

**Regular Meeting**  
**Tuesday, November 12, 2024**  
**6:00 p.m.**



**Unalaska City Hall**  
**Council Chambers**  
**43 Raven Way**

**Council Members**  
Thomas D. Bell  
Darin Nicholson  
Daneen Looby

**Council Members**  
Anthony Longo  
Alejandro R. Tungul  
Shari Coleman

*To Provide a Sustainable Quality of Life  
Through Excellent Stewardship of Government*

## **UNALASKA CITY COUNCIL**

P. O. Box 610 • Unalaska, Alaska 99685  
Tel (907) 581-1251 • Fax (907) 581-1417 • [www.ci.unalaska.ak.us](http://www.ci.unalaska.ak.us)

**Mayor:** Vincent M. Tutiakoff, Sr. **City Manager:** William Homka  
**City Clerk:** Estkarlen P. Magdaong, [emagdaong@ci.unalaska.ak.us](mailto:emagdaong@ci.unalaska.ak.us)

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### **COUNCIL MEETING ATTENDANCE**

The community is encouraged to attend meetings of the City Council:

- In person at City Hall
- Online via ZOOM (link, meeting ID & password below)
- By telephone (toll and toll free numbers, meeting ID & password below)
- Listen on KUCB TV Channel 8 or Radio Station 89.7

### **PUBLIC COMMENT**

The Mayor and City Council value and encourage community input at meetings of the City Council. There is a time limit of 3 minutes per person, per topic. Options for public comment:

- In person
- By telephone or ZOOM - notify the City Clerk if you'd like to provide comment using ZOOM features (chat message or raise your hand); or \*9 by telephone to raise your hand; or you may notify the City Clerk during regular business hours in advance of the meeting
- Written comment is accepted up to one hour before the meeting begins by email, regular mail, fax or hand delivery to the City Clerk, and will be read during the meeting; include your name

**ZOOM MEETING LINK:** <https://us02web.zoom.us/j/83246795029>

**Meeting ID:** 832 4679 5029 / **Passcode:** 630155

**TELEPHONE: Meeting ID:** 832 4679 5029 / **Passcode:** 630155

Toll Free numbers: (833) 548-0276; or (833) 548-0282; or (877) 853-5247; or (888) 788-0099

Non Toll-Free numbers: (253) 215-8782; or (346) 248-7799; or (669) 900-9128

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## **UNALASKA CRAB, INC.**

### **Annual Meeting Agenda**

1. Call to order
2. Adjourn

### **Board of Directors Meeting Agenda**

1. Call to order
2. Roll call
3. Adopt Agenda
4. Approve Minutes – [September 24, 2024](#)
5. [Resolution 2024-03](#): Election of Officers
6. [Resolution 2024-04](#): Addendum to the Regional Landing Requirement Framework Agreement
7. Adjourn

# UNALASKA CITY COUNCIL AGENDA

1. **Call to order**
2. **Roll call**
3. **Pledge of Allegiance**
4. **Recognition of Visitors**
5. **Awards and Presentations:** [Community Extra Mile Awards](#)
  - a. John Russel Laforteza
  - b. Shelly Blakeley
6. **Adoption of Agenda**
7. **Approve Minutes of Previous Meeting** – [October 22, 2024](#)
8. **Reports**
  - a. [City Manager](#)
  - b. Board and Commission Minutes (no presentation)
    - i. [PCR Advisory Committee Meeting Minutes – September 9, 2024](#)
9. **Community Input & Announcements** *Members of the public may provide information to council or make announcements of interest to the community. Three-minute time limit per person.*
10. **Public Comment on Agenda Items** *Time for members of the public to provide information to Council regarding items on the agenda. Alternatively, members of the public may speak when the issue comes up on the regular agenda by signing up with the City Clerk. Three-minute time limit per person.*
11. **Work Session** *Work sessions are for planning purposes, or studying and discussing issues before the Council.*
  - a. [APIA Clinic Proposal](#)
  - b. [Review and comment on CMMP and Budget Schedule](#)
12. **Regular Agenda** *Persons wishing to speak on regular agenda items must sign up with the City Clerk. Three-minute time limit per person.*
  - a. [Resolution 2024-48](#): Authorizing the City Manager to enter into a three-year agreement with ESRI for GIS software and support
  - b. [Ordinance 2024-15](#): (1<sup>st</sup> Reading) Amending Title 14 of the Unalaska Code of Ordinances regulating the use of off-road or all-purpose vehicles within City limits
  - c. [Travel Approval](#): NPFMC meeting December 2-10, 2024 Anchorage, AK
13. **Council Directives to City Manager**
14. **Community Input & Announcements** *Members of the public may provide information to council or make announcements of interest to the community. Three-minute time limit per person.*
15. **Adjournment**

**UNALASKA CRAB, INC.**  
**MINUTES**  
**Board of Directors Meeting – September 24, 2024**

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1. **Call to order.** The corporation president, Vincent M. Tutiakoff, Sr. called the board of directors meeting of the Unalaska Crab, Inc. to order on September 24, 2024 at 6:00 p.m.
2. **Roll call.** Secretary conducted a roll call. All board directors were present in person. Quorum established.
3. **Adoption of agenda.** Looby moved to adopt the agenda, with second by Tungul. Motion adopted by consensus.
4. **Approve Minutes of Previous Meeting.** Coleman moved to approve the proposed minutes of the meeting held November 14, 2023, with second by Longo. Hearing no objection, motion approved by consensus.
5. **Resolution 2024-01:** Approving the Regional Landing Requirement Relief Framework Agreement

Tungul moved to adopt Resolution 2024-01, with second by Longo.

Roll call vote: Coleman – yes; Bell – yes; Nicholson – yes; Longo – yes; Tungul – yes; Looby – yes. Motion passed 6-0.

6. **Resolution 2024-02:** Appointing a registered agent

Nicholson moved to adopt Resolution 2024-02, with second by Longo.

Roll call vote: Nicholson – yes; Looby -yes; Coleman – yes; Tungul – yes; Longo – yes; Bell – yes. Motion passed 6-0.

7. **Adjournment.** Having completed all items on the agenda, Mr. Tutiakoff, Sr. adjourned the meeting at 6:06 pm.

These minutes were approved at the Board of Directors Meeting of the Unalaska Crab, Inc. on November 12, 2024.

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Estkarlen P. Magdaong, CMC  
Secretary

**UNALASKA CRAB, INC.**

**RESOLUTION 2024-03**

WHEREAS, Unalaska Crab, Inc. has adopted Articles of Incorporation and been issued a Certificate of Incorporation by the State of Alaska; and

WHEREAS, Article IV, Section 1 of the Bylaws of Unalaska Crab, Inc. provide for election of a President, Vice-President, Secretary and Treasurer as officers of the Corporation; and

WHEREAS, the election of officers is to be held at the first meeting of the Board of Directors held after the Annual Meeting of the members of the Corporation; and

WHEREAS, the 2024 Annual Meeting of the corporation has been held.

NOW THEREFORE, IT IS HEREBY RESOLVED that Vincent M. Tutiakoff, Sr. shall serve as President of the Corporation, Alejandro Bong Tungul shall serve as Vice-President of the Corporation and Estkarlen P. Magdaong shall serve as Secretary and Treasurer of the Corporation until the next annual election of officers to be held at the first meeting of the Board following the 2025 Annual Meeting of members.

DULY ADOPTED at a meeting of the Board of Directors of Unalaska Crab, Inc., on November 12, 2024.

UNALASKA CRAB, INC.

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Vincent M. Tutiakoff, Sr.  
President

ATTEST:

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Estkarlen P. Magdaong, CMC  
Secretary



**UNALASKA CRAB, INC.**

**RESOLUTION 2024-04**

A RESOLUTION OF UNALASKA CRAB, INC. APPROVING OF AN ADDENDUM TO THE REGIONAL LANDING REQUIREMENT FRAMEWORK AGREEMENT FOR THE 2024-2025 FISHING SEASON

WHEREAS, the Proposed Addendum outlines the situation we are facing since there is no processing plant available to process the North Regions 1.6 million pounds of Snow Crab for the 2024-2025 season; and

WHEREAS, an exemption contract will be negotiated which will allow for the processing of the northern region crab in the southern region community; and

WHEREAS, with the small Snow Crab allocation of 4.72 million pounds and the uncertainty of Snow Crab seasons in future years the addendum deletes compensatory crab landings as compensation for this season only; and

WHEREAS the proposed addendum will allow only monetary compensation for this year's fishery that will be executed in an exemption contract for compensation for St Paul which will be negotiated by a committee representing all sectors, harvester's processors, and communities; and

WHEREAS, the proposed addendum also changes the threshold level of 5.0 million pounds of Snow Crab in the Framework agreement, which is not an appropriate level for this season, to allow for monetary compensation and have proposed to change the threshold level, to 4.72 million pounds this season Snow Crab allocation for the 2024-2025 season; and,

NOW THEREFORE BE IT RESOLVED that Unalaska Crab Inc is in support of approving the Addendum to Regional Landing Framework Agreement to address the lack of a northern region processing plant, and to allow for changes in compensation and Snow Crab threshold levels for the 2024-2025 Snow Crab season.

DULY ADOPTED at the meeting of the Board of Directors of Unalaska Crab, Inc. on November 12, 2024

UNALASKA CRAB, INC.

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Vincent M. Tutiakoff, Sr.  
President

ATTEST:

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Estkarlen P. Magdaong, CMC  
Secretary

**2024-25 Addendum to  
Regional Landing Requirement Relief  
Framework Agreement**

November 5, 2024

RECITALS

- A. The Regional Landing Requirement Relief Framework Agreement (“Framework Agreement”) was originally written to serve as part of the Preseason Application amongst IFQ holders, IPQ holders, and affected communities (“the Parties”) seeking an exemption from regional delivery requirements in the Crab Rationalization (CR) Program’s North or South regions when natural or man-made circumstances hinder harvesting activities and/or restrict access to processing facilities in the North or South Regions. Namely, the Final Rule implementing Amendment 41 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Amendment 41) cited icing conditions each year that could be an obstacle to delivering crab harvested with a North Region IFQ in the North Region.
- B. In order to jointly apply for and receive an exemption from regional delivery requirements, Amendment 41 established a two-step process: a Preseason Application which includes a Framework Agreement among interested Parties and an In-season Notice of Exemption which includes an Exemption Contract among interested Parties.
- C. With the above process established to respond to natural or man-made circumstances preventing harvesting and/or processing in a region, the Parties to the Framework Agreement developed provisions and mechanisms to reduce the need for and amount of a Regional Landing Requirement exemption including the yearly adoption of Fishery Guidelines and the development of a Reserve Pool approach.
- D. In addition, Section 6 of the Framework Agreement states that “[i]n connection with events involving a Bering Sea snow crab (BSS) Regional Landing Requirement exemption for up to five (5) million pounds of crab, the IFQ and IPQ holders shall make compensatory landings...in an amount equal...to the amount of crab delivered outside of its originally designated region.” In connection with events involving a BSS Regional Landing Requirement exemption for five (5) million or more pounds of crab, Section 6 establishes that: “the type and amount of compensation shall be negotiated as part of each individual exemption contract” and “may include, but is not limited to, compensatory landings and monetary relief.”
- E. The circumstances affecting the 2024-25 BSS season, were not considered either by the Parties or the National Marine Fisheries Service (NMFS) in developing Amendment 41 or the original Framework Agreement. Regulatory requirements regarding the Framework Agreement establish that the Framework Agreement must specify “the circumstances

that could be an obstacle to delivery or processing under which the parties would execute an exemption contract and receive an exemption.”

#### AGREEMENTS

1. Pursuant to the requirements of Amendment 41, this Addendum specifies that the Parties are facing a severely diminished BSS resource in the Bering Sea, and the unavailability of processing facilities in the North Region. Due to the extremely low Bering Sea total allowable catch (TAC) for BSS of 4.72 million pounds for the 2024-25 season, of which approximately 1.6 million pounds are designated for delivery to the North Region, the lone major processor in the North Region announced on October 8, 2024, that it would not be able to process BSS this season, and that alternate processing arrangements in the North Region were not workable given economic and capacity issues. This set of circumstances did not allow enough time to make needed changes to the Framework Agreement reflective of the current situation before the October 15, 2024, deadline.
2. The Parties to this Addendum to the Framework Agreement acknowledge that the current conditions affecting the North Region provide a basis for the Parties to seek an exemption from regional delivery requirements for the 2024-25 BSS season,
3. Therefore, pursuant to regulatory requirements, this Addendum acknowledges that the crab fishery subject to the 2024 Framework Agreement is the BSS fishery.
4. The Parties acknowledge that the above circumstances prevent the operation of a Reserve Pool and other actions that have been taken in previous years to reduce the need for and amount of an exemption per the requirements of Section 4 of the Framework Agreement.
5. The Parties further acknowledge that compensatory landings between regions are not a viable method of compensation under the current conditions of resource uncertainty and processor instability.
6. The Parties also acknowledge that the threshold of five (5) million pounds of BSS to trigger compensatory landings established in Section 6.1 of the Framework Agreement is not applicable to the low-TAC conditions in 2024-25, and shall be waived.
7. Furthermore, the Parties to this Addendum recognize that the only possible type of compensation is monetary relief for communities in the originating region, and that the Parties shall negotiate such relief as part of discussions to develop an Exemption Contract on the basis of lost landing taxes and/or other lost revenues associated with the BSS fishery in the North Region.

EXECUTED as of the date set forth above.

Community Representatives

CENTRAL BERING SEA FISHERMEN'S ASSOCIATION  By: _____ Its: _____	UNALASKA CRAB, INC.  By: _____ Its: _____
ALEUTIAN PRIBILOF ISLAND COMMUNITY DEVELOPMENT ASSOCIATION  By: _____ Its: _____	KODIAK FISHERIES DEVELOPMENT ASSOCIATION  By: _____ Its: _____

Community Representatives for Non-ROFR IPQ

CENTRAL BERING SEA FISHERMEN'S ASSOCIATION  By: _____ Its: _____	ALEUTIAN PRIBILOF ISLAND COMMUNITY DEVELOPMENT ASSOCIATION  By: _____ Its: _____
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IPQ Holders

57 DEGREES NORTH, LLC  By: _____ Its: _____	ALYESKA SEAFOODS, INC.  By: _____ Its: _____
APICDA JOINT VENTURES, INC.  By: _____ Its: _____	ARCTIC SEA HOLDINGS LLC  By: _____ Its: _____
BLUE DUTCH, LLC  By: _____ Its: _____	COASTAL VILLAGES REGION FUND  By: _____ Its: _____

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IPQ Holders Continued

NORQUEST SEAFOODS, INC.  By: _____ Its: _____	PETER PAN SEAFOODS, INC.  By: _____ Its: _____
QUOTA SHARE LEASING, LLC  By: _____ Its: _____	RAS II, LLC  By: _____ Its: _____
ROYAL ALEUTIAN SEAFOODS, INC.  By: _____ Its: _____	TRIDENT SEAFOODS CORPORATION  By: _____ Its: _____

WESTWARD SEAFOODS, INC.  By: _____ Its: _____
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IFQ Holders

ALEUTIAN ISLANDS COOPERATIVE  By: _____ Its: _____	COASTAL VILLAGES CRABBING COOPERATIVE  By: _____ Its: _____
CPH ASSOCIATION  By: _____ Its: _____	DOG BOAT COOPERATIVE  By: _____ Its: _____
INTER-COOPERATIVE EXCHANGE  By: _____ Its: _____	R&B COOPERATIVE  By: _____ Its: _____

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IFQ Holders Continued

TRIDENT AFFILIATED CRAB HARVESTING CORPORATION

By: \_\_\_\_\_

Its: \_\_\_\_\_



*Congratulations!*

**RUSSEL ORENIA LAFORTEZA**

★ Community Extra ★  
Mile Award Recipient



*Congratulations!*

**SHELLY BLAKELEY**

★ Community Extra ★  
Mile Award Recipient



**Regular Meeting**  
**Tuesday, October 22, 2024**  
**6:00 p.m.**



**Unalaska City Hall**  
**Council Chambers**  
**43 Raven Way**

**Council Members**  
Thomas D. Bell  
Darin Nicholson  
Daneen Looby

**Council Members**  
Anthony Longo  
Alejandro R. Tungul  
Shari Coleman

## **UNALASKA CITY COUNCIL**

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Tel (907) 581-1251 • Fax (907) 581-1417 • [www.ci.unalaska.ak.us](http://www.ci.unalaska.ak.us)

**Mayor:** Vincent M. Tutiakoff, Sr. **City Manager:** William Homka  
**City Clerk:** Estkarlen P. Magdaong, [emagdaong@ci.unalaska.ak.us](mailto:emagdaong@ci.unalaska.ak.us)

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## **MINUTES**

1. **Call to order.** Vice Mayor Tungul called the regular meeting of the Unalaska City Council to order on October 22, 2024 at 6:00 p.m.

