August 31, 2016

TO: Ann K. Capela, City Manager

FROM: Hansel L Mathlaw, Finance Director

SUBJECT: Caselle Accounting Support Services Recommendations For Sole Source

Following BMC 4.20.250, Sole-source procurements, the purchasing agent is required to provide written determination that there is one source for the required purchasing. The following is my findings:

The City of Bethel's accounting software is Caselle Accounting Software. Caselle provides support for all questions related to process accounting information through the software system. The accounting systems processes utility billing, accounts payable, payroll, sales tax, accounts receivable and general ledger. Caselle software is propriety.

Currently, Caselle processes payroll for the City of Bethel. The process is the accounting specialist assembles, prepares and submits the source documents to Caselle. The accounting specialist also submits the data changes through the software system. Caselle processes payroll and returns the data through the system for the accounting specialist to perform the final payroll process: submit the ACH (automatic clearing house), print the payroll checks and upload the data into the accounting system. Because of the unique feature to transfer data to and from city, Caselle is the only company to process payroll.

The general ledger services will work in similar fashion as the payroll process. The Caselle technicians have expertise in using the software and performing tasks for the general ledger functions and the key is transferring data through the Caselle accounting software. The unique features is transferring data. No other company can provide this services for this reason I deem this eligible for sole-source service for accounting support services.

Once approved the budget modification will follow.



City of Bethel

Committees and Commissions

Recommendation to City Council

Committees and Commissions that wish to make a recommendation to City Council should turn this form in to the City Clerk or to the City Council representative on the committee or commission.

Committee/Commission: Finance Committee	Chairman: Carol Ann Willard
Date Submitted: 8/29/16	Council Rep: Lief Albertson
<p>Issue:</p> <p>Finance Department needing some assistance with day to day tasks such as journal entries due to staffing in the last year and high turnover. Some of the more mundane day to day tasks were not getting done. This would be a way to ensure that the work gets done.</p>	
<p>Recommendation:</p> <p>It is our the Finance Committee's recommendation that we get Caselle Accounting Support Services to take on some of the finance department's day to day tasks, such as journal entries, to help ensure that the work gets done in a more timely manner.</p>	

Received by: _____

Date: _____ Page 140 of 168

Mayor's Report

City Manager's Report



MEMORANDUM

From: Ann K. Capela, City Manager
To: Mayor Robb, Vice-Mayor Maczynski and Members of Council
Cc: City Finance Committee
Date: September 4, 2016
Re: City Manager's outgoing observations, recommendations and remarks

1. YK Rec. Facility – while this is not a City “department” – it is the largest financial obligation for the City for the next 10 years. It is my recommendation to City Council, that Council appropriate funds to hire a professional with specific pool and health facility management experience as a City employee to manage the YK fitness facility from a financial perspective and be responsible for the administration of the facility management operational contract (City can still have the private operator). Combine the old position of “Parks and Recreation Director”.

The current Parks and Trails need a closer oversight as well as development of walkable trails. Bethel City Council approved a “Complete Street Ordinance” and the Parks, YK Pool/Health Facility, walking trails combined with planning for Complete Streets will be essential part of community “health and quality of life” needs. The “Parks and Recreation Director” would also manage the \$400,000 FTA grant project in partnership with YKHC along with the current Pinky’s Park grant (Department of Natural Resources).

2. Planning Department – Planning Department should be moved to the City owned Courthouse facility. There is a well-defined space in the current courthouse that is empty. Aside from relocating the Planning Department, the cost of operations will not change significantly. After further research I have determined that the City can make the side entry to the Courthouse the Public Entry for the Planning Department and the public with no security breach to the Courts.

City of Bethel is not able to lease the space in the Courthouse to a private enterprise due to bond restrictions thus it would be logical to move the Planning Department to a facility that serves the public and meets the ADA laws. It is only a matter of time before a member of public or a special interest group will file a complaint against the City for not meeting the ADA (American with Disabilities Act).

3. The City should develop a “building code” with enforcement capabilities. The State of Alaska does very little to enforce international building codes, public health inspection in restaurants or hazardous material in commercial establishments.
4. Port – The Port of Bethel is and will become even more profitable enterprise fund in the City.

The City of Bethel should ***change the Port Commission to a Port Authority***. Port Authorities are able to use other financial tools to develop a great profitable port which will spur local economic development activities. The City can work on being the next generation sea port.

The City should enter into development agreement with Donlin Gold Mine for the construction, storage facilities, and transportation with this owner and “elbow” its way to the table with the Federal government agencies that will be approving this operation. The Donlin Gold Mine operations will have at least a 100-year life-cycle. As it stands now, the City will feel all the impact of growth with no source of revenue.

5. Fire Department – with the implementation of the retail sales of liquor and marijuana sales, the Fire Department will need at least 2 additional professional FF/EMT’s to be able to conduct the training and supervision of the volunteer Fire Fighter force.

Fire Department has been fundraising for a new ambulance and will succeed but the other ambulance is 15 years old. There will be a need for a second new ambulance.

Fire Department should also be considered as the Center for Homeland Security activities with the Fire Chief fully trained and funded as the manager of Homeland Security activities which needs to include hazardous storage registry list in Bethel. The Fire Chief should be heading up the Local Planning Coordination Regional committee.

