



# City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

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**Regular City Council Meeting**

September 24, 2013

6:30 P.M.

Council Chambers; Bethel, Alaska





**City Council Meeting Agenda  
Regularly Scheduled Meeting  
September 24, 2013-6:30 pm  
City Hall 300 State Highway, Bethel, AK  
City of Bethel Council Chambers**

Joseph Klejka  
Mayor  
Term Expires 2014  
543-2984  
[jklejka@cityofbethel.net](mailto:jklejka@cityofbethel.net)

Gene Peltola Jr.  
Vice-Mayor  
Term Expires 2013  
543-3151  
[gpeltola@cityofbethel.net](mailto:gpeltola@cityofbethel.net)

Rick Robb  
Council Member  
Term Expires 2013  
543-1879  
[rrobb@cityofbethel.net](mailto:rrobb@cityofbethel.net)

Mary Sattler  
Council Member  
Term Expires 2013  
545-4954  
[msattler@cityofbethel.net](mailto:msattler@cityofbethel.net)

Mark Springer  
Council Member  
Term Expires 2013  
545-1450  
[mspringer@cityofbethel.net](mailto:mspringer@cityofbethel.net)

Eric Whitney  
Council Member  
Term Expires 2014  
545-1309  
[ewhitney@cityofbethel.net](mailto:ewhitney@cityofbethel.net)

Sharon Sigmon  
Council Member  
Term Expires 2014  
543-3452  
[ssigmon@cityofbethel.net](mailto:ssigmon@cityofbethel.net)

Lee Foley  
City Manager  
543-2047  
[lfoley@cityofbethel.net](mailto:lfoley@cityofbethel.net)

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

Patty Burley  
City Attorney  
543-2047  
[pburley@cityofbethel.net](mailto:pburley@cityofbethel.net)

Paul Richards  
Lobbyist  
[paul\\_richards@qci.net](mailto:paul_richards@qci.net)

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PEOPLE TO BE HEARD – Five minutes per person**
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. APPROVAL OF MEETING MINUTES**
  - a) **P3** \*September 10, 2013 City Council Regular Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEES**
  - a) Port Commission
  - b) Planning Commission
  - c) Finance Committee
  - d) Public Works Committee
  - e) Energy Committee
  - f) Parks And Recreation Committee
  - g) Public Safety And Transportation Commission
- VIII. UNFINISHED BUSINESS**
  - a) **P21** Public Hearing Of Ordinance 13-21: Amending BMC Title 13.20 Cemeteries (Council Member Whitney)
  - b) **P53** Public Hearing Of Ordinance 13-22: City Of Bethel Fee And Rate Schedule (City Manager Foley)
- IX. NEW BUSINESS**
  - a) **P77** \*AM 13-19: Training And Travel Request For City Clerk To Attend The AML Conference in November And The Laserfiche Records Training In January (Mayor Klejka)
  - b) **P79** IM 13-01: Proposed Project Submission For State Capital Budget For Council's Consideration (City Manager Foley)
  - c) Presentation From Parks And Recreation Director, Ronda Sargent On Proposed Use Of City Funds Dedicated For Parks And Activities (City Manager Foley)
- X. MAYOR'S REPORT**
- XI. MANAGER'S REPORT**
- XII. CLERK'S REPORT**
- XIII. COUNCIL MEMBER COMMENTS**
- XIV. ADJOURNMENT**

Agenda posted on September 18, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

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

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

Ordinances introduced with an asterisk (\*) on the consent agenda will automatically be introduced and set for **Public Hearing October 8, 2013**)



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*Bethel City Council*

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# **Approval of the Minutes**



**I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on September 10, 2013 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Klejka called the meeting to order at 6:30p.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Comprising a quorum of the Council, the following members were present:  
Council Member Joseph Klejka, Council Member Mark Springer, Council Member Rick Robb, Council Member Eric Whitney, Council Member Sharon Sigmon

Members Absent were:

Council Member Gene Jr. Peltola, Council Member Mary Sattler

Also in attendance were the following:

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

**IV. PEOPLE TO BE HEARD**

Tom Doolittle, President of the Bethel Sportsmans Club – Hoped the City and the Bethel Sportsmans Club can work out a solution for the use of the Gun Club's leased property and the City's Sandpit. The Bethel Sportsmans Club is leasing the gun range property from the City of Bethel and the High school wishes to use the area for seasonal sports; with that, access to the back sandpits would be required. The Bethel Sportsmans club is concerned about liability in the area if the leased land is used for public recreation outside of the intended and agreed upon uses.

Barb Mosier, Parks and Recreation Chair- Provided a report of the Parks and Recreation Committee. The first meeting of the Committee was held last night. The 4 H Program received a new roof this summer and had the building leveled. ONC provided five summer youth workers, who were a great help during the summer season. Diabetes prevention program hosted a native foods program. Campfire came and hosted many events for the community youth. The

Department closed Pinky's Park and did a lot of work to make the park safer for the community. The Department hosted a BMX competition during the community fair. A Land and Water Conservation grant will be used to improve Pinky's Park.

Gary Hanson – Supports the Cross country programs, the recent situation regarding access to the sandpit is a bit unsettling. People are not intending to be adversarial; we need to get this issue figured out for the long term and the short term.

Eli Jacobson - As a member of the Sportsmans Club, believes the group was not fairly represented at the last City Council meeting. The club has been very accommodating to the cross country team and they are willing to be accommodating as long as the liability issues are addressed.

Craig Rogers, member of the Board of Directors for the Bethel Sportsmans Club- Provided a history of the Gun Club. The community does not have a safe place to shoot legally within the City limits. They would like to see all of the shooting within the community confined to one area. It is important to protect the members of the community.

David Trantham Jr., Co-Chair of the Alaska Territorial Memorial Park Planning Group – Last week there were a number distinguished guests visiting the community, a Lt. General and two Major Generals. The Alaska Territorial Guard Memorial Park project is to honor men who served in WWII in this area and other areas of the State. When freeze-up come, the group will be have displayed a bronze plaque to recognize these great units. The project will be completed on Pearl Harbor Day, 2014. There are thirteen planter boxes available for adoption.

Cory Tolliver – Here to defend the Bethel Sportsmans Club in some of the statements that were made at the last City Council Meeting. There was an avenue that should have been pursued that was not pursued. The Bethel Sportsmans Club is worried about liability. There is a process that the community should take for acquiring access to the land. Cory read from a letter drafted by the group which provided an explanation of the views of the situation.

Genesi Andrew- Requested the Council consider assisting her and her family in the move of her deceased mother from the Owl Street Cemetery to the Bethel Memorial Cemetery. She stated the conditions at the Owl Street Cemetery are not good for the deceased or the families that wish to visit their loved ones. There is high water preventing access during the summer months.

Agness Gregory – Supported the comments made by Genesi. It is important for the loved ones to be able to see their loved ones within a community grave site.

## V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

**Main Motion:** To approve the Consent and Regular Agenda.

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

**Primary Amendment #1:** Amend the agenda to move New Business Items C and D above Unfinished Business Item A.

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

### Consent Agenda

**Removal:** Remove intro 13-22 from the consent agenda.

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Moved by:	Robb
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## VI. APPROVAL OF THE MEETING MINUTES

**Item A-** August 27, 2013 City Council Regular Meeting Minutes.  
*Passed on the Consent Agenda.*

## VII. REPORTS OF STANDING COMMITTEES

**Item A-** Port Commission –  
Mark Springer, Council Member-  
A meeting has not been held since the last City Council meeting.

**Item B-** Planning Commission  
Rick Robb, Council Member –  
A meeting is scheduled for Thursday. The Commission will be discussing a Conditional Use Permit for a cell phone tower on Gunderson Court.  
There are two vacancies on the Commission.

**Item C-**Public Works Committee –  
Joseph Klejka, Mayor-  
A meeting will be held on Thursday of this week.

**Item D**-Energy Committee –

Leif Albertson, Chair of the Committee,

A quorum of the committee was not established at the last meeting.

**Item E**-Public Safety and Transportation Commission-

Sharon Sigmon, Council Representative-

A quorum of the committee was not established at the last meeting.

**Item F**- Finance Committee-

Bobby Sutton, Finance Director -

A meeting has not been held since the last city council meeting.

**Item G**-Parks and Recreations Committee

No one available to provide a report.

**NEW BUSINESS**

<b>Main Motion:</b>	<b>Amend the agenda to move Item D under New Business to fall before item C under New Business.</b>
Moved by:	Robb
Seconded by:	Sigmon
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Springer, Robb, Whitney and Sigmon
Opposed:	None

**Item D**- Approval Of Addendum To The Previously Approved Lease Agreement Between The City Of Bethel and The Bethel Sportsman’s Club.

<b>Incidental Motion:</b>	<b>Motion to suspend the rules to hear from Mr. Doolittle during this discussion.</b>
Moved by:	Springer
Seconded by:	Robb
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Springer, Robb, Whitney and Sigmon
Opposed:	None

<b>Main Motion:</b>	<b>Approval of the Addendum to the lease agreement between the Bethel Sportsmans Club and the City of Bethel.</b>
Moved by:	Robb
Seconded by:	Springer
Action:	Motion failed unanimously by a vote of 0-5
In favor:	None
Opposed:	Klejka, Springer, Robb, Whitney and Sigmon

**Primary Amendment #1: Motion to amend the lease agreement to insert "and educational activities."**

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Moved by: Springer  
Seconded by:  
Action: Motion ruled out of order, the item is not on the agenda.

**Item C-** The City's Construction Of A Road Near The Sand Pit To Provide Access To The Area For Cross Country Meets.

**Main Motion: Take a ten minute break.**

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

**VIII. UNFINISHED BUSINESS**

**Item A –**Public Hearing Of Ordinance 13-21: Amending BMC Title 13.20 Cemetery.

*Mayor Klejka opened the public hearing.  
No one wished to be heard.  
Mayor Klejka closed the public hearing.*

**Main Motion: Adopt Ordinance 13-21.**

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Moved by: Whitney  
Seconded by: Sigmon  
Action: Item and amendment postponed until the next council meeting.

**Primary Amendment #1: Amend by striking "death certificate" and insert Burial "Transit permit" under BMC 13.20.020 A.**

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

<b>Secondary Amendment #1:</b>	<b>Amend primary amendment #1 by striking "certified" which falls before "death certificate."</b>
Moved by:	Springer
Seconded by:	Sigmon
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Springer, Robb, Whitney and Sigmon
Opposed:	None

<b>Primary Amendment #2:</b>	<b>Amend by striking "a copy of the deceased's DD214" and insert "proof of eligibility" under BMC 13.20.040 K.</b>
Moved by:	Springer
Seconded by:	Robb
Action:	Motion failed by a vote of 1-4
In favor:	Robb
Opposed:	Klejka, Springer, Whitney and Sigmon

<b>Primary Amendment #3:</b>	<b>Amend to insert "Permits for interments to the Veterans Memorial Cemetery located within the Bethel Memorial Cemetery will be granted to any that apply."</b>
Moved by:	Robb
Seconded by:	
Action:	Motion does not carry due to a lack of a second.
In favor:	
Opposed:	

<b>Subsidiary Motions:</b>	<b>Suspend the rules to hear from Mr. Trantham.</b>
Moved by:	Whitney
Seconded by:	Springer
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Springer, Robb, Whitney and Sigmon
Opposed:	None

<b>Primary Amendment #4:</b>	<b>Amend by inserting under 13.20.040 "A veteran may reserve an adjoining plot for a spouse or other immediate family member."</b>
Moved by:	Springer
Seconded by:	Whitney
Action:	This amendment along with the main motion have been postponed until the next meeting.