Council member Coleman read the City's Mission Statement: *To provide a sustainable quality of life through excellent stewardship of government.*

2. **Roll call.** City Clerk called the roll. Council members Nicholson, Bell, Coleman and Tungul were present while Mayor Tutiakoff and Ms. Looby participated remotely. Mr. Longo was absent, excused.
3. **Pledge of Allegiance.** Vice Mayor led the Pledge of Allegiance.
4. **Recognition of Visitors.** Acting City Manager made the following recognition of visitors:
  - a. Denise Rankin and Laresa Syverson from the Ounalashka Corporation;
  - b. Virginia Hatfield from the Museum of the Aleutians;
  - c. Julie Toomey and Ethan Tyler from the Aleut Corporation;
  - d. Sinclair Wilt from Alyeska & Westward Seafoods; and
  - e. Joe Bundrandt and Paul Doremus from Trident Seafoods.
5. Vice Mayor read into record the proclamation declaring November 1, 2024 as Extra Mile Day.
6. **Awards and Presentations.** Vice Mayor acknowledged the 30-year employment anniversary of Trudie Rose-McKeague, from the Supply Division at Department of Public Works. DPW Director Scott Brown spoke and thanked her for her years of service. Vice Mayor and Mr. Brown presented Ms. Rose-McKeague with an anniversary plaque and pin.

Vice Mayor also recognized the 20-year employment anniversary of Mark Chisum, from the Facilities Maintenance Division at the Department of Public Works. Mr. Brown also spoke briefly and thanked Mr. Chisum for his years of service. Vice Mayor and Mr. Brown presented Mr. Chisum his anniversary plaque and pin.
7. **Oaths of Office.** City Clerk administered the oaths of office for Council member Alejandro Bong Tungul for Seat CC-F and Council member Shari Coleman for Seat CC-G.

8. **Appointment of Vice Mayor.** Nicholson moved to appoint Tungul as Vice Mayor, with second by Coleman.

Roll call vote: Coleman – yes; Bell – yes; Nicholson – yes; Tungul – yes; Looby – yes

Motion passed with 5 yes and 0 no.

9. **Adoption of Agenda.** Nicholson moved to adopt the agenda, with second by Coleman. Hearing no objection, motion passed by consensus.

10. **Approve Minutes of Previous Meeting.** Coleman moved to approve the proposed minutes of the meeting held October 8, 2024 as presented, with second by Nicholson. Hearing no objection, the proposed minutes were approved.

11. **Reports.**

- a. Acting City Manager provided additional information for the written report and answered Council questions.

Clerk's note: Acting City Manager welcomed U.S. Representative Mary Peltola as she stopped by and spoke briefly at the meeting.

- b. Board and Commission Minutes (no presentation)

- i. Library Advisory Committee Meeting, September 9, 2024 was also included in the packet for Council's information.

12. **Community Input & Announcements** were given as follows:

- a. Parks, Culture and Recreation Director Roger Blakeley announced programs happening at the PCR.
- b. Virginia Hatfield, MOTA Executive Director, announced programs and events happening at the Museum.
- c. Fisheries Consultant Frank Kelty provided an update on crab season.

13. **Public Comment on Agenda Items.** None

14. **Public Hearing.** Vice Mayor opened the public hearing on Ordinance 2024-13 Amending Title 17 of the Unalaska Code of Ordinances.

There being no testimony, Vice Mayor closed the public hearing.

15. **Work Session.** Nicholson moved to enter into Work Session, with second by Coleman. Hearing no objection, Council entered into Work Session at 6:40 p.m.

- a. Federal Lobbyists Sebastian O'Kelly and Rick Marks discussed proposed Federal Legislative Priorities for FY25 and answered Council questions.

Council discussion.

Coleman moved to return to regular session, with second by Nicholson. Hearing no objection, Council returned to regular session at 7:17 p.m.

16. **Regular Agenda**

- a. Ordinance 2024-13: (2<sup>nd</sup> reading) Amending Title 17 of the Unalaska Code of Ordinances

Coleman moved to adopt Ordinance 2024-13, with second by Nicholson.

Acting City Manager Veeder provided a brief introduction of the ordinance.

Council discussion.

Roll call vote: Bell – yes; Looby – yes; Nicholson – yes; Coleman - yes; Tungul – yes

Motion passed with 5 yes and 0 no. With this vote, Council has adopted Ordinance 2024-13.

b. Ordinance 2024-14: (1<sup>st</sup> Reading) Amending Unalaska Code of Ordinance, Section 6.40.050 (C), Senior Citizen Refund

Coleman moved to introduce Ordinance 2024-14 and schedule it for public hearing and second reading on November 12, 2024; with second by Nicholson.

Acting City Manager provided an overview of the proposed ordinance and introduced City Attorney Sam Severin who provided more information and answered Council questions.

Council discussion.

City Clerk provided information and answered a question from the Mayor.

Roll call vote: Coleman – yes; Tungul – yes; Nicholson – no; Bell – no; Looby – yes

Motion failed with 3 yes and 2 no. Ordinance 2024-14 will not advance to public hearing and second reading.

c. Resolution 2024-44: Amending the language of the funding source for Community Support Grants Program

Nicholson moved to adopt Resolution 2024-44, with second by Bell.

Acting City Manager provided an overview of the resolution.

Council discussion.

Looby moved to amend the resolution as to the funding formula, by increasing from 3.5% to 4.5% of the average General Fund revenue for the five most recently completed and audited fiscal years, with second by Coleman.

Council discussion.

Roll call vote on the amendment: Looby – yes; Coleman – no; Nicholson – no; Tungul – no; Bell – no.

Motion to amend failed with 1 yes and 4 no.

Roll call vote on the main motion: Coleman – yes; Bell – no; Looby – yes; Nicholson - yes; Tungul – yes

Main motion passed with 4 yes and 1 no. With this vote, Council has adopted Resolution 2024-44.

d. Resolution 2024-45: Amending the Community Support Grant Program Guidelines

Nicholson moved to adopt Resolution 2024-45, with second by Coleman.

Acting City Manager provided a brief introduction of the resolution.

Council discussion.

Roll call vote: Bell – no; Nicholson – yes; Tungul – yes; Looby – yes; Coleman – yes.

Motion passed with 4 yes and 1 no. With this vote, Council has adopted Resolution 2024-45.

e. Resolution 2024-46: Identifying the City of Unalaska's Federal Priorities for fiscal years 2025 and 2026

Coleman moved to adopt Resolution 2024-46, with second by Bell.

Acting City Manager provided an introduction for the resolution.

Council discussion.

Bell moved to postpone to the November 12<sup>th</sup> meeting, with second by Nicholson.

Council discussion.

Roll call vote on the postponement: Tungul – no; Coleman – yes; Looby – yes; Bell – yes; Nicholson – yes.

Motion passed with 4 yes and 1 no. With this vote, Resolution 2024-46 has been postponed to the November 12<sup>th</sup> meeting.

f. Resolution 2024-47: Authorizing the City Manager to enter into an agreement with Knik Construction Co., Inc. for the supply of aggregate (rock and traction sand) for road maintenance and landfill use

Nicholson moved to adopt Resolution 2024-47, with second by Coleman.

Acting City Manager provided an overview of the resolution.

Council discussion.

DPW Director Scott Brown answered Council questions.

Roll call vote: Nicholson – yes; Looby – yes; Coleman – yes; Bell – yes; Tungul – yes.

Motion passed with 5 yes and 0 no. With this vote, Council has adopted Resolution 2024-47.

g. Travel approval: Washington, D.C. Lobbying; and Alaska Municipal League Annual Meeting in Anchorage

Coleman moved to approve the Mayor to travel to Washington D.C. and AML in Anchorage, with second by Nicholson.

Council discussion.

Bell moved to amend the motion to include the Mayor and up to two Council members to travel, with second by Nicholson.

Council discussion.

Roll call vote: Tungul – yes; Looby – yes; Bell – yes; Coleman – yes; Nicholson – yes

Motion passed with 5 yes and 0 no. With this vote, Council has approved travel for the Mayor and up to two Council members to travel.

17. **Council Directives to City Manager.** None

18. **Community Input & Announcements** were given as follows:

- a. Mayor Tutiakoff extended his congratulations to Council members Coleman and Tungul on their reelection, and reminded Council members who would like to travel to confirm with the City Manager as soon as possible.

19. **Adjournment.** Having completed all items on the agenda, the Vice Mayor adjourned the meeting at 8:32 p.m.

These minutes were approved by the Unalaska City Council on November 12, 2024.

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Estkarlen P. Magdaong, CMC  
City Clerk

## CITY MANAGER'S REPORT

TO: Mayor Tutiakoff and City Council Members  
FROM: William Homka, City Manager  
DATE: November 12, 2024

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1. **COST OF LIVING ADJUSTMENT FOR UNREPRESENTED EMPLOYEES:** The new pay range matrix for the City's unrepresented employees went into effect on April 1, 2024. These employees did not receive a cost of living adjustment (COLA) or merit increase at the start of the new fiscal year on July 1, 2024. The plan is provide a COLA increase effective January 1, 2024, and also to adjust the pay range matrix accordingly so that the pay scales do not become outdated. We plan to present an ordinance for first reading on November 26, 2024 to update the pay scales. For FY25, we budgeted for a 2% COLA as that was the prediction for calendar year 2025 at the time the budget was adopted. Predictors are now coming in at 2.5% to 3% for 2025. Therefore, a small budget amendment may be needed at some point, if it looks as if budgeted amounts will not cover a COLA more than 2%. There are many factors that impact whether or not a budget amendment is needed, such as vacant positions, overtime and unplanned personal leave cash-outs.
2. **JOINT TRILATERAL MEETING:** I'd like to request we convene a joint meeting of the Unalaska City Council, the Qawalangin Tribal Council and the Ounalashka Corporation Board of Directors on Monday, December 2 , 2024 at 6:00 pm at the Unalaska Public Library. The purpose of the meeting is to discuss the Makushin Geothermal Project. Discussion about a working partnership for all three organizations that can be solidified is a top priority. An agenda is still being developed by the OC CEO, Tribal Administrator and City Manager.
3. **DECEMBER CITY COUNCIL MEETINGS:** Regular City Council Meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month, which would be December 10 and 24. Several council members, the City Manager and Deputy City Manager will be in Anchorage for the AML meeting for the December 10 meeting, and the December 24 meeting is scheduled on Christmas Eve. We also have the December 2 joint Trilateral Meeting. Therefore, I recommend that we have just one regular City Council Meeting in December, on Tuesday, December 17, 2024.
4. **WASHINGTON DC LOBBYING TRIP:** In consultation with the Mayor, federal lobbyists and Ounalashka Corporation, we have decided to reschedule the Washington DC lobby trip to late January or early February 2025. We need additional time to discuss the priorities and to have a joint trilateral meeting. Due to the schedule change, we will bring travel approval for the rescheduled meeting to Council at a later date.
5. **FEDERAL PRIORITIES RESOLUTION:** On October 22<sup>nd</sup>, Council postponed consideration of a resolution regarding federal priorities to the November 12<sup>th</sup> meeting. I would like have additional time to prepare for this topic. Because we recommend delaying the federal lobbying trip, we have some additional time to discuss and formulate our priorities. I will return with a new resolution for federal priorities at the December 17 meeting.



6. **ABANDONED CARS:** The City has been working to identify a site to tow abandoned or derelict vehicles. There are numerous cars that are on public and private property. We have identified a City owned site in the valley to serve as a staging area to implement a program for towing cars. The site is on Upper East Broadway, where the Fire Department previously conducted practice burns.



We are issuing an RFP for towing services and are finalizing how the process will work for draining fluids and removing tires per landfill requirements. The source of money for the work will come from vehicle registration fees collected, income from nuisance abatement fines, and fees assessed for commercial vehicles. More details will be shared as soon as the program is finalized, and fees for services will need to be approved by City Council via amending the City's fee schedule. Once the vehicles are processed, which includes title clearance work from the DMV and police department, they will be taken to the landfill. There are still opportunities for using construction barges for the backhaul.

7. **CEM BREAKWATERS:** At its meeting on October 22<sup>nd</sup>, Council requested a detailed update regarding the failed breakwaters at the CEM Harbor. A consultant to the U.S. Army Corps of Engineers, Verdis, submitted a report dated October 24, 2024. The [seven \(7\) page summary](#) is attached to this report.

7. **STATUS OF OUTSTANDING COUNCIL DIRECTIVES TO MANAGER AND AGENDA ITEM REQUESTS:**

- A. Ordinance change to allow APV use on public roads in Unalaska (6/11 & 9/24/2024):

I. Status: A proposed ordinance is on the November 12 agenda for first reading.

- B. Animal Control Ordinance (6/25/2024): Bring forward to Council a review of the city's animal control ordinances and possible changes to address concerns of public comment on 5/28/2024 by Suzi Golodoff.

I. Status: Staff met with the city attorneys the week of August 26. A proposed ordinance will soon be presented for consideration by Council in response to the directive.

- C. Budget Process (6/11/2024): Research and recommend improvements to the City of Unalaska operating budget process and presentation.

- I. Status: No action as of yet, but the Finance Director is looking into adding a simplified budget document, sometimes referred to as a “Citizen’s Budget”.
- D. Nuisance Abatement (2/27/2024): To move Option 2 as presented on 2/27/2024 memorandum to Council.
- I. Status: The City Attorney prepared an agreement to reimburse the City for nuisance abatement of the two-story building on Blue Fox Alley, and Staff presented the agreement to the presumed heirs of the property, which remains in probate. This agreement is voluntary, and as discussed at the February 27 meeting, the City has no practical means to pursue a normal nuisance abatement process. The presumed owners appeared to be supportive of the agreement, but have not yet signed. The City has offered to waive landfill fees for both properties if they are demolished.
- E. Investment Policy Statement (2/27/2024): Initiate the development of an Investment Policy Statement for the establishment of the permanent fund.
- I. Status: Alaska Permanent Capital Management presented to Council on August 27, 2024; and Joy Merriner from BDO presented Council on September 10<sup>th</sup>. Staff met with BDO’s special services division on October 10 to begin the process of policy development. The next step is for BDO to perform their independent internal review, then provide an engagement letter and proposed amendment to the existing agreement for audit services. Staff is scheduled to meet with representatives of BDO the week of November 11.
- F. Electric Power Cooperative (2/13/2024): Seek consultation on the development of an electrical generation and transmission cooperative between the private and municipal power producers in Unalaska.
- I. Status: On Tuesday July 30, 2024 City staff and Matt Scott of Optimera met with representatives of seafood processing companies at the library. There is agreement about the next step which is to prepare a Request for Qualifications for obtaining professional services to assist with leading the group through an Integrated Resource Plan. In general, an IRP identifies the path forward that will meet everyone’s needs, focuses on an initial 10-year transition period, and develops a 5-year action plan. The organizations will share the costs of the study.
- On September 18, city staff and representatives of seafood processors in Unalaska participated in a Zoom meeting with Clay Koplin of Cordova Electric Cooperative to gain information and perspective on the electric cooperative model.
- On September 27, city staff and representatives of seafood processors and other industry and community leaders met with the visiting group from the Department of Energy to express the community’s power needs.



