



**City Council Meeting Agenda AMENDED
Regularly Scheduled Meeting
February 9, 2016 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

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

Byron Maczynski
Vice-Mayor
Term Expires 2016
545-0970
bmaczynski@cityofbethel.net

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

Chuck Herman
Council Member
Term Expires 2016
545-5394
cherman@cityofbethel.net

Zach Fansler
Council Member
Term Expires 2016
545-3300
zfansler@cityofbethel.net

Nikki C. Hoffman
Council Member
Term Expires 2017
545-6653
nhoffman@cityofbethel.net

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

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

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

Patty Burley
City Attorney

Mary Sattler
Lobbyist

- 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) **PG 4** *1-19-2016 Special Meeting Minutes
 - b) **PG 7** *1-26-2016 Regular Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEE**
 - a) Public Safety and Transportation Commission
 - b) Port Commission
 - c) Planning Commission
 - d) Parks, Recreation, Aquatic Health And Safety Center Committee
 - e) Finance Committee
 - f) Energy Committee
 - g) Public Works Committee
 - h) Marijuana Advisory Committee
 - i) Non Standing Committee Reports
- VIII. SPECIAL ORDERS OF BUSINESS**
 - a) United Pools Presentation (Mayor Robb)
 - b) Annual Update From Bethel Friends Of Canine (Mayor Robb)
- IX. UNFINISHED BUSINESS**
 - a) **PG 27** Public Hearing On Ordinance 15-21: Amending Bethel Municipal Code 5.30, Taxicab, River Taxi, Limousine And Bus Permits, To Requires Video Camera Surveillance System And Global Positioning System Capabilities (Council Member Springer)
 - b) **PG 42** Public Hearing Of Budget Ordinance 15-14 (c): Fiscal Year 2016 Budget Amendments- Cash Match of \$250,000 For The Ridgecrest Drive Project (City Manager Capela)
 - c) **PG 72** Public Hearing Of Ordinance 16-02: Property Acquisition From The Department Of Military And Veterans Affairs, Lot 15, USS 4117 (City Manager Capela)
 - d) **PG 82** Wind Turbine Maintenance Contract With Northern Power (City Manager Capela)
- X. NEW BUSINESS**
 - a) **PG 92** *Resolution 16-04: Providing Support To The State's Funding For Public Broadcasting (Vice-Mayor Maczynski)
 - b) **PG 93** *Resolution 16-05: Request To The Army Corps Of Engineers, Additional Time To Review The Donlin Gold Environmental Impact Statement (Council Member Fansler)

AMENDED agenda posted on February 4, 2016-Agenda posted on February 3, 2016, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Stickler, City Clerk

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

All Resolutions noted with an asterisk (*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council.
Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing February 23, 2016**)



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- c) **PG 94** *Resolution 16-06: To Approve The City Of Bethel's Application To The Fiscal Year 2016 State Homeland Security Program (City Manager Capela)
- d) **PG 96** *Resolution 16-07: Supporting The State Of Alaska Public Employees Retirement System Reform (Mayor Robb)
- e) **PG 98** *Resolution 16-08: Certifying The City of Bethel Suffered Significant Effects During The Program Base Year From Fisheries Business Activities That Occurred Within The FMA 6: Lower Kuskokwim Fisheries Management Area (City Manager Capela)
- f) *Resolution 16-09: Authorizing Administration To Submit An Application To The U.S. Department Of Agriculture For The Purchas Of Two Hauled Utility Trucks (City Manager Capela)
- g) **PG 99** *Introduction Of Budget Ordinance 15-14 (d): Amending The Fiscal Year 2016 Budget For Water And Sewer Pump Replacement And ProDev Professional Services Contract (City Manager Capela)
- h) **PG 101** *AM 16-08: Appointment Of Courtney Trammell To The Marijuana Advisory Committee (Mayor Robb)
- i) **PG 102** AM 16-09: Directing Administration To Prepare A Budget Modification And A Plan Of Action For The Implementation Of A Fleet Tracking System On Ten City Vehicles (Council Member Albertson)
- j) **PG 105** AM 16-10: Approve The Selection Of Project Development Associates To Serve As Project Manager For The Relocation Of The Existing Port Office And Construction Of A New Port Office (City Manager Capela)
- k) **PG 118** AM 16-11: Approve The Purchase Of 50 Drums Of Protherm 720 Heavy Duty Coolant And Heat Transfer Fluid From Garness Industrial, Inc. (City Manager Capela)
- l) **PG 132** AM 16-12: Approving The Contract With ProDev For Request For Proposal Development For The Management Of The Pool Facility (City Manager Capela)
- m) **PG 142** Determination Of Action Regarding Bethel Spirits Package Store License Application # 5447 And (Mayor Robb)
- n) Determination Of Action Regarding Fili's Restaurant Eating Place License Application #5445 (Mayor Robb)
- o) *Personal Time Off Request For City Attorney, March 7, 2016 (Mayor Robb)