Purchase of a three-story ladder fire truck with a base price tag of \$750K is essential for safety of the new health facility. The current YK addition is a planned 3-story building. While there is some technology for fire protection – if there is ever a fire as was experienced twice in the last two years (the treatment center and Kilbuck School) the City does not have the equipment to fight such large 3-story fires.

6. Police Department – Law enforcement positions have been the most difficult to fill for the City. Law enforcement in Bethel, comparatively speaking to other regions in Alaska, as well as nation-wide is very different in Bethel. The depth and the breath of issues in Bethel related to law enforcement requires a seasoned law enforcement officers. The recent 25% salary increase for public safety will not be enough to attract outside personnel for law enforcement.

Developing local skill sets and professionals in law enforcement is the key to success in Bethel.

7. Public Works – Is a complex department that needs to be staffed with at least two more supervisors and an Assistant Public Works Director. The current management structure is unsustainable for PW Director to be effective. Technically the PW Director is the only exempt position and thus has 50% of the City’s workforce reporting directly to the PW Director. All other positions below the PW Director are union positions making effective management a challenging.

Hauling water and emptying sewer tanks is a labor intensive process in arctic weather condition. This type of water distribution and wastewater collection system is only cost effective to a certain point of diminishing returns. This point will be reached in the City in less than 10 years and it will be unsustainable beyond the 10 years or so.

Water Distribution system – The City of Bethel should be the only authorized producer and distributor of water in the City’s corporate borders. There are as many as 7 other private water productions and distribution systems in the city limits. This is a duplication of functions and expenses to all the water customers on so many levels that it will need a chapter of its own to describe all the negatives on having 7 or 8 water production and water distribution systems in a geographical region that has such a shallow aquifer.

The City of Bethel should endeavor to be the only water provider and distributor in the city by purchasing all the other water providers; enter into water purchasing agreements with former owners of the water; monetize these water purchasing agreements and use the said agreements as a collateral to issue revenue bonds to build out a piped water system throughout the city. To accomplish this the City will need to develop a 20 to 40-year plan and work with USDA-RD to finance such a grant/loan project (use the revenue bonds as a matching grant for USDA loans).

Water production – Production of water is a federally regulated industry and requires high level of skills and licensing. The City has been sending current employees to training. PW Director has identified employees for training however the employees have failed the tests thus far. The course work for water operator’s license is centered in math, chemistry and some engineering skill sets. The one possible option of water operator’s license is to contract this function out to a private water operator or an engineering firm. This would ensure that the City water operation would be under a licensed water operator at all times.

Solid Waste Management/Recycling – These functions should be reviewed and an outside firm should be brought in to evaluate the operation and clean up of the current site. The recycling portion may not be fully realized but there should be a review of greater solid waste separation of material and compacting operation. The City should explore the feasibility of establishing a Regional Solid Waste Authority. Such an Authority can operate independently and raise the necessary funds to clean up the monumental buildup of solid waste in and around the city.

Waste Water Treatment Facility – the Lagoon – The waste water treatment in Bethel has been studied, engineered and updated at a cost of hundreds of thousands of dollars. There is no doubt that processing **waste water plant** would be **optimal but costly**. Residents of Bethel can’t afford such waste water charges. Even if the federal government gave the City of Bethel \$50 Million dollar to build a waste water treatment facility it would still cost up to \$1.5 million dollars to operate such a facility. At present, the cost to operate the lagoon is under \$200K. The City does not have the funds to operate such a treatment plant however, the City has plenty of land to support a facultative lagoon for wastewater treatment. If necessary, the City can purchase and operate a tertiary lagoon cell that will clean up the bio solids in an environmentally way.

The current “lagoon fix” project should enable the City to obtain the National Discharge Permit once the lagoon project is completed. The facultative lagoon should serve Bethel for the next 20 years if the population remains at a normal population trajectory growth.

8. **Finance Department** – While the Finance Department is tasked with many functions because there is no appropriation of funds attached to new Council directives or policies. Many Council initiatives, new policies or ideas fail to be effective due to lack of funds. Operationalizing any new or improved policies/laws/directives require funds to be successfully executed. Bethel City Council should enact by permanent Code that whether an action is initiated by Council or Administration all action request ***must have a fiscal analysis attached***. There is no public or private administrative action that has “no cost” attached to it. There is no “free lunch”. Even if the task is to enact a simple ‘Resolution of Support’ appears minuscule – City staff must write it, enter it into the system, produce it, mail it and post it on the City’s website. All of these actions are a cost of opportunity, time and money.

Examples of such actions just since November of 2014 are: City’s new Purchasing Code, Liquor Licensing of restaurants and stores, new (soon to be enacted) Sales Tax Code, issuing of permits for

salvaging at the City's solid waste facility, proposed ordinance for composting and incinerator toilets, new Marijuana ordinance, development of policy and Facebook pages and the most notable example of this is the addition of overall management of City's pool and fitness facility. Accounting, reporting, legal review, long term maintenance of this facility will continue to add to the City's administration work load.

These actions without the fiscal note can be compared to adding more and more students to the classroom without providing the chairs for the new student to sit on!

The City depends on numerous federal and state grants (public transit, lagoon "fix", IT Corridor, The City staff is tasked with more and more demanding financial reporting of grants on which the City depends on.