8. **DPU DIRECTOR RECRUITMENT:** Unfortunately, none of the candidates from our second round of recruitment with Baker Tilly were the right fit. We are beginning to realize that we may not be able to find a candidate that has experience in all of the utility services provided in Unalaska. In the lower 48, electric utilities are typically privatized, and given our present focus on power production and distribution, we are in need of a director who possesses good experience in those disciplines. We will update you as we continue moving forward.
9. **MULTI-YEAR CONTRACTS:** Tonights agenda includes a multi-year contract for ESRI software licenses and support. City Code requires contracts extending beyond a year to be approved by City Council. My team has been finding that past multi-year contracts have not been brought to the Council, Examples include the ESRI and fuel contracts.
10. **STAFFING UPDATE:**

**October 16, 2024 – November 7, 2024**

Type of Action	Number Of	Internal	External
Hires	1	0	1
Pending Hires	2	0	2
Pending Offers	1	0	1
Resignations	1	NA	NA
Separations	1	NA	NA

**Position Openings**

Department	# Of Openings	Notes
DPS	7	Police Sergeant (2), Police Officer (3), Communications Officer, DMV Agent
DPU	7	Director of Public Utilities, Water Operator, Power Plant Operator I, Util Lineman (2), Util Lineman Chief, Apprentice Lineman
DPW	1	Data Specialist I
Fire	1	Fire Fighter
PCR	2	Lifeguard
Planning	1	Associate Planner
Finance	1	Controller
<b>TOTAL</b>	<b>20</b>	

October 24, 2024

U.S. Army Corps of Engineers Alaska District  
2204 Talley Avenue  
JBER, AK 99506

RE: Contract Title: Carl E. Moses Floating Breakwater Dive Inspection  
Contract No.: W911KB24C0024

### **Background**

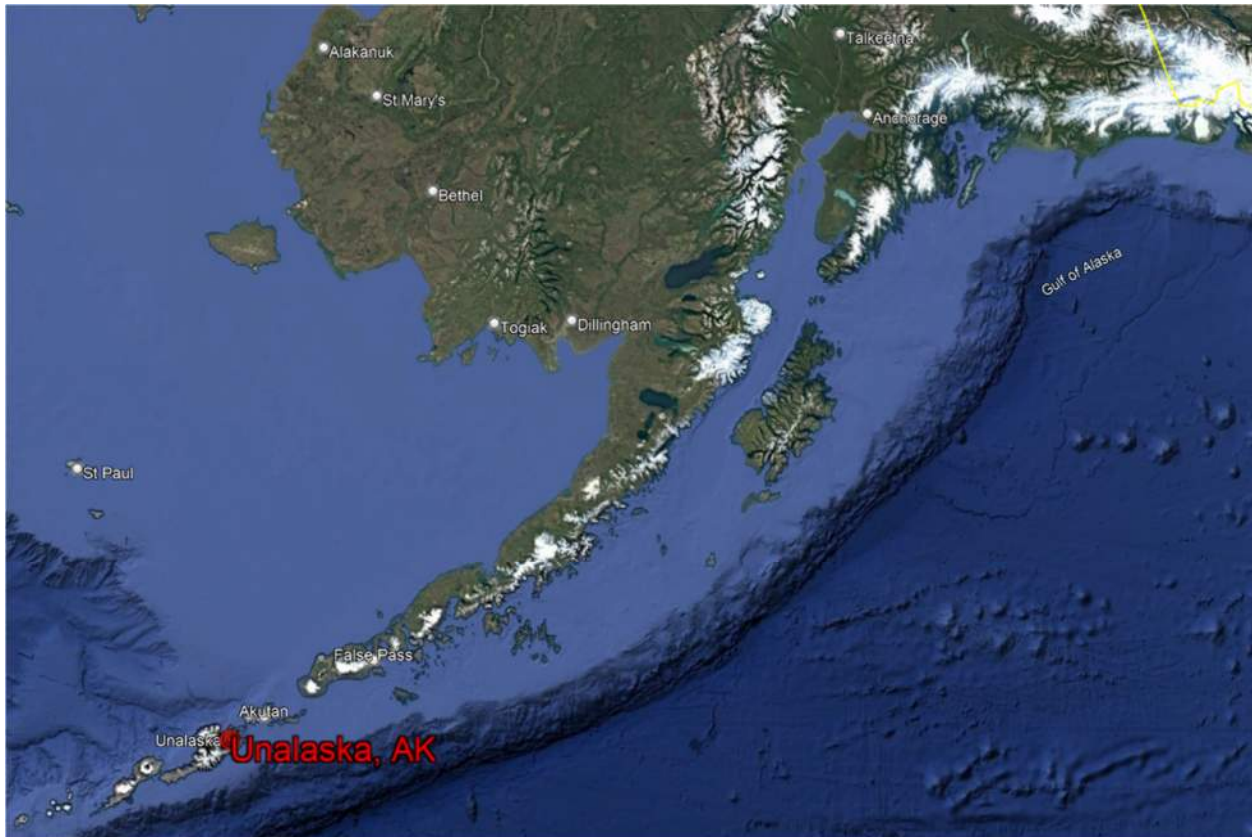
The Carl E. Moses Harbor floating breakwaters consist of two breakwaters constructed from approximately 99 feet by 21 feet by 6 feet concrete pontoon modules connected end-to-end with short chains. There are two separate floating breakwaters (FBW); the North Breakwater composed of five modules and the East Breakwater composed of nine modules. The East Breakwater modules are connected end-to-end with short lengths of chain which include a suspended length of chain at the mid-point which acts as a clump weight and provides tension and shock absorption to hold the modules together. The North Breakwater modules are held together with chains that do not have these clump weights. Several of the North floating breakwater's module-to-module chains are broken.

The floating breakwater modules were constructed in 2011 and moored in place in 2012. The floating breakwater system is moored in place with 48 each 1 ½-inch stud link anchor chains connected to concrete anchor blocks resting on the sea floor (30 chains for the East breakwater and 18 chains for the North breakwater). In most locations, the sea floor is at a depth of 70 to 90 feet, with shallower anchors in the North Breakwater towards the shoreline. Bathymetric survey in April 2024 and surface inspection performed in July 2024 have shown that three of these anchor chains have failed with chain failures occurring at the bottom of the hawse pipe in the floating breakwater modules due to suspected corrosion and mechanical wearing of the chain link surfaces.

Three additional bridled anchor chains were found to be broken during our inspection on the East breakwater.

### **Project Summary**

Verdis and commercial diving subcontractor, Crux Diving conducted an inspection of the FBW anchor system for the Carl E. Moses Harbor in Unalaska, Alaska from 8 October to 15 October 2024. The scope of work was developed by the U.S. Army Corps of Engineers Alaska District (USAED) based on bathymetric survey conducted in April 2024 and surface inspection conducted in July 2024. Verdis and Crux Diving inspections were performed visually at the surface and underwater. The findings and results of this work are provided in this report.



*Vicinity Map*



*Project Location Map*

## Personnel

Neis, Erik	Dive Supervisor
Johnson, Steven	Commercial Diver
Rothacker, Ryan	Commercial Diver
Hoffman, Jedd	Commercial Diver

## References

The following are reports, manuals, and design used for this report:

1. U.S. Army Corps of Engineers Alaska District Inspection Scope of Work for Carl E. Moses Harbor Floating Breakwater Inspection & Repairs, August 27, 2024.
2. Memorandum for United States Army Corps of Engineers, Alaska District, Elmendorf AFB, AK 99506 544<sup>th</sup> Engineer Dive Detachments Ketchikan, AK Floating Breakwater Inspection Report, dated 10 December 2012.
3. United States Army Engineer Division, Alaska Ketchikan – Bar Point Harbor Floating Breakwater Underwater Inspection Report, dated September 1994.
4. EM 385-1-1 USACE Safety and Health Requirements Manual.

## Scope of Work

In working with USAED representatives, a scope of work consisting of the following objectives:

1. Clean inspection points of each chain – anticipated to be 45 anchor chains. 1-1/2-inch, Grade 2, galvanized steel chain.
2. Go-No Go Gauge measure first link below Hawse pipe of each anchor chain.
3. Go-No Go Gauge measure chain link 10 links below the Hawse pipe chain link measurement of each anchor chain.
4. Go-No Go Gauge to measure the mid-span chain link of 10 random anchor chains.
5. Target when the anchor chain is suspended above the seal floor for three of the 10 random anchor chains included in #4 above.
6. Photograph and document damage and failures observed of each chain during the inspection.
7. Document the unique condition of each chain (i.e. slack chain buried below mudline, chain wrapped around anchor block, harbor pipe/structure near chain, depth/extends of marine growth on anchor chain, etc.)
8. Open each chain locker at the surface of the FBW and record the number of links above the locking plate for each anchor chain.
9. Replace missing or damaged bolts/washers at each chain locker.
10. Dry the screw holes and apply marine anti-seize to fully cover the bolt threads before replacing.
11. Inspect and photograph each FBW module-to-module connection to verify chain attachments on the North Breakwater.

## Inspection Findings

The FBW Component Naming Convention is included in Appendix A of this report for reference to inspection notes and findings. For the purposes of this report, references to north and south are aligned with the length of the east floating breakwater, and similarly, east and west are aligned with the length of the north floating breakwater.

### 1. Site and Equipment Set up

The surface and underwater working platform and equipment storage area was conducted from the deck of a 130-foot dive support vessel owned and operated by Resolve Marine moored in Dutch



Harbor, AK. The vessel was sufficient to allow the free movement and deployment of a crew of four, two divers, standby diver, and dive superintendent.

Dive operations were conducted by having the vessel moored to the FBW for the dive inspections. Once moored, divers generally entered the water by jumping from the low stern of the vessel. Recovery of divers was performed with the assistance of the dive tender and the diver exited the water using the ladder to re-board the vessel.



*Dive Vessel*

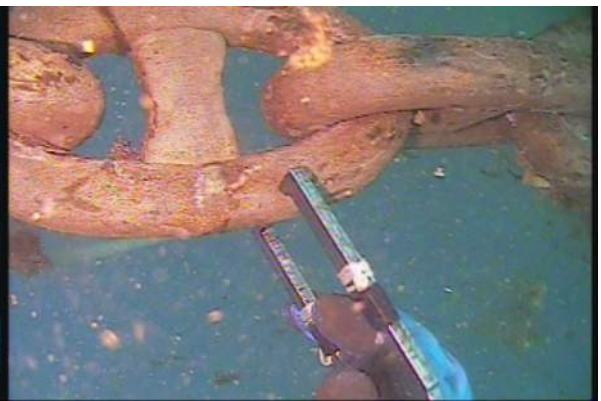
## 2. Underwater Chain Inspection

There are a total of 48 anchor chains, 30 anchor chains on the East FBW and 18 anchor chains on the North FBW. Three (3) anchor chains are known to be broken on the East FBW connecting to anchors E10, E21, and E24.

Inspection locations were cleaned of marine growth and scale prior to measurement. A Go-No Go Gauge machined to a five-thousandth (.005) accuracy to measure the corrosion of single and double chain links to observe if they were less than 80%, between 80% and 90%, or greater than 90% of original dimension. Divers estimated the gap between the chain and the jaws of the Go-No Go gauge to refine the measurements when appropriate.



*Double Link Gauge*



*Single Link Gauge*

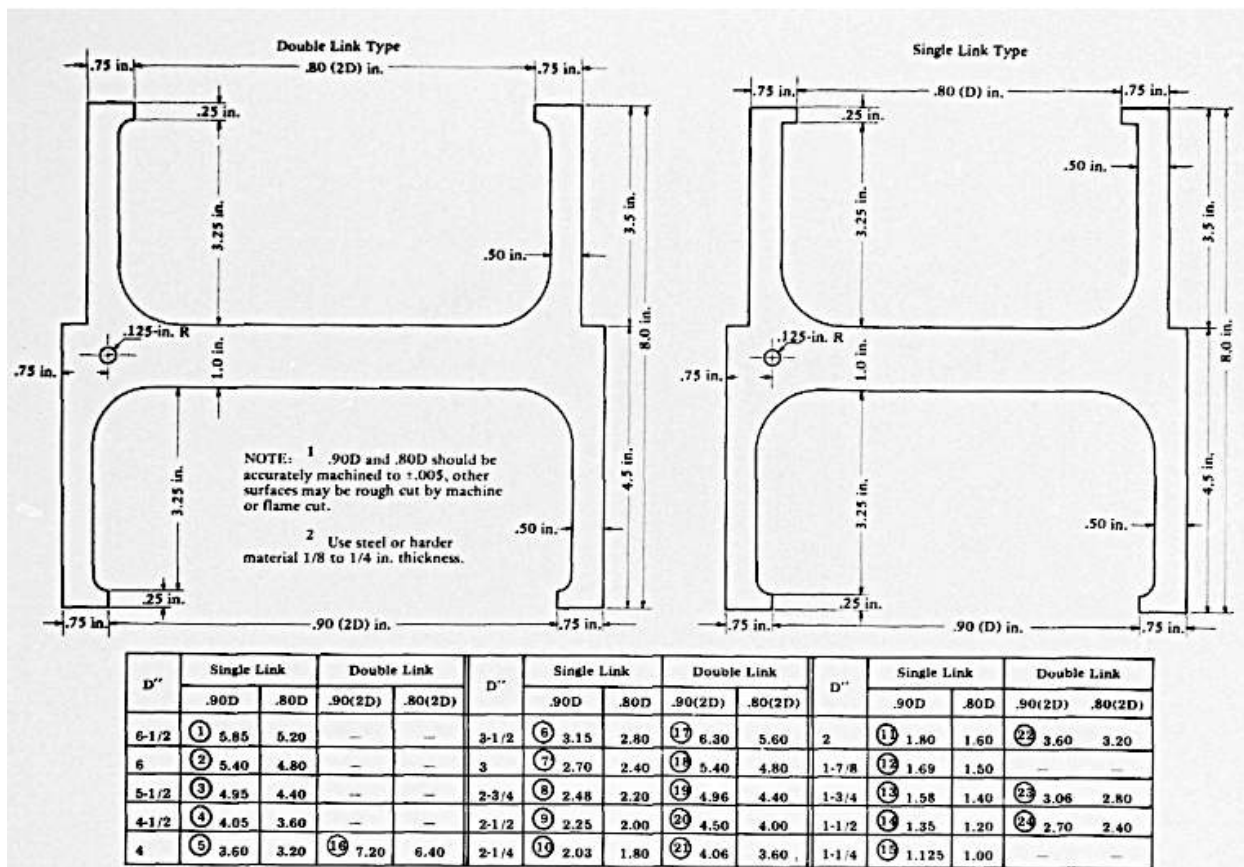
Chain links were measured at the first accessible link below the Hawse pipe and 10 links below the Hawse pipe at 45 anchor chain locations. Additionally, a chain link at the midspan of the anchor chain was measured on 11 random anchor chains. Three measurements of shackles and adjacent chains, at anchor blocks, were performed where the chain was suspended above the sea floor. Chain measurements were recorded at or near anchor blocks at nine locations. These minor variations from the scope of work were clarified and approved by USAEDs field representative. The measurements and observation notes are presented in Appendix B of this report.

Measurements less than 90% we located at the bottom of Hawse pipe on anchors E4, E5A (broken), E10 (broken), E13, E15, E18, E19A (broken), E21 (broken), E23, E24 (broken), E25A (broken), E27, N2, N4A, N5, N7A, N8, N10, N12A, NL17, and NL18. Measurements taken 10 links below the bottom of Hawse pipe were 90% or greater. Measurements taken at midspan and at or near the anchor blocks were all greater than 90%.



Observed Marine Growth, typ.

Additional observations are provided in Appendix B including the location of the anchor chain relative to the mudline and anchor block.



Go-No Go Gauge

### 3. Surface FBW Chain Inspection

Each chain locker at the surface of the FBW was opened and inspected to document the number of links stored in each of the 60 chain lockers. Chain locker E10 was not opened or inspected as directed by USAED personnel onsite during the inspection phase of work since it was known that the locker did not contain any chain. Links were documented, photographed and the chain locker covers were replaced and bolted. No bolts or washers were lost, and all bolts were coated with marine anti-seize prior to fastening. The bolt screw holes were dried prior to fastening.



*Chain Locker, typ.*

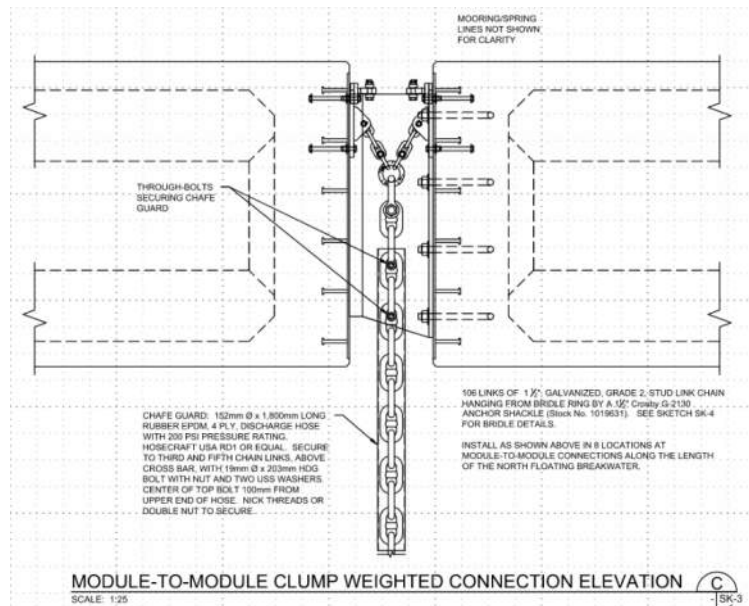
One washer, at or near locker E2B, was missing prior to the inspection and the bolt was reinstalled without a washer. It was noted that tightening the bolts did not always clamp the washer, however all bolts were securely tightened. These findings are included in Appendix C of this report.