**Secondary Amendment #1: Amend primary amendment #4 by striking "or other immediate family member."**

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

**Subsidiary Motion: Postpone until the next meeting.**

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

**IX. NEW BUSINESS**

**Item A – Introduction Of Ordinance 13-22: City Of Bethel Fee And Rate Schedule.**

**Main Motion: Introduce Ordinance 13-22.**

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

**Primary Amendment #1: Amend to un-strike "Site Plan Commercial, Major" and all corresponding language to maintain the existing fee.**

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

**Primary Amendment #2: Amend by remove all of the suggested changes under Bethel 4-H youth Center and maintaining the current fees.**

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Moved by: Robb  
Seconded by: Springer

Action:	Motion carried by a vote of 4-1
In favor:	Klejka, Springer, Robb and Whitney
Opposed:	Sigmon

**Primary Amendment #3: Remove all changes except for records fees and appeals fees.**

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

**Item B – AM 13-18: Approval Of City Manager’s Personal And Administrative Leave October 21-31, 2013.**  
*Passed on the consent agenda.*

**Item E- Personal Time Off Leave Approval For City Attorney September 19 and October 28-November 4.**  
*Passed on the consent agenda.*

**Item F- Annual Increase For City Attorney Per Employment Contract After Satisfactory Evaluation.**

**Subsidiary Motion: Suspend the rules to hear from the Finance Director.**

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

**Main Motion: Provide the City Attorney an annual raise of 3.5%.**

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

**Primary Amendment #1: Amend by inserting after “3.5” “the effective date to be the date of the annual evaluation completion.”**

Moved by:	Sigmon
Seconded by:	Springer
Action:	Motion carried unanimously by a vote of 5-0

In favor:	Klejka, Springer, Robb, Whitney and Sigmon
Opposed:	None
<b>Primary Amendment #2:</b>	<b>Amend by inserting "Not to exceed the budgeted amount."</b>
Moved by:	Robb
Seconded by:	Springer
Action:	Motion carried unanimously by a vote of 5-0
In favor:	Klejka, Springer, Robb, Whitney and Sigmon
Opposed:	None

**XII. MAYOR'S REPORT**

**XIII. MANAGERS REPORT**

**XIV. CITY CLERK'S REPORT**

**XV. COUNCIL MEMBER COMMENTS**

Council Member Springer-

Last week Bethel was visited by a number of military personal as mentioned by Mr. Trantham. Had an opportunity to personally thank General Katkus for his efforts in the transfer of the Old Armory buildings.

Council Member Robb-

This has been another marathon meeting. There were a number of difficult issues and am very impressed with the way this community can come together to work out issues.

It is moose hunting season, don't forget to turn in your moose permits.

Council Member Sigmon-

Out of town recently and her daughter looked at her and said she couldn't wait to get back to Bethel. She very much appreciates our community.

It is moose season, please be careful; the Best of luck to all of the hunters.

Council Member Whitney-

Heating season is coming up, maintain your boiler and your chimney or wood stove.

Mayor Klejka-

Thanked Council Member Springer for his representing the Council at the Military Luncheon.

The CEO of Taco Bell was out at the high school; thanked him for his time.

**XVI. ADJOURNMENT**

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

\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

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Lori Strickler, City Clerk

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*Bethel City Council*

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# **Reports of Standing Committees**





**Public Works Committee Agenda**  
Regular Meeting Wednesday September 18, 2013 – 6:30PM  
City Shop Conference Room

**MEMBERS**

Joseph A Klejka  
Council Rep.  
Term Expires  
11/2012

Frank Neitz  
Chair  
Term Expires  
12/2013

Jennifer Dobson  
Vice-Chair  
Term Expires  
12/2014

Bill Schreiner  
Committee Member  
Term Expires  
12/2013

Scott Guinn  
Committee Member  
Term Expires  
12/2014

Donna Lindsey  
Committee Member  
Term Expires  
12/2015

VACANT  
Committee Member  
Term Expires

Chuck Willert  
Ex-Officio Member

Cheryl Roberts  
Secretary/Recorder

**AGENDA**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (15 Minute Limit)  
Mike Nevenzel with ProDev - Pool Update
- IV. APPROVAL OF MINUTES  
A. Minutes from the previous meeting of -  
July 17, 2013 & August 21, 2013 which there was no Quorum.
- V. APPROVAL OF AGENDA
- VI. DIRECTOR'S REPORT - May & June
- VII. UNFINISHED BUSINESS
  - A. Update - Yukon Kuskokwim Regional Aquatic Training & Safety Center -  
(Swimming Pool) - Mike Nevenzel with ProDev
  - B. Update - 5 Year Plan/ RFP - Water & Sewer Master Plan - Bill A.
  - C. Update - Institutional Corridor - Feasibility Study
  - D. Update - RFP - Cost Analysis of the City of Bethel's Water & Sewer Utiliti
  - E. Update - Baseball Field - Grant Money
- VIII. NEW BUSINESS
  - A. Landfill Operations /Clean Up Green Up-Junk Cars / DEC /  
Salvage of Materials
  - B. Dumpsters - Why are they not being fixed?
  - C. New Committee Member - Delbert Egoak
  - D. Lagoon Issues - Bill Arnold
  - E. Old Police Station
  - F. Boardwalk - Pinky's Park
    - Public Works
    - Parks & Recreation
    - Soccer Field
- IX. MEMBER COMMENTS
- X. ADJOURNMENT

Cheryl Roberts, Recorder, Public Works Department  
Posted: September 12, 2013, AC, Post Office, Swanson's, City Hall



# City of Bethel, Alaska

## Planning Commission

September 12, 2013

Regular Meeting

Bethel, Alaska

### I. CALL TO ORDER

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

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

### II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: John Guinn, Joy Shantz, Bubba Palacios, Rick Robb, and Cliff Linderoth. Ex -Officio members present were the following: Rachael Pitts, Planning Director and Betsy Jumper, Recorder.

### III. PEOPLE TO BE HEARD

- None

### IV. APPROVAL OF AGENDA

#### MOTION TO APPROVE THE AGENDA FOR THE SEPTEMBER 12, 2013 MEETING

<b>MOVED:</b>	Abe Palacios	To approve the agenda for the Sept. 12, 2013 meeting.
<b>SECONDED:</b>	Joy Shantz	
<b>VOTE ON MAIN MOTION</b>	All in favor Motion passes; 5 yes and 0 opposed.	

### V. APPROVAL OF MINUTES

#### MOTION TO APPROVE THE MINUTES FROM THE AUGUST 8, 2013 Meeting

<b>MOVED:</b>	Joy Shantz	To approve the minutes of the Aug. 8, 2013 meeting.
<b>SECONDED:</b>	Abe Palacios	
<b>VOTE ON MAIN MOTION</b>	All in favor Motion passes; 5 yes and 0 opposed.	

**VI. COMMUNICATIONS:** Rachael explained a lot-line-adjustment request by the State for the juvenile detention center; they've taken out the lot line—they took away the Receiving Home to a different location and they're taking away the lot line that divided the two properties. The hospital has quit claimed that corner to the State. So all's they want to do on this plat is show that the line went away. The Planning Commission agreed that the City Planner had the authority to grant this lot-line-adjustment.

**VII. PLANNER'S REPORT:** The Planning Director presented the monthly planner's report. Cliff inquired if there was more site plan permits issued this year than last year. Rick wanted to

know if PATC had submitted a site plan permit for the new building to be built behind the post office.

**VIII. COMMISSIONER'S COMMENTS:** Cliff, John, and Bubba, no comments; Rick briefed the group on Council's actions in regards to the nuisance ordinance—it was defeated, the Council didn't like it—sent back for more work; Joy expressed concerns about all the appliances that are located across from the BNC office complex, specifically that kids could play in there and suffocate. Also, the Kipusvik (new Swanson's Store) area—"there was an accident yesterday, is anything being done to address the traffic in that area?"

**IX. UNFINISHED BUSINESS:** None.

**X. NEW BUSINESS:** A. Conditional Use Permit Application from GCI for a Telecommunications Tower and Utility Structure to be located at 124 Gunderson Court, Bethel, Alaska, 99559. Legal Description: Plat 81-13, Block 13, Lot 2.

John Guinn opened the public hearing.

**MOTION TO APPROVE THE CONDITIONAL USE PERMIT FROM GCI**

<b>MOVED:</b>	Joy Shantz	To approve the conditional use permit from GCI.
<b>SECONDED:</b>	Abe Palacios	
<b>VOTE ON MAIN MOTION</b>	All in favor Motion passes; 5 yes and 0 opposed; Guinn aye; Shantz aye; Palacios aye; Robb aye; Linderoth aye	

John Guinn closed the public hearing.

B. Initiation of Residential Planned Unit Development for the Kasayuli and Larson Subdivisions.

Rachael inquired if the Planning Commission would want to sponsor this. Zoning overlays that are compatible with the covenants would assist the Planning Director in issuing Site Plan permits in these two subdivisions. After a discussion, it was decided that this is something the Planning Commission would like to pursue and will be put on the next Planning Commission agenda.

**XI. ADJOURNMENT, Motion to adjourn the meeting.**

<b>MOVED:</b>	Joy Shantz	To adjourn the meeting at 7:45.
<b>SECONDED:</b>	Abe Palacios	
<b>VOTE ON MAIN MOTION</b>	All in favor Motion passes; 5 yes and 0 opposed.	

Next meeting will be on October 10, 2013.

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John Guinn, Chairman

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Betsy Jumper, Recorder

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*Bethel City Council*

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# **Unfinished Business**



Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

Public Hearing: September 10, 2013  
September 24, 2013

Action:

Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #13-21**

#### **AN ORDINANCE AMENDING SECTION 13.20 CEMETERIES AND BURIALS**

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

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

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

#### **Chapter 13.20 CEMETERIES AND BURIALS**

Sections:

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

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

Public Hearing: September 10, 2013  
September 24, 2013

Action:

Vote:

### **13.20.010 Purpose and intent.**

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

### **13.20.015 Definitions.**

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

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

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

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

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

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

"City" means the city of Bethel.

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

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

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

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

Public Hearing: September 10, 2013  
September 24, 2013

Action:

Vote:

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

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

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

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

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

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

### **13.20.020 Permits required.**

A. The use of burial lots, including grave preparation, interment and disinterment in city cemeteries or in private cemeteries within the city shall be accomplished only upon the issuance of a permit, to include a **certified** copy of the deceased's **death certificate transit permit** and payment of a permit fee to the city. Permits shall be issued in accordance with rules and regulations promulgated under this chapter. Permits shall not be issued unless the permit applicant has previously complied with ~~7 AAC 05.520, et~~

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

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seq., and any other later enacted state requirements for burials. all current state, federal and local laws and regulations.

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

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

### **13.20.030 Burial – Generally.**

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

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

### **13.20.040 Grave preparation, interments, and disinterments – Responsibility.**

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

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

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

Public Hearing: September 10, 2013  
September 24, 2013

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

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

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

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

1. The person who was designated by the decedent prior to death as the authorizing agent to control final disposition;

2. The surviving spouse;

3. The decedent's surviving children 18 years of age or older;

4. The decedent's surviving parents;

5. The decedent's surviving siblings 18 years of age or older.

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

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

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

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

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

### **13.20.050 Marking of graves.**

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

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

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

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

### **13.20.060 Compliance with Native American Graves Protection and Repatriation Act.**

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

Public Hearing: September 10, 2013  
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All persons engaging in grave preparation, disinterment, or other activities at city cemeteries shall comply with the Native American Graves Protection and Repatriation Act.