- XI. MAYOR'S REPORT**
- XII. MANAGER'S REPORTS**
- XIII. CLERK'S REPORT**
- XIV. COUNCIL MEMBER COMMENTS**
- XV. ADJOURNMENT**

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Lori Stickler, City Clerk

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Introduced by: Council Member Fansler
Date: February 9, 2016
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 16-05

A RESOLUTION FORMALLY REQUESTING AT LEAST A SIX (6) MONTH EXTENSION OF THE OFFICIAL COMMENT PERIOD FOR THE ARMY CORPS OF ENGINEER'S ENVIRONMENTAL IMPACT STUDY ON THE DONLIN GOLD PROJECT

WHEREAS, Donlin Gold LLC has applied for permits to develop an open pit, hardrock mine about 10 miles north of the community of Crooked Creek, in southwest Alaska;

WHEREAS, Donlin Gold's proposed mine is located approximately 277 miles west of Anchorage and 145 miles northeast of Bethel;

WHEREAS, in addition to the mine site, the project has two other major components: transportation infrastructure and pipeline infrastructure;

WHEREAS, the transportation infrastructure includes barges that will dock in the City of Bethel and transportation barges will utilize the waterways of the Kuskokwim River for transportation of supplies, equipment and materials for the project that will impact the citizens of Bethel;

WHEREAS, the construction of and planned lifetime of the mine lasts for the next 30 plus years;

WHEREAS, monitoring of the tailings and the area around the mine will be required for perpetuity;

WHEREAS, the project will undoubtedly affect the citizens of Bethel and the surrounding villages and areas along the Kuskokwim river for decades and possibly centuries to come;

WHEREAS, the Army Corps of Engineers Environmental Impact Study (EIS) was released on November 27, 2015;

WHEREAS, the EIS itself totals over 5,300 pages;

Introduced by: Council Member Fansler
Date: February 9, 2016
Action:
Vote:

WHEREAS, in addition to the sheer volume of the EIS, the report itself includes numerous technical and engineering terms that require additional research and investigation by the average reader;

WHEREAS, currently the comment period for the EIS is essentially five months and is slated to end on April 30, 2016;

WHEREAS, the magnitude of the proposed project and its impacts on subsistence activities, the environment, economic development, job creation and other such concerns make it extremely important that the comment period be open for as long as necessary to allow a thorough understanding and thoughtful comment time period that is not rushed;

WHEREAS, it is essential that all citizens, tribal entities, governmental bodies, and agencies have an adequate amount of time to read, review, digest and form thoughtful comments regarding the EIS report on this project.

NOW, THEREFORE, BE IT RESOLVED, the Bethel City Council does hereby formally request an extension of at least six (6) months for the public to offer comment on the Army Corps of Engineers' Donlin Gold Environmental Impact Study.

ENACTED THIS __ DAY OF FEBRUARY, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

**DCCED
SHARED FISHERIES
BUSINESS TAX PROGRAM
FY 16 SHORT-FORM APPLICATION
FOR
FMA 6: LOWER KUSKOKWIM**



**APPLICATION MUST BE SUBMITTED TO DCCED
NO LATER THAN FEBRUARY 15, 2016**

**State of Alaska
Bill Walker, Governor**

**Department of Commerce, Community, and
Economic Development
Chris Hladick, Commissioner**

**Division of Community and Regional Affairs
Katherine Eldemar, Director**

FY 16 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

Program Eligibility

To be eligible for an allocation under this program, applicants must:

1. Be a municipality (city or borough); and
2. Demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

Program Funding

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2014.