Generally, each chain locker had sufficient additional links to relocate the chain to accommodate the corroded chain links at the bottom of the Hawse pipe, assumed to require approximately 10 chain links. One chain locker contained only 11 additional links at N15B, this was the smallest number of additional links available.

### 4. Module-to-Module Connection

Each of the module-to-module connections, four for the North FBW and eight for the East FBW, were inspected to verify installation and photograph the chain attachment. Module connections included springlines, chains, bumpers and hardware. The condition of each component is noted in Appendix C.

The East FBW has two of eight module connections intact. The remainder of the connections have one broken springline and both springlines broken on one connection. The North FBW has broken chains on three of four connections and one to two springlines broken on all modules.





## Conclusion

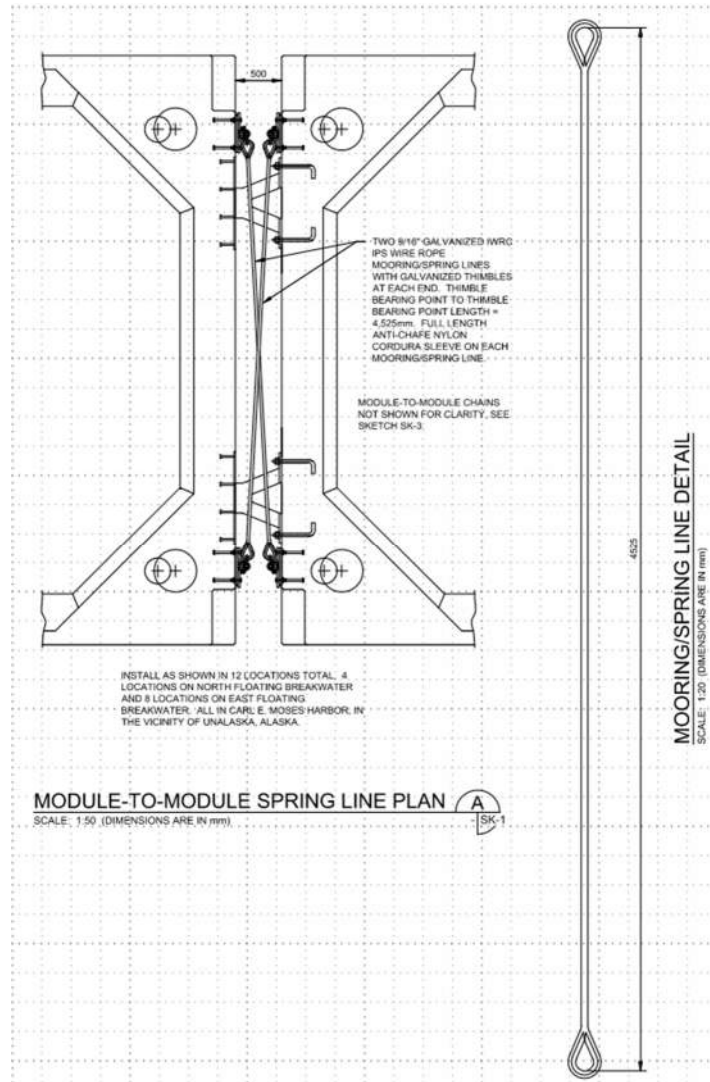
All required inspections/observations were performed in accordance with the Scope of Work and contract requirements or as field clarified by the USAED representative. Inspections were performed from October 8 through October 15, 2024, with three days of no work due to high winds. The repair work associated with the FBW will require the use of barge mounted cranes and will be susceptible to moderate wind speeds, which will complicate scheduling of the work especially through the winter months.

USACE should consider routine inspections of the North and East FBW on an annual or biannual basis. The FBW is approximately 12 years old and there is significant wear and maintenance required. Future repairs may require additional work if spare chain located in the chain lockers are used for the repairs observed during this dive inspection.

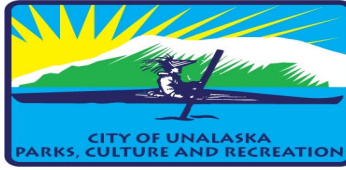
All photos and dive videos have been provided to USACE staff from the Phase 1 dive inspection.

## Appendices

Appendix A	FBW Component Naming Convention
Appendix B	Chain Measurement (Go-No Go Gauge measurement) Summary
Appendix C	Chain Locker and Module Connection Summary
Appendix D	Daily Dive Reports







## **City of Unalaska | Department of Parks, Culture and Recreation Advisory Committee Meeting Minutes for September 9, 2024**

Members present: Thomas Roufos, Greg Peters, Ben Knowles, Jill Spetz, Ryan Humphrey

The Parks, Culture and Recreation Advisory Board Meeting was called to order at 5:30 p.m. on September 9, 2024, in the conference room at PCR

Recognized visitors to the meeting, Jolene Longo, Jeffery Milkes

### **New Business**

The Advisory Board had a presentation from Jeffery Milkes of Berry Dunn and associates on the master plan process and the different sections of the plan. (See Attached) The plan is moving along on schedule and at the next meeting in October the Advisory Board should have a first completed draft plan to look at.

### **Old Business**

Jolene said that before the winter season that additional soil and seed would need to be placed at Kelty Field. Additional infield mix needs to be purchased.

### **Committee Members Comments**

Greg asked if the City had applied for the brown fields grant for the multi-use facility. Thomas explained that the City had not applied for the grants at this time, and that the brownfields grant might not be the best place to look for the money to build the multi-use facility. We should look at FEMA to help with the building. The City is in the process of hiring a grants writer and they would be starting on the 16<sup>th</sup> of the month.

Ben said the Adult Soft Ball season went great but that field work was desperately needed. More grass on the out field and infield mix was needed for the infield. He also said that the bases needed to be realigned and that was going to take some extra coordination. Some of the work could be done by volunteers but some of the work needed to be done by the City. Next year they were thinking of having a 4<sup>th</sup> of July start of the season. The Softball Adult League volunteers had also put in electrical conduit to the pitcher mound in order to have a pitching machine for Little League. Little League would be playing on Saturday and Adult soft ball would be on Sundays next year.

Ben asked who maintains the fire alarm box at the pool? It is a relay box but that It is not working properly and needs some maintenance.

The Men's locker room at the pool needs to be clean better. Even though the school janitorial service has been lacking due to the illness of the person assigned to the building the men's locker room needs attention. Roger said that he would get on it and put extra shifts to clean the locker room.

Roger talked to the group about the PAC desire to pick up some of the programs from the Arts Council, one of the things we are looking at doing is a coffee house program on the 26, of September. Jill said that other non-prophets were also considering doing a version of the coffee house.

**Next meeting is October 21, 2024.**

**Adjournment at 6:41 p.m.**

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## MEMORANDUM TO COUNCIL

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**To:** Mayor and City Council Members  
**From:** Cameron Dean, Planning Director  
**Through:** William Homka, City Manager  
**Date:** November 12, 2024  
**Re:** APIA Clinic Proposal

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**SUMMARY:** The Aleutian and Pribilof Islands Association (APIA) has requested using approximately three acres of City owned land adjacent to City Hall to construct a healthcare facility.

**PREVIOUS COUNCIL ACTION:** None as relates to this proposal. Council regularly awards funding to APIA for behavioral healthcare through the Community Support Grant program. In 2023, Council leased the area across the street from City Hall to Iliuliuk Family Health Services (IFHS) to construct a healthcare facility.

**BACKGROUND:** Staff met with APIA representatives to discuss their concept for a healthcare facility on July 2, 2024. Since then, Staff have continued corresponding with APIA to gather more details of their proposal.

**DISCUSSION:** APIA currently provides primary care services to Indian Health Service (IHS) beneficiaries and veterans, as well as behavioral health services to the general public, in Unalaska. It serves both the local community and other communities in the region that fly through Unalaska as a hub. APIA leases about 2000 sq. ft. of IFHS's building and owns the Oonalaska Wellness Center on Standard Oil Hill.

In 2023 APIA had 926 primary care and 734 behavioral health encounters with 337 unique patients. Behavioral healthcare is provided during normal business hours; after hours care is currently not offered. In the same year, IFHS provided care for 2,497 unique patients during 5,580 patient encounters.

### Site

APIA has requested approximately three acres in total spread across on two City-owned parcels stretching from Raven Wy to Hatcher Dr, with slightly more than half the area rising above the tsunami inundation zone.

There is an existing flat gravel lot that the City currently uses for overflow parking storage for snow removed from Haystack, but overall the area is topographically complex with over 80 feet of elevation change from Haystack Dr to the corner nearest Arctic Chiropractic.

In the past the area behind City Hall has been considered for a replacement police station and it is the direction to build if expansions are ever needed at City Hall.



The City Hall parcel is zoned Public/Quasi-Public which is appropriate for a healthcare facility, but the other parcel is Single Family/Duplex Residential and would need to be rezoned.

### **Proposed Facility**

APIA has provided two concepts that are attached to this memo. The proposed building is two stories totaling approximately 18,000 sq. ft. of floor space, about the same size as the current IFHS building. As identified on the attached space program, it would include both dental and primary care and space for behavioral health services. The facility would also allow APIA to provide wellness services to the community that are currently only available in Anchorage.

APIA is not planning at this time to include after-hours behavioral health crisis care. Unalaska currently lacks specialized space for behavioral health holds and these patients are instead held at the jail.

The new facility would not provide emergency services, and patients would need to be transferred to IFHS or directly to the airport for medevac. City Fire/EMS would be responsible for transport as they are now. No additional services would be shared with IFHS than are currently.

Parking and access would be completely separate from City Hall. Access would come primarily from Raven Way with potential additional staff parking off Haystack Dr.

Because the facility would be outside the tsunami inundation zone, it could potentially serve as shelter space during an emergency. The City would need to reach an agreement with APIA to use the facility in that event.

APIA currently has funding to staff the facility if built, but funding for construction is yet to be secured. APIA intends to apply for a Community Change Grant from the EPA, which can provide up to \$20,000,000.

### **Utilities**

Electric service can be extended to the site relatively easily from City Hall, though depending on APIA's needs a transformer may need to be upsized.

However, providing water and wastewater is much more complicated. Service would need to be extended from much further up Raven Way with wastewater continuing across the proposed site down the hill to Haystack Dr. DPU estimates the system development costs at roughly \$1.5 million based on recent bids, which APIA would be responsible for.

**ALTERNATIVES:** APIA is also evaluating other locations not owned by the City. One option is property owned by OC on Standard Oil Hill near APIA's Head Start building. That property is also outside the tsunami inundation zone and is large enough to accommodate a similarly sized facility.

The City likely does not own other land that would be suitable for this project.

**FINANCIAL IMPLICATIONS:** In meetings with APIA representatives there has been no discussion about land transaction, whether that is a city donation of the land, or a lease or outright purchase.

**LEGAL:** N/A

**STAFF RECOMMENDATION:** Staff does not recommend proceeding with APIA's current proposal. The City owns very little buildable land, particularly land outside the tsunami inundation zone. Given the relatively low number of visits APIA currently sees in Unalaska, Staff feels that committing a large tract of land for a new healthcare facility is not in the City's best interest, particularly after it already leased about 1.5 acres across the street to IFHS. IFHS continues to lease space to APIA, so it is not at imminent risk of losing its existing location.

City Hall parking is already at capacity, and the building plans proposed by IFHS will reduce the parking available at the clinic across the street, which often serves as overflow. Additionally, APIA's proposal would further decrease the currently available parking and eliminate an area designated for snow storage. Emergency vehicles currently access IFHS via Raven Way. While APIA's design includes a dedicated parking lot and driveway, it would create access challenges, as three separate facilities would be situated within a short distance on a narrow road at the base of a steep hill, which vehicles often struggle to navigate during winter. If approved, Unalaska would have two new healthcare facilities, totaling approximately 34,000 sq. ft., situated across the street from one another. Notably, demand for services and the city's population have both declined in recent years.

**PROPOSED MOTION:** None.

**CITY MANAGER COMMENTS:** I concur with staff's recommendation.

### **ATTACHMENTS:**

- APIA Site Concepts
- APIA Proposed Space Program





APIA NEW SUB-REGIONAL HEALTH CLINIC  
CONCEPT "A" ZESITE   
PLAN





APIA NEW SUB-REGIONAL HEALTH CLINIC  
CONCEPT B SITE PLAN 

**APIA NEW HEALTH CLINIC SPACE PROGRAM**

	Departments	Dept. Net SF	Conversion Factor	Dept. Gross SF	Add Services	Remarks
<b>1</b>	<b>AMBULATORY</b>					
1.1	Dental	971.00	1.35	1,310.85		
1.2	Primary Care	1,650.00	1.35	2,227.50		
1.3	Specialty Care				2,651	
	<b>Sub-Totals</b>			3,538.35	2,651	
<b>2</b>	<b>ANCILLARY</b>					
2.1	Pharmacy	75.00	1.10	82.50	0	
2.2	Imaging				0	
2.3	Lab				0	
2.4	Physical Theray				0	
	<b>Sub-Totals</b>			82.50	0	
<b>3</b>	<b>PREVENTIVE CARE</b>					
3.1	Public Health Nursing	259.00	1.35	349.65		
	Community Health Services				767	
	Wellness and Diabetes Education				1,482	
	<b>Sub-Totals</b>			349.65	2,249	
<b>5</b>	<b>BEHAVIORAL</b>					
5.1	Behavioral Health	409.00	1.35	552.15	932	
	<b>Sub-Totals</b>			552.15	932	
<b>6</b>	<b>ADMINISTRATIVE</b>					
6.1	Administration	893.00	1.30	1,160.90		
6.2	Health Information Management	302.00	1.25	377.50		
	<b>Sub-Totals</b>			1,538.40		
<b>9</b>	<b>SUPPORT SERVICES</b>					
9.1	Employee Facilities	351.00	1.10	386.10		
9.2	Housekeeping and Linen	65.00	1.10	71.50		
9.3	Public Facilities	259.00	1.20	310.80		
9.4	Property and Supply	680.00	1.07	727.60		
9.5	Body Holding				0	
	<b>Sub-Totals</b>			1,496.00	0	
	TOTAL DEPARTMENTAL GSF			7,207.40	5,832.10	
	BUILDING CIRCULATION (.25)			1,801.85	1,458.03	
	FLOOR GSF			9,009.25	7,290.13	
	MAJOR MECHANICAL SPACE (.12)			1,081.11	874.82	
	<b>BUILDING GSF-TOTAL</b>			<b>10,090.36</b>	<b>8,164.94</b>	
	<b>BUILDING TOTAL BGSF</b>					<b>18,255.30</b>



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Cameron Dean, Planning Director  
Through: William Homka, City Manager  
Date: November 12, 2024  
Re: FY2026 - 2035 CMMP & Budget Year Calendar

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**SUMMARY:** Each year City Council reviews the Capital and Major Maintenance Plan (CMMP) Process Guide, which proposes a schedule of deadlines and meeting dates necessary for the plan's preparation and adoption. The schedule is developed alongside the City's overall budget development and adoption schedule, so certain dates for that process are also included in the CMMP calendar.

As usual, Council will have the opportunity to rank different priorities that Staff will use to guide the CMMP's development. This year, Staff also requests the Council to recommend a maximum annual amount from the General and 1% funds to make available for capital projects. Staff believes this decision would be a toward supporting the Council's goals of improving City fiscal sustainability.

**PREVIOUS COUNCIL ACTION:** Council discusses new project nominations on the CMMP every January. It reviews complete drafts of the CMMP annually in March and typically adopts it in April. Planning introduced the ranking exercise to City Council in FY20 to provide Council the opportunity to weigh each criterion.

**BACKGROUND:** Title 6 of the Unalaska City Code requires the City Manager to submit a five-year capital improvement plan and budget of the proposed projects each year in conjunction with the City's operating budget. Each year, Council adopts this plan, called the Capital and Major Maintenance Plan (CMMP), to help identify needs and set spending priorities for the coming five-year period. This is the fifth year Unalaska will prepare a ten-year CMMP.

**DISCUSSION:** There are many steps and departments involved in the CMMP, which is part of the City's overall budget. The proposed schedule consults with the Finance Department on its budget calendar to marry the two processes. Key dates are included on the CMMP and City Budget Schedule which is attached for review.

Dates most important to City Council are indicated in blue, such as tonight's presentation and the resolution adopting Council's priorities scheduled for November 26, 2024. City Council will revisit the CMMP on January 28, 2025 to discuss any new project proposals.

