

Introduced by: Mayor Henderson
Date: May 13, 2025
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Resolution #25-06

A RESOLUTION AND ORDER BY THE BETHEL CITY COUNCIL DECLARING THE PROPERTY AT 808 PTARMIGAN, GENERALLY DESCRIBED AS LOT 23, BLOCK 1, PLAT #81-10 BETHEL ALASKA, A PUBLIC NUISANCE, FIRE HAZARD, AND HEALTH HAZARD AND ORDERING THE ABATEMENT THEREOF

WHEREAS, the legal description of the property is 808 Ptarmigan, Plat 81-10 Block 1 Lot 23, recorded in the Bethel Recording District, Fourth Judicial District, State of Alaska, subject to reservations, exceptions, easements, covenants, conditions and restrictions of record, if any;

WHEREAS, pursuant to Bethel Municipal Code (BMC) 15.04.010, the Bethel City Council received a written report on March 19, 2025, from the City Manager that the property located at 808 Ptarmigan as identified on the City's address map, constitutes a fire hazard, a health hazard, and a public nuisance;

WHEREAS, the report identified Travis and Kenny Dostert as the property owners of record;

WHEREAS, pursuant to BMC 15.04.010(B), after receiving the report regarding the potential nuisance, the Bethel City Council set a hearing for April 30, 2025, and the City Clerk notified all necessary parties;

WHEREAS, pursuant to BMC 15.04.010(C), on April 4, 2025, notice to the property owners was provided by the City Clerk prior to the hearing by certified mail along with a copy of the record, posting notice of the hearing in three public places around town, and posting notice of the hearing at 834 Ptarmigan;

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WHEREAS, the City Administration amended the report to reflect the correct address, 808 Ptarmigan. The corrected notice of hearing was posted at three public places around town on April 11, 2025, and on April 15, 2025, the notice of the corrected record was sent to the property owner by certified mail and a copy of the corrected record and notice was posted at 808 Ptarmigan by the City Clerk;

WHEREAS, pursuant to BMC 15.04.010(D), a hearing on the matter was held on April 30, 2025;

WHEREAS, the City Administration, City Manager Lori Strickler, and City Planner Lee Foley, presented evidence that the property described herein constitutes a public nuisance, a fire hazard, and a health hazard;

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WHEREAS, the property Owners of Record, Travis and Kenny Dostert, did not attend the April 30, 2025, hearing nor did anyone representing the property owners attend the hearing; and

WHEREAS, based on evidence presented at the hearing, the Council found that the City Manager's report was substantially correct in all material respects and that there exists on the property a fire hazard, public nuisance, and health hazard as those terms are defined in BMC 15.04.040, and that these conditions require abatement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHEL;

The property located at 808 Ptarmigan, Bethel, Alaska, with the legal description stated above, is declared a public nuisance, fire hazard, and health hazard. The Council hereby makes the following findings of fact and conclusions of law, and issues the following orders:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Titles 15, 16, 17, and 18 of the Bethel Municipal Code require the City to enforce platting, land use, and site development code provisions in order to promote a logical growth pattern within the city and the economic extension of public services and facilities; encourage the most appropriate use of land throughout the city; reduce congestion in the streets; enhance safety from fire, flooding and other dangers; provide adequate light, air and open space; Preserve property values; prevent the overcrowding of the land; avoid undue concentration of population; facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities; assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons; assure that the burdens placed on public facilities by development are borne by the development; and promote the public health, safety and welfare.
2. The City Manager's report is **substantially correct in all material respects** as required for the declaration of a fire hazard, health hazard, or public nuisance at the property under BMC 15.04.010(D).
3. BMC 15.04.040 defines "**fire hazard**" as "any structure, which, for want of proper repairs, or by reason of age or dilapidated condition, or by reason of poorly installed or defective electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated and occupied as to endanger any other structure or property or human life. Such term shall also mean and include any structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such structure, premises, or human life. Such term shall also mean and include any situation or condition in which any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable

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substance of any kind is especially liable to cause or spread fire or endanger the safety of any structure, premises or human life.”

4. The Council finds that the property presents a **fire hazard** as defined in BMC 15.04.040 and Section 304 of the International Fire Code **due to the presence of:** junk vehicles, tires, and trash that can easily catch fire and produce toxic smoke as well as the accumulation of wastepaper, wood, litter or combustible or flammable waste, and the improper storage of snow machines and appliances that contain flammable fluids such as gasoline or oil.
5. BMC 15.04.040 defines “**health hazard**” as “any parcel or structure which is in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases or permits foul odors or obnoxious or poisonous gases to escape from such parcel or structure.”
6. The Council finds that the property presents a **health hazard** as defined in BMC 15.04.040 **due to the presence of:** trash, waste, and abandoned appliances that collect stagnant water and can breed mosquitoes, leading to public health risks; decomposing organic matter that can attract rodents, insects, and other vermin that encourage disease transmission; and lack of active water or sewer service that creates an unsanitary living environment and potential contamination risks.
7. BMC 15.04.040 defines “**public nuisance**” as “any parcel or structure the condition of which is such as to likely endanger the safety of persons or property of persons other than the owner of the building or structure, whether because of damage, deterioration, dilapidation, or other cause, whether or not the fault of the owner.”
8. BMC 16.12.30 further defines “**nuisance**” as activity which arises from unreasonable, unwarranted or unlawful use by a person of property, which interferes with, obstructs or injures the right of another, or the public, in the use or enjoyment of property, endangers personal health or safety or produces material annoyance, inconvenience and discomfort.
9. The Council finds that the property presents a **nuisance** and a **public nuisance** as defined in BMC 15.04.040 and 16.12.030 **due to the presence of:** abandoned vehicles, snow machines, trash, tires, appliances, and other refuse scattered across the lot in violation of BMC 16.04.010.
10. BMC 13.4.025 and 13.08.035 require the property owner to sign up for **city utility services**. The Council finds that the property owner has not signed up for city utility services as required by the foregoing code provisions.

