

Introduced by: City Manager Foley  
Date: November 12, 2013  
November 26, 2013  
Public Hearing:  
Action: Ordinance not Introduced.  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #13-24**

#### **AN ORDINANCE APPROVING THE LEASE OF CITY PROPERTY TO SHAUNDY'S DOG GROOMING IN ACCORDANCE WITH BMC 4.08.030 (ACQUISITION AND DISPOSAL OF LAND)**

**WHEREAS**, the City may enter into land lease agreements to an entity providing a necessary public service pursuant to BMC 04.08.030;

**WHEREAS**, the City of Bethel owns the one animal shelter in Bethel where it houses animals collected through its use of animal control services administered by the Police Department;

**WHEREAS**, the animal shelter has two rooms, the kennel area where up to ten animals are kept and a vacant office area;

**WHEREAS**, there exists a public demand for dog grooming services in Bethel that is currently unmet by private business enterprises;

**WHEREAS**, Bethel resident Shaundy Davis is a State Certified Dog Groomer and willing to open and operate Shaundy's Dog Grooming as a dog grooming business in Bethel;

**WHEREAS**, minimal modifications to the vacant office can be made by City Property Maintenance personnel that would allow Shaundy's Dog Grooming to operate therefrom;

**WHEREAS**, Shaundy's Dog Grooming is interested in leasing the unused office space in the animal shelter after it has been modified to suit for a cost not to exceed \$250 per month;

**WHEREAS**, Bethel City Council hereby agrees that lease of space at the City Animal Shelter to Shaundy's Dog Grooming constitutes a disposal of an interest in real property to an entity providing a necessary public service;

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**WHEREAS**, due to the necessary public purpose to be provided by Shaundy's Dog Grooming at the City's animal shelter, Bethel City Council finds that it is in the best interest of the public and appropriate that the lease contain a cost per month less than fair market value be charged and be entered into without competitive bidding;

**NOW, THEREFORE BE IT ORDAINED**, the City, in consideration of the rents, covenants, and agreements mentioned herein, reserved, and contained on the part of Shaundy's Dog Grooming to be paid, kept, and performed, does hereby authorize Shaundy's to operate a dog grooming business at the City's Animal Shelter in accordance with the terms and conditions contained and referred to herein and to be spelled out in a formal lease to be developed upon approval of this ordinance.

**1. Premises.** The City agrees to allow the Shaundy's Dog Grooming exclusive use of space in the building in the Townsite of Bethel, State of Alaska, Fourth Judicial District, Bethel Recording District commonly known as the **Bethel Animal Shelter**, and more fully described as:

1225 Ridgecrest Drive, Bethel, AK.

Green single-story building on west side of Ridgecrest Drive between the City's Public Works building and the City's Recycle building.

**NOW, THEREFORE BE IT FURTHER ORDAINED** by the City Council of Bethel, Alaska, that:

**SECTION 1. Classification.** This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

**SECTION 2. Authorization.** Pursuant to Bethel municipal Code 04.08.030 B., Disposal to Entity Providing Necessary Public Service, the City Manager is authorized to:

Execute the Lease Agreement between the City of Bethel and the Shaundy's Dog Grooming subject to the terms and conditions in the Lease.

**A. Term.** The term of this lease shall be from December 7, 2013, through and including December 6, 2014 unless terminated earlier in accordance with this Lease. This Lease is revocable at the will of the City or Shaundy's upon not less than one hundred twenty (120) days advanced written notice to Shaundy's or City. If the lessee wishes to renew the Lease, the lessee shall make written application to the City Clerk

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for renewal of the Lease at least one-hundred eighty (180) days prior to expiration. The renewal request shall contain all terms proposed for the renewal of the Lease.

**B. City Responsibility.** The City of Bethel will modify its Animal Shelter building to suit the operational needs of a Shaundy's Dog Grooming, including making improvements to one or more of the following areas: water and sewer facilities, walls, doors, electrical system, ventilation, and land;

**C. Use.** It is understood and agreed that the premises described shall be utilized by Shaundy's solely for the purposes of operating a dog grooming business that satisfies the provision of a necessary public service as determined by the passage of this ordinance.

**D. Cost.** The City Manager shall negotiate a monthly lease payment to be paid to the City by Shanudy's over the duration of the lease that may not exceed \$250 per month.

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

**SECTION 4. Expiration Date.** Provided under the terms of Section 2, A.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA, THIS \_\_\_ DAY OF NOVEMBER 2013, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

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

ATTEST:

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