Program funding is allocated in two stages:

1st Stage: Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2014 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2014, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2014.

2nd Stage: If the total funding available for a Fisheries Management Area (FMA) is less than the long-form threshold value (the value determined by multiplying the number of municipalities in an area by \$4,000), then one half of the allocation is divided equally among the eligible applicants in that area. The other half of the area allocation is distributed among the eligible applicants proportionate to the populations of all the eligible applicants in the area. This is known as the short-form method*.

* Because your municipality is located within a Fisheries Management Area with a total allocation less than the long-form threshold value, you have been provided a Short-Form Application.

FY 16 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

Short-Form Application Method: In order to receive funding under the Short-Form Application Method, an applicant must have suffered significant effects during the program base year from fisheries business activities that occurred within its respective fisheries management area(s).

Some important definitions: The Shared Fisheries Business Tax Program provides for a sharing of State Fisheries Business Tax with municipalities that can demonstrate they suffered *significant effects* during the *program base year* from *fisheries business activity* in their respective fisheries management area.

For the purposes of this program, "fisheries business activity" means:

- activity related to fishing, including but not limited to the catching and sale of fisheries resources;
- activity related to commercial vessel moorage and commercial vessel and gear maintenance;
- activity related to preparing fisheries resources for transportation; and,
- activity related to processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

And, "significant effects" means:

- municipal expenditures during the program base year demonstrated by the municipality to the department to be reasonable and necessary that are the result of fisheries business activities on the municipality's:
 - population;
 - employment;
 - finances;
 - air and water quality;
 - fish and wildlife habitats; and,
 - ability to provide essential public services, including health care, public safety, education, transportation, marine garbage collection and disposal, solid waste disposal, utilities, and government administration.

And, "program base year" means:

- calendar year 2014.

**FY 16 SHARED FISHERIES BUSINESS
TAX PROGRAM**

**SHORT-FORM APPLICATION
for FMA 6: LOWER KUSKOKWIM**

Name of Municipality: CITY OF BETHEL

Address: PO BOX 1388

BETHEL, AK 99559

Contact Person: _____

Phone Number: _____

Return this cover page along with
The attached resolution to:

Department of Commerce, Community, and
Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809

Introduced by: City Manager Capela
Date: February 9, 2016
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 16-09

A RESOLUTION STATING THE CITY OF BETHEL'S INTENT TO MEET CONDITIONS REQUIRED BY THE U.S. DEPARTMENT OF AGRICULTURE-RURAL DEVELOPMENT (USDA-RD) REGARDING AN APPLICATION FOR GRANT AND LOAN FUNDS FOR WATER/WASTEWATER IMPROVEMENTS

WHEREAS, the City of Bethel applied to the U.S. Department of Agriculture, (USDA) RD Office, for federal financial assistance of \$3,500,000 to be administered by the U.S. Department of Agriculture for public improvements to the City of Bethel's water and wastewater infrastructure;

WHEREAS, the City of Bethel has received guidance from USDA-RD that USDA-RD will be offering such financial assistance in a form of a grant and a long term low cost loan;

WHEREAS, USDA-RD determined through the use of their funding formula and after reviewing the City's financial statements, that they will provide the City with 45% grant funding with a 55% match/loan funds;

WHEREAS, the City can decide whether to use any non-federal source as a cash match, the City may also borrow funds from USDA-RD at a very low interest rate to count as a match;

WHEREAS, the City may order the two trucks in advance of the grant/loan agreement and be reimbursed by these grant/loan funds, as long as the grant/loan agreement is ultimately completed and signed;

WHEREAS, USDA-RD will not reimburse the City's expenditure for the trucks if the grant/loan agreement is not completed and/or never gets signed;

WHEREAS, the City of Bethel may accept the risk of ordering trucks in advance of the grant/loan agreement with the understanding that the City will only be reimbursed, if and when all required documents, paperwork, and approvals are completed, such that signed grant/loan agreement results;

WHEREAS, the City of Bethel is at a critical junction of not being able to provide water and wastewater services that put at risk the health and welfare of the general public due to failure of the existing wastewater treatment system known as

Introduced by: City Manager Capela
Date: February 9, 2016
Action:
Vote:

the "lagoon truck dump site" along with the water and wastewater truck delivery system;