### **13.20.070 City cemeteries designated.**

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

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

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

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

### **13.20.080 Burial lot reservations in city cemeteries.**

A. Burial lots in city cemeteries may be reserved upon payment of a fee, on a first- (1st) come, first- (1st) served basis by any person. To avoid speculation on city burial lots by

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commercial interests and to preserve the ability of family members to be buried together to the extent reasonably possible, no person may reserve more than ten (10) burial lots, and no person may sell or transfer his or her reservation rights to anyone other than an immediate family member, after receipt of a burial lot reservation from the city. The city must be informed of any transfer of reservation rights within six months of transfer.

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

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

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

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

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

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

### **13.20.090 Rights reserved by the city.**

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

A. To enlarge, reduce, replat or change the boundaries or any part thereof;

B. To modify, change location, move or regrade roads, drives, walks or any part thereof;

C. To lay, maintain, operate, alter or change pipelines, gutters, sprinkler systems or drainage;

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Introduced by: Council Member Eric Whitney

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- D. To relocate grave sites or allow disinterment upon proper legal authority;
- E. To change or add requirements for type and size of burial markings, decorations, and memorials;
- F. To change or add requirements related to issuance of permits;
- G. To change the fees charged under this chapter;
- H. To change or add interment locations, space, or capacity;
- I. To control access in and out of the city cemeteries or to any part thereof by pedestrians, vehicles, bicycles, and any other means of transportation;
- J. To change or add requirements related to maintenance, landscaping, care, construction, repairs, and grave preparation;
- K. Of ingress and egress over all plots for the purpose of maintenance, operations or any emergency work necessary to the operation of the cemetery;
- L. To make any other changes, impose any conditions or requirements, or otherwise act to protect the public safety, interest and welfare; and
- M. To change, add, or amend any of the conditions, requirements, and provisions of this chapter.

### **13.20.100 Care of city cemeteries.**

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

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

### **13.20.110 Burial records.**

City of Bethel, Alaska

Ordinance #13-21

9 of 12

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

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**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

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Vote:

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

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

### **13.20.120 Prohibited acts.**

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

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

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

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

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

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

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Introduced by: Council Member Eric Whitney

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

### **13.20.130 Rules and regulations – Promulgation and authority.**

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

### **13.20.140 Fees.**

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

### **13.20.150 Enforcement.**

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

### **13.20.160 Violations – Penalties.**

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

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

Council made a motion to postpone with the following motions:

**Main:** Adoption of the Ordinance

**Primary Amendment #4:** Insert under 13.20.040 "A veteran may immediate family member"

**Secondary Amendment #1:** Amend primary amendment #4 by striking "or other immediate family member"

Introduced by: Council Member Eric Whitney

Date: August 27, 2013

Public Hearing: September 10, 2013  
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Action:

Vote:

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

\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

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

**SUGGESTED AMENDMENTS SUBMITTED BY THE CITY CLERK'S OFFICE/  
REVIEWED BY CITY ATTORNEY**

**Suggested Amendment #1**

K. Permits for interments into the Veterans Memorial Cemetery located within the Bethel Memorial Cemetery must be accompanied by a copy of the **deceased's eligible person's** DD214. If a copy of the DD214 is not readily available it is the responsibility of the family to prove without question the validity of the services by the deceased. **In this section "eligible person's" include:**

**1. Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard.**

**2. Members of reserve Components and Reserve Officers' Training Corps.**

**3. Commissioned Officers, National Oceanic and Atmospheric Administration.**

**4. Public Health Service**

**5. World War II Merchant Mariners.**

**6. The Philippine Armed Forces**

**7. Alaska Territorial Guard**

**8. National Guard Members**

**9. Spouses and Dependents**

**a) The spouse, surviving spouse or dependent of an eligible Veteran may be eligible even if that Veteran is not buried or memorialized in the City of Bethel Veteran's Memorial Cemetery.**

**b) The surviving spouse of an eligible Veteran who had a subsequent remarriage to a non-Veteran and whose death occurred on or after January 1, 2000.**

**c) The Minor children of an eligible Veteran. For purposes of burial, a minor child is a child who is unmarried and:**

**1. Who is under 21 years of age; or**

**SUGGESTED AMENDMENTS SUBMITTED BY THE CITY CLERK'S OFFICE/  
REVIEWED BY CITY ATTORNEY**

**2. Who is under 23 years of age and pursuing a full-time course of instruction at an approved educational institution.**

**d) The unmarried adult child of an eligible Veteran. For purposes of burial, a minor child is:**

**Of any age but became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution. Proper supporting documentation must be provided.**

**10. Parents**

**a) Biological or adoptive parents, who died after October 13, 2010, and whose biological or adoptive child was a servicemember:**

- 1. whose death occurred on or after October 7, 2001, and**
- 2. whose death was the result of a hostile casualty or a training-related injury, and**
- 3. who is interred in the Bethel Veteran's Memorial Cemetery, in a gravesite with available space for subsequent interment, and**
- 4. at the time of the parent's death had no spouse, surviving spouse, or child who is buried, or who, upon death, may be eligible for burial in the Bethel Veteran's Memorial Cemetery.**

**NOTE FROM CITY CLERK:**

The suggested amendments are pulled from the National Veteran Cemetery requirements which are attached. The National Cemetery regulations did not address the ability for a veteran to have limits on the number of graves so I contacted the US Dept. of Veterans Affairs, National Cemetery Administration. They stated there are no limits on the number of graves that can be utilized for a veteran, just as long as the persons being buried are eligible.

I spoke with Sam Blankenship, member of the Veterans Cemetery Committee as well as the City's Cemetery Committee. He is looking for the paperwork from the committees that states the intent of the burial of family members into the Veteran's Cemetery.

Sam did say that the committee intended to follow the regulations provided for, at the Fort Richardson Cemetery which fall under the National Veteran Cemetery guidelines.

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

**Chapter 13.20  
CEMETERIES AND BURIALS**

Sections:

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

**13.20.010 Purpose and intent.**

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

**13.20.015 Definitions.**

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

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

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

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

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

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

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

"City" means the city of Bethel.

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

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

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

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

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

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

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

## MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

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

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

### **13.20.020 Permits required.**

A. The use of burial lots, including grave preparation, interment and disinterment in city cemeteries or in private cemeteries within the city shall be accomplished only upon the issuance of a permit, to include a certified copy of the deceased's death certificate <sup>[1s2]</sup> and payment of a permit fee to the city. Permits shall be issued in accordance with rules and regulations promulgated under this chapter. Permits shall not be issued unless the permit applicant has previously complied with 7 AAC 05.520, et seq., and any other later enacted state requirements for burials: all current state, federal and local laws and regulations. <sup>[1s3]</sup>

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

C. A one-time permit fee as specified in the current city of Bethel fee schedule will give the permit holder exclusive use of the lot so identified. As public law prohibits the actual sale of cemetery land, there is no conveyance of title or land ownership involved in the reservation or issuance of a permit for a gravesite. Such reservation or permit is essentially a "lifetime easement" which guarantees such exclusive use. <sup>[1s4]</sup>

### **13.20.030 Burial – Generally.**

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

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

### **13.20.040 Grave preparation, interments, and disinterments – Responsibility.**

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

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

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

C. The city must be notified at least forty-eight (48) hours before any interment and up to one week notice prior to any disinterment. Disinterments will be done at a time determined by the city clerk but only during the months of September and October. [155]

D. It is unlawful to permit final disposition of a dead human body or fetus unless accompanied by a duly executed burial-transit permit issued by the State of Alaska, any other state in the union, or Canada. This permit must accompany the body until its final disposition and will then be retained in permanent records kept by the city. The process of cremation is itself considered final disposition. Cremated remains shall not require a burial-transit permit for interment in the cemetery. [156]

F. No body shall be disinterred for removal to another cemetery without a permit issued by the State of Alaska Division of Vital Statistics. All other health and transportation requirements shall be fulfilled. A licensed mortician must be present at all disinterments and the family is responsible for hiring a licensed and insured contractor to perform the disinterment. [157]

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

1. The person who was designated by the decedent prior to death as the authorizing agent to control final disposition;

2. The surviving spouse;

3. The decedent's surviving children 18 years of age or older;

4. The decedent's surviving parents;

5. The decedent's surviving siblings 18 years of age or older.

[158]H. Whenever a body is being disinterred from the city cemetery, it shall be necessary to obtain the consent of the families of those burial plots which will be affected by the disinterment. [159]

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

I. If consent to disinter cannot be obtained by the deceased's authorizing agents or by the families whose burial lots will be affected by the disinterment, the human remains may only be disinterred by order of the District Court. [1510]

I. Upon the disinterment of the deceased, the casket shall be wrapped in plastic so as to contain all fluids and prevent leakage. The casket shall remain wrapped throughout the entire transport process and may not be unwrapped until it has reached the new grave location. Once a casket has been removed from a city cemetery, it is the responsibility of those seeking the disinterment to ensure all contaminated soil surrounding the disinterred casket is collected and disposed of using locally and federally accepted hazardous materials disposal. A police escort shall be secured at least one week in advance to escort the transport of the deceased from one gravesite to another. [1511]

J. Permits for interments into the Veterans Memorial Cemetery located within the Bethel Memorial Cemetery must be accompanied by a copy of the deceased's DD214. If a copy of the DD214 is not readily available it is the responsibility of the family to prove without question the validity of the services by the deceased. [1512]

**13.20.050 Marking of graves.**

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

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

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

[1513]

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

**13.20.060 Compliance with Native American Graves Protection and Repatriation Act.**

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

**13.20.070 City cemeteries designated.**

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

A. The municipal cemetery owned and operated by the city, located at Plat No. 81-4, known as Ridgecrest Memorial Cemetery; the municipal cemetery owned and operated by the city, located at Plat No. 97-24, known as Ptarmigan Memorial Cemetery; and approximately nine and one-half (9 1/2) acres adjoining the west boundary of the Bethel Airport in the area commonly known as the "Sand Pit" located within Sections 13 and 14, T. 8 N., R. 72 W., Seward Meridian, known as Bethel Memorial Cemetery<sup>[1514]</sup> are hereby dedicated for burial purposes and shall be made available subject to the provisions of this chapter to all persons regardless of sex, race, creed, color, age, religion, disability, national origin or other legally protected status. ~~The above-referenced cemeteries are designated as city cemeteries. After the nine and one-half (9 1/2) acres in the "Sand Pit" is formally surveyed as provided for in subsection B of this section, the formally surveyed area shall be designated as a municipal cemetery, and the city shall name the cemetery.~~<sup>[1515]</sup>

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

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

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

**13.20.080 Burial lot reservations in city cemeteries.**

A. Burial lots in city cemeteries may be reserved upon payment of a fee, on a first- (1st) come, first- (1st) served basis by any person. To avoid speculation on city burial lots by commercial interests and to preserve the ability of family members to be buried together to the extent reasonably possible, no person may reserve more than ten (10) burial lots, and no person may sell or transfer his or her reservation rights to anyone other than an immediate family member, after receipt of a burial lot reservation from the city. The city must be informed of any transfer of reservation rights within six months of transfer. <sup>[1516]</sup>

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

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

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

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

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

F. Reservation fees for a plot vacated due to exhumation or relinquishment will not be refunded, and the burial site will return to the pool of unreserved sites or removed from circulation based on the condition of the site location. <sup>[151.7]</sup>

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

**13.20.090 Rights reserved by the city.**

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

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

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

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

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

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

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

**13.20.100 Care of city cemeteries.**

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

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

**13.20.110 Burial records.**

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

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

**13.20.120 Prohibited acts.**

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

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

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

clerk. Any damage caused to vehicles while operating within the cemeteries are not the responsibility of the city. [1s18]

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

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

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

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

**13.20.130 Rules and regulations – Promulgation and authority.**

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

**13.20.140 Fees.**

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

**13.20.150 Enforcement.**

City of Bethel, Alaska

Ordinance #13-20  
9 of 10

MODIFICATION EXPLANATION FROM CITY CLERK'S OFFICE

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

**13.20.160 Violations – Penalties.**

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




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## National Cemetery Administration

### Eligibility

#### Persons Eligible for Burial in a National Cemetery

The National Cemetery Scheduling Office has the primary responsibility for verifying eligibility for burial in VA national cemeteries. A determination of eligibility is made in response to a request for burial in a VA national cemetery. To schedule a burial fax all discharge documentation to 1-866-900-6417 and follow-up with a phone call to 1-800-535-1117.