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II. ORDERS OF THE CITY COUNCIL

1. Pursuant to BMC 15.04.020(A), the City Council ORDERS the property owner to abate the hazards and nuisances, including but not limited to the following, on the following timelines:

- **Within thirty (30) days:**

- Property owners shall eliminate fire hazards as follows: pallets, motors, five-gallon buckets, and gas cans must be removed or neatly organized inside an enclosed, weatherproof, fire-resistant structure if intended for personal use; otherwise, they must be disposed of properly.
- Property owners shall remove or neatly organize all loose trash and debris including broken tarps, cardboard boxes, scattered trash cans, totes, and/or other items.
- Property owners shall organize salvageable property by neatly storing, safely stacking, and securing such property against tipping or damage; if deemed unusable, such property must be disposed of properly.
- Property owners shall remove any remaining loose or broken materials that pose trip, fall, or fire risk, and maintain walkways, access areas, and rights-of-way free from obstruction and debris.
- The City shall verify that cleanup efforts are underway.

- **Within fourteen (14) days**, if the residence is occupied, the property owners shall sign up for city utilities (water and sewer).

- **Within sixty (60) days**, the City shall inspect the property to ensure all abatement efforts have been completed.

2. Removal of the hazards and public nuisance shall be completed by the above timelines after **final written notice** is mailed to the owner.
3. If the hazards and public nuisance are not abated by the imposed deadlines, the City may initiate abatement of its own volition as stated in BMC 15.04.020(D) and (E), and the cost of correcting the condition **shall be a lien against the land**, subject to recording and foreclosure as provided in BMC 15.04.020(G).
4. The City Clerk is directed to, at minimum, cause a copy of this Order to be conspicuously posted on the property and to mail a copy to the property owner.

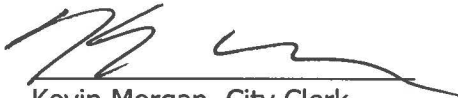
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5. As provided in BMC 15.04.020(C), at any time before the date set for completion of the Council orders, the owner of the property **may request a rehearing**. The request for rehearing shall include a notarized statement setting out with specificity the corrective actions taken or initiated, and how these steps did or will eliminate the hazards or nuisance found by the City Council.
6. As provided in BMC 15.04.030, the owner of the property or their agent **may appeal the decision and order of the City Council to the Alaska Superior Court** in accordance with the court rules of appellate procedure. A request for a rehearing does not toll the time for filing the notice of appeal.

RESOLVED THIS 13th DAY OF MAY 2025 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.


Rose Henderson, Mayor




Kevin Morgan, City Clerk

Introduced by: Mayor Henderson
Date: May 13, 2025
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Resolution #25-07

A RESOLUTION AND ORDER BY THE BETHEL CITY COUNCIL DECLARING THE PROPERTY AT 140 TORGERSON, GENERALLY DESCRIBED AS LOT 11, BLOCK 3, PLAT #70-444, BETHEL ALASKA, A PUBLIC NUISANCE AND A FIRE HAZARD, AND ORDERING THE ABATEMENT THEREOF

WHEREAS, the legal description of the property is 140 Torgerson, Lot 11, Block 3, Plat #70-444, recorded in the Bethel Recording District, Fourth Judicial District, State of Alaska, subject to reservations, exceptions, easements, covenants, conditions and restrictions of record, if any;

WHEREAS, pursuant to Bethel Municipal Code (BMC) 15.04.010, the Bethel City Council received a written report on March 19, 2025, from the City Manager that the property located at 140 Torgerson as identified on the City's address map, constitutes a fire hazard and a public nuisance;

WHEREAS, the report identified the Moravian Church as the property owner of record;

WHEREAS, pursuant to BMC 15.04.010(B), after receiving the report regarding the potential nuisance, the Bethel City Council set a hearing for April 30, 2025, and the City Clerk notified all necessary parties;

WHEREAS, pursuant to BMC 15.04.010(C), on April 4, 2025, notice to the property owners was provided by the City Clerk prior to the hearing by certified mail along with a copy of the record, posting notice of the hearing in three public places around town, and posting notice of the hearing at the property;

WHEREAS, pursuant to BMC 15.04.010(D), a hearing on the matter was held on April 30, 2025;

WHEREAS, the City Administration, City Manager Lori Strickler, and City Planner Lee Foley, presented evidence that the property described herein constitutes a public nuisance and a fire hazard;

WHEREAS, Arthur Coolidge and Clifford Jimmie, representing the Moravian Church, attended the April 30, 2025, hearing; and

WHEREAS, based on evidence presented at the hearing, the Council found that the City Manager's report was substantially correct in all material respects and that there exists on the property a fire hazard and public nuisance as those terms are defined in BMC 15.04.040, and that these conditions require abatement.

