

CITY OF BETHEL, ALASKA

Nuisance Abatement Resolution #26-01

A RESOLUTION AND ORDER BY THE BETHEL CITY COUNCIL DECLARING THE PROPERTY AT 251 AKIAK DRIVE, BETHEL ALASKA, A PUBLIC NUISANCE AND HEALTH HAZARD, AND ORDERING THE ABATEMENT THEREOF

WHEREAS, the legal description of the property subject to this resolution and order is 251 Akiak Drive, 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, on July 31, 2026, the City Administration served the property owner of 251 Akiak Drive a notice of a wastewater leak on their property and was notified to correct the nuisance and was notified that failure to correct the nuisance may result in abatement of the nuisance by the city;

WHEREAS, on August 12, 2026, the City Administration served the property owner a notice again about the continuing sewer line/plumbing violation and was reminded to correct the violations;

WHEREAS, pursuant to Bethel Municipal Code (BMC) 15.04.010, the Bethel City Council received a written report on August 14, 2026, from the City Manager that the property located at 251 Akiak Drive as identified on the City's address map, constitutes a public nuisance and a health hazard;

WHEREAS, the report identified Larry Little 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 August 21, 2026, and the City Clerk notified all necessary parties;

WHEREAS, pursuant to BMC 15.04.010(C), on August 17, 2026, notice to the property owner 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 serving notice of the hearing at the property along with a copy of the record;

WHEREAS, pursuant to BMC 15.04.010(D), a quasi-judicial hearing on the matter was held on August 21, 2026;

WHEREAS, council members Kime, Keller, Springer, Conrad, Schiedler, and Miner were present for the hearing;

Introduced by: Councilmembers
Conrad, Kime, Keller,
Schiedler, Springer,
Miner

Date: August 21, 2026

WHEREAS, it was ruled that Mayor Henderson had a conflict of interest and was excused from the hearing;

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

WHEREAS, the property owner, Larry Little, attended the August 21, 2026, hearing, stated his position, and gave evidence regarding the subject property; 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 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 251 Akiak Drive, Bethel, Alaska, is declared a public nuisance 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 health hazard or public nuisance at the property under BMC 15.04.010(D).
3. 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."

Introduced by: Councilmembers
Conrad, Kime, Keller,
Schiedler, Springer,
Miner

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4. The Council finds that the property presents a **health hazard** as defined in BMC 15.04.040 **due to the presence of:** open sewage and wastewater leak that creates an unsanitary living environment and potential contamination risks to the property and neighboring properties.
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:** open sewage and a wastewater leak in violation of BMC 16.04.010(A)(9).

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:
 - **By August 24, 2026, at 12:00 p.m.:** Property owner shall present to the City a plan for abating the nuisance as set forth below.
 - **By August 25, 2026:** Property owner shall repair the source of the wastewater discharge and take any necessary measures to prevent further releases of sewage from occurring. Property owner should also notify the Alaska Department of Environmental Conservation to ensure that untreated wastewater does not cause further public health and environmental risks and comply with any applicable state requirements.
 - The City shall verify that cleanup efforts are underway.
 - The City may extend the foregoing deadline, for good cause shown.
2. Due to the health hazard presented by the property, removal of the hazards and public nuisance shall be completed by the above timeline in lieu of the timelines presented BMC 15.04.020(B)

Introduced by: Councilmembers
Conrad, Kime, Keller,
Schiedler, Springer,
Miner

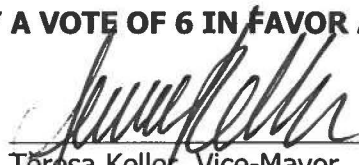
Date: August 21, 2026

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 or served 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.

Motion made by: Council Member Springer

Seconded by: Council Member Miner

ENACTED THIS 21st DAY OF AUGUST 2026 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.


Kevin Morgan, City Clerk
Teresa Keller, Vice-Mayor