##### a. Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard)

(1) Any member of the Armed Forces of the United States who dies on active duty.

(2) Any Veteran who was discharged under conditions other than dishonorable. With certain exceptions, service beginning after September 7, 1980, as an enlisted person, and service after October 16, 1981, as an officer, must be for a minimum of 24 continuous months or the full period for which the person was called to active duty (as in the case of a Reservist called to active duty for a limited duration). Undesirable, bad conduct, and any other type of discharge other than honorable may or may not qualify the individual for Veterans benefits, depending upon a determination made by a VA Regional Office. Cases presenting multiple discharges of varying character are also referred for adjudication to a VA Regional Office.

(3) Any citizen of the United States who, during any war in which the United States has or may be engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last active service was terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry into such service and at the time of death.

##### b. Members of Reserve Components and Reserve Officers' Training Corps

(1) Reservists and National Guard members who, at time of death, were entitled to retired pay under Chapter 1223, title 10, United States Code, or would have been entitled, but for being under the age of 60. Specific categories of individuals eligible for retired pay are delineated in section 12731 of Chapter 1223, title 10, United States Code.

(2) Members of reserve components, and members of the Army National Guard or the Air National Guard, who die while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.

(3) Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under honorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while engaged in one of those activities.

(4) Members of reserve components who, during a period of active duty for training, were disabled or died from a disease or injury incurred or aggravated in line of duty or, during a period of inactive duty training, were disabled or died from an injury or certain cardiovascular disorders incurred or aggravated in line of duty.

##### c. Commissioned Officers, National Oceanic and Atmospheric Administration

(1) A Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.

(2) A Commissioned Officer who served before July 29, 1945; and,

(a) Was assigned to an area of immediate military hazard as determined by the Secretary of Defense while in time of war, or in a Presidentially declared national emergency; or,

(b) Served in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter.

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**d. Public Health Service**

(1) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22), title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty.

(2) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:

(a) In time of war;

(b) On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or,

(c) While the Service was part of the military forces of the United States pursuant to Executive Order of the President.

(3) A Commissioned Officer serving on inactive duty training as defined in section 101(23), title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

**e. World War II Merchant Mariners**

(1) United States Merchant Mariners with oceangoing service during the period of armed conflict, December 7, 1941, to December 31, 1946. Prior to the enactment of Public Law 105-368, United States Merchant Mariners with oceangoing service during the period of armed conflict of December 7, 1941, to August 15, 1945, were eligible. With enactment of Public Law 105-368, the service period is extended to December 31, 1946, for those dying on or after November 11, 1998. A DD-214 documenting this service may be obtained by submitting an application to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Notwithstanding, the Mariner's death must have occurred on or after the enactment of Public Law 105-368.

(2) United States Merchant Mariners who served on blockships in support of Operation Mulberry during World War II.

**f. The Philippine Armed Forces**

(1) Any Philippine Veteran who was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death; and resided in the United States at the time of their death; and,

(a) Was a person who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including organized guerilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who died on or after November 1, 2000; or,

(b) Was a person who enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, pursuant to section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who died on or after December 16, 2003.

**g. Spouses and Dependents**

(1) The spouse, surviving spouse or dependent of an eligible Veteran or member of the Armed Forces may be eligible for interment in a national cemetery even if that Veteran is not buried or memorialized in a national cemetery.

(2) The surviving spouse of an eligible Veteran who had a subsequent remarriage to a non-Veteran and whose death occurred on or after January 1, 2000, is eligible for burial in a national cemetery, based on his or her marriage to the eligible Veteran.

(3) The minor children of an eligible Veteran. For purpose of burial in a national cemetery, a minor child is a child who is unmarried and:

(a) Who is under 21 years of age; or,

(b) Who is under 23 years of age and pursuing a full-time course of instruction at an approved educational institution.

(4) The unmarried adult child of an eligible Veteran. For purpose of burial in a national cemetery, an unmarried adult child is:

Of any age but became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution. Proper supporting documentation must be provided.

#### h. Parents

(1) Biological or adoptive parents, who died after October 13, 2010, and whose biological or adoptive child was a servicemember:

(a) whose death occurred on or after October 7, 2001, and

(b) whose death was the result of a hostile casualty or a training-related injury, and

(c) who is interred in a national cemetery, in a gravesite with available space for subsequent interment, and

(d) at the time of the parent's death, had no spouse, surviving spouse, or child who is buried, or who, upon death, may be eligible for burial in a national cemetery.

(2) The term "hostile casualty" means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force. The term "hostile casualty" does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was absent-without-leave, deserter, or dropped-from-rolls status or was voluntarily absent from a place of duty.

(3) The term "training-related injury" means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.

#### i. Others

Such other persons or classes of persons as designated by the Secretary of Veterans Affairs (38 U.S.C. § 2402(6)) or the Secretary of Defense (Public Law 95-202, § 401, and 38 CFR § 3.7(x)).

---

### Persons Not Eligible for Burial in a National Cemetery

#### a. Former Spouses

A former spouse of an eligible individual whose marriage to that individual has been terminated by annulment or divorce, if not otherwise eligible.

#### b. Other Family Members

Family members of an eligible person except those defined as eligible in Section III, paragraph g (Spouses and Dependents).

#### c. Disqualifying Characters of Discharge

A person whose only separation from the Armed Forces was under dishonorable conditions or whose character of service results in a bar to Veterans benefits.

#### d. Discharge from Draft

A person who was ordered to report to an induction station, but was not actually inducted into military service.

#### e. Persons Found Guilty of a Capital Crime

Under 38 U.S.C. § 2411, interment or memorialization in a VA national cemetery or in Arlington National Cemetery is prohibited if a person is convicted of a Federal or State capital crime, for which a sentence of imprisonment for life or

the death penalty may be imposed and the conviction is final. Federal officials may not inter in Veterans cemeteries persons who are shown by clear and convincing evidence to have committed a Federal or State capital crime but were unavailable for trial due to death or flight to avoid prosecution. Federally funded State veterans cemeteries must also adhere to this law. This prohibition is also extended to furnishing a Presidential Memorial Certificate, a burial flag, and a headstone or marker.

#### f. Persons convicted of Certain Sex Offenses

Under 38 U.S.C. § 2411, interment or memorialization in a VA national cemetery or in Arlington National Cemetery is prohibited if a person is convicted of a Tier III sex offense, who was sentenced to a minimum of life imprisonment and whose conviction is final. Federally funded State and Tribal organization Veterans cemeteries must also adhere to this law. This prohibition also applies to Presidential Memorial Certificate, burial flag, and headstone and marker benefits.

#### g. Subversive Activities

Any person convicted of subversive activities after September 1, 1959, shall have no right to burial in a national cemetery from and after the date of commission of such offense, based on periods of active military service commencing before the date of the commission of such offense, nor shall another person be entitled to burial on account of such an individual. Eligibility will be reinstated if the President of the United States grants a pardon.

#### h. Active or Inactive Duty for Training

A person whose only service is active duty for training or inactive duty training in the National Guard or Reserve Component, unless the individual meets the eligibility criteria listed in Section III.1.b. of this information sheet.

#### i. Other Groups

Members of groups whose service has been determined by the Secretary of the Air Force under the provisions of Public Law 95-202 as not warranting entitlement to benefits administered by the Secretary of Veterans Affairs.

View this document in its entirety. [VA-NCA-IS-1 Interments in VA National Cemeteries](#)

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#### ADMINISTRATION

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[Veterans Benefits Administration](#)  
[National Cemetery Administration](#)

Introduced by: City Manager Herron  
Date: October 22, 2002  
Public Hearing: November 26, 2002  
Public Hearing: December 10, 2002  
Action: Adopted  
Vote: Unanimous

## CITY OF BETHEL, ALASKA

### ORDINANCE #02-35

#### AN ORDINANCE DESIGNATING APPROXIMATELY 9.5 ACRES OF THE AREA COMMONLY KNOWN AS THE "SAND PIT" AS A THIRD CITY CEMETERY SITE AND RELATING TO THE PROCESS FOR SURVEYING CITY CEMETERIES

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

**Section 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**Section 2. Amendment of Section 13.20.070** Section 13.20.070 of the Bethel Municipal Code is amended as follows (new language underlined; deleted language stricken out):

13.20.070 City Cemeteries Designated.

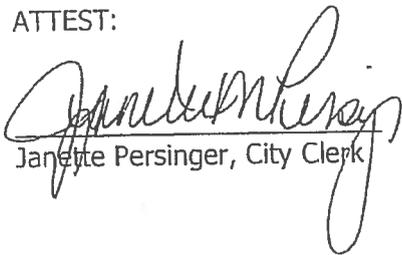
- A. The municipal cemetery owned and operated by the City, located at PLAT #81-4, known as Ridgecrest Memorial Cemetery; ~~and the municipal cemetery owned and operated by the City, located at PLAT #97-24, known as Ptarmigan Memorial Cemetery; and~~ approximately 9.5 acres adjoining the west boundary of the Bethel Airport in the area commonly known as the "Sand Pit" located within Sections 13 and 14, T. 8 N., R. 72 W., Seward Meridian are hereby dedicated for burial purposes and shall be made available subject to the provisions of this chapter to all persons regardless of sex, race, creed, color, age, religion, disability, national origin or other legally protected status. The above referenced cemeteries are designated as City cemeteries. After the 9.5 acres in the "Sand Pit" is formally surveyed as provided for in 13.20.070.B, the formally surveyed area shall be designated as a municipal cemetery, and the City shall name the cemetery.
- B. ~~The City Clerk will cause the City cemeteries to be surveyed, laid out and platted into burial lots, duly numbered, and a map thereof made and kept on file at the City. The City Manager will cause the boundaries of the City cemeteries to be surveyed, platted and the plats recorded with the District Records Office. The City Clerk will cause a map to be developed within the platted boundaries of the City cemeteries that depicts burial lots, an identification system of burial lots, access ways, fencing, open spaces and all other features that will facilitate the orderly use and maintenance of the cemeteries. The map shall be kept on file at the City.~~

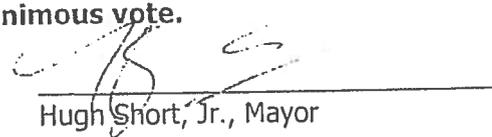
- C. By resolution, the City Council may close City cemeteries, or portions thereof, for additional burial due to capacity limits or other reasons consistent with protection of the public safety, health, and welfare.
- D. The City may, in its sole and exclusive discretion, limit or deny access to certain or all areas of a City cemetery, or limit or deny use of burial lots at City cemeteries. Any person who does not comply with such closure or limited access shall be in violation of this Chapter.