9. The City is looking to hire another Finance Director. The Finance Director's position is another revolving door of professionals that are brought in from the outside. The City's Finance Department has been tasked with operationalizing new City Purchasing Code with no additional staff; the City will enact a brand new re-write of the local Sales Tax and if there is no additional staff, the new regulations will overwhelm the Finance Department.

Finance Department is tasked with many unusual functions such as Risk Management, Property Management, Vehicle insurance and with all the management of the City's assets. The Finance Department is not equipped or staffed to perform these functions. This is the central reasons why the City is unable to track its assets or manage its risks.

The City should create and hire an internal position in the Finance Department for purchasing and risk management.

Finance Department has struggled to retain financial tracking grant specialist while the City is relying on many State and Federal grants. All these grants require separate financial single audit reporting monthly or quarterly. Grant financial management is very labor intensive and the City will continue to struggle as well as always operating from behind without a specific designed system to manage the grants. Once example is the Transit Grants from FTA. To prepare the financial reports to receive the reimbursement from the State takes more labor cost than the value to the City.

10. Human Resources Manager – This position has been in place over a year. The tasks to develop the basic functions of HR are voluminous of which one of these is the centralization of the HR files. It will take time for one individual to implement the system and weed out the years of accumulated material that is unrelated to HR. It has been suggested at one of City Council meeting that the HR Manager position should be elevated to an "independent" HR Director. While this may be the desire of Council to have an HR Director, the City Manager, will remain the City Personnel Director in accordance with Alaska State Title 29. A HR Director independent of the City Manager and answering to City Council, will then have City Council "appointing" individual employees through its direct control of the HR Director.
11. IT Department – is a Department of two employees. There is no one to centrally manage the City's Web site or the future challenges of Facebook, Twitter or other coming communication medium. The City should shift most of the network and help desk functions to a third party and focus on the "big picture items" with developing a strong electronic communication PR portion.

12. City Manager's Office –With over one hundred employee workforce and the many duties assigned to the City Manager, there is a need for professional assistant to the City Manager. The City Manager will continue to struggle with managing during the day and doing clerical work after hours. In the past, the City Manager had an executive assistant which has been converted to an HR Manager.

Looking forward – The City's long term financial picture does not look promising without a serious review of the diversification of revenue sources. More and more Bethel residents shop on line and more and more residents are depending on State and Federal government income programs. Government buildings and its operations do not pay sales tax or property tax. However, these same government agencies require the basic function of City services for law enforcement, fire protection, roads, water, sewer, solid waste disposal and the orderly conduct of businesses. At the same time State and Federal subsidies (Revenue Sharing and Payment-in- Lieu of Taxes) to local governments are being rolled back while more and more services are being pushed on to municipalities. These two financial pressures will collide and local governments will suffer financially in the next 10 years.

Looking forward – The City of Bethel has a “golden” opportunity to negotiate a development agreement with the proposed Donlin Gold Mine operations 150 miles northwest of Bethel. In reality the majority of transportation of goods, services and people will come through the Port of Bethel. Even after, the anticipated closure of the gold mine operations, there will be a 30 plus years of monitoring activities and untold related services will spring up during the actual mining operation. Donlin Gold Mine operation and its ancillary industrial activities should lift up the local Bethel economy. The City will be remiss if the City does not “elbow” its way to the table to reap the benefits of this economic activity.

Complete Streets ordinance – is a great start for the planning of the City's basic infrastructure. Local land use planning is the City's greatest tool for building its own infrastructure.

City should press the State of Alaska to access the State's **Revolving Loan Fund** for water and sewer infrastructure. Currently the State of Alaska has a revolving loan fund for development of infrastructure for fisheries and same amount should be devoted to building out water and sewer infrastructure in rural Alaska. The State could look for partnership with the Federal government to develop this type of **water and sewer “infrastructure” bank** with a revolving fund financial mechanism which could include private investment dollars.

Lobby the State legislators to enable local municipalities to enter into **franchise agreements with** TV cable providers. This is common local revenue in the lower 48 states where a municipality like Bethel could realize at least \$150K of annual revenue. This also enable the cities to negotiate PEG fees as allowed by the 1996 Federal Communications Act.

Local Business Licenses – Greater emphasis is needed on business license regulation to include local control over fire code building regulations, registry of hazardous material, food handling, and ability to provide enforcement for any regulations that are created.

City Council needs to develop a long term “vision” plan and a pathway/plan to achieve this vision for the community. For the foreseeable future the days of setting “capital priorities” by City Council, sending it to the State Legislature as a “wish list” to be funded by the State of Alaska are gone.

Management Team Reports

MEMORANDUM

DATE: 09/01/2016
TO: Ann Capela, City Manager
FROM: Muzaffar Lakhani, Public Works Director
SUBJECT: Manager's Report

Programs/Divisions

Public Works Director:

Change order #2 to the contract of DOWL engineering was approved by the city council in the amount of \$90,000.00. The 90% revised design and Hydraulic Model was submitted on August 23rd for the city's review. One Hauled Utilities driver was terminated due to excessive absenteeism and "No call No show". Two drivers turned in their resignations. Parts Clerk and Mechanic's position remain unfilled. The property maintenance Foreman's Position is open and posted for vacancy.