WHEREAS, due to the remote geographical location of the City, the length of time to construct the water/wastewater delivery systems trucks combined with the short barge season, makes this action necessary for protection of public health and safety;

WHEREAS, it is the affirmative duty of the Bethel City Council to ensure the protection of the general public health and welfare;

WHEREAS, the City of Bethel is seeking to immediately place an order for the purchase of two trucks to ensure the safety of public that will not exceed \$500,000;

WHEREAS, USDA-RD is offering a 45% grant and 55% low cost loan at *approximately* 2.25% annual interest rate which will amount to *approximately* \$225,000 grant and \$275,000;

WHEREAS, the City of Bethel has authorized the collection of service fees for all its utility customers to set aside the funds of \$8 per billing cycle;

WHEREAS, the City of Bethel may pledge such revenues for the capitalization of such a USDA-RD loan;

WHEREAS, the City of Bethel affirms the findings of the City Manager that this action is of a public health and safety necessity.

NOW, THEREFORE, BE IT RESOLVED that the City of Bethel hereby authorizes the City Manager to submit an application to USDA-RD for a grant/long term loan application and proceed with the purchase of the two trucks with the stipulation that the City Manger receives Council authorization for budget modification to the necessary financial City of Bethel inter-fund transfers to effectuate the purchase of the two trucks.

ENACTED THIS __ DAY OF FEBRUARY, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk



CITY OF BETHEL

P.O. Box 1388
Bethel, AK 99559
(907) 543-2047
www.cityofbethel.org

February 5, 2016

Bethel City Council
P.O. Box 1388
300 State Highway
Bethel, AK 99559
via e-mail

Re: Findings by the City Manager

Mayor, Vice-Mayor and Members of City Council;

As you are aware, City of Bethel has encountered severe constraints in its ability to deliver potable water to its residents along with the collection and treatment of wastewater. These constraints are due to the visible ground disintegration of the wastewater truck site “jetty”, the level of untreated sediment from (raw) wastewater in the lagoon and equipment shortage caused by equipment failure (trucks) that pick up and transport wastewater for the majority of Bethel residents.

Compounded with the knowledge of time it takes to make the necessary repairs to the water and wastewater system, including purchase of at least two new trucks, due to the geographical location as well as being an off-the-road rural Alaska community, it is essential the City of Bethel take timely action to prevent immediate or future threats to health and public safety of its residents.

While Bethel Municipal Code (BMC) 4.28.180 defines “emergency” in (C) Equipment failure if the failure is not a predictability frequent or recurring event or preventable by adequate equipment maintenance and operation – I come to Council with the following findings regarding the equipment and operations of the water and wastewater system that can be identified in the aforementioned BMC.

My review of the City’s maintenance records for the wastewater treatment (lagoon) operations, lead me to conclude that the sediment in the lagoon has not been treated or dredged for about 30 years. There has been no significant maintenance to the lagoon for about the same time.

The jetty (truck dump site) has physically failed and the City staff has had to move the wastewater truck barriers forward and extend the hose hook up in order to discharge the wastewater into the lagoon.

The City has a shrinking fleet of outdated water and sewer trucks. These trucks made by Sterling are no longer in production and the replacement parts are extremely difficult to obtain. Shortage of trucks and shortage of parts place the sanitary of situation of this community at high risk of inability to deal with its wastewater.

It is for these reasons that I have concluded that the City is in a very high risk of category to experience major failures in its delivery of water and wastewater system without taking steps to work with USDA-RD and other State and Federal agencies to remedy this situation. Additionally the I need to move forward with plans and to take immediate steps to purchase at minimum one water truck and one wastewater truck as well as proceed with USDA-RD grant and loan application.

Respectfully,



Ann K. Capela
City Manager

CC: City Clerk
City Attorney

Waster Water - Components		
Collection		
Trucks	Pipes	Self-deposit
Conveyance		
Trucks	Pipes	Lift Stations
Jetty	(truck site)	
Storage		
	Lagoon	
Treatment		
Natural Sediment	Lagoon Cell 1	
↓		
Natural Sediment	Lagoon Cell 2	
↓		
Liquids released to tundra from Lagoon Cell 2		
↓		
Flows to a creek		
↓		
Flows into Kuskokwim River		