**Section 3. Effective Date.** This ordinance shall become effective immediately upon its adoption.

**ENACTED THIS 10<sup>th</sup> DAY OF January 2002, by unanimous vote.**

ATTEST:

  
Janette Persinger, City Clerk

  
Hugh Short, Jr., Mayor

Introduced by: Acting City Manager  
Malone  
Date: May 24, 2005  
Action: Passed  
Vote: Unanimous

## *CITY OF BETHEL, ALASKA*

### **Resolution #05-21**

**A RESOLUTION BY THE BETHEL CITY COUNCIL  
APPROVING THE DEDICATION OF APPROXIMATELY  
1 ACRE OF LAND WITHIN THE MEMORIAL CEMETERY  
SUBDIVISION ON TOWER ROAD FOR A VETERANS  
MEMORIAL CEMETERY SITE.**

**WHEREAS**, the City of Bethel is the owner of the surface estate of tract 42, an approximate 185.4 acre parcel of land situated west of the Bethel Airport;

**WHEREAS**, memorial Cemetery Subdivision subdivides Tract 42 into Tract 42 A, B, C and memorial Cemetery Parkway. Tract 42 B creates a 14.37 acre new cemetery site, tract C creates a 15.42 acre remainder of Tract 42 south of Memorial Cemetery parkway, Tract 42 A creates a 174.61 acre remainder north of Memorial cemetery Parkway and Memorial Cemetery Parkway, a 1.02 acre access road connecting Tower Road with Tract 42 B;

**WHEREAS**, there are a relatively high number of veterans that is located in the Bethel area and the nearest Veterans Cemetery is over 400 air miles away;

**WHEREAS**, the City of Bethel in partnership with The American Legion Post #10, desires to develop an approximate 1.35 acre Veterans Memorial Cemetery site for veterans, and in some cases the child of veterans at this new cemetery, as exhibited; attached Exhibit A;

**WHEREAS**, the City of Bethel in partnership with The American Legion Post #10, implement burial procedures, requirements, records keeping, accept, but not required donation for the up-keep and maintenance of the Veterans Memorial Cemetery;

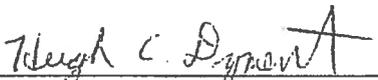
Introduced by: Acting City Manager  
Malone  
Date: May 24, 2005  
Action: Passed  
Vote: Unanmious

**WHEREAS**, the City of Bethel in partnership with The American Legion Post #10 will accept, but not require, donation from the community to help with the maintenance and up keeping of the Veterans Memorial Cemetery;

**WHEREAS**, the City of Bethel in partnership with The American Legion Post #10, family members, community members and organizations will assist in the maintenance of the Veteran Memorial Cemetery;

**NOW, THEREFORE, BE IT RESOLVED THAT** the city of Bethel has reviewed the proposed location of the Veterans Memorial Cemetery within the Memorial Cemetery Subdivision and approve this set-aside dedication and use of the approximately one acre for the Veteran Memorial Cemetery.

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF MAY 2005, BY A UNANMIOUS VOTE IN FAVOR.**

  
Hugh Dymont, Mayor

ATTEST:

  
Sandra Modigh, City Clerk

Introduced by: City Manager Foley  
Date: September 10, 2013  
Public Hearing: September 24, 2013  
Action:  
Vote:

***CITY OF BETHEL, ALASKA***

**ORDINANCE #13-22**

**AN ORDINANCE AMENDING AND ADOPTING FEES AND CHARGES FOR THE  
CITY OF BETHEL**

**BE IT ORDAINED** that the City Council of Bethel, Alaska,

**SECTION 1. Classification.** This ordinance is not permanent in nature and shall not be placed in the Bethel Municipal Code.

**SECTION 2.** The attached Fees and Charges schedule is hereby adopted. It shall be adhered to by all City Departments.

**SECTION 3. Effective Date.** This ordinance becomes effective ten (10) days after the passage of this ordinance.

**PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_ 2013, by a vote of \_ in favor and \_ opposed.**

ATTEST:

\_\_\_\_\_  
Joseph A. Klejka, Mayor

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

**City of Bethel**  
**Fees and Charges**

**GENERAL SERVICES**

Identification Card.....	\$10.00
Replacement Identification Cards .....	10.00
Wire Transfer Fee .....	25.00
NSF Check Fee.....	30.00
Check Replacement Fee.....	25.00
Notary Service, per document.....	3.00
Electronically Reproduced Records (up to 5 pages) .....	5.00
(For documents over 5 pages in length, add \$0.25 per page)	
Bethel Business License Holders List/Information .....	25.00
Bethel Business License-based on business type (Valid 2 years).....	150.00
Bethel Lapel Pin .....	2.00
Passport Execution.....	In accordance with US Department of State Fee
Lost key (Cost of replacing locks) .....	100.00
Regular Photocopies (per page) .....	0.25
CD of public meeting/hearing (per CD) .....	10.00
Burial Permit.....	50.00
Burial Lot Reservation.....	150.00
<u>Appeal fees, unless otherwise specified in the code.....</u>	<u>150.00</u>

**CODE ENFORCEMENT**

Vehicle Removal, per vehicle) .....	\$200.00
Impound fee, first day .....	25.00
Each day after .....	20.00
Vehicle Disposal, per vehicle .....	200.00

**POLICE DEPARTMENT**

***Vehicles and Traffic***

Towing or initial impoundment (4-Wheeler/ ATV/Snowmachine).....	\$100.00
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Storage per day (4-Wheeler/ ATV/Snowmachine)..... 10.00

**Animal Control**

Animal License (AVID Chip) onetime fee..... 20.00

Animal Adoption (includes license) ..... 25.00

Destruction of Animal (euthanization)... ..... 30.00

Impound fee, first day..... 25.00

Each day after ..... 20.00

Rabies vaccination..... No charge

Quarantine (10 days) per day ..... 15.00

**Chauffeur/Taxi Permits**

Chauffeur Permit

Initial Issuance.....\$250.00

Renewal.....250.00

Substitute Vehicle (good for 14 days) ..... 85.00

Renewal ..... 125.00

Taxi Cab, River Taxi & Dispatch Permit, per month..... 185.00

Dispatch Permit Renewal.....150.00

Taxi Cab/River Taxi Permit Application..... 250.00

Taxi Cab/River Taxi Permit Renewal.....250.00

Appeal made to the Commission.....100.00

Application to Transfer an Interest.....125.00

Late Payments.....100.00

Retest.....25.00

Mailed Applications.....15.00

Drug Testing .....35.00

**Protective Custody**

If paid within 30 days..... \$150.00  
After 30 days ..... 175.00

**Copying Fee**

First 3 pages (Reports/Other) ..... \$5.00  
Additional pages.....0.25 per page

**Miscellaneous**

Fingerprints (by appointment only-when available).....\$25.00/per card  
Civil Process Service ..... 45.00

**Records Fees**

CD (per) ..... 15.00  
Searches, if over five hours (per hour) ..... 30.00

If the search or production of records for one requester in a calendar month exceeds five person-hours, the requester shall pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the city may require payment in advance of the search.

**FIRE DEPARTMENT**

Basic Life Support ambulance services..... \$350.00  
Advanced Life Support ambulance services ..... 450.00  
Fire Incident Report ..... 25.00  
Ambulance Run Report..... 25.00

**MAPS**

Land Status Map ..... \$50.00  
Street Map Booklet (11"x17") ..... 15.00  
City Map Color (Grid Sheet) .. ..... 15.00

City Map B/W (Grid Sheet).....	10.00
Plat Copies.....	8.00
Plotted Reproduction of an existing file .....	15.00
Street Map PDF.....	25.00
Street Map (Addresses) .....	50.00

**PLANNING FEES**

Site plan, infill/moving of single family residence ..... \$25.00  
 A \$500.00 fine if infill/moving of residence without site plan application:  
 Contractor/Owner Responsibility

Site plan, residential single family new .....\$25.00  
 A \$500.00 fine if developments of a new residence without site plan application Owner  
 responsibility

Site plan residential duplex .....100.00  
 A \$500.00 fine if developments of a new residential duplex without site plan application  
 Owner responsibility

Site plan residential triplex .....200.00  
 A \$1000.00 fine if developments of a new residential triplex without site plan application  
 Owner responsibility

Site Plan, infill Commercial .....100.00  
 A fine of \$1000.00 if infill is done without site plan application: Developers  
 Responsibility

Site Plan, Demolition of Building either residential or commercial ..... 100.00  
 A fine of \$1000.00 for torn down

Site plan, commercial, major (New Development or existing site improvement)

- A. A. Site plan Application Commercial: The application fee for a commercial, industrial or other non residential development shall be \$600 for the first \$100,000 of the total construction costs, plus an additional fee one half of one percent for the portion over \$100,000 of the total construction costs. Typical construction costs shall include all costs associated with the development for which the application is being submitted, including, but not limited to site improvement for which the application is being submitted, including, but not limited to, site improvement and building improvement costs including new or

additional buildings, but shall include interior furnishings, atypical features, decorative materials or other similar features. For fees calculated based the percentage of construction costs, such costs shall be supported by the sworn statement of a licensed architect, licensed engineer or other qualified individual if an architect or engineer has not been retained for the project as the expected construction costs for projects over \$1,000,000 . Institutional (Hospital, Educational and Governmental) will be assessed a flat fee of \$600 for the total cost of the construction.

- B. A. For a proposed linear development, the application fee shall be \$150.00 per acre of all land included in the right of way of the proposed linear development project plus \$150.00 per acre located outside of the right of way that will be disturbed as part of a linear development project. A Linear development means land uses such as roads, trails, sewerage and management of pipes, gas and water pipelines, electric, telephone and other transmission or distribution lines, which have the basic function of connecting two points, the rights-of-way therefore, and any accessory structures or uses directly associated therewith. Linear development shall not include residential, commercial, office or industrial buildings, improvements within a development such as utility lines or pipes, or internal circulation roads;
  - 1. For a resource extraction permit application or permit renewal application, the application fee shall be \$1,500.00 plus \$30.00 per acre to be mined within each permit period (Yearly);
  - 2. For a change of use with no additional development or home occupations, the application fee shall be \$200.00; and

The application fee for mixed residential and non-residential development shall be the sum of the residential and non-residential development fees as calculated according to the relevant fee schedules in (A) above.

Variance.....	\$200.00
Vacation.....	\$300.00
Conditional uses-permit .....	\$200.00
Re-plat, short subdivision, abbreviated plat, supplemental plat, waiver, floodplain land use.....	\$100.0 plus recording fees
Preliminary subdivision plat.....	\$300.00
.....	plus \$15.00/lot

Final Subdivision plat.....	\$300.00
.....	plus recording fees
Site plan submitted after work has begun.....	\$300.00
Utility Permit .....	\$400.00
Platting Waiver .....	\$100.00
Appeal.....	\$100.00

**MAPS**

Xerographic type single sheet map copy.....	\$5.00 per sheet
Computer generated retracement of single lot or tract with legal Description.....	\$25.00
Computer generated single sheet maps-plats.....	\$50.00 first sheets
.....	\$25.00 each additional sheet
Land Status Map .....	\$30.00
Street Map (Addresses) .....	\$50.00
Comprehensive Plan on CD ( <i>also available at no cost on City website</i> ).....	\$25.00

The fee for a Letter of Interpretation or Amended Letter of Interpretation pursuant to Bethel Municipality Code shall be determined according to the following:

1. The application fee for any other Letter of Interpretation or Amended Letter of Interpretation shall be \$200.00.

(a) The application fee for the review and processing of a request for a letter stating information that is available in a municipal land use ordinance or stating other information readily available to the public from a source other than the Bethel Planning Commission shall be \$200.00.

(b) The application fee for an Amended Certificate of Filing shall be \$200.00 or 10 percent of the original permit fee, whichever is greater, with a maximum fee of \$3,000. If a request for an Amended Certificate of Filing is submitted more than five years following the issuance of the original Certificate of Filing, the fee shall be calculated as if a new application had been submitted.