Utility Maintenance:

We have been working on the fence at the lagoon installed a new gate at the entrance and repairing sections on the back side. Removed old sewer line supplying the old pre-maternal home and installed 800 feet of new arctic pipe. After completing we had a vehicle hit and broke the line and had to go back and repair it. Also working on getting all the required water samples at BHWTP and CSWTP.

Hauled Utilities:

In August the water drivers have delivered nearly 3,000,000 gallons of water with an average of 34 stops per driver per day, the sewer drivers have hauled 2.5 million gallons of sewage to the lift station or lagoon, with an average of 39 stops per driver per day, and the garbage trucks have hauled nearly 5000 cu yds of trash to the land fill. The back loader has been out a couple days a week each week trying to keep the dumpster areas clean. I feel we should do some p.s.a.'s for the general public to not deposit their cars, oil, washers, dryers, stoves, refrigerators and freezers and other nefarious items around the dumpsters. If they can haul them to the dumpsters in their trucks they should just continue on to the landfill.

We have also received the new plastic dumpsters, and have been distributing them throughout the community. As well as having ordered a second set of 16 more plastic dumpsters. Which may or may not make the last barge this year but

we will have them certainly by the first barge in the spring. At which point, I believe the plan will be to have all the restaurants and contractors pay for their own dumpsters to be dumped on at least a once a week basis.

We are also expecting some new water and sewer trucks on the last barge of this year, which should help greatly with the delivery of services.

Property Maintenance:

Public Works boiler was scheduled for major repairs. All plans towards the effort of the repair halted due to the obsolete parts required for the repair. The teen center boiler had some old plumbing replacements due to leaking fittings. KYKD Generator had loss of power. Repairs were made. Public works soffit repairs are being made before the cold mornings start affecting the plumbing for the building. Ramp behind hospital vehicles were driving over, Boxed barricades were installed to prevent the vehicles from crossing.

Parks and Recreation:

Cleared the brush from different locations and disposed of it to the landfill. Received the delivery of the bus shelters. Started installing them at the designated locations. Continued working on the General maintenance of the parks.

Road Maintenance:

Streets and Roads hauled in sand to build up Napakiak Drive from Akiak Drive to the end of Napakiak Drive. Then capped it off with gravel, so it will hold up to grading when needed. Received good comments from the public.

We hauled sand to build a new soccer field in Pinky's Park and graded it. Will revisit it next year and fill again and compact the field.

Pushed a big pile of sand at the city sand pit. The harmonic balancer was spinning on the crank shaft of the D8 machine. The operator caught it on time before we had engine damage. V&E working on the repairs.

Also hauled in all D-1 gravel from Knik Construction, that they had on hand to the gravel pile on the south side of the city shop. Napakiak Drive was capped with gravel. We hauled in so far 3,444 tons of D-1 gravel from Knik and will haul a little over 1,000 more tons when they get it in to complete our order.

Vehicles and Equipment:

August, has seen the departure of another mechanic, the position is currently being advertised. We have also been shorthanded due to jury duty. This department needs way more people in it.

Transit System:

In August we only averaged 60 riders per day. The summer activities; travel, subsistence, vacations, and the weather (wind and rain) played a major role in this. Even with this the ridership was about the same as last year. We continue to provide the best service we can. We know that dependability and reliability of service plays a key role in maintaining our ridership. Passengers are not willing to wait at the bus stop 5-10 minutes, in the rain/bugs and wind, for the bus that is late or never show up. With our new Bus Stop Shelters hopefully the ridership will pick up during the bad weather times.

The new Bus Stop Shelters arrived on the AML Barge the last part of August and several of the other departments are helping getting them off loaded, stored at the Transit Bus Barn, sand and gravel pads in place, and installed. I greatly appreciate all the extra help and effort in getting them installed. They should help in giving the Transit System more identity.

John Sargent, City Grant Manager, and I will be working on the purchase of the new buses the next couple of weeks. We will be using the State of Washington /Alaska DOT RFP so the process shouldn't take as long. This should be done in the next couple of weeks and submitted for approval by the Administration/City Council. John and I will be working on our FY 2017 Transit Grant and should have some preliminary figures by the mid part of October. We know that the grant will require a matching fund and we're in hopes that some of the local business and agencies will help here.

Housing our buses in the Transit Bus Barn has helped us maintain our buses and gives us the opportunity to do some of the minor maintenance ourselves. We purchase a bumper lift jack, 10 tons, and we're able to change our own tires, flats and summer to winter tires, and changing the oil/oil filters. Major repairs will still need to be done by the City Shop.

Bethel Transit System goal for the FY 2016 will be to show a 20-25 percent increase in ridership / revenue. I think we can do this by providing better and more dependable / reliable service for our passengers.

Landfill / Recycle Center:

The vacant position of Landfill technician has been filled, thank you. His name is Samuel Brink and he has been a big help, he is eager to learn and easy to work with. We have put up a no trespassing sign on the gate and a sign that says "Enter at your own risk" on the fence. We are in the process of putting up seven other signs in the landfill itself designating locations for various items to be placed.

The road crew has continued to let me use my friend Gary McElwee when he is not Grading or doing other jobs to run the excavator to bury items. With his help the landfill has looked better in years.