Introduced by: Mayor Henderson
Date: May 13, 2025
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Vote: 6-0

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHEL,

The property located at 140 Torgerson, Bethel, Alaska, with the legal description stated above is declared a public nuisance and a fire hazard. The Council hereby makes the following findings of fact and conclusions of law, and issues the following orders:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Titles 15, 16, 17, and 18 of the Bethel Municipal Code require the City to enforce platting, land use, and site development code provisions in order to promote a logical growth pattern within the city and the economic extension of public services and facilities; encourage the most appropriate use of land throughout the city; reduce congestion in the streets; enhance safety from fire, flooding and other dangers; provide adequate light, air and open space; Preserve property values; prevent the overcrowding of the land; avoid undue concentration of population; facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities; assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons; assure that the burdens placed on public facilities by development are borne by the development; and promote the public health, safety and welfare.
2. The City Manager's report is **substantially correct in all material respects** as required for the declaration of a fire hazard and public nuisance at the property under BMC 15.04.010(D).
3. BMC 15.04.040 defines "**fire hazard**" as "any structure, which, for want of proper repairs, or by reason of age or dilapidated condition, or by reason of poorly installed or defective electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated and occupied as to endanger any other structure or property or human life. Such term shall also mean and include any structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such structure, premises, or human life. Such term shall also mean and include any situation or condition in which any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind is especially liable to cause or spread fire or endanger the safety of any structure, premises or human life."
4. The Council finds that the property presents a **fire hazard** as defined in BMC 15.04.040 and Section 304 of the International Fire Code **due to the presence of**: open flames and combustible debris accumulation, with unauthorized individuals occupying the structure and using open flames, portable stoves, or makeshift wood-burning devices as well as potential flammable materials such as clothing, cardboard, bedding, plastic, and trash all of which serve as accelerants in the event of ignition.

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5. BMC 15.04.040 defines "**public nuisance**" as "any parcel or structure the condition of which is such as to likely endanger the safety of persons or property of persons other than the owner of the building or structure, whether because of damage, deterioration, dilapidation, or other cause, whether or not the fault of the owner."
6. BMC 16.12.30 further defines "**nuisance**" as "activity which arises from unreasonable, unwarranted or unlawful use by a person of property, which interferes with, obstructs or injures the right of another, or the public, in the use or enjoyment of property, endangers personal health or safety or produces material annoyance, inconvenience and discomfort."
7. The Council finds that the property presents a **nuisance** and a **public nuisance** as defined in BMC 15.04.040 and 16.12.030 **due to the presence of:** accumulated trash, debris, and overgrowth in and around the structure; lack of maintenance and neglect over an extended period of time; collapsing or unstable walls and roof; missing or broken doors and windows, and the presence of unauthorized individuals on the property engaging in potentially criminal activity.
8. The Property owner testified that they wish to dispose of the building and contacted a demolition company to demolish the structure but have not heard back yet.

II. ORDERS OF THE CITY COUNCIL

1. Pursuant to BMC 15.04.020(A), the City Council ORDERS the property owner to abate the hazards and nuisances, including but not limited to the following, on the following timelines:
 - **Within 120 (One Hundred and Twenty) Days:**
 - Property owner shall demolish, remove, and dispose of the structure in its entirety including all debris, foundations, and hazardous materials.
 - **Within 60 (Sixty) Days,** the City shall inspect the property and/or communicate with the property owner to ensure that progress is being made toward demolition, including but not limited to a signed contract with a demolition company.
2. Removal of the hazards and public nuisance shall be completed by the above timelines after **final written notice** is mailed to the owner.
3. If the hazards and public nuisance are not abated by the imposed deadlines, the City may initiate abatement of its own volition as stated in BMC 15.04.020(D) and (E), and the cost of correcting the condition **shall be a lien against the land**, subject to recording and foreclosure as provided in BMC 15.04.020(G).

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4. The City Clerk is directed to, at minimum, cause a copy of this Order to be conspicuously posted on the property and to mail a copy to the property owner.
5. As provided in BMC 15.04.020(C), at any time before the date set for completion of the Council orders, the owner of the property **may request a rehearing**. The request for rehearing shall include a notarized statement setting out with specificity the corrective actions taken or initiated, and how these steps did or will eliminate the hazards or nuisance found by the City Council.
6. As provided in BMC 15.04.030, the owner of the property or their agent **may appeal the decision and order of the City Council to the Alaska Superior Court** in accordance with the court rules of appellate procedure. A request for a rehearing does not toll the time for filing the notice of appeal.

RESOLVED THIS 13th DAY OF MAY 2025 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.


Rose Henderson, Mayor




Kevin Morgan, City Clerk