(c) The fee for the review of any study or survey prior to the submission of a development application, including, but not limited to, any threatened or endangered species protocol, threatened or endangered species protocol results or a cultural resource survey, shall be one-third of the estimated application fee calculated in accordance with (a) through (b) above. Any fee submitted in accordance with this provision shall be deducted from the application fee due at the time of submission of the application for the proposed development for which the study or survey was prepared or conducted.

**Code Enforcement**

Junk Vehicles Removal, per vehicle .....	\$200.00
Impound fee, first day .....	25.00
Each day after .....	20.00

Removal of non-vehicles junk/honey buckets (percentage of cost of removal) ..... 100%  
 Disposal of items plus city man power (wages), city vehicles usage (gas), court cost, attorney fees, only if property owners don't remove the debris from their property.

**PARKS AND RECREATION**

Weight Room, per day.....	\$5.00
Weight Room, per month.....	50.00
Weight Room, Senior Rate.....	3.00
Weight Room, per year.....	350.00
*Bethel 4-H Youth Center	
*Monthly participant fee (grades K-12).....	25.00
*Annual fee offered Aug to Nov PFD Special participant fee (grades K to 12).....	160.00
Adult per day fee.....	5.00
(The Bethel Youth Center is open to adults during open hours that there are no scheduled youth programs)	
Log Cabin rental,	
Cleaning Deposit (refundable).....	200.00
Main Room full day .....	175.00

Kitchen full day .....	50.00
Both/full day .....	225.00
Main Room half day .....	90.00
Kitchen half day .....	25.00
Both/Half day .....	115.00
Log Cabin non-profit rental cost, Cleaning Deposit (refundable).....	\$200.00
Main Room full day .....	50.00
Kitchen and Main Room.....	75.00

*\*Bethel Youth Center Fees can be waived by department policy.*

**PORT AND HARBOR**

Fees are in accordance with the most recently adopted tariff rates. Verify with Bethel Port Office.

**PUBLIC WORKS**

***Water & Sewer Rates***

Fees are in accordance with the most recently adopted ordinance establishing water and sewer rates. Verify with Bethel City Finance Office.

***Garbage & Landfill Rates***

Fees are in accordance with the most recently adopted ordinance establishing garbage and landfill rates. Verify with Bethel City Finance Office.



**From: Parks and Recreation**

**RE: Fee Changes**

**For: Fee & Rate Schedule**

Daily Participation fee (all grades) \$5 per day per person

I have had people that come to visit over school vacations, only need a temporary place for the kids and \$40 for the month when they only participate a few days out of the month seemed to be charging too much. \$5 is the charge for adults and weight room users and I feel that it is fair for the parents that just need it for a day here and there or a week or two.

Monthly Participation (grades K-6) \$40 per person

I thought this had been changed last time, so that is what we have been charging for the last 2 years. Parents feel that it is still reasonable.

Annual fee offered Aug to Nov PFD Special participant fee (grades K-6) \$240 per person

I thought this had been changed last time, so that is what we have been charging for the last 2 years. Parents feel that it is still reasonable. If parents paid \$40 a month for the year would be \$480.

Annual teen participant fee (grades 7-12) \$20 per person

This fee is something that the teens can afford.



NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

Introduced by: City Manager Foley  
Date: September 10, 2013  
Public Hearing:  
Action:  
Vote:

**CITY OF BETHEL, ALASKA**

**ORDINANCE #13-22**

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**PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_ 2013, by a vote of \_ in favor and \_ opposed.**

ATTEST:

\_\_\_\_\_  
Joseph A. Klejka, Mayor

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

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

**City of Bethel**  
**Fees and Charges**

**GENERAL SERVICES**

Identification Card .....	\$10.00
Replacement Identification Cards .....	10.00
Wire Transfer Fee .....	25.00
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Check Replacement Fee .....	25.00
Notary Service, per document.....	3.00
Electronically Reproduced Records (up to 5 pages) .....	5.00
(For documents over 5 pages in length, add \$0.25 per page)	
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Bethel Business License-based on business type (Valid 2 years).....	150.00
Bethel Lapel Pin .....	2.00
Passport Execution.....	In accordance with US Department of State Fee
Lost key (Cost of replacing locks).....	100.00
Regular Photocopies (per page) .....	0.25
CD of public meeting/hearing (per CD).....	10.00
Burial Permit.....	50.00
Burial Lot Reservation.....	150.00
<u>Appeal fees, unless otherwise specified in the code.....</u>	<u>150.00</u>

**CODE ENFORCEMENT**

Vehicle Removal, per vehicle) .....	\$200.00
Impound fee, first day .....	25.00
Each day after .....	20.00
Vehicle Disposal, per vehicle .....	200.00

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

**POLICE DEPARTMENT**

***Vehicles and Traffic***

Towing or initial impoundment (4-Wheeler/ ATV/Snowmachine).....\$100.00  
150.00 or actual cost if City has to contract out the service +\$50

Storage per day (4-Wheeler/ ATV/Snowmachine) ..... 10.00

***Animal Control***

Animal License (AVID Chip) onetime fee..... 20.00

Animal license – annual (Dog tag) .....5.00

Animal Adoption (includes license) ..... 25.00

Destruction of Animal (euthanization)..... 30.00

Animal Impound fee, first day..... 25.00

Each day after ..... 20.00

Rabies vaccination ..... No charge

Quarantine (10 days) per day ..... 15.00

***Chauffeur/Taxi Permits***

Chauffeur Permit

Initial Issuance.....\$250.00

Renewal.....250.00

Substitute Vehicle (good for 14 days)..... 85.00

Renewal ..... 125.00

Taxi Cab, River Taxi & Dispatch Permit, per month..... 185.00

Dispatch Permit Renewal.....150.00

Taxi Cab/River Taxi Permit Application..... 250.00

Taxi Cab/River Taxi Permit Renewal.....250.00

Appeal made to the Commission.....100.00

Application to Transfer an Interest.....125.00

Late Payments.....100.00

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

Retest.....	25.00
Mailed Applications.....	15.00
Drug Testing .....	35.00 <u>or as charged by vendor</u>

***Protective Custody***

If paid within 30 days.....	\$150.00
After 30 days.....	175.00

***Copying Fee***

First 3 pages (Reports/Other) .....	\$5.00
Additional pages.....	0.25 per page

***Miscellaneous***

Fingerprints (by appointment only-when available) .....	\$25.00/per card
Civil Process Service.....	45.00

***Records Fees***

CD (per).....	15.00
Searches, if over five hours (per hour) .....	<del>30.00</del>

If the search or production of records for one requester in a calendar month exceeds five person-hours, the requester shall pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the city may require payment in advance of the search.

**FIRE DEPARTMENT**

Basic Life Support ambulance services.....	\$350.00
Advanced Life Support ambulance services.....	450.00
Fire Incident Report .....	25.00
Ambulance Run Report.....	25.00

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

**MAPS**

<del>Land Status Zoning Map (color)....</del> .....	<del>\$50.00</del> <u>40.00</u>
Street Map Booklet (11"x17") ..	<del>15.00</del> <u>50.00</u>
City Map Color (Grid Sheet) 36" ..	<del>15.00</del> <u>50.00</u>
City Map B/W (Grid Sheet) 36" ..	<del>10.00</del> <u>25.00</u>
Color Map 11"X17" .....	<u>20.00</u>
Color Map 8 1/2" X 11" .....	<u>10.00</u>
Plat Copies (B/W) 8 1/2" X 11" .....	<del>8.00</del> <u>5.00</u>
Plat Copies (B/W) 11" X 17" .....	<u>10.00</u>
Plotted Reproduction of an existing file .....	<u>15.00</u>
Street Map PDF.....	<u>25.00</u>
Street Map (Addresses) .....	<u>50.00</u>

**PLANNING FEES**

Site plan, infill/moving of single family residence .....	<del>\$25.00</del> <u>50.00</u>
A \$500.00 fine if infill/moving of residence without site plan application: Contractor/Owner Responsibility	
Site plan, residential single family new .....	<del>\$25.00</del> <u>50.00</u>
A \$500.00 fine if developments of a new residence without site plan application Owner responsibility	
Site plan residential duplex .....	<u>100.00</u>
A \$500.00 fine if developments of a new residential duplex without site plan application Owner responsibility	
Site plan residential triplex .....	<u>200.00</u>
A \$1000.00 fine if developments of a new residential triplex without site plan application Owner responsibility	
Site Plan, infill Commercial .....	<del>100.00</del> <u>200.00</u>
A fine of \$1000.00 if infill is done without site plan application: Developers Responsibility	
Site Plan, Demolition of Building either residential or commercial .....	<u>100.00</u>
A fine of \$1000.00 for torn down	

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

Major Commercial Construction Project Site Plan Permit..... 600.00

Site plan, commercial, major (New Development or existing site improvement)

~~A. Site plan Application Commercial: The application fee for a commercial, industrial or other non residential development shall be \$600 for the first \$100,000 of the total construction costs, plus an additional fee one half of one percent for the portion over \$100,000 of the total construction costs. Typical construction costs shall include all costs associated with the development for which the application is being submitted, including, but not limited to site improvement for which the application is being submitted, including, but not limited to, site improvement and building improvement costs including new or additional buildings, but shall include interior furnishings, atypical features, decorative materials or other similar features. For fees calculated based the percentage of construction costs, such costs shall be supported by the sworn statement of a licensed architect, licensed engineer or other qualified individual if an architect or engineer has not been retained for the project as the expected construction costs for projects over \$1,000,000. Institutional (Hospital, Educational and Governmental) will be assessed a flat fee of \$600 for the total cost of the construction.~~

A. For a proposed linear development, the application fee shall be \$150.00 per acre of all land included in the right of way of the proposed linear development project plus \$150.00 per acre located outside of the right of way that will be disturbed as part of a linear development project. A Linear development means land uses such as roads, trails, sewerage and management of pipes, gas and water pipelines, electric, telephone and other transmission or distribution lines, which have the basic function of connecting two points, the rights-of-way therefore, and any accessory structures or uses directly associated therewith. Linear development shall not include residential, commercial, office or industrial buildings, improvements within a development such as utility lines or pipes, or internal circulation roads;

1. For a resource extraction permit application or permit renewal application, the application fee shall be \$1,500.00 plus \$30.00 per acre to be mined within each permit period (Yearly);
2. For a change of use with no additional development or home occupations, the application fee shall be \$200.00; and

The application fee for mixed residential and non-residential development shall be the sum of the residential and non-residential development fees as calculated according to the relevant fee schedules in ~~(A)~~ above.

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

Variance.....	\$200.00
Vacation.....	\$300.00
Conditional uses-permit .....	<del>\$200.00</del> <u>300.00</u>
Re-plat, short subdivision, abbreviated plat, supplemental plat, waiver, floodplain land use.....	\$100.00
.....	plus recording fees
Preliminary subdivision plat.....	\$300.00
.....	plus \$15.00/lot
Final Subdivision plat.....	\$300.00
.....	plus recording fees
Site plan submitted after work has begun.....	\$300.00
Utility Permit .....	\$400.00
Platting Waiver .....	\$100.00
Appeal.....	\$100.00

**MAPS**

Xerographic type single sheet map copy.....	\$5.00 per sheet
Computer generated retracement of single lot or tract with legal Description.....	\$25.00
Computer generated single sheet maps plats.....	\$50.00 first sheets
.....	\$25.00 each additional sheet
Land Status Map .....	\$30.00
Street Map (Addresses) .....	\$50.00
Comprehensive Plan on CD ( <i>also available at no cost on City website</i> ).....	\$25.00
The fee for a Letter of Interpretation or Amended Letter of Interpretation pursuant to Bethel Municipality Code shall be determined according to the following:.....	<u>200.00</u>

1. ~~The application fee for any other Letter of Interpretation or Amended Letter of Interpretation shall be \$200.00.~~

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

(a) The application fee for the review and processing of a request for a letter stating information that is available in a municipal land use ordinance or stating other information readily available to the public from a source other than the Bethel Planning Commission shall be \$200.00.

(b) The application fee for an Amended Certificate of Filing shall be \$200.00 or 10 percent of the original permit fee, whichever is greater, with a maximum fee of \$3,000. If a request for an Amended Certificate of Filing is submitted more than five years following the issuance of the original Certificate of Filing, the fee shall be calculated as if a new application had been submitted.

(c) The fee for the review of any study or survey prior to the submission of a development application, including, but not limited to, any threatened or endangered species protocol, threatened or endangered species protocol results or a cultural resource survey, shall be one-third of the estimated application fee calculated in accordance with (a) through (b) above. Any fee submitted in accordance with this provision shall be deducted from the application fee due at the time of submission of the application for the proposed development for which the study or survey was prepared or conducted.

**Code Enforcement**

~~Junk Vehicles Removal, per vehicle .....\$200.00 \$150.00 or actual cost if City has to contract out the service +\$50. Based on City of Bethel removing vehicle.~~

Impound fee, first day .....25.00  
 Each day after .....20.00

Vehicle disposal to the dump, per vehicle.....200.00  
Vehicle disposal draining of liquid prior to landfill disposal .....50.00

Removal of non-vehicles junk/honey buckets (percentage of cost of removal) ..... 100%  
 Disposal of items plus city man power (wages), city vehicles usage (gas), court cost, attorney fees, only if property owners don't remove the debris from their property.

**PARKS AND RECREATION**

Weight Room, per day.....\$5.00  
 Weight Room, per month ..... 50.00  
 Weight Room, Senior Rate.....3.00

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

Weight Room, per year.....350.00

**\*Bethel 4-H Youth Center**

\*Daily Participant Fee (grades K-6).....5.00

\*Monthly participant fee (grades K-12).....~~25.00~~ 40.00

\*Annual fee offered Aug to Nov PFD Special participant fee (grades K to 12).....~~160.00~~

.....240.00

Annual teen participant fee (grade 7-12).....20.00

Adult main room and computer lab per day fee.....5.00

(The Bethel Youth Center is open to adults during open hours that there are no scheduled youth programs)

**Log Cabin rental,**

Cleaning Deposit (refundable).....\$200.00

Main Room full day ..... 175.00

Kitchen full day ..... 50.00

Both/full day ..... 225.00

Main Room half day ..... 90.00

Kitchen half day ..... 25.00

Both/Half day .....115.00

Log Cabin non-profit rental cost,

Cleaning Deposit (refundable).....\$200.00

Main Room full day ..... 50.00

Kitchen and Main Room.....75.00

*\*Bethel Youth Center Fees can be waived by department policy.*

**PORT AND HARBOR**

Fees are in accordance with the most recently adopted tariff rates. Verify with Bethel Port Office.

NOTE: This document shows the original form of the ordinance prior to the modifications made upon introduction.

## **PUBLIC WORKS**

### ***Water & Sewer Rates***

Fees are in accordance with the most recently adopted ordinance establishing water and sewer rates. Verify with Bethel City Finance Office.

### ***Garbage & Landfill Rates***

Fees are in accordance with the most recently adopted ordinance establishing garbage and landfill rates. Verify with Bethel City Finance Office.

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*Bethel City Council*

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# **New Business**



## City of Bethel Action Memorandum

Action memorandum No.	13-19		
Date action introduced:	9-24-2013	Introduced by:	Mayor Klejka
Date action taken:	9-24-2013	<input checked="" type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied
Confirmed by:			

*Approve City Clerk's Travel and Training Request for January 13-17, 2014 to attend the Laserfiche Records Management Training.*

SUBJECT/ACTION:

Route to:	Department/Individual:	Initials:	Remarks:
X	City Manager		
X	Finance Department		

Attachment(s): None

Amount of fiscal impact		Account information:
	No fiscal impact	
\$3,533.70	Funds are budgeted for	10-52-545
	Funds are not budgeted. Budget modification is required. Affected account number:	

The City Clerk is requesting training and travel approval to attend the Laserfiche, Records Management training in Anaheim, CA.

As City Clerk I've worked hard to pursue the knowledge and skills that will enable me to add value to our organization. Attending this training will sharpen my Laserfiche skills so that we can maximize the power of our Laserfiche system and help city staff work smarter and eventually our customers access our records easier.

In particular, I'd like to focus on finding solutions or best practices that could benefit these projects:

- Fundamentals in Records Management
- Auditing the City's Records Program
- Implementing Work Flow and Forms within the City's System

Here's an approximate breakdown of conference costs:

Airfare:	\$1020.50
Transportation:	\$340.00
Hotel:	\$1,270.20
Meals:	\$208.00
Registration:	\$695.00
<b>Total:</b>	<b>\$3,533.70</b>

## City of Bethel Action Memorandum

Action memorandum No.	13-19		
Date action introduced:	9-24-2013	Introduced by:	Mayor Klejka
Date action taken:	9-24-2013	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

This small investment will allow me to share my new knowledge and skills with the records coordinators within each department as well as with the department heads.

Thank you for your consideration of my request. For more information on Empower 2014, please visit [www.laserfiche.com/conference](http://www.laserfiche.com/conference). I look forward to your decision.

IM No.13-01



Introduced by:	City Manager		
Date introduced:	09/24/13	Date action taken	
Amended actions:			
Verified by:			

CITY OF BETHEL CITY COUNCIL INFORMATIVE MEMORANDUM

TITLE: Proposed Capital Budget Priorities for FY 2015

Agenda Introduction Date: September 24, 2013

Originator: City Manager

Routed to:	Department	Signature/Date

FISCAL IMPACT:  yes \$\_\_\_\_\_  no FUNDS AVAILABLE  yes  no

Account name/number: \_\_\_\_\_

Attachments: None

SUMMARY STATEMENT:

It is time for Council to consider priority projects that they wish to submit to the State for consideration in the FY 2015 Capital Budget. With this in mind, the Administration compiled a list of projects and their estimated costs for Council members to view as possible projects. The proposed projects listed below are prioritized from the Administration’s perspective as food for thought:

1. Sewage Lagoon Rehabilitation and Dredge - \$12,000,000.00
2. Alternative Road around H-Marker Lake - \$4,000,000.00
3. Dust Control Measures, Gravel & Calcium Chloride - \$3,000,000.00
4. Institutional Corridor, Second Phase - \$7,000,000.00
5. City Dock Repair, Phase I - \$6,000,000.00
6. Port Office Facility – \$350,000.00
7. Animal Control Facility - \$430,000.00
8. Network Wiring & New Telephone System, Final Phase - \$135,000.00
9. New Water Truck - \$320,000.00
10. New Sewer Truck - \$320,000.00
11. GIS & Mapping Software Upgrade - \$150,000.00
12. Bridge to Access Moravian Cemetery - \$100,000.00



# Parks & Recreation Dept. Update on use of Tobacco Tax Money

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(\$0.00) = Encumbered/dedicated funds, "\$0.00"= Estimated expenses

## 1. Plans in Action

- a. Teen event: Bethel's Got Teen Talent
  - i. Age categories 12-16 (7-9 grades) and 17-21 (10-12+ grades)
    1. Cash prizes for each category
      - a. First place \$100
      - b. Second place \$50
      - c. Third place \$25
      - d. Audience Pick \$25
      - e. **TOTAL (\$400)**
- b. Playground equipment for Wally's (AKA "train park")
  - i. New train **(\$18,453)**
    1. Target age: 2-5 yrs old
    2. Install timber borders and surface material
    3. Expand the play and family areas towards the lake and VFW
    4. Install BBQ grill in family area
    5. Construct wood fence on street side
    6. Create a parking spot near family seating not on the curve of the road
- c. Small Boat Harbor Park
  - i. Install dome climber
  - ii. Purchase and install swing set **(\$1,000)**
    1. Purchase and install Tile Surface Material **(\$20,000)**
- d. Dog Park
  - i. Purchase and install agility elements, dog poop bag dispenser and refills **(\$5,873)**

## 2. Plans in the Works

- a. Recreation Activities
  - i. Young Adult (age 21 and up) New Year's Eve Party at Log Cabin (9pm-1am)
    1. Board games, cards or dice game (no prizes for winners, just fun)
    2. P&R Dept will provide food, drinks, party favors, a couple of games **"\$400"**
  - ii. Community Dance Showcase (small fall Camai)
    1. For all ages, individuals and groups showing all types of dance activities –**"advertise & space rental"**
    2. Leading up to the Showcase, hold a series of events offering different types of dance –**"Pay for teacher fees & space if needed"**
  - iii. Teen Block Party at the Skate Park
  - iv. P&R provides food, music and sound system **"\$500"**
- b. Trails
  - i. Identify good walking /biking trails to harden
  - ii. Purchase GEOWEB and GEOBLOCK to use on identified trails
  - iii. **"\$20,000"** for about 1 mile of trail



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*Bethel City Council*

*Office of the Mayor*

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# **Mayor's Report**



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*Bethel City Council*

*Office of the City Manager*

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# **Manager's Report**



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



September 17, 2013

**From:** Lee M. Foley, City Manager

**To:** Bethel City Council

**Info:** Lori Strickler, City Clerk

**Subj:** City Manager's Report

Listed below are some of the action items and activities that I've been working on, and involved in, for the period September 3-17, 2013.

### CITY ADMINISTRATION ACTION ITEMS AND ACTIVITIES

#### **Projects:**

- **YK Aquatic Center** - Regular weekly teleconference meetings between the Project Management Team and City Administration are held each Friday at 9:00 a.m. The following items are germane:
  1. Some minor vandalism was discovered at the storage yard across from the Teen Center. A police report was filed and an investigation is ongoing. The Contractor was able to implement minor cleanup measures.
  2. ProDev and City representatives will meet in Bethel on September 23, 2013 to review FF&E efforts to date and then move on to the next step in the process. As part of this effort, the City sent a Letter of Interest preparatory to a Grant Application to the Rasmuson Foundation. They have acknowledged receipt and, following a review period, may invite us to submit a full proposal. In our letter we requested grant funding in the amount of \$693,380.00.
  3. Concrete placement is ongoing and roofing is underway.
  4. After a review of proposed Change Order #3, and consultations with ProDev, the City ultimately approved the request. Most of the changes are minimal in impact. However, the cost to add approximately 620 linear feet of water recirculation line along with the necessary pumps and connections for plumbing was \$111,601.00. This figure mirrored internal cost estimates so it was felt that the additional cost

was reasonable. Additionally, the recirculation line was an absolute mandatory requirement for protection against harsh weather conditions. Part of the change order also included the design of an automated pool cover and the installation of structural backing to accommodate future installation at a cost of \$17,033.00.

5. As originally envisioned, underground service to the wind turbine was to be installed. However, after discussions with BUC and AVEC, the City advised ProDev to notify the Contractor that overhead/above ground service was required. Accordingly, after notification the Contractor confirmed that the service would be revised to overhead/above ground.
- **Small Boat Harbor Launch Ramps** – De-mobbing of the South Ramp commenced this afternoon (09/17/13). The expectation is that this ramp replacement will be completed in 7-10 days although I consider that estimate optimistic. A temporary coffer dam is being created so the area for the ramp to be installed will be devoid of water during the evolution. The Corps of Engineers Project Manager is on-site overseeing contractual work.