PORT OF BETHEL

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



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

PORT ADMINISTRATION ACTION ITEMS AND ACTIVITIES

- **Small Boat Harbor** – There was concern that the SBH attendants haven't been visible to those trying to find them. I believe that issue has been resolved. All the shifts currently being covered and we anticipate all the shifts will be covered till Oct. Re-started placing fill37 on the access road on the West side of the harbor. Parks and Recs and the Port personnel installed a deck for basketball at 3thd and East Ave. The pole and backboard should get installed soon. There is a power pole in the way that is not powered up. Requested AVEC to remove a power the pole it appears it is serving as a anchor for a pole that is leaning against a house. AVEC submitted a bill of \$2100 that I have refused to pay. I hope we don't have to issue a letter of trespass.
- **Bethel Bank Stabilization Project** – The USACE Chief of Civil Works Chief of Alaska on August 2nd, 2016 reported that this project will go to construction in 2017. In September they intend to have a meeting with us about what is needed to, "to blow the dust off this project". Have requested AVEC for a cost estimate to remove seven poles that the Port will be responsible for.
- **City Dock** – There were 37 vessel arrivals and departures at the cargo and petroleum docks that discharged 1,925 tons of cargo. Next arrival is Sept 3thd. Revenues from storage fees is up considerably for this time of year.
- **Petroleum Dock** – There were 8 vessel arrivals and departures. Except for one small delivery of 250,000 gals. Vessels at the petroleum dock were loading fuel for the villages. Some light maintenance work was performed as needed. September will see an up-tick in usage at this dock starting 9/1/16.
- **Port Office** – RFP for Design Services was posted on 8/2/2016 and proposals were received on 8/25/16. We plan to put the contract for design services on the 26th City Council Agenda.
- **Hydrographic Survey** – Seven RFP's were received and a contract signed with eTrac, Inc. for this project. Work will be performed between Sept 12-16.

- **Personnel** – Fully staffed, including the SBH attendants. The two city dock attendant received three days of Hazardous-Material Training and the admin. myself attended training with Caslle personnel.
- **Finances** – All of the invoicing is up to date and mailed out. Temporary hire Emily Russel has been working to reconcile the port's account receivables and we have reconciled FY-16 revenues. I'm satisfied that the payments we have received have been correctly applied in Caselle. I think the information needs to be transferred to the General Ledger.
- **Slough Shop** – The building at 251 East Ave. has been wired with outlets, overhead lights and heaters. The crew have finished painting the walls. This is the first time the Port has had a building to work in out of the weather. It will afford us the capability of taken care of our vehicles. The first repairs to be performed will be a power steering pump and ball joint to two different vehicles.

Peter Williams
Port Director

To: Ann Capela, City Manager
From: Ted Meyer, Planner
Subject: August 2016 Activity Report
Date: Sept 1, 2016

Mapping

The conversion of the Bethel quad maps from AutoCad to GIS by WHPacific was completed and submitted to the City on August 16.

Site Plan Permits

Ongoing processing of Site Plan Permits. We've processed 63 applications to date.

ONC Proposed Easement to Lot 15

Continuing correspondence with RPK Engineering for getting proper documentation for an agreement between ONC and the City for the easement. Currently waiting for BLM authorization.

Land Use Inventories

We completed windshield land use inventories of Kasayuli and Larson Subdivisions to satisfy a portion of the land use data requirements needed for zoning these subdivisions. Also, as a response to concerns stated to the Planning Department regarding new land uses that may be potentially incompatible with residential neighborhoods located in the General Use Zones, we inventoried dominant residential neighborhood sections of the City's General Use District for potential rezoning to residential. Planning Commissions hearings for zoning are anticipated to start in November or January.

BMC Parking Space Requirements

Staff initiated research on BMC parking requirements and the method used to calculate, and then compared to other municipal codes. In progress.

Code Enforcement

Continually responding to a variety of complaints and contacting violators to correct the problem.



CITY OF BETHEL

Post Office Box 1388

Bethel, Alaska 99559

Phone: 907-543-2047

TO: City Manager
FROM: Human Resources
SUBJECT: August 2016 Manager Report

DATE: August 1, 2016

The following identifies significant projects that were in addition to general personnel action-based activities (hiring, terminations, benefits review, employee education, etc.):

Training

Participated in a Retirement Preparation Webinar to be better prepared to assist City employees that have met either age or service requirements for retirement. Coordinating a late September visit from the Social Security Administration to advise employees of their benefits, responsibilities and the relationship between PERS and Medicare.

Participated in *Top 6 Avoidable Leave of Absence Mistakes* training webinar through the City's broker, the Wilson Agency. Offered through their Human Resources partner, Think HR, the course is part of a HRCI and SHRM-certified professional curriculum and worth continuing education credits.

Recruitment/Retention

Completed new job description for the Information Technology Director. The position had not been updated since 2012 and reflected duties more appropriate to an advanced technician than a Department Director. The description was enhanced to emphasize technology planning, innovation, and integration of all City facilities into efficient and shared capabilities. Position has been advertised.

Served as receipt-point for City Manager applications; assisted City Clerk and City Attorney with HR-aspects of the hiring process.

Developed position description for the Building Maintenance Forman and advertised internally for two weeks following a public advertisement for the open position. Assisted Police Department with updates for the Lieutenant and Dispatch positions. Awaiting Department feedback to complete remainder of Department descriptions. With the delay in the classification plan project, the position description review should assist with recruitment efforts.

