

CITY OF BETHEL

City Council Meeting Agenda, December 20, 2021 – 6:00 PM

Website: <https://www.cityofbethel.org/council>

Location: Council Chambers, City Hall, 300 Chief Eddie Hoffman Highway, Bethel

Council Members: Mayor Mark Springer, Vice-Mayor Conrad McCormick, Michelle DeWitt,
Perry Barr, Rose Henderson, Eric Whitney, Beth Hessler



The Public Can Participate Virtually By Zoom or In-Person.

Email Public Comments Will Be Accepted See Below.

Join Zoom Meeting

<https://us06web.zoom.us/j/4888456188?pwd=bkN1dGI4MHpGZ1kwOUVYWU5kd0xhZz09>

Meeting ID: 488 845 6188

Passcode: 13871

+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)
877 853 5257 US Toll-free
888 475 4499 US Toll-free
833 548 0276 US Toll-free
833 548 0282 US Toll-free

WRITTEN PUBLIC COMMENTS

- 1) Email cityclerk@cityofbethel.net by 4:00pm the day of the meeting.
- 2) Specify the written submission is for People To Be Heard and/or Public Hearing.
- 3) Provide your full real name when making the submission. Public Comment may be summarized if the length of the submission exceeds the five minutes time limit.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PEOPLE TO BE HEARD – FIVE MINUTES PER PERSON

5. APPROVAL OF AGENDA

6. UNFINISHED BUSINESS

- 6.1. Public Hearing Of Emergency Ordinance 21-59: Establishing A Mandate Within The City Of Bethel That Masks Or Similar Face-Coverings Be Worn In Public In Indoor And Indoor-Adjacent Spaces, And Under Certain Conditions In Outdoor Spaces, During The COVID-19 Public Health Emergency (Mayor Springer)
- 6.2. Public Hearing Of Emergency Ordinance 21-60: Temporarily Suspending Bethel Municipal Code 13.04.290 To Prevent Water Shutoff For Non-Payment Of Charges For Certain Account-Types And Dollar Amounts (Mayor Springer)

7. NEW BUSINESS

- 7.1. Public Hearing Of Emergency Ordinance 21-62: Extending The Declaration Of Emergency Issued

Posted December 16, 2021 at AC Co., Swanson's, City Hall, and the Post Office.

Kevin Morgan, Deputy City Clerk

City Clerk's Office Contact Information: Email cityclerk@cityofbethel.net Phone 907-545-4120

Items noted with an asterisk (*) are consent agenda items, unless removed from the consent agenda they are approved upon the approval of the agenda. Ordinances introduced at this meeting may be set for public hearing at the next regular meeting.

The Council may by unanimous consent, after 12:00 AM Fix the Time to Which To Adjourn until the following day at 6:30 PM

Through Ordinances 21-30, 21-16, 21-08, 21-02, 20-38, 20-32, 20-29, 20-11, 20-09, 20-08, 21-38, 21-46, 21-51 (Mayor Springer)

- 7.2. Public Hearing Of Emergency Ordinance 21-63: Extending Ordinance 21-31 Testing And Quarantine Mandates And Exemptions (Mayor Springer)

8. EXECUTIVE SESSION

- 8.1. In Accordance With AS 44.62.310.(C)(3) Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Confidential- Union Negotiations (City Manager Williams)

9. ADJOURNMENT

Posted December 16, 2021 at AC Co., Swanson's, City Hall, and the Post Office.

Kevin Morgan, Deputy City Clerk

City Clerk's Office Contact Information: Email cityclerk@cityofbethel.net Phone 907-545-4120

Items noted with an asterisk (*) are consent agenda items, unless removed from the consent agenda they are approved upon the approval of the agenda. Ordinances introduced at this meeting may be set for public hearing at the next regular meeting.