#### **Personnel:**

- **Finance Director** – I notified Council previously via email of the impending departure of Bobby Sutton. Originally, his last day was to be November 1, but that has been extended through November 29. The position is actively being advertised nationally, at AML, in the Anchorage Daily News, locally, and through the professional Finance Director's Association.

#### **Miscellaneous:**

- **Land on Chief Eddie Hoffman Highway** – I met personally today with Ms. Jenny Anderson from the Bureau of Land Management. She has the BLM portfolio for returning the land to the City that we originally gave to the National Guard as a proposed Armory site. She has had this case for approximately two weeks and has already found the time and funds to view the property first hand. Although this request to return the land to the City has been ongoing for most of a year, some of that delay has been due to budget cuts and sequestration. However, Ms. Anderson has been assured by her superiors that they are anxious to return the land to the City and, based on her positive assessment of the situation, we should, in all likelihood, see the property returned to the City sometime early in 2014.

Thank you.

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*Bethel City Council*

*Office of the City Clerk*

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# **Clerk's Report**





# City of Bethel, Alaska

City Clerk's Office

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

## **Upcoming Council Events:**

**September 25, Council Candidate Forum Hosted by KYUK**

**October 1, Regular City Election**

**October 3, Canvass Board Meeting (not a council meeting, for election)**

**October 8, Regular City Council Meeting, Certification of the Election**

**October 14, Special City Council Meeting**

**October 22, Regular City Council Meeting**

## **Records Retention –**

### Laserfiche

The Records Coordinators for each department trained on the basics of the Laserfiche system. The log in issues have been resolved and the City Clerk's office is in the process of identifying rights for each department user and setting up a repository for the users. Staff can now begin scanning in and filing their documents electronically.

### Records Retention Schedule

Modifications have been made to all of the departments record retention submissions and return to them for comment. I have requested all of the departments to get back to the City Clerk's Office by September 27<sup>th</sup> with any final concerns. The City Attorney is also looking at all of the retention periods to insure the length of time and method of retention is appropriate.

### Document Restoration

As with previous years, the City Clerk's Office will be submitting another group of Ordinance books to Browns River for document restoration. These should be the final three books for Ordinances which means next year, the City Clerk's Office will begin binding the Resolutions.

## **Election**

Declaration of Candidacies have been received by:

Johnny Furlong

Richard Robb

Leif Albertson

Mark Springer

Heather Pike

Byron Maczyski

Willy Keppel

The City Clerk's Office is now providing absentee in person and by mail ballots, which will be available until Election Day.

The memory cards have been programmed, tested and set for the election.

KYUK has scheduled their candidate forum for September 25<sup>th</sup> at 6:30p in Council Chambers.

The City Clerk's Office will be providing a required training to all poll workers on the 26<sup>th</sup> of September.

## **Miscellaneous**

### **AML Conference**

Hotel Reservations and car rentals have been arranged for five council members to attend the AML conference in November. Final arrangements will be made on the 9<sup>th</sup> of October following the certification of the election results. If any standing council member is interested in attending this year's conference, they are encouraged to provide travel information to the City Clerk's Office as soon as possible.

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*Bethel City Council*

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# **Additional Information**



To: Bethel City Council members

I recently purchased a lot in City Subdivision- Lot 9, Block 5. The lot measured 80 feet wide. When I went to fill in the lot, I was only able to fill in about 65 feet of it because the City mistakenly put my neighbor's sewer and water line about 13 feet onto my property.

I notified the City Public Works Director about the issue but wasn't notified how the issue was to be resolved, so I contacted a lawyer.

My lawyer then contacted the City Lawyer (Patty Burley) about the issue and Ms. Burley asked for me to get a survey done and stated that if my neighbor's Sewer/water pipe was incorrectly placed on my property, the City would "make it right".

I got the survey done (at a very high cost), which proved the City put my neighbor's line 13 feet onto my property for 38'. That survey is attached.

I forwarded the survey onto the City to 'make it right'. They responded back by stating that it wasn't a City issue anymore because:

1. The survey clearly shows this is not the main line but is instead a service line. Per BMC 13.08.120 service lines belong solely to the customers and not to the City. Mr. Fredericks purchased the lot with the service line and it is his. He has a continuing obligation to maintain it at this point. If he feels it belongs to the adjoining lot owner, that is between him and the adjoining lot owner.
2. The statute of limitations has long ago passed.

According to BMC 13.08.120, the service line is owned by the applicant for the existing line and shall be maintained by the applicant. I was never an applicant. My neighbor was the applicant.

Does an existing service connection pass to a new applicant because of the purchase of land on which an incorrectly placed service line resides? I would hope not.

The City states that it is MY service line and recommended I disconnect my neighbors line and to connect it to my house. They further state that I must maintain my neighbor's water/sewer line?? My neighbor has been paying the City for those services for 10 + years, not me. This is unreasonable.

I have been unable to connect the water/sewer line to my house because of this issue. Due to the fact that the City installed the neighbor's water/sewer line on my property, I would like the City to install a service line, at its expense, to my house. To get this resolved, I have asked the City to leave my neighbor's line where it is and to install another line right next to it to connect my house to the existing water/sewer line. The City can still collect from my neighbor for his services and from me for my services.



Essentially there will be two applicants and two connections with the property use issue resolved.

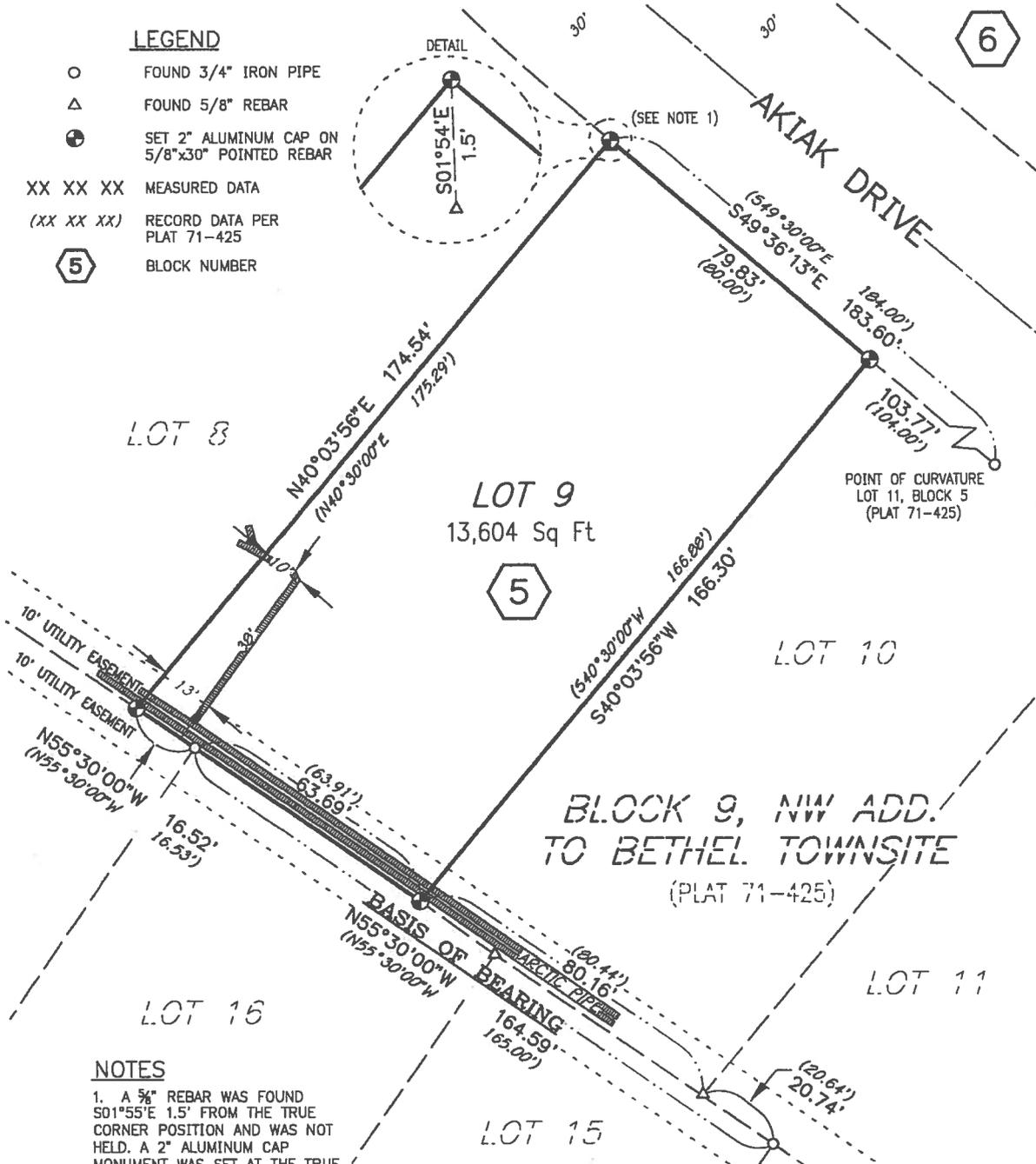
Ms. Burley has also implied that I may be breaking Bethel Municipal Code and threatens to penalize me \$100/day for using a honeybucket. I have no plans on breaking the Bethel Municipal Code, but would like to get this resolved amicably as both my neighbor and I need the services.

Gary Fredericks 



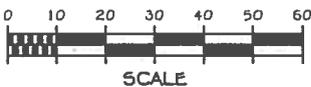
**LEGEND**

- FOUND 3/4" IRON PIPE
- △ FOUND 5/8" REBAR
- ⊕ SET 2" ALUMINUM CAP ON 5/8"x30" POINTED REBAR
- XX XX XX MEASURED DATA
- (XX XX XX) RECORD DATA PER PLAT 71-425
- 5 BLOCK NUMBER



**NOTES**

1. A 5/8" REBAR WAS FOUND S01°55'E 1.5' FROM THE TRUE CORNER POSITION AND WAS NOT HELD. A 2" ALUMINUM CAP MONUMENT WAS SET AT THE TRUE CORNER POSITION.



**McCLINTOCK LAND ASSOCIATES, INC.**  
16942 NORTH EAGLE RIVER LOOP ROAD  
EAGLE RIVER, ALASKA 99577-7801  
(907) 694-4499

**BOUNDARY SURVEY**

I hereby certify that I have, or someone under my supervision has, surveyed the property described as:

**LOT 9, BLOCK 5**  
**BLOCK 9, N.W. ADD. TO BETHEL TOWNSITE OF U.S.S. NO. 3770**  
**(PLAT No. 71-425)**  
Bethel Recording District

Monuments have been found and/or set as indicated. This document does not purport to show whether any improvements encroach onto, or off of, adjacent properties.

The property dimensions shown in parenthesis are from the record plat and are not necessarily as we may have measured. Additional data shown hereon should not be construed to "replat" or "resubdivide" any property and is shown for information only. Drafting and reproduction may produce graphic inconsistencies; therefore scaling should not be attempted to determine unshown dimensions. Only easements from the recorded subdivision plat noted above are shown hereon and it is the responsibility of the owner to determine if any other easements, covenants, or restrictions exist.

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This document is copyrighted and is authorized to be used for one real property transaction or project only. Any copy is to be considered unauthorized unless it bears an original surveyor's signature (usually in blue ink) or a stamp showing recorder's office data. Copyright restrictions (but not re-use restrictions) are waived if this document has been officially recorded. Lending institutions may also make additional copies for their own records. Liability to MLA is limited to fees received for this project.

FIELD WORK DATE: 8-28-13  
DRAWN DATE: 9-6-13

PARTY CHIEF: TB  
DRAWN BY: TB

FIELD BOOK: 471-50  
GRID: BETHEL

PLOT SCALE: 1"=30'  
DWG NAME: LS13-204

JOB NO: 13-204