RFP for an Employee Classification Plan for the City of Bethel is being reissued through the Finance Department; collecting all current job descriptions in preparation of the work that will be required to fulfil the scope of this project.

Union-Related:

Developed and proposed draft Parts Clerk/Mechanic position reclassification for union consideration. If approved, would blend administrative support and actual maintenance functions into a single, split position to better meet Public Works Department Head's operational needs. Awaiting union response, which is expected the week of September 12, 2016.

Assisting Department supervisors in completing the new employee evaluation forms to conform with language in the new union contract. Evaluations that are "good", "very good", or "excellent" are submitted to City Manager for approval of the union-negotiated one step merit increase.

Health Care:

Continuing to work with The Wilson Agency (broker) to finalize a restatement of the City's current plan, effective October 1st. Coordinated a change to the health care plan administration and the City will now have ID cards for each employee with a unique insured's ID number, rather than the employee using their social security number for identification/proof of coverage purposes.

Transit Program

Requested an extension from the Alaska DOT to respond to findings from the recent Drug and Alcohol Program audit; federally-mandated policy being forwarded for Council approval and other administrative paperwork being corrected in accordance with the findings. Due date for closure is September 30, 2016, and all covered personnel must complete the federally-mandated training by that date.

MEMORANDUM



DATE: September 6, 2016
TO: Ann K. Capela, City Manager
FROM: John Sargent, Grant Manager
SUBJECT: Grant Manager's Report – September 13, 2016 Bethel City Council Meeting

New Grant Awards

State Homeland Security Program

The City of Bethel was awarded \$80,835 from the Alaska Division of Homeland Security and Emergency Management to purchase portable radios for the Fire Department and portable and mobile radios for the Police Department. An Action Memorandum will be put before City Council for approval.

Alaska Transportation Assistance Program

The City of Bethel was awarded \$400,000 to construct a new ADA-compliant trail a half-mile long from the hospital to KUC campus area. An Action Memorandum will be put before City Council for approval.

Grant Projects

E-911 Purchase and Installation

The City of Bethel closed out this grant after the Enhanced 911 system was installed and the dispatchers and dispatch supervisors were trained to operate it.

Sewer Lagoon Rehabilitation Project

The City completed the Request for Proposals to hire an engineer to design the truck dump site repair and the dredging project. The City expects to issue the RFP on September 7, 2016.

The City continues to hold bi-weekly teleconference meetings with USDA-RD and the Alaska Department of Environmental Conservation to discuss funding of the sewer lagoon rehabilitation project. The City is working to complete all items on the checklist of items found in the Letter of Conditions. All items must be completed by the City before the grant/loan documents will be given to the City for signature. The City Manager has the master notebook of all checklisted documents.

Water and Sewer Trucks – SDS Funding

The City of Bethel signed one of three documents that will authorize the City to receive one water truck from the grant for its purchase of one water truck as match. A second grant will fund the purchase of a sewer truck for the City's purchase of a sewer truck as match. The paperwork for these two grants are not expected to be completed until October 2016.

Transit System Billing

The City of Bethel prepared and submitted all 24 billing summaries for FY 2016 by the August 31, 2016 deadline. The City continues to complete those summaries returned for more information as it prepares billing summaries for July and August of FY 2017. The City is also in the process of buying the two buses funded by its FY 2015 & FY 2016 FTA Section 5311 grants.

Bus Shelters

The City of Bethel received all 15 grant-funded bus shelters by barge. Three bus shelters were assembled and installed with duck bill anchors on gravel pads as of September 2, 2016. The four-sided bus shelters are aesthetically pleasing as well as a function asset for the community.

Pinky's Park Improvement Project

The City of Bethel deposited 495 truckloads of sand in Pinky's Park to make the new sports field, parking lot, and driveway. The entire area is covered with sand to a depth of three feet. After settling occurs over the winter, more sand will be added to complete level out the field, parking area, and driveway. Then, the field will be topped with topsoil and hydro seeded. Bleachers will be purchased and set up on the sidelines.

RFBs and RFPs

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

<p align="center">City of Bethel Grant Summary Calendar Year 2016</p>					
<p>Preparing</p>					
Sponsor	Name	Products/Services	City Depts. (Partners)	Date	\$ Grant \$ City Match
United States Dept. of Agriculture-Rural Development	Wastewater Program	Replacement of Truck Dump Site	Public Works	On-going	\$1,669,358 \$913,000
Alaska Dept. of Environmental Conservation	EPA wastewater program	Dredging, baffle replacement, other improvements of sewer lagoon.	Public Works	On-going	\$4,400,000 Est.
Alaska Public Entity Insurance	Grant	Safety equipment/supplies	Public Works	2/2015	\$1,000 0
<p>Submitted in Calendar Year 2016</p>				<p align="right">Most recent first</p>	
Sponsor	Name	Products/Services	City Depts.	Date	\$ Grant \$ Match
Federal Emerg. Management Agency	Staffing for Adequate Fire and Emerg. Response	4 Firefighter/EMT positions for two years.	Fire	3/25/16	\$839,000 0
Federal Emerg. Management Agency	Code Blue Program administered by YKHC	Ambulance	Fire	3/25/16	\$45,000 \$5,000 BVESA \$172,000 needed

Approved					Most recent first	
AK Division of Homeland Security and Emerg. Mgmt.	State Homeland Security Grant	Radios, video cameras, foam extinguisher, portable light banks.	Police Fire Public Works Port	2/19/16	\$80,835 0	
AK Dept. of Transportation & Public Facilities	AK Transportati on Alternatives Program	Construction of gravel trail from hospital to City Sub.	Public Works	6/30/16	\$320,000 \$80,000 YKHC	
AK Dept. of Health and Social Services	Community Safety Patrol Grant	Three CSP positions, equipment, training.	Police	5/6/16	\$323,081 \$32,308	
Environmental Protection Agency & AK Dept. of Environmental Conservation	Wastewater Grant Program	Design, inspections, permitting, dredging, baffle replacement.	Public Works	On-going	\$157,000 0	
Alaska Dept. of Transportation and Public Facilities	SFY 2017 AK Community Transportati on Grant	Transit operations and admin.	PW-Transit	12/11/15	\$250,597 \$80,580	
					Total	\$1,131,513
Not Approved					Most recent first	



CITY OF BETHEL
Fire Department

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

Celebrating 50 Years of Service

DATE: August 31, 2016
TO: Ann Capela, City Manager
FROM: Bill Howell, Fire Chief
SUBJECT: August 2016 Management Report

Current Events

- The department raised \$16,000 in August for the new ambulance, Medic-6. These funds have primarily come from fund raising through food plate donation events, private contributions and raffles for donated items. Donation requests were sent to VFW, VFW auxiliary, Lions Club, Lynden, Donlin Gold, Calista and BCSF. With all grants, City funds and donations included \$101,000 of the \$255,000 needed has been raised thus far, leaving a deficit of \$154,000. Many other fund raising activities are planned for the coming months.
- The Department received \$40,000 in funding for 10 portable radios through the 2016 Homeland Security grant. We are finalizing specifications to purchase under the National Association of State Procurement Officers (NASPO) contract.
- On August 27 volley ball tournament benefitting the new ambulance was held at Pinkie's Park. Approximately \$2,000 was raised by this event. We would like to thank Volunteer FF/EMT Joey Valadez for organizing the event, Bethel Alaska PC Casey's Carpet, Fili's Pizza, Ed's Auto and Chop Stix Restaurant for sponsoring the event and all those that participated or helped with concessions.
- There were 114 EMS calls for service in August, EMS calls for service were approximately 23% higher than the prior year: 114 calls for service vs. 88 in 2015.
- Alcohol related call volume during August increased 21% over 2015: 51 calls vs. 41 calls in 2015.

- The Department is working with Baba's Pizza, Dimitri's and the Snack Shack Restaurant in accordance with fire and life safety issues identified through inspections triggered by the City alcohol ordinance. Snack Shack has abated all non-compliant conditions. As of this report Baba's Pizza is actively cooperating with the department to abate cited deficiencies. There are no reportable changes in status at Dimitri's restaurant.
- The Fire Department boat was moved to the asphalt apron in front of the garage doors to deter further theft (last month the propeller was stolen). During the third week in August the interior of the boat was vandalized. The boat is operational at this time.
- The Department is working on a plan review of the Keyes building with YKHC and the State Fire Marshall's office. The Keyes building is being remodeled to house nurses.

Emergency Planning/Homeland Security

- On 08-03-16 the department met with administration and a representative of the DEC to discuss emergency planning in Bethel and comments made by the City in during the recent Donlin EIS public comment period.
- The Department is working with Public Health nursing to conduct a Point of Dispensing (POD) drill.
- The Department is working with planning to develop a new address ordinance. The new style reflective address signs can be seen popping up around town as businesses and new construction are required to install the signs by planning as part of the current code. Draft copies of the policy/ordinance were sent to planning.

Training

- On 08/02/16 at 7:00 p.m. an EMS Meeting was held at the fire station. Responders reviewed airway anatomy and management techniques.
- On 08/11/16 at 7:00 p.m. a Fire Meeting was held at the fire station. Responders reviewed tactical ventilation techniques during structure fires.
- On 08/16/16 at 7:00 p.m. an EMS Meeting was held at the fire station. Responders reviewed and practiced department medical standing orders and techniques for managing multi-system trauma patients.
- On 08/25/16 at 7:00 p.m. a Fire Meeting was held at the fire station. Responders reviewed techniques for managing mass casualty incidents.
- Staff are currently working on scheduling upcoming EMT-1, Firefighter-1, and Firefighter-2 courses. We hope to gain additional volunteers during these programs.

Responses

- The Bethel Fire Department responded to 114 EMS and 3 Fire incidents during the month of August.
- On 08-02-16 at 11:24 a.m. firefighters responded to Kusko Court for the report of heavy smoke from a possible boiler fire. Upon arrival, it was determined that a glycol line had ruptured. Firefighters disconnected power to the system and ventilated the home. After finding no other hazards and collecting information from the homeowner, firefighters returned to quarters.
- On 08-09-16 2:00 p.m. at Bethel Firefighters responded to the report of a telephone pole on fire. Firefighters protected nearby structures and maintained scene safety until AVEC turned off the power going to the poles. No injuries.
- On 08-16-16 at 8:35 p.m. medics responded to Pinkies Park for a person hit in the head with a propane bottle and bleeding from head. On arrival medics assessed and transported the patient to the hospital.
- On 08-17-16 at 9:09 a.m. medics responded to the YKHC Long-Term Care Facility for the report of a person experiencing stroke symptoms. The patient was assessed, given oxygen and IV fluids, and transported to the hospital.
- On 08-19-16 at 11:35 a.m. medics responded to Chief Eddie Hoffman Highway for the report of an ATV accident with injuries. The patient was assessed and transported to the hospital.
- On 08-25-16 at 7:41 a.m. medics responded to Main Street for the report of an intoxicated person who had been assaulted. The patient was assessed, but became combative and was taken into custody by Bethel Police Department Officers. Medics returned to quarters.
- On 08-26-16 at 12:34 a.m. medics responded to Chief Eddie Hoffman Highway for the report of a person who had been hit with a hammer. The patient was assessed and transported to the hospital.
- On 08/27/16 at 8:09 a.m. medics responded to Akiak Street for the report of a person who was stabbed multiple times and severely bleeding. Medics were able to control the bleeding, administer I.V. fluids, and transport the patient to the hospital.

- On 08-28-16 at 8:38 p.m. medics responded to Kasayuli Subdivision for the report of an intoxicated person who was unconscious on the tundra. The patient was assessed and transported to the hospital.

Vehicles & Equipment

- The wildland fire response 4-wheeler stolen and damaged last in June was repaired by back creek marine. The estimate for repair is \$900, this is not covered by insurance. Invoices are being submitted to youth probation to facilitate restitution by the juvenile offender.
- M-5, our 2003 ambulance, had additional breakdowns in August. Air tanks and air water separators were ordered to repair the deficiency.
- Engine 3 our 1986 Grumman reserve pumper is still out of service to repair a leaking tank, relief valve, and tank to pump valve and pump packing. This work is being performed by department staff. The department is trying to locate sandblasting contractor or equipment to descale and epoxy coat the water tank. Failure to treat the water tank in this fashion would result in continued pitting and eventual failure.
- A recall was issued for selected air fittings on department Self-Contained Breathing Apparatus (SCBA). The manufacture has shipped replacement parts.
- The department is performing annual Hydrant testing per NFPA and ISO requirements.
- Pumps on Truck-1 and our 1986 Grumman, Engine-3 are undergoing significant pump and valve overhaul and will be tested in August by department staff.

Budget/Financial

- Charges for damages to the Dale Construction excavator were submitted to the manager and paid by the City. The excavator was damaged at the Kilbuck Fire.
- The department is working with finance to correct a budget error in our purchased services, acct# 10-60-669. This account was erroneously funded at \$4,000 when it has traditionally been budgeted at \$22,500. The department has already spent over \$8,000 from this account.

Grants

- The Department received \$40,000 in funding for 10 portable radios through the 2016 Homeland Security grant.
- No response has been received for the Department's application to the FEMA 2015 Staffing for Adequate Fire and Emergency Response (SAFER) grant. We seek to fund four additional positions to comply with NFPA 1720. The application filed by the department, seeks \$840,000 total for the two-year period of performance.

- The department has VFA grant funds to purchase portable radios. This grant is approximately \$11,000 and requires a 10% city match.
- The Department applied for funding through the 2015 FEMA Assistance to Firefighters Grant Program. We seek funding to replace aged turnout gear and fire hose. The project requested is budgeted at \$130,000 and requires a 5% match. Funding announcements are normally made in September of the following year.
- FEMA Assistance to Firefighters Grant for Self Contained Breathing Apparatus is complete. All goals and objectives of the project were met. Final closeout reports will be submitted soon.

Staffing/recruitment

- The department hired long term Bethel Fire Department volunteer Kyle Inman to the Firefighter/EMT position defunded in FY15. We welcome Kyle to the team and wish him many years of success and enjoyment of his new position with the City of Bethel.
- The department is fully staffed.
- Volunteer Firefighters and EMT's are needed. If you or someone you know might be interested, please invite them to contact the Fire Chief or Fire Captain.



Memorandum

DATE: August 31, 2016
TO: Ann K. Capela, City Manager
FROM: Hansel L Mathlaw, Finance Director
SUBJECT: Caselle Accounting Support Services Recommendations For Sole Source

Following BMC 4.20.250, Sole-source procurements, the purchasing agent is required to provide written determination that there is one source for the required purchasing. The following is my findings:

The City of Bethel's accounting software is Caselle Accounting Software. Caselle provides support for all questions related to process accounting information through the software system. The accounting systems processes utility billing, accounts payable, payroll, sales tax, accounts receivable and general ledger. Caselle software is propriety.

Currently, Caselle processes payroll for the City of Bethel. The process is the accounting specialist assembles, prepares and submits the source documents to Caselle. The accounting specialist also submits the data changes through the software system. Caselle processes payroll and returns the data through the system for the accounting specialist to perform the final payroll process: submit the ACH (automatic clearing house), print the payroll checks and upload the data into the accounting system. Because of the unique feature to transfer data to and from city, Caselle is the only company to process payroll.

The general ledger services will work in similar fashion as the payroll process. The Caselle technicians have expertise in using the software and performing tasks for the general ledger functions and the key is transferring data through the Caselle accounting software. The unique features are transferring data. No other company can provide this services for this reason I deem this eligible for sole-source service for accounting support services.

Once approved the budget modification will follow.

City Clerk's Report

Executive Session

Additional Information