Staff will score projects in eight categories:

- Plans/Comprehensive Plan
- Regulatory Compliance

- Infrastructure/Public Safety
- Quality of Life/Wellness
- External Funding
- Impact on the Operational Budget
- Timing/Location
- Innovation

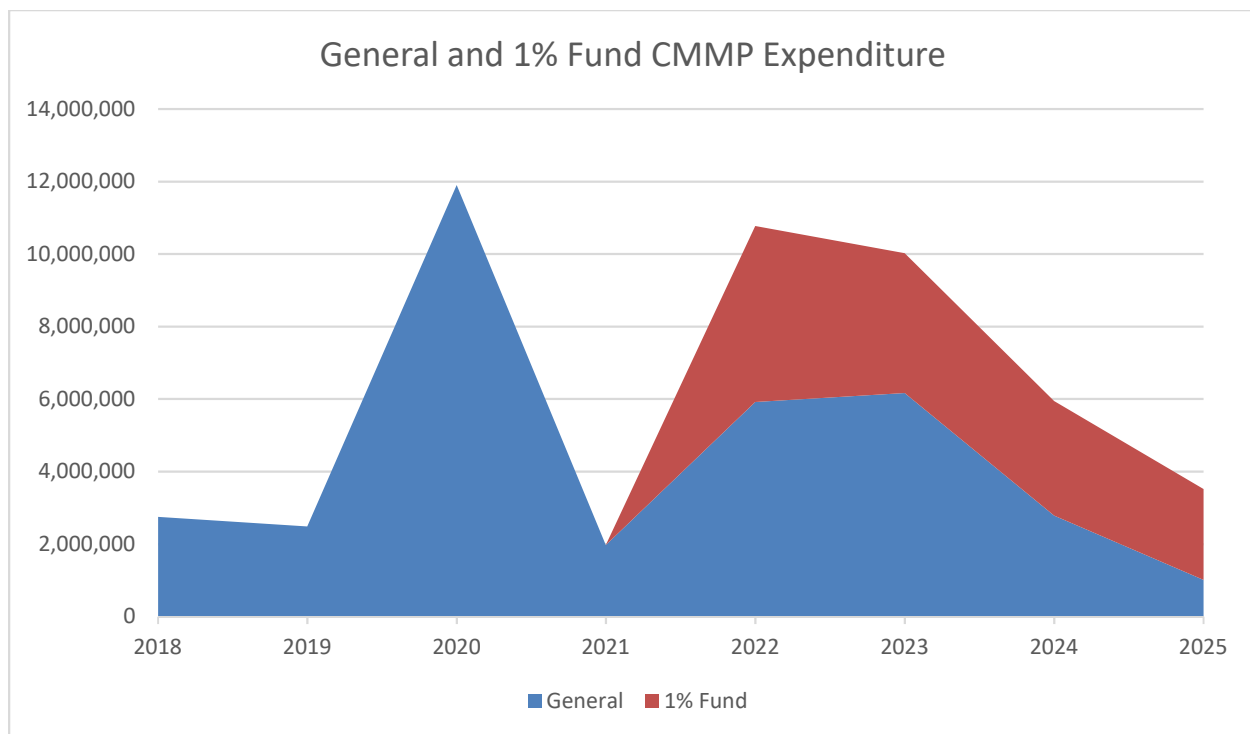
Each category will be weighted based on Council's preferences approved by resolution on November 26, 2024. Additionally, projects will receive additional points if they are a legislative priority and have been planned further in advance. While other constraints may limit project scheduling and prioritization, Staff will use the scores to assist in evaluating new CMMP nominations.

Staff tries to balance projects using the General Fund across multiple years. FY22 changed the CMMP from five to ten years to assist with this effort and provide more lead time for project development. This year, Staff is also asking Council to recommend a level to fund the CMMP from the General and 1% funds, which will be approved by the same resolution. Providing a level of funding for projects gives staff a budget to work with and serves as an objective toward the Council's goal for fiscal sustainability. Staff will use Council's prioritization scores to consider projects proposed for the FY26 CMMP.

For context, the tables below show annual General and 1% fund expenditures on the CMMP for the past several years. The City changed last year its criteria for including projects on the CMMP, and several projects that would have previously been included were instead moved to operating budgets. The plan now only includes projects that result in a fixed asset, one with long-term value and useful life.

Table 1

	2018	2019	2020	2021	2022	2023	2024	2025
General	2,747,093	2,482,952	11,900,789	1,966,793	5,911,887	6,161,230	2,783,300	1,010,000
1% Fund	0	0	0	0	4,860,000	3,860,000	3,161,147	2,507,262
<b>Total</b>	<b>2,747,093</b>	<b>2,482,952</b>	<b>11,900,789</b>	<b>1,966,793</b>	<b>10,771,887</b>	<b>10,021,230</b>	<b>5,944,447</b>	<b>3,517,262</b>
Proprietary	12,834,932	8,708,555	6,054,918	2,252,338	10,393,159	4,753,220	2,398,490	2,751,312
<b>Total City Funds</b>	<b>15,582,025</b>	<b>11,191,507</b>	<b>17,955,707</b>	<b>4,219,131</b>	<b>21,165,046</b>	<b>14,774,450</b>	<b>8,342,937</b>	<b>6,268,574</b>
Debt	35,000,000	0	0	0	0	0	0	0
External Funding	175,275	0	0	0	20,733,500	17,483,500	17,743,854	9,992,538
<b>Grand Total</b>	<b>50,757,300</b>	<b>11,191,507</b>	<b>17,955,707</b>	<b>4,219,131</b>	<b>41,898,546</b>	<b>32,257,950</b>	<b>26,086,791</b>	<b>16,261,112</b>



Providing a recommended annual funding amount would help Staff use the existing ranking criteria to schedule and prioritize projects. To demonstrate how this could work, the four FY25 projects drawing from the General and 1% funds totaled \$3,517,262:

Table 2

	General	1% Fund	Total
Pool Rebar Restoration and Re-Plastering	\$500,000	0	\$500,000
Fishermen's Memorial	\$100,000	0	\$100,000
Public Works Roof Replacement	0	\$2,507,262	\$2,507,262
Rolling Stock Replacement Plan	\$410,000	0	\$410,000
<b>Total</b>	<b>\$1,010,000</b>	<b>\$2,507,262</b>	<b>\$3,517,262</b>

Last year Council identified regulatory compliance, impact on operational budget and external funding as its top priorities. As a result, the Public Works Roof Replacement and Pool Rebar Restoration and Re-Plastering scored highest among those projects. Both are maintenance of existing infrastructure, and the pool project is additionally a regulatory compliance issue. If Council had, for example, given a recommendation of \$3,000,000 total from the General and 1% funds, staff would have prioritized cuts or delay elsewhere, particularly to the Fishermen's Memorial, which ranked lower, to meet that goal.

Staff will present Council a list of projects removed or rescheduled from each draft of the CMMP and the rationale for any changes.

## Project Budgets in CMMP

There is a concern that providing specific estimates for projects in the CMMP makes it more difficult for the City to secure competitive pricing. Bidders may use those estimates to inform their bids. For reference, the table below compares estimates and bids for several recent projects:

Table 3

Project	Estimate	Bid	\$ Difference	% Difference	Bidders	Date	Notes
CBR Waterline Project	\$4,165,758	\$5,516,939	\$1,351,181	32%	1	5/30/2024	
Pyramid Water Treatment Plant Sodium Hypochlorite On-Site Generation	\$441,000	\$661,200	\$220,200	50%	1	7/21/2022	Estimate for work was based on proposed change order to do work at same time as microturbine project
Library Expansion Project	\$6,903,481	\$6,514,196	-\$389,285	-6%	5	11/18/2021	Estimate was the original bid price prior to Covid
General Hill Water Booster Pump Station	\$250,000-500,000	\$916,537	\$416,537	83%	2	3/9/2021	
Pyramid Water Treatment Plant Microturbine Project	\$1,000,000-2,500,000	\$1,394,497	\$394,497	39%	4	5/28/2020	
Lear Rd Duplexes Kitchen and Bath Renovation Project	\$372,477	\$457,330	\$84,853	8%	3	4/9/2019	Only contracted for one duplex unit instead of both for \$235,586

Ordinance currently requires that the CMMP includes budgets for each project. If desired, the Council could adopt a new ordinance removing that requirement. Council would provide the amounts available for capital projects. Staff would propose which projects will be accomplished within that cap without providing an exact budget for each project when the CMMP is adopted. Council would still see project budgets when contracts are approved. This would effectively refocus the CMMP process more on overall financial sustainability rather than individual projects.

**ALTERNATIVES:** N/A

**FINANCIAL IMPLICATIONS:** N/A

**LEGAL:** N/A

**STAFF RECOMMENDATION:** Review the CMMP Calendar and Council Preferences Worksheet. Complete the worksheet and return to the City Clerk by Monday, November 18.

**PROPOSED MOTION:** This is for discussion purposes only; no motion is required. Staff is looking for feedback.

**CITY MANAGER COMMENTS:** Portions of this report are standard each year and explain the CMMP process. The new ideas, such as setting a spending amount for the

General and 1% Funds and eliminating the project cost estimates, are suggested for discussion as ways to improve fiscal sustainability for the City's overall budgeting process.

**ATTACHMENTS:**

Council Preferences Worksheet  
Draft CMMP Process Guide

## COUNCIL MEMBER FEEDBACK

### FY 26-35 CMMP Project Category Priority Ranking

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Your top priorities should be marked in the #1 box, and the lowest priority in the #3 box next to each category. You can have a maximum of three 1's, three 2's and/or three 3's.

	PRIORITY RANKING		
PROJECT CATEGORIES	1	2	3
Plans / Comprehensive Plan			
Regulatory Compliance			
Infrastructure / Public Safety			
Quality of Life / Health & Wellness			
Impact on Operational Budget			
External Funding			
Timing/Location			
Innovation			

Annual capital project funding recommendation:

General Fund: \_\_\_\_\_

1% Fund: \_\_\_\_\_



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# CMMP Process Guide

# 2026

# To

# 2035



CMMP Process Overview	November	December	January	February	March	April
Nominations						
Internal Review						
Planning Commission Review						
Presentation to Council						
Council Adoption						

# Budget Schedule

FY 2026 Budget Calendar CMMP, City Budget, Community Support Grants November to December			
11/4/24	Directors	Discussion	Begin CMMP project nominations
11/12/24	City Council	Discussion	Review & comment on CMMP and Budget Schedule and priorities
11/12/24	Nonprofits	Distribution	Community Grant application period opens
11/15/24	Nonprofits	Discussion	Community Grant Applicant Q&A Workshop
11/21/24	Planning Commission	Discussion	Collect Planning Commission CMMP comments
11/26/24	City Council	Resolution	Adopt CMMP priorities
12/13/24	Directors	Deadline	CMMP project first drafts due to Planning
12/20/24	Technical Review Committee	Discussion	CMMP initial review and planning

Planning  
Commission  
Meeting

City Council  
Meeting

**FY 2026 Budget Calendar**  
**CMMP, City Budget, Community Support Grants**  
**January to May**

1/6/25	Directors	Distribution	MUNIS Budget Entry Opens for All City Departments
1/8/25	Directors	Deadline	CMMP draft review after morning Director's meeting
1/9/25	Directors	Deadline	Complete CMMP nominations due to Planning
1/16/25	Planning Commission	Discussion	Review CMMP Nominations
1/28/25	City Council	Discussion	Review CMMP Nominations
2/7/25	Nonprofits	Deadline	Community Support Grant Applications due to Planning
2/11/25	City Council	Discussion	Budget Goals & Revenue Projections
2/14/25	Directors	Deadline	MUNIS Closes for Department Budget Entries
2/21/25	Directors	Deadline	Final Deadline for CMMP Project Edits, Rolling Stock and Facilities Maintenance Plan
3/6/25	Clerks & CM	Distribution	Draft CMMP Distribution to Council
3/11/25	City Council	Discussion	Draft CMMP Presentation to Council, Adopt Budget Goals
3/25/25	City Council	Presentation	Final Presentation to Council (CMMP, Community Grants)
4/7/25	UCSD/ City Council	Presentation	Special City Council Meeting: UCSD representatives present FY26 Budget Request
4/8/25	City Council	Resolution	Follow-Up CMMP Questions; Adopt CMMP
5/13/25	City Council	Ordinance	1 <sup>st</sup> Reading of Final Budget (Operating & Capital)
5/27/25	City Council	Ordinance	2 <sup>nd</sup> Reading of Final Budget (Operating & Capital)

Planning  
Commission  
Meeting

City Council  
Meeting

# Evaluation

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## Project Categories

**Plans/Comp Plan** – Plans are prepared to provide the City of Unalaska with a valuable aid for continuing efforts to meet and exceed goals set forth by City departments, committees, and the citizens at-large. Plans include those documents that have been prepared internally to assure consistent adherence to industry best practices, as well as those documents that have been created with the assistance of outside consultants. A component of planning includes public discussion and/or citizen engagement. The score could be based on answers to the following questions:

- A. Is the proposed project called for in the City's Comprehensive Plan which was approved by City Council? If so, which section? (answer No or Yes with relevant page numbers)
- B. Is the proposed project identified in one or more of the City Master or Departmental Plans that were provided to City Council? If so, which plan? (answer No or Yes with plan title)
- C. Is the proposed project listed as a high priority, or over time, has it become a high priority of staff, a standing advisory board, or the City Council due to an expressed need?
- D. Has the proposed project been fully developed and defined in enough detail so that the specifics are known?
- E. Has there been public discussion about the project or an appropriate level of citizen engagement around the project?
- F. Does there appear to be broad community support for the project?

### Scoring Scale

1	2	3	4	5
The project is not part of any Master Plan.	↔	The project is included in a Master Plan, but may not be a high priority or appropriate citizen engagement on the specific proposal has not yet transpired or is not included in the Master plan but is a high priority and has been well-vetted.	↔	The project is included in a Master Plan, is a high priority, and has been well-vetted.

**Regulatory Compliance** – This includes compliance with regulatory mandates such as Environmental Protection Agency (EPA) directives, the Americans With Disabilities Act, and other County, State and Federal laws. This also includes compliance with self-imposed City ordinances. The score could be based on answers to the following questions:

- A. Does the project address a current regulatory mandate?
- B. Will the project proactively address a foreseeable (within the next 5 years) regulatory mandate?
- C. Does the project have a lasting impact on promoting regulatory compliance over the long term (more than 10 years)?

**Scoring Scale**

1	2	3	4	5
The project does not address a regulatory compliance issue.	↔	The project provides a short-term fix for an existing regulatory compliance issue or for one anticipated in the near future.	↔	The project resolves a pressing or long-term regulatory compliance issue.

**Infrastructure / Public Safety** – This item relates to infrastructure needs for the department’s facilities, as well as improves the overall safety of the community. Projects to address employee safety issues and to proactively manage risk, would also be included. The score could be based on answers to the following questions:

- A. Does the proposed project increase the safety of Unalaska’s residents and/or employees?
- B. How widespread is that potential safety benefit? Answer with: Widespread, Targeted, or Minor
- C. Will the project address an existing facility that is outdated or has exceeded its useful life?
- D. Will the project help the City to respond more effectively and efficiently to emergencies throughout the community?
- E. Is the project supported by a life cycle analysis of repair versus replacement?
- F. Does the project extend service to support/promote new growth?
- G. Does the project foster safe and accessible modes of travel?

**Scoring Scale**

1	2	3	4	5
The safety or infrastructure need for the project is low; or it addresses new or existing infrastructure.	↔	The safety or infrastructure level of the project is moderate; it address a serious safety issues that has a limited impact or address a less-serious issues that serves the broader community; it addresses either new or existing infra-structure. (Maximum score for a new facility.)	↔	The safety or infrastructure level of the project is high; it addresses a serious health/public safety issues that has a widespread impact; it addresses existing infrastructure; and the ancillary benefits are well-defined.



**Quality of Life / Health & Wellness** – Quality of Life / Health & Wellness are a characteristic that makes the City a favorable place to live and work. For example, a large park with amenities to satisfy all community members would greatly impact the quality of life. Bike/jogging trails, new recreation facilities and flood control measures improve the overall health of the community. The score could be based on answers to the following questions:

- A. Does the project enhance the quality of life for a wide range of community members?
- B. Will the proposed project have a positive impact on the health of Unalaska's residents?
- C. How widespread is that potential impact? Answer with: Widespread, Targeted, or Minor
- D. Will the project attract new residents, businesses or visitors to the City?
- E. Does the project serve to preserve the integrity of the City's residential neighborhoods?
- F. Does the project help create a beautiful and clean community?
- G. Does the project specifically promote the responsible use of resources?
- H. Does the project encourage participation in recreational and cultural activities accessible to all community members?