The Council may by unanimous consent, after 12:00 AM Fix the Time to Which To Adjourn until the following day at 6:30 PM

CITY OF BETHEL, ALASKA

EMERGENCY ORDINANCE 21-59

AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING A MANDATE WITHIN THE CITY OF BETHEL THAT MASKS OR SIMILAR FACE-COVERINGS BE WORN IN PUBLIC IN INDOOR AND INDOOR-ADJACENT SPACES, AND UNDER CERTAIN CONDITIONS IN OUTDOOR SPACES, DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

- WHEREAS,** the Centers for Disease Control and Prevention stated that fully-vaccinated people who contract the delta variant of the COVID-19 virus carry similar levels of the virus as unvaccinated people who contract the variant;
- WHEREAS,** therefore, it is understood that people who have received the COVID-19 vaccine, while more protected against serious illness, hospitalization, and death, may still transmit the virus to others more readily than other variants of the coronavirus;
- WHEREAS,** with a sharp acceleration of COVID-19 positive cases in the City of Bethel and the Yukon-Kuskokwim Region, we have returned to a high level of community transmission according to the CDC;
- WHEREAS,** it is imperative that we take seriously our role in protecting this community and region, and every resident, visitor, business, organization, and agency should do their part to protect each other from this serious disease; if we don't all participate in these mitigation and prevention measures, then the benefits will not be realized; and
- WHEREAS,** the Council finds that it is in the best interest of the public peace, health, welfare and safety, and to preserve the health, safety, and lives of the citizens of the community and region, to establish a policy that masks and face-coverings should be worn when interacting in public spaces in the community of Bethel, consistent with this resolution.

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

SECTION 1. This is a non-codified Ordinance of general and permanent nature and shall become part of the Bethel Municipal Code.

SECTION 2. Mandate:

City of Bethel, Alaska

Ordinance #21-59

1 of 3

To reduce the possibility of community spread of COVID-19, it is the mandate of the City of Bethel that face coverings be worn when people are in high-risk public situations including but not limited to:

- Inside of, or in line to enter, any indoor public space;
- Obtaining services from a healthcare facility;
- Waiting for or riding on public transportation or while in a taxi or bus;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through public common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or taxi service or ride-sharing vehicle;
- While outdoors in public spaces when maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible.

SECTION 3. Exemptions:

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old;
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence;
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others; and
- Persons who are incarcerated. Jails and community residential centers, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for

both inmates and staff.

Section 4. Enforcement. The City reserves the right to use all available enforcement options to ensure compliance with this mandate. However, brief removal of a face covering, such as is necessary to eat, drink, or scratch an itch does not constitute a violation of this mandate (although hand-washing is recommended after such activities). Additionally, a violation of this mandate does not create grounds for residents to harass individuals who do not comply with it.

NOW, THEREFORE, BE IT ORDAINED that the Bethel City Council establishes a community mandate that masks or similar face-coverings shall be worn when interacting in public spaces in the community of Bethel consistent with this resolution and establishes a mandate that masks or similar face-coverings be worn in City facilities and on City property in accordance with this resolution.

Section 5. Effective and Expiration Date: This ordinance is effective immediately upon adoption by the City Council and shall remain in effect for a period of sixty (60) days.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA THIS 20th DAY OF DECEMBER 2021 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Mark Springer, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

EMERGENCY ORDINANCE #21-60

AN ORDINANCE BY THE BETHEL CITY COUNCIL TEMPORARILY SUSPENDING BETHEL MUNICIPAL CODE 13.04.290 TO PREVENT WATER SHUTOFF FOR NON-PAYMENT OF CHARGES FOR CERTAIN ACCOUNT-TYPES AND DOLLAR AMOUNTS

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has identified COVID-19 as a significant public health risk;

WHEREAS, on March 11, 2020, the World Health Organization designated the COVID-19 outbreak a pandemic;

WHEREAS, since June 2020, there has been a rapid increase in COVID-19 cases throughout Alaska and within Bethel and surrounding communities in the Yukon-Kuskokwim Delta region;

WHEREAS, the City of Bethel Finance Department has records of a number of residential and business accounts that face water shutoff because of delinquencies in payment;

WHEREAS, clean running water is a critical public health tool to mitigate the spread of COVID-19, and during this public health emergency, it is imperative for the City of Bethel continue to provide water services to help prevent the spread of COVID-19;

WHEREAS, the City wishes to provide customers flexibility during the pandemic to help prevent water shutoff because of nonpayment of charges;

WHEREAS, the City also wants to help ensure the customer account debt is not so high as to prevent reasonable opportunity for repayment;

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

Section 1. Finding of Emergency. The Bethel City Council finds that an emergency exists in the City of Bethel due to the outbreak of COVID-19, which has been declared a global pandemic and a state and national public health emergency.

Section 2. Classification. This is a non-codified Ordinance of general and permanent nature and shall not become part of the Bethel Municipal Code.

Introduced by: Mayor Springer
Public Hearing and Adoption Date: December 14, 2021
Action:
Vote:

Section 3. Bethel Municipal Code 13.04.290 is suspended and the City will not shut off water accounts due to nonpayment of charges for the effective period of this ordinance, unless a residential customer exceeds an account balance of \$5,000 and a commercial customer exceeds an account balance of \$10,000. This ordinance will only apply to a residential or commercial account with a debt greater than \$1,000 if the customer coordinates a repayment plan pursuant to BMC 13.04.270 with the City of Bethel within thirty (30) days from the date of the account delinquency.

Section 4. Effective and Expiration Date: This ordinance is effective immediately upon adoption by the City Council and shall remain in effect for a period of sixty (60) days.

**ENACTED THIS 20th DAY OF DECEMBER 2021 BY A VOTE OF _ IN FAVOR
AND _ OPPOSED.**

Mark Springer, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

Emergency Ordinance #21-62

**AN ORDINANCE BY THE BETHEL CITY COUNCIL
EXTENDING THE DECLARATION OF EMERGENCY ISSUED THROUGH
ORDINANCES 21-30, 21-16, 21-08, 21-02, 20-38, 20-32, 20-29, 20-11,
20-09, 20-08, 21-38, 21-46, 21-51**

- WHEREAS,** on March 11, 2020, the State of Alaska declared a public health emergency in response to an anticipated outbreak of COVID-19 in Alaska;
- WHEREAS,** on March 24, 2020, Bethel City Council adopted Ordinance #20-08; authorizing the City Manager and City Council to modify or suspend sections of the Bethel Municipal Code regarding public meetings and participation, procurement, contracts, leases and personnel rules in order to ensure the health, safety and welfare of the City during a State-declared public health emergency;
- WHEREAS,** on March 25, 2020, the Bethel City Council adopted Ordinance #20-09, finding the existence of a public health emergency related to the COVID-19 outbreak, incorporating by reference the declaration of local disaster emergency issued by the Acting City Manager and Mayor on March 24, 2020; seeking state and federal funding assistance; and issuing certain health advisories, and requests consistent with state and federal law;
- WHEREAS,** the potential extent and effect of COVID-19 cannot yet be known, it remains vital for the City of Bethel to be prepared and take all needed precautions until there is no longer a threat;

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

Section 1. Finding of Emergency. The Bethel City Council finds that an emergency exists in the City of Bethel due to the outbreak of COVID-19, which has been declared a global pandemic and a state and national public health emergency.

Section 2. Classification. This ordinance is not permanent in nature and is a non-codified ordinance that shall not become part of the Bethel Municipal Code.

Section 3. All provisions of Ordinance #20-11, as amended, remain in effect.

Section 4. Effective and Expiration Date: This ordinance is effective immediately upon
City of Bethel, Alaska Ordinance #21-62

Introduced by: Mayor Springer
Introduction and Public Hearing Date December 20, 2021
Action:
Vote:

adoption by the City Council and shall remain in effect for a period of sixty (60) days.

**ENACTED THIS 20th DAY OF DECEMBER 2021 BY A VOTE OF _ IN FAVOR AND _
OPPOSED.**

Mark Springer, Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

ORDINANCE #21-63

AN ORDINANCE BY THE BETHEL CITY COUNCIL EXTENDING ORDINANCE 21-31 TESTING AND QUARANTINE MANDATES AND EXEMPTIONS

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has identified COVID-19 as a significant public health risk;

WHEREAS, the Yukon-Kuskokwim Delta region is home to over fifty (50) small and remote communities which are located off the road system and which have limited medical infrastructure;

WHEREAS, since May 2020, the Yukon-Kuskokwim Health Corporation (YKHC) has offered voluntary COVID-19 testing at the Bethel Airport for all persons arriving from outside the Yukon-Kuskokwim Delta region to Bethel and has increased accessibility to testing on its campus;

WHEREAS, in mid-December, YKHC received its allocation of COVID-19 vaccine from the State of Alaska, and began offering vaccinations to residents of the Yukon Kuskokwim Delta region;

WHEREAS, Bethel City Council finds it is necessary to apply state public health mandates regarding travel to Bethel in order to contain the transmission of COVID-19 within its borders;

WHEREAS, Bethel City Council has the authority to implement temporary local travel mandates relating to air travel to Bethel from outside the Yukon-Kuskokwim Delta region to mitigate COVID-19 within its borders and to protect the health of its residents based upon the following:

- Federal, State, and Local authorities have declared COVID-19 to be a public health disaster emergency;
- AS 26.23.020(e), the State of Alaska Operations Plan, and the City of Bethel Emergency Operations Plan enable the City of Bethel to respond in times of a public health emergency;

- According to AS 26.23.060(h), a “political subdivision” permitted to act under AS 26.23 includes a municipality like Bethel, which has adopted and exercised certain “health and safety” and “public peace, morals, and welfare” powers both through its Emergency Operations Plan and under Titles 1, 8, and 9 of the Bethel Municipal Code;
- The “City of Bethel COVID-19 Emergency Rules and Procedures” adopt temporary requirements that are necessary and reasonable to protect public health and safety within the City and are narrowly tailored to limit the impact of these measures on the economic and personal liberties of all individuals and entities to which they apply;
- The Alaska Constitution, article X, section 1, provides that a liberal construction shall be given to the powers of local government units.
- Alaska Statute 29.25.030 expressly grants local communities the authority to adopt an emergency ordinance to meet a public emergency;
- Alaska Statute 29.35.260 permits a city outside a borough to exercise a power not otherwise prohibited by law;
- The Alaska Attorney General issued a guidance statement supporting a second-class city’s authority to enact local mitigation measures during a public health emergency;
- The Governor and the Department of Health and Social Services have recognized the heightened risk of COVID-19 to residents of small, remote communities with limited medical infrastructure, and have supported a policy that provides small communities with the flexibility to enact public health mandates tailored to their particular circumstances.

WHEREAS, we must take steps to continue to protect our community and region from further harm and loss;

WHEREAS, taking the free vaccinations available and recommended by our medical and health professionals is a significant way to lower the positivity rate;

WHEREAS, two FDA-emergently-authorized and recommended vaccines that are shown to be highly effective at preventing COVID-19 are now available (Pfizer-BioNtech’s COVID-19 vaccine and Moderna’s COVID-19 Vaccine);

WHEREAS, if someone has been vaccinated, they are less likely be positive for COVID-19; clinical trials indicate that the Moderna vaccine is 94.1% effective and the Pfizer-BioNTech is 95% effective at preventing

laboratory-confirmed COVID-19 illness in people without evidence of previous infection;

WHEREAS, the CDC confirms that acquiring COVID-19 naturally may offer some natural immunity against COVID-19 and that current reinfection with the virus that causes COVID-19 is uncommon in the 90 days after initial infection; however, it is unknown how long this natural immunity protection lasts, and the risks of severe illness and even death from COVID-19 far outweigh any benefits of natural immunity;

WHEREAS, on February 10, 2021 the CDC released new regulations allowing those that have received the suggested vaccinations can be exempt from the quarantine requirements following two weeks after their second shot;

NOW, THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, as follows:

The Bethel City Council hereby adopts the City of Bethel Emergency COVID-19 Rules for Traveler Testing upon arrival to Bethel as follows:

Section 1. Travel Prohibited. Anyone who is currently infected with SARS-CoV-2 virus must not travel to Bethel until they are cleared from isolation by a medical professional or unless otherwise authorized by a medical professional for medical reason or detained by State of Alaska Department of Corrections.

Section 2. Testing Isolation and Quarantine Requirement. When traveling to Bethel:

- i. The traveler should get a molecular test for SARS-CoV-2 within 72 hours prior to travel to Bethel and be able to present upon arrival into Bethel proof of that negative test. The traveler should avoid commencing travel to Bethel without a negative test result in hand.
- ii. If a traveler cannot get tested prior to traveling to Bethel, if the test result is unavailable upon arrival, or if the traveler was outside of Bethel for less than 72 hours, the traveler must get a molecular test for SARS-CoV-2 upon arrival to Bethel. If at the time of arrival, a testing location is not open or available, the traveler must get tested at the next available opportunity. All travelers without a negative test upon arrival to Bethel shall follow strict social distancing for seven days or until they receive a negative result.

- iii. If traveler remains in Bethel for seven days, on the seventh day, the traveler shall get a molecular test for SARSCoV-2 and follow strict social distancing until negative test results are received.
- iv. If the traveler does not get a molecular test for SARS-CoV-2, they must follow strict social distancing for 10 days following arrival into Bethel.

Section 3. Testing Exemptions.

- i. An asymptomatic traveler who has recovered from a documented SARS-CoV-2 infection within the past 90 days is exempt from travel testing.
- ii. Children age 2 and under are exempt from the testing requirement.
- iii. If a traveler arrives in Bethel, and can show provide proof of being fully vaccinated, the traveler is exempt from the City of Bethel Emergency COVID-19 Rules for Traveler testing.

Section 4. Quarantine Exemptions.

- i. Critical Infrastructure Workers (CI) are exempt from strict social distancing requirements when traveling or returning to Bethel however, CI workers shall stay masked and socially distance from community residents, limit entry to facilities that are not part of the CI workers worksite or lodging. CI workers do not need to coordinate entry with the City of Bethel.
- ii. If a traveler arrives in Bethel, and can show provide proof of being fully vaccinated, the traveler is exempt from the City of Bethel Emergency COVID-19 Rules for Traveler Isolation and Quarantine Requirements.

Section 5. Definitions

"Critical Infrastructure Workers" means the Cyber and Infrastructure Security Agency (CISA) "Guidance on the Essential Critical Infrastructure Workforce." [Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response \(cisa.gov\)](https://www.cisa.gov/essential-critical-infrastructure-workforce-ensuring-community-and-national-resilience-in-covid-19-response)

"Fully Vaccinated" means:

- a. Two weeks after the traveler's second dose in a 2-dose series, like Pfizer or Moderna vaccines, or
- b. Two weeks after the traveler's single-dose vaccine, like Johnson & Johnson's Janssen vaccine.

"Strict Social Distancing" means:

- a. An individual may not enter restaurants, bars, gyms, community centers, sporting facilities, office buildings, and schools or daycare facilities, and/or may not participate in group activities with people outside of your immediate household.
- b. To be in outdoor public place, an individual must remain six feet away from anyone not in their immediate household, and they must wear a face

Introduced by: Mayor Springer
Introduction and Public Hearing Date: December 20, 2021
Action:
Vote:

covering. The individual may arrange curbside shopping or have food delivery.

“Traveler” means any person arriving or returning into Bethel regardless of point of entry, point of departure, whether by air or ground but only if the traveler has come in contact with people that do not reside in Bethel during their travel.

Section 6. Classification. This ordinance is not permanent in nature and is a non-codified ordinance that shall not become part of the Bethel Municipal Code.

Section 7. Effective and Expiration Date. This ordinance is effective immediately upon adoption by the City Council and shall remain in effect for a period of sixty (60) days.

ENACTED THIS 20th DAY OF DECEMBER, 2021 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Mark Springer, Mayor

ATTEST:

Lori Strickler, City Clerk