**Scoring Scale**

1	2	3	4	5
The project does not affect the Quality of Life / Health & Wellness for Unalaska community members.	↔	The project has a moderate impact on the Quality of Life / Health & Wellness for Unalaska community members.	↔	The project greatly impacts the Quality of Life / Health & Wellness for a wide range of Unalaska community members.

**Impact on Operational Budget** – Some projects may affect the operating budget for the next few years or for the life of the facility. A new facility will need to be staffed and supplied, therefore having an impact on the operational budget for the life of the facility. Replacing a light with a more energy efficient model may actually decrease operational costs. The score could be based on answers to the following questions:

- A. Will the project require additional personnel to operate?
- B. Will the project require additional annual maintenance?
- C. Will the project require additional equipment not included in the project budget?
- D. Will the project reduce staff time and City resources currently being devoted, and thus have a positive effect on the operational budget?
- E. Will the efficiency of the project save money?
- F. Will the project present a revenue generating opportunity?
- G. Will the project help grow a strong, diversified economic base to help offset any additional costs?

**Scoring Scale**

1	2	3	4	5
The project will have a negative effect on the budget. It will require additional money to operate.	↔	The project will not affect the operating budget as it is cost/revenue neutral	↔	The project will have a positive effect on the budget. It will have significant savings in time, materials and/or maintenance or be revenue generating to more than offset costs.

- 2) **External Funding** – Capital improvement projects can be funded through sources other than City funds. Developer funding, grants through various agencies, and donations can all be sources of external funding for a project. The percentage of total cost funded by an outside source will determine the score in this category. This is based on expected funding and can be re-evaluated based on actual achieved external funding.

**Scoring Scale**

1	2	3	4	5
0 – 20% External Funding	21% - 40% External Funding	41% - 60% External Funding	61% - 80% External Funding	81% - 100% External Funding

**Timing/Location** – The timing and location of the project is an important piece of a project. If the project is not needed for many years, it would score low in this category. If the project is close in proximity to many other projects and/or if a project is urgent or may need to be completed before another one can be started, it would score high in this category. The score could be based on the answers to the following questions:

- A. Do other projects require this one to be completed first?
- B. Does this project require others to be completed first?
- C. Can this project be done in conjunction with other projects? (example: installation of sidewalks, street lighting and rain gardens all within the same block)
- D. Will it be more economical to build multiple projects together, thus reducing construction costs?
- E. Will it help reduce the overall number of neighborhood disruptions from year to year?
- F. Is this an existing facility at or near the end of its functional life?

**Scoring Scale**

1	2	3	4	5
The project does not have a critical timing/location component.	↔	The project has either a timing or location factor critical to it.	↔	Both timing and location are critical components of the project.

**Innovation** – Unalaska is increasingly challenged to produce solutions to solve new problems and meet new challenges that come from a rapidly changing world. Demographic, social, technological, and economic changes are forcing the department to adapt quickly and embrace change.

- A. Is the project a creative and dynamic solution to opportunities and issues within the City of Unalaska?
- B. Does the project meet emerging challenges, reduce costs, and better serve the public?
- C. Does the project achieve higher levels of service for the City of Unalaska?

**Scoring Scale**

1	2	3	4	5
The project meets industry standard.	↔	While the project may be innovative to Unalaska, there are many applications across the state and country	↔	The project is one of the first examples of its kind in the state and or country.

**Time on CMMP** – The CMMP process is a 10-year plan for spending. The amount of time forward that a project is planned for on the CMMP should give weight to projects that have been planned and are now being executed.

**Scoring Scale**

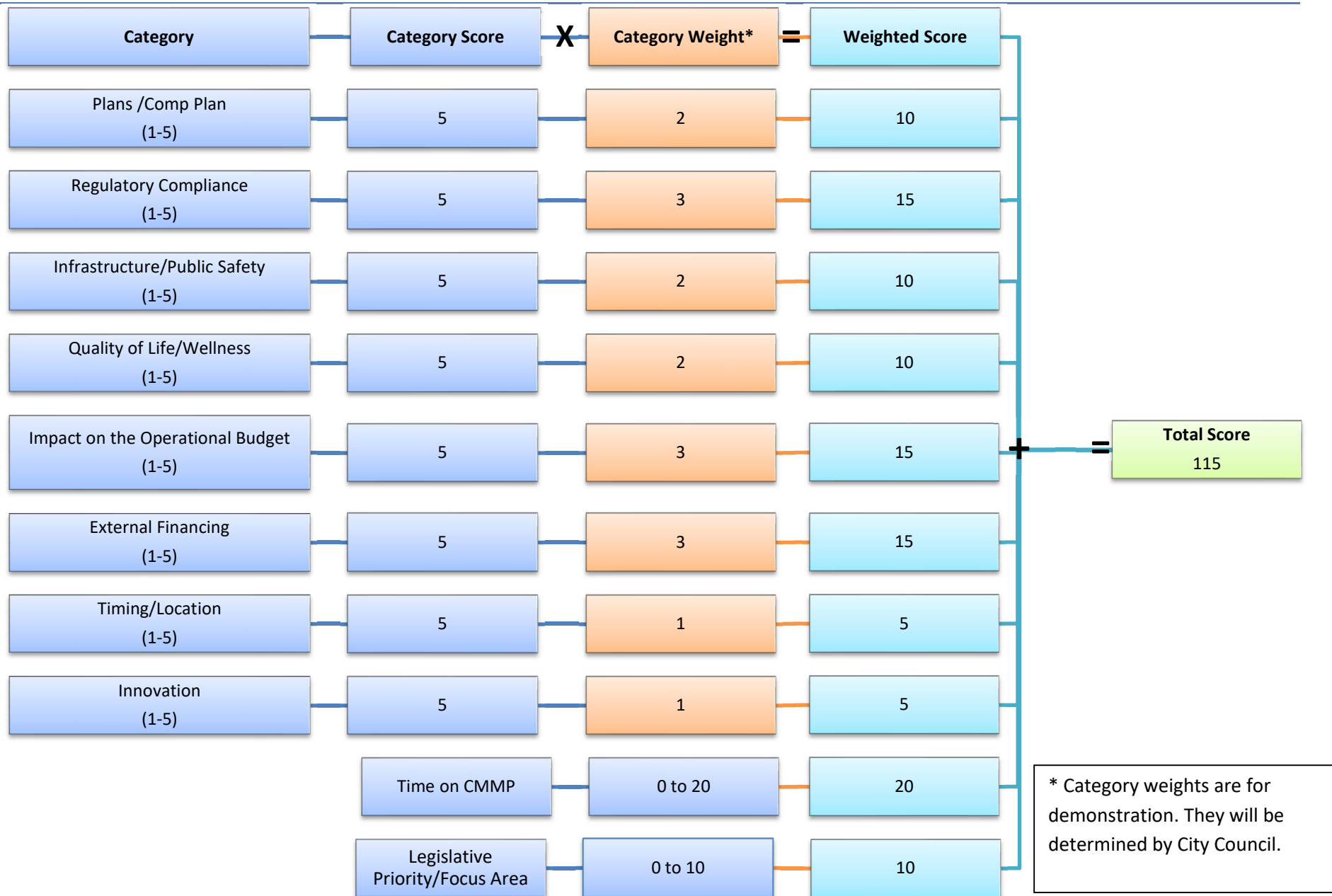
<b>0</b>	<b>5</b>	<b>10</b>	<b>15</b>	<b>20</b>
First Year Project This Year	On CMMP for 2 Years	On CMMP for 3 Years	On CMMP for 4-5 Years	On CMMP for 6-10 Years

**Legislative Priority/Focus Area** – Projects identified by Council as legislative priorities or focus areas receive additional points.

**Scoring Scale**

<b>0</b>	<b>5</b>	<b>10</b>
None	Focus Area	Legislative Priority

# CMMP Evaluation System Diagram



CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 2024-48

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR AGREEMENT WITH ESRI FOR GIS SOFTWARE AND SUPPORT

WHEREAS, the City relies on Geographic Information System (GIS) software to support its ongoing planning, analysis, infrastructure management, and community services; and

WHEREAS, ESRI, Inc. is a leading provider of GIS software, offering robust capabilities for data mapping, analysis, and visualization that are essential for the efficient operation of city services; and

WHEREAS, the City has been utilizing ESRI's GIS software and services under a prior three-year agreement, which has provided the City with critical tools and support for efficient data management and decision-making; and

WHEREAS, the current agreement with ESRI is set to expire on November 30<sup>th</sup>, 2024, and to avoid disruption of essential GIS services, it is necessary to renew the agreement for an additional three-year period; and

WHEREAS, pursuant to UCO 6.04.020, an agreement requiring the payment of funds from the appropriations of future fiscal years shall be approved by City Council; and

WHEREAS, it is in the best interest of the City of Unalaska to enter into a three-year agreement with ESRI for the continued use of its software.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to enter into the attached three-year enterprise agreement with ESRI.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 12, 2024.

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Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

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Estkarlen Magdaong, CMC  
City Clerk



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Jacob Whitaker, IT Manager  
Through: Patricia Soule, Finance Director  
Through: William Homka, City Manager  
Date: November 12, 2024  
Re: Resolution 2024-48: Authorizing the City Manager to enter into a three-year agreement with ESRI for GIS software and support

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**SUMMARY:** Staff recommends that the City enter into a three-year agreement with ESRI for Geographic Information System (GIS) software and support. This renewal is essential for continuity in critical GIS services supporting City planning, analysis, infrastructure management, and community services.

**PREVIOUS COUNCIL ACTION:** There has been no previous Council action related to the proposed agreement.

**BACKGROUND:** The City of Unalaska has historically relied on ESRI's GIS software for critical operational support, data analysis, mapping, and infrastructure management. ESRI, Inc. is a leader in the field, offering reliable and advanced GIS capabilities that align with the City's strategic goals and operational needs.

**DISCUSSION:** To avoid any disruption in GIS services, renewing the agreement with ESRI is essential. The proposed three-year term will allow continued access to ESRI's software and support services, providing stability and continuity for all departments reliant on GIS data and tools.

**ALTERNATIVES:** None

**FINANCIAL IMPLICATIONS:** The three-year agreement will cost the City \$29,300 each year or \$87,900 over three years. There is currently sufficient funding included in the FY25 budget for the first year.

**LEGAL:** None

**STAFF RECOMMENDATION:** We recommend that the City enter into a three-year contract with ESRI.

**PROPOSED MOTION:** I move to adopt Resolution 2024-48.

**CITY MANAGER COMMENTS:** I support the staff's recommendation.

**ATTACHMENTS:**

- ESRI Quotation # Q-533654
- ESRI Small Enterprise Agreement County and Municipality Government (E214-1)



Environmental Systems Research Institute, Inc.  
380 New York St  
Redlands, CA 92373-8100  
Phone: (909) 793-2853  
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

## Quotation # Q-533654

Date: October 14, 2024

Customer # 316218 Contract # ENTERPRISE AGREEMENT

City of Unalaska  
Public Works Dept  
1035 E Broadway  
Unalaska, AK 99685

ATTENTION: Cameron Dean  
PHONE: 907-581-3100  
EMAIL: cdean@ci.unalaska.ak.us

*To expedite your order, please attach a copy of this quotation to your purchase order.*  
*Quote is valid from: 10/14/2024 To: 1/12/2025*

Material	Qty	Term	Unit Price	Total
168177	1	Year 1	\$29,300.00	\$29,300.00
Populations of 0 to 25,000 Small Government Enterprise Agreement Annual Subscription				
168177	1	Year 2	\$29,300.00	\$29,300.00
Populations of 0 to 25,000 Small Government Enterprise Agreement Annual Subscription				
168177	1	Year 3	\$29,300.00	\$29,300.00
Populations of 0 to 25,000 Small Government Enterprise Agreement Annual Subscription				
Subtotal:				\$87,900.00
Sales Tax:				\$0.00
Estimated Shipping and Handling (2 Day Delivery):				\$0.00
Contract Price Adjust:				\$0.00
Total:				\$87,900.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

**For questions contact:**  
Michael Johansen

**Email:**  
mjohansen@esri.com

**Phone:**  
(909) 793-2853

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

Council Packet Page 56

JOHANSEN

**This offer is limited to the terms and conditions incorporated and attached herein.**

**Esri Use Only:**

Cust. Name \_\_\_\_\_  
 Cust. # \_\_\_\_\_  
 PO # \_\_\_\_\_  
 Esri Agreement # \_\_\_\_\_



## SMALL ENTERPRISE AGREEMENT COUNTY AND MUNICIPALITY GOVERNMENT (E214-1)

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

### Table A List of Products

**Uncapped Quantities****Desktop Software and Extensions** (Single Use)

ArcGIS Desktop Advanced  
 ArcGIS Desktop Standard  
 ArcGIS Desktop Basic  
 ArcGIS Desktop Extensions: ArcGIS 3D Analyst,  
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,  
 ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS  
 Schematics, ArcGIS Workflow Manager, ArcGIS Data  
 Reviewer

**Enterprise Software and Extensions**

ArcGIS Enterprise (Advanced and Standard)  
 ArcGIS Monitor  
 ArcGIS Enterprise Extensions: ArcGIS 3D Analyst,  
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,  
 ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS  
 Workflow Manager, ArcGIS Data Reviewer

**Enterprise Additional Capability Servers**

ArcGIS Image Server

**Developer Tools**

ArcGIS Runtime Standard  
 ArcGIS Runtime Analysis Extension

**Limited Quantities**

One (1) Professional subscription to ArcGIS Developer  
 Two (2) ArcGIS CityEngine Single Use Licenses  
 50 ArcGIS Online Viewers  
 50 ArcGIS Online Creators  
 10,000 ArcGIS Online Service Credits  
 50 ArcGIS Enterprise Creators  
 2 ArcGIS Insights in ArcGIS Enterprise  
 2 ArcGIS Insights in ArcGIS Online  
 5 ArcGIS Location Sharing User Type Extension (Enterprise)  
 5 ArcGIS Location Sharing User Type Extension (Online)  
 6 ArcGIS Advanced Editing User Type Extension (Enterprise)

### OTHER BENEFITS

Number of Esri User Conference registrations provided annually	<b>2</b>
Number of Tier 1 Help Desk individuals authorized to call Esri	<b>2</b>
Maximum number of sets of backup media, if requested*	<b>2</b>
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

\*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

**Term of Agreement:** Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

\_\_\_\_\_  
(Customer)

By: \_\_\_\_\_  
Authorized Signature

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### CUSTOMER CONTACT INFORMATION

Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Fax: \_\_\_\_\_

City, State, Postal Code: \_\_\_\_\_

E-mail: \_\_\_\_\_

Country: \_\_\_\_\_

Quotation Number (if applicable): \_\_\_\_\_

## 1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

**"Case"** means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

**"Deploy", "Deployed" and "Deployment"** mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

**"Fee"** means the fee set forth in the Quotation.

**"Maintenance"** means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

**"Master Agreement"** means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

**"Product(s)"** means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

**"Quotation"** means the offer letter and quotation provided separately to Customer.

**"Technical Support"** means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

**"Tier 1 Help Desk"** means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

**"Tier 1 Support"** means the Technical Support provided by the Tier 1 Help Desk.

**"Tier 2 Support"** means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

## 2.0—ADDITIONAL GRANT OF LICENSE

**2.1 Grant of License.** Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

**2.2 Consultant Access.** Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

## 3.0—TERM, TERMINATION, AND EXPIRATION

**3.1 Term.** This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

**3.2 No Use upon Agreement Expiration or Termination.** All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

**3.3 Termination for a Material Breach.** Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

**3.4 Termination for Lack of Funds.** For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

**3.5 Follow-on Term.** If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

## 4.0—PRODUCT UPDATES

**4.1 Future Updates.** Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

**4.2 Product Life Cycle.** During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

## 5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

### a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

### b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to



supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

## 6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

## 7.0—ADMINISTRATIVE REQUIREMENTS

**7.1 OEM Licenses.** Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

**7.2 Annual Report of Deployments.** At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

## 8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

### 8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

- c. Esri's federal ID number is 95-2775-732.

- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

**8.2 Order Requirements.** Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
- b. The following information will be included in each Ordering Document:
  - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
  - (2) Order number
  - (3) Applicable annual payment due



## 9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

- 9.1 If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2 If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3 This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2024-15

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING TITLE 14 OF THE UNALASKA CODE OF ORDINANCES REGULATING THE USE OF OFF-ROAD OR ALL-PURPOSE VEHICLES WITHIN CITY LIMITS

WHEREAS, in 2022, state regulations were amended to allow all-purpose vehicles to operate on public roadways where not prohibited by local law or ordinance; and

WHEREAS, off-road vehicles, also known as all-purpose vehicles, are presently prohibited in the City of Unalaska; and

WHEREAS, the use of off-road vehicles or all-purpose vehicles is both convenient and economical, subject to state law and to city ordinances as this Council may adopt, to ensure public safety and lack of conflict with other drivers and pedestrians.

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNALASKA, as follows:

**Section 1: Classification.** This is a Code Ordinance.

**Section 2: Amendment of Section 14.04.010 Definitions.** Section 14.04.010 (M) of the Unalaska Code of Ordinances is hereby amended to read as follows [new language is underlined; deleted language is ~~overstruck~~]:

(M) “All-purpose vehicle (APV)” as defined in 13 AAC 40.010(a)(67) means any self-propelled vehicle designed to travel on wheels or tracks in contact with the ground and is commonly used to transport persons for recreational purposes, including vehicles such as four-wheel-drive units, all-terrain vehicles (ATVs), or utility terrain vehicles (UTVs); the definition does not include off-highway vehicles as defined in 13 AAC 40.010(a) or snowmobiles. “OFF ROAD VEHICLE” means any vehicle that is being operated off a highway.

**Section 3: Amendment of Section 14.08.020 Off Road Vehicle Operation.** Section 14.08.020 of the Unalaska Code of Ordinances is hereby amended to read as follows:

**§ 14.08.020 ~~OFF ROAD~~ ALL-PURPOSE VEHICLE OPERATION.**

It shall be unlawful to operate an all-purpose vehicle ~~off-road vehicle~~ in the City of Unalaska:

(A) On private property owned by a person other than the driver without having the written consent of the owner of the property in the driver's possession.

~~(B) On public property which has not been officially designated as an area for off-road vehicle operation.~~

~~(B) On a sidewalk or trail designed and maintained for non-motorized travel unless such travel is necessary for the purpose of directly crossing, at approximately a ninety-degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.~~

~~(D) Repealed.~~

~~(E) In such a manner as to throw or scatter debris or other material onto:~~

~~—(1) Any improved real property;~~

~~—(2) Any sidewalk;~~

~~—(3) Any paved driveway; or~~

~~—(4) Any paved highway.~~

~~(F) On a highway, or sidewalk, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.~~

~~(G) Between the hours of 10:00 p.m. and 8:00 a.m.~~

~~(H) This section shall not apply to an employee of a municipal or state law enforcement agency while in the performance of the employee's official duties.~~

**Section 4: Amendment of Section 14.04.025.** Section 14.04.025(C), FINE SCHEDULE FOR LOCAL TRAFFIC OFFENSES, of the Unalaska Code of Ordinances is hereby amended to read as follows:

(C) An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

...

Code Section	Offense Description	Fine Amount
14.08.020(A)	Unlawful operation of <u>APV</u> ATV: driving on private property	\$100
<del>14.08.020(B)</del>	<del>Unlawful operation of ATV: driving on non-designated public property</del>	<del>\$100</del>

14.08.020(B)(C)	Unlawful operation of <u>APV</u> ATV: driving on sidewalk <u>or nonmotorized trail</u>	\$100
14.08.020(E)(1)	<del>Unlawful operation of <u>APV</u> ATV: scattering debris on improved real property</del>	\$100
14.08.020(E)(2)	<del>Unlawful operation of ATV: scattering debris on sidewalk</del>	\$100
14.08.020(E)(3)	<del>Unlawful operation of ATV: scattering debris on paved driveway</del>	\$100
14.08.020(E)(4)	<del>Unlawful operation of ATV: scattering debris on paved highway</del>	\$100
14.08.020(F)	<del>Unlawful operation of ATV: highway or sidewalk</del>	\$100
14.08.020(G)	<del>Unlawful operation of ATV: between hours of 10:00 p.m. and 8:00 a.m.</del>	\$100

...

**Section 5: Effective Date.** This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 26, 2024.

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Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

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Estkarlen P. Magdaong, CMC  
City Clerk

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Marjie Veeder, Deputy City Manager  
Through: William Homka, City Manager  
Date: November 12, 2024  
Re: Ordinance 2024-15: Amending Title 14 of the Unalaska Code of Ordinances regulating the use of off-road or all-purpose vehicles within the city limits

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**SUMMARY:** Following a work session conducted on the same topic, on September 24, 2024, Council unanimously directed the City Manager to “bring to council an ordinance change to allow APV use on public roads in Unalaska.” Ordinance 2024-15 accomplishes this directive.

### **PREVIOUS COUNCIL ACTION:**

December 28, 2021: Staff provided information in work session in response to an inquiry from Council, and submitted a proposed ordinance amending local code to provide clarification as a result of the State’s code change.

February 8, 2022: Council directive to bring a draft ordinance on February 22, 2022, regarding off-road vehicle use.

February 22, 2022: Proposed Ordinance 2022-04 was introduced but failed to go to 2<sup>nd</sup> reading. This ordinance edited the definition of off-road vehicle and indicated that it would be unlawful to operate an off-road vehicle in the city on public property which had not been designated by the City as an area for off-road vehicle operation.

February 22, 2022: Council directive to bring a draft ordinance allowing APV use on public roads in Unalaska.

March 22, 2022: Proposed Ordinance 2022-05 was introduced, but failed to go to 2<sup>nd</sup> reading. This ordinance:

- Edited the definition of off-road vehicle;
- Indicated that it would be unlawful to operate an off-road vehicle in the city on public property which had not been designated by the City as an area for off-road vehicle operation;
- Allowed use of off-road vehicles on city roads by striking the word highway in the list of areas that such use was prohibited;
- Added that all off-road vehicles operated on the roadway must comply with all National Highway Traffic Safety, United States Department of Transportation, and State of Alaska regulations to include registration and insurance requirements; and
- Added that snowmobiles are prohibited from being operated on the roadway, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.

During the meeting on March 22, 2022, a motion was made to edit the ordinance to strike the restriction on hours of operation; but this motion failed. It was also moved to postpone consideration of the ordinance, which also failed.

June 11, 2024: Council directive to place on agenda an ordinance change to allow APV use on public roads in Unalaska.

September 24, 2024: Work session discussion of proposed ordinance in response to the June 11 directive.

**BACKGROUND:** Beginning January 1, 2022, the state of Alaska began to allow all-purpose vehicles on roadways where the speed limit is less than 45 miles per hour and where boroughs or municipalities have not banned their use within their boundaries. Our city code presently prohibits off-road vehicle use in the city, which was in effect before the state law changed in 2022. If the Council chooses to allow use of all-purpose vehicles, state laws will still apply. The city attorney's memo from the September 24, 2024 packet lists some of those laws that will still apply in Unalaska if Council decides to allow all-purpose vehicle use.

**DISCUSSION:** Ordinance 2024-15 (1) amends the definition of off-road or all-purpose vehicles; (2) removes the prohibition of all-purpose vehicle use on city roads; and (3) amends the related fine schedule for local traffic offenses accordingly.

**ALTERNATIVES:** Council's alternatives include adopting the ordinance as presented; proposing amendments to the ordinance; or doing nothing, which means the prohibition against all-purpose vehicles will continue in Unalaska.

**FINANCIAL IMPLICATIONS:** None at this time, other than attorney fees.

**LEGAL:** City attorney Sam Severin authored the proposed ordinance, and has been working closely with city staff on this issue.

**STAFF RECOMMENDATION:** No recommendation, as the proposed ordinance is in response to a directive from Council. However, Staff believes the proposed ordinance complies with Council's directive.

**PROPOSED MOTION:** First reading: I move to introduce Ordinance 2024-15 and schedule it for public hearing and second reading on November 26, 2024.

Second reading: I move to adopt Ordinance 2024-15.

**CITY MANAGER COMMENTS:** I concur with the Staff Recommendation.

**ATTACHMENTS:** Council packet documents from September 24, 2024.

## TABLE OF CONTENTS

Documents for discussion of proposed ordinance change to allow APV use on public roads in Unalaska

1. [Staff Memo](#)
2. [City Attorney Memo](#)
3. [Proposed Ordinance](#)
4. [12/28/2021 Work Session Documents](#)
5. [02/22/2022 Proposed Ordinance](#)
6. [03/22/2022 Proposed Ordinance](#)
7. [06/11/2024 Council Directive](#)



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Marjie Veeder, Acting City Manager  
Date: September 24, 2024  
Re: Response to Council Directive regarding code change to allow APV use on public roads in Unalaska

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**SUMMARY:** On June 11, 2024, Council directed the City Manager to provide a proposed ordinance to allow APV use on public roads in Unalaska. Tonight's discussion is in response to that directive. One of our attorneys, Sam Severin, prepared a draft ordinance for council's consideration and a memorandum to guide this evening's discussion. Mr. Severin will attend tonight's meeting remotely.

### **PREVIOUS COUNCIL ACTION:**

December 28, 2021: Staff provided information in work session in response to an inquiry from council, and submitted a proposed ordinance amending local code to provide clarification as a result of the State's code change.

February 8, 2022: Council directive to bring a draft ordinance on February 22, 2022, regarding off-road vehicle use.

February 22, 2022: Proposed Ordinance 2022-04 was introduced but **failed** to go to 2<sup>nd</sup> reading. This ordinance edited the definition of off road vehicle and indicated that it would be unlawful to operate an off road vehicle in the city on public property which had not been designated by the City as an area for off road vehicle operation.

February 22, 2022: Council directive to bring a draft ordinance allowing APV use on public roads in Unalaska.

March 22, 2022: Proposed Ordinance 2022-05 was introduced, but **failed** to go to 2<sup>nd</sup> reading. This ordinance:

- Edited the definition of off road vehicle;
- Indicated that it would be unlawful to operate an off road vehicle in the city on public property which had not been designated by the City as an area for off road vehicle operation;
- Allowed use of off-road vehicles on city roads by striking the word highway in the list of areas that such use was prohibited;
- Added that all off-road vehicles operated on the roadway must comply with all National Highway Traffic Safety, United States Department of Transportation, and State of Alaska regulations to include registration and insurance requirements; and
- Added that snowmobiles are prohibited from being operated on the roadway, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.

During the meeting on March 22, 2022, a motion was made to edit the ordinance to strike the restriction on hours of operation; but this motion **failed**. It was also moved to postpone consideration of the ordinance, which also **failed**.

June 11, 2024: Council directive to place on agenda an ordinance change to allow APV use on public roads in Unalaska.

**BACKGROUND:** Beginning January 1, 2022, the state of Alaska began to allow all purpose vehicles on roadways where the speed limit is less than 45 miles per hour and where boroughs or municipalities have not banned their use within their boundaries. Our city code presently prohibits off road vehicle use in the city, which was in effect before the state law changed in 2022. If the Council chooses to permit use of all purpose vehicles, state laws will still apply. The city attorney's memo lists some of those laws that will still apply in Unalaska if council decides to allow all purpose vehicle use (see page one of his memo).

**DISCUSSION:** The proposed ordinance removes the prohibition of all purpose vehicle use on city roads. The proposed ordinance also proposes a new definition of all purpose vehicles. If council decides to allow use of all purpose vehicles on city roads, there are other topics for consideration and decision, including fines, helmets, parental responsibility and speed limits. These topics are outlined in the memo from Mr. Severin.

**ALTERNATIVES:** Proceed with the proposed ordinance, with or without amendments; or do nothing, which means the prohibition of all purpose vehicles will continue in Unalaska.

**FINANCIAL IMPLICATIONS:** None at this time, other than attorney fees.

**LEGAL:** City attorney Sam Severin authored the proposed ordinance and memo, and has been working closely with city staff on this issue.


**STAFF RECOMMENDATION:** No recommendation.

**PROPOSED MOTION:** As this is a work session discussion this evening, no motion is necessary. However, staff requests direction from council on how to proceed.

**CITY MANAGER COMMENTS:** This is a work session discussion, and staff is ready to proceed with action as directed by council.

**MUNSON, CACCIOLA & SEVERIN LLP**

ATTORNEYS AT LAW  
SUITE 402  
1029 WEST THIRD AVENUE  
ANCHORAGE, ALASKA 99501  
TELEPHONE: (907) 272-8401  
bcf@bcfaklaw.com

**TO:** Unalaska City Council  
**FROM:** Sam Severin  
  
**RE:** Ordinance Removing Prohibition of Off-Road Vehicle Use  
**DATE:** September 17, 2024

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The City Council requested management bring forward an ordinance to allow use of all-terrain vehicles (ATVs) in the City of Unalaska. That draft ordinance has been prepared. This memorandum explains the proposed ordinance.

Beginning January 1, 2022, the state of Alaska began to allow all purpose vehicles on roadways where the speed limit is less than 45 miles per hour and where boroughs or municipalities have not banned their use within their boundaries. UCO § 14.08.020 prohibits off-road vehicle use in the city. It was in effect when the state law changed in 2022. If the Council chooses to permit use of off-road vehicles, state laws will still apply. The following are of particular importance:

A valid driver's license is required to operate a motor vehicle on a roadway. AS 28.15.011

Motor vehicle registration is required. AS 28.10.011

A license plate must be affixed to an APV or off-road vehicle if it is being operated on roadways. AS 28.10.171.

A headlight, stop signal light and rear-mounted red reflector are required. 13 AAC 04.400.

The vehicle must be equipped with a carburetor intake, exhaust muffler, and an emission-control system in good working order, and may not use a muffler cutout, bypass or other similar device. 13 AAC 04.415.

No person may drive an all-purpose vehicle on any public roadway where the designated maximum speed is greater than 45 miles per hour. 13 AAC 02.325(g).

Registration and insurance are required. AS 28.22

If the APV is not equipped with turn signals, the operator will need to use hand signals. 13 AAC 02.215 & 13 AAC 04.037.

Other Issues to Consider:

The proposed ordinance largely focuses on lifting the prohibition on “off-road vehicles” as the code currently defines them. This is primarily done through the simple deletion of “highway” in UCO § 14.08.020 (F).

The definition currently used in the city code to describe quads, four-wheelers or ATVs is Off Road Vehicle. The definition of all-purpose vehicle is taken from state law. This area of law can get confusing, and matching the city’s code to state law is a step toward uniformity. The definition does not include snow machines.

If passed, Council could consider numerous additional amendments or additions to the code.

1. The Fine Schedule.

The fine schedule at §14.04.025 will need to be amended to reflect the change to “APV” as well as to delete the fine for driving an APV (currently off-road vehicle) on a highway.

If directed to move forward to introduction of an ordinance, the fine schedule will be included at that time. This will allow for inclusion of any additional requirements the Council may wish to impose.

2. Helmets.

Helmets are currently only required for passengers, not drivers. Other cities which permit off-road vehicle use in their cities have codified their own helmet laws.

For example, Wasilla’s code provides: Persons operating an off-road vehicle within the city must wear a helmet which meets safety standards set by the Federal Motor Vehicle Safety Standard 218.

The City has latitude with regard to helmet requirements and we are glad to propose some alternatives.

3. Parental Responsibility.

Some cities which allow APVs or off-road vehicles have included a section on parental responsibility. A simple, though not particularly robust, example is from the City of Valdez, which simply states. “The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provisions of this section.”

As written, that ordinance presents enforcement problems, but it is useful for discussion purposes.

4. Modification of Speed Limits.

The Council has a better understanding of the travel routes and various speed limits in the city than our office. Something to consider is whether to modify the current complete ban to only allow travel on roads with, for example, speed limits of less than 35 miles per hour.

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2024-\_\_

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING TITLE 14 OF THE UNALASKA CODE OF ORDINANCES REGULATING THE USE OFF-ROAD VEHICLES WITHIN CITY LIMITS.

WHEREAS, in 2022, state regulations were amended to allow all-purpose vehicles to operate on public roadways where not prohibited by local law or ordinance; and

WHEREAS, presently off-road vehicles are prohibited in the City of Unalaska; and

WHEREAS, the use of off-road vehicles is both convenient and economical, subject to state law and to city ordinances as this Council may adopt to ensure public safety and lack of conflict with other drivers and pedestrians.

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNALASKA, as follows:

**Section 1: Classification.** This is a Code Ordinance.

**Section 2: Amendment of Section 14.04.010 Definitions.** Section 14.04.010 (M) of the Unalaska Code of Ordinances is hereby amended to read as follows [new language is underlined; deleted language is ~~overstruck~~]:

(M) "All-purpose vehicle (APV)" as defined in 13 AAC 40.010(a)(67) means any self-propelled vehicle designed to travel on wheels or tracks in contact with the ground and is commonly used to transport persons for recreational purposes, including vehicles such as four-wheel-drive units, all-terrain vehicles (ATVs), or utility terrain vehicles (UTVs); the definition does not include off-highway vehicles as defined in 13 AAC 40.010(a). "OFF ROAD VEHICLE" means any vehicle that is being operated off a highway.

**Section 3: Amendment of Section 14.08.020 Off Road Vehicle Operation.** Section 14.08.020 (B) of the Unalaska Code of Ordinances is hereby amended to read as follows:

It shall be unlawful to operate an all-purpose vehicle ~~off-road vehicle~~ in the City of Unalaska:

(A) On private property owned by a person other than the driver without having the written consent of the owner of the property in the driver's possession.

(B) On public property which has not been officially designated as an area for all-purpose vehicle ~~off-road vehicle~~ operation.

(C) On a sidewalk or trail designed and maintained for non-motorized travel unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree

angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.

~~(D) Repealed.~~

~~(DE)~~ In such a manner as to throw or scatter debris or other material onto:

- (1) Any improved real property;
- (2) Any sidewalk;
- (3) Any paved driveway; or
- (4) Any paved highway.

~~(F) On a highway, or sidewalk, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.~~

~~(EG)~~ Between the hours of 10:00 p.m. and 8:00 a.m.

~~(FH)~~ This section shall not apply to an employee of a municipal or state law enforcement agency while in the performance of the employee's official duties.

**Section 4: Effective Date.** This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

\_\_\_\_\_  
Estkarlen P. Magdaong  
City Clerk

# NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

Dunleavy to allow ATVs & Other All-Purpose Vehicles on State Roads, starting Jan. 1

Tonight we will address...

1. Review Unalaska Code
2. Overview of Changes at State Level
3. Options for Council Consideration



# City of Unalaska Ordinance

## 14.08.020 OFF ROAD VEHICLE OPERATION

- ▶ It shall be unlawful to operate an off-road vehicle in the City of Unalaska:
  - ▶ (A) On private property owned by a person other than the driver without having the written consent of the owner of the property in the driver's possession.
  - ▶ (B) On public property which has not been officially designated as an area for off-road vehicle operation.
  - ▶ (C) On a sidewalk or trail designed and maintained for non-motorized travel.
  - ▶ (D) Repealed.
  - ▶ (E) In such a manner as to throw or scatter debris or other material onto:
    - ▶ (1) Any improved real property;
    - ▶ (2) Any sidewalk;
    - ▶ (3) Any paved driveway; or
    - ▶ (4) Any paved highway.

# City of Unalaska Ordinance

## 14.08.020 OFF ROAD VEHICLE OPERATION

### (continued)

- ▶ (F) On a highway, or sidewalk, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.
- ▶ (G) Between the hours of 10:00 p.m. and 8:00 a.m.
- ▶ (H) This section shall not apply to an employee of a municipal or state law enforcement agency while in the performance of the employee's official duties.

(Am. Ord. 2016-02, passed 2-23-16)

# OVERVIEW OF CHANGES TO AAC

- ▶ The State of Alaska is changing regulations to allow ATVs and Other All-Purpose Vehicles on roadways with limits of 45 mph or less
  - ▶ (1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow a snowmobile or (since change to still prohibit) all-purpose vehicle on roads with maximum speed of 45 mph or less.
  - ▶ (2) 13 AAC 02.455 is proposed to be amended by removing “snowmobile” to remove the prohibition of use on roadways. (since change to still prohibit)
  - ▶ (3) 13 AAC 02.482 is proposed to be amended by adding a new subsection to allow municipalities to prohibit a snowmobile or (since change to still prohibit) all-purpose vehicles from using roadways.
  - ▶ (4) 13 AAC 04.400 is proposed to be amended by adding the term “all-purpose vehicle”.
  - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.



## 13 AAC 02.325. Special speed limitations

- ▶ (a) No person may drive a motor-driven cycle when lights are required to be turned on as prescribed under [13 AAC 04.010](#) at a speed greater than allowed by the intensity of the headlights as provided by [13 AAC 04.320](#).
- ▶ (b) No person may drive a vehicle which is towing a mobile home at a speed greater than 45 miles per hour.
- ▶ (c) No person may drive a vehicle equipped with lighted headlights described in [13 AAC 04.020\(g\)](#) at a speed greater than is reasonable and prudent under the conditions specified in [13 AAC 04.010](#).
- ▶ (d) No person may drive a vehicle at a speed in excess of 20 miles per hour when passing a marked public school or playground crosswalk that is posted with an official school, school crossing or speed-control sign. The speed zone at the crosswalk extends 300 feet in either direction from the marked crosswalk.
- ▶ (e) No person may drive a vehicle passing a school bus displaying alternately flashing yellow lights as provided in [13 AAC 04.097\(b\)](#) at a speed greater than 20 miles per hour.
- ▶ (f) No person may drive a vehicle or a combination of vehicles over a bridge or other elevated structure or through a tunnel or underpass constituting a part of a highway, ferry facility or city street at a rate of speed or with a gross weight or of a size which is greater than the maximum speed or maximum weight or size designated by an official traffic-control device.

# OVERVIEW OF CHANGES TO AAC

- ▶ The State of Alaska is changing regulations to allow ATVs and Other All-Purpose Vehicles on roadways with limits of 45 mph or less
  - ▶ (1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow a snowmobile or (since change to still prohibit) all-purpose vehicle on roads with maximum speed of 45 mph or less.
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  - ▶ (4) 13 AAC 04.400 is proposed to be amended by adding the term “all-purpose vehicle”.
  - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.



## 13 AAC 02.455. Operation on highways and other locations

- ▶ (a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:
  - ▶ (1) when crossing a highway as provided in (f) of this section, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;
  - ▶ (2) when use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-highway vehicles;
  - ▶ (3) when highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or
  - ▶ (4) when driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest lane of the roadway; no person may drive an off-highway vehicle within the area dividing the roadways of a divided highway,

## 13 AAC 02.455. Operation on highways and other locations

- ▶ (b) - (e) Repealed 6/28/79.
- ▶ (f) A snowmobile or an off-highway vehicle may make a direct crossing of a highway if
  - ▶ (1) the crossing is made approximately at a right angle to the highway and at a location where visibility along the highway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the highway; and
  - ▶ (2) the vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the highway.
- ▶ (g) No snowmobile or other off-highway vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other nonmotorized traffic, an alley, or a vehicular way or area which is not open to snowmobile or off-highway vehicle operation, except as provided in (f) of this section.

# OVERVIEW OF CHANGES TO AAC

- ▶ The State of Alaska is changing regulations to allow ATVs and Other All-Purpose Vehicles on roadways with limits of 45 mph or less
  - ▶ (1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow a snowmobile or (since change to still prohibit) all-purpose vehicle on roads with maximum speed of 45 mph or less.
  - ▶ (2) 13 AAC 02.455 is proposed to be amended by removing “snowmobile” to remove the prohibition of use on roadways. (since change to still prohibit)
  - ▶ (3) 13 AAC 02.482 is proposed to be amended by adding a new subsection to allow municipalities to prohibit a snowmobile or (since change to still prohibit) all-purpose vehicles from using roadways.
  - ▶ (4) 13 AAC 04.400 is proposed to be amended by adding the term “all-purpose vehicle”.
  - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.



## 13 AAC 02.482. Limited use of vehicular ways and areas

- ▶ (a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in [13 AAC 40.010](#) when it is designated for use by a different mode of travel than that used by the pedestrian, rider of a bicycle, or driver of a vehicle.
- ▶ (b) A driver of a non-motorized vehicle traveling upon a vehicular way or area shall, regardless of whether an official traffic-control device is present, yield the right-of-way in the manner specified in sec. 130(c) of this chapter to any traffic using a roadway, driveway, or vehicular way or area on which motor vehicle traffic is authorized.

# OVERVIEW OF CHANGES TO AAC

- ▶ The State of Alaska is changing regulations to allow ATVs and Other All-Purpose Vehicles on roadways with limits of 45 mph or less
  - ▶ (1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow a snowmobile or (since change to still prohibit) all-purpose vehicle on roads with maximum speed of 45 mph or less.
  - ▶ (2) 13 AAC 02.455 is proposed to be amended by removing “snowmobile” to remove the prohibition of use on roadways. (since change to still prohibit)
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  - ▶ (4) 13 AAC 04.400 is proposed to be amended by adding the term “all-purpose vehicle”.
  - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.

## 13 AAC 04.400. Lights and reflectors

- ▶ (a) A snowmobile or other off-highway vehicle which is driven during the times when lights are required by sec. 10 of this chapter must be equipped with at least one headlight, aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead under normal atmospheric conditions.
- ▶ (b) A snowmobile or other off-highway vehicle must be equipped with one red light, one stop-signal light and one red reflector, which must be mounted upon the rear or rear cowling of the vehicle. The lights must be visible from a distance of at least 1000 feet to the rear. The reflector must be visible from a distance of at least 600 feet to the rear when directly in front of the lawful lower beams of the headlights on a motor vehicle other than a snowmobile or an off-highway vehicle.



# OVERVIEW OF CHANGES TO AAC

- ▶ The State of Alaska is changing regulations to allow ATVs and Snowmobiles on roadways with limits of 45 mph or less
  - ▶ (1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow a snowmobile or (since change to still prohibit) all-purpose vehicle on roads with maximum speed of 45 mph or less.
  - ▶ (2) 13 AAC 02.455 is proposed to be amended by removing “snowmobile” to remove the prohibition of use on roadways. (since change to still prohibit)
  - ▶ (3) 13 AAC 02.482 is proposed to be amended by adding a new subsection to allow municipalities to prohibit a snowmobile or (since change to still prohibit) all-purpose vehicles from using roadways.
  - ▶ (4) 13 AAC 04.400 is proposed to be amended by adding the term “all-purpose vehicle”.
  - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.

## 13 AAC 04.010. When lights are required

- ▶ (a) Every vehicle traveling on a highway or other vehicular way or area within the state must illuminate lights
  - ▶ (1) between one half hour after sunset and one half hour before sunrise; or
  - ▶ (2) at any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 1000 feet.
- ▶ (b) Stop lights, turn signals, and other signaling devices must be illuminated as required by this chapter.
- ▶ (c) Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights.
- ▶ (d) For the purposes of (c) of this section, lights include low intensity headlights and daytime running lamp devices that meet the standards in 49 C.F.R. 571 (revised as of August 29, 1996), if the headlights are not otherwise required under (a)(1) or (2) of this section.

## Vehicles eligible under the new rules must follow certain guidelines:

- ▶ All-purpose vehicles must have a headlight, a rear-facing red light, a rear-facing red reflector and a rear-facing red brake light. The vehicle must have brakes, a muffler, carburetor and throttle.
- ▶ Drivers must have a valid driver's license and insurance but don't have to wear a helmet. Passengers need to wear helmets.
- ▶ If the vehicle has seatbelts, they must be used, and any vehicle with seatbelts must use a child seat when carrying a child young enough.
- ▶ The vehicle must be registered and have license plates.



# City Council Options

## Option 1:

### Keep Existing Ordinance

- ▶ May draft and present an Ordinance to add clarity (Draft attached)
- ▶ Off-Road vehicles are prohibited on public roadway
- ▶ Off-road vehicles are allowed on private property with limitations
  - ▶ Owner permission
  - ▶ Time restrictions

## Option 2:

### Adopt the SOA's New Approach

- ▶ Allow all-purpose vehicles to be driven on the roadway
  - ▶ (this new term is used to refer to off-road or ATV's)
- ▶ Allow ATV's to be driven on the roadway
- ▶ Maintain restriction for snowmobiles and hovercraft

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2022-\_\_

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING TITLE 14 OF THE UNALASKA CODE OF ORDINANCES REGULATING THE USE OFF-ROAD VEHICLES WITHIN CITY LIMITS

WHEREAS, beginning in 2022, state regulations will permit all-purpose vehicles to operate on public roadways where not prohibited by local law or ordinance; and

WHEREAS, the City has determined the safety of the citizens of Unalaska is best served by not allowing off-road or all-purpose vehicles on its roadways; and

WHEREAS, the City currently prohibits off-road vehicles; and

WHEREAS, limited amendments to the current Unalaska Code of Ordinances are necessary to remove ambiguity or potential conflict with the new state regulations.

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNALASKA, as follows:

**Section 1: Classification.** This is a Code Ordinance.

**Section 2:** Subsection 14.04.010(M) of the Unalaska Code of Ordinances is hereby amended to read as follows [~~striking through the deleted words and~~ underlining the new words]:

(M) “OFF ROAD VEHICLE” means any self-propelled vehicle designed primarily for recreational off-highway travel on land, snow or water, or on more than one type of terrain, steered by wheels, treads, skis, or any combination thereof, including vehicles commonly known as snow machines, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs) or all-purpose vehicles (APVs). ~~means any vehicle that is being operated off a highway~~

**Section 3:** Subsection 14.08.020 (B) of the Unalaska Code of Ordinances is hereby amended to read as follows [~~the new words are~~ underlined]:

It shall be unlawful to operate an off-road vehicle in the City of Unalaska:

(B) On public property which has not been officially designated by the City as an area for off-road vehicle operation.

**Section 4: Effective Date.** This ordinance shall take effect upon adoption.



PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

\_\_\_\_\_  
Marjie Veeder, CMC  
City Clerk

DRAFT

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2022-04

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING TITLE 14 OF THE UNALASKA CODE OF ORDINANCES REGULATING THE USE OFF-ROAD VEHICLES WITHIN CITY LIMITS

WHEREAS, beginning in 2022, state regulations will permit all-purpose vehicles to operate on public roadways where not prohibited by local law or ordinance; and

WHEREAS, the City has determined the safety of the citizens of Unalaska is best served by not allowing off-road and all-purpose vehicles on its roadways; and

WHEREAS, the City code currently prohibits off-road vehicles on roadways; and

WHEREAS, limited amendments to the Code of Ordinances are necessary to remove ambiguity or potential conflict with the new state regulations.

NOW THEREFORE BE IT ENACTED BY THE UNALASKA CITY COUNCIL as follows:

**Section 1: Classification.** This is a Code Ordinance.

**Section 2:** Subsection 14.04.010 DEFINITIONS, of the Unalaska Code of Ordinances is hereby amended to read as follows, ~~striking through~~ deleted words and underlining the new words:

(M) "OFF ROAD VEHICLE" means any self-propelled vehicle designed primarily for recreational off-highway travel on land, snow or water, or on more than one type of terrain, steered by wheels, treads, skis, or any combination thereof, including vehicles commonly known as snow machines, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs) or all-purpose vehicles (APVs) ~~means any vehicle that is being operated off a highway.~~

**Section 3:** Subsection 14.08.020, OFF ROAD VEHICLE OPERATION, of the Unalaska Code of Ordinances is hereby amended to read as follows, with the new words underlined:

It shall be unlawful to operate an off-road vehicle in the City of Unalaska:

...

(B) On public property which has not been officially designated by the City as an area for off-road vehicle operation.

**Section 4: Effective Date.** This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on March \_\_\_\_\_, 2022.

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Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

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Marjie Veeder, CMC  
City Clerk

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
Through: Erin Reinders, City Manager  
From: J.E. King, Director of Public Safety  
Date: February 22, 2022  
Subject: Ordinance 2022-04: Amending Title 14 of the Unalaska Code of Ordinances regulating the use of off-road vehicles within the city limits

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**SUMMARY:** The State of Alaska has lifted its restriction on off-road vehicles for use on the roadway. This change allows Council to reevaluate the current restrictions contained in Unalaska's Code. Staff has previously provided the proposed ordinance you see before you, which clarified existing code but maintains the current restrictions. We now provide the ordinance, as requested, for formal action by Council.

**PREVIOUS COUNCIL ACTION:** Council approved Ordinance 2016-02 in February 2016, which amended Section 14.08.020 of Code to restrict the use of off-road vehicles except under certain conditions. In addition, the ordinance limited the hours of use and also allowed special permission for municipal and state law enforcement.

On December 14, 2021, Council Member Bell brought up the question of how the Alaska statutory changes allowing all-purpose vehicles might impact Unalaska. There was enough interest in the topic that on December 28, 2021, Staff provided information and submitted a proposed ordinance, amending local code to provide clarification as a result of the State's code change. During that initial discussion Council requested further information for their consideration.

On February 8, 2022, Council members were provided safety and statistical data in regards to off-road vehicle operation on roadways in response to Council's request for information. After discussion, it was determined that it would be in the best interest of the City to bring forward the accompanying draft ordinance for formal action. A Directive to the City Manager was issued to bring this draft ordinance to the February 22<sup>nd</sup> meeting.

**BACKGROUND:** The City adopted the existing ordinance prohibiting off-road vehicles from on roadway use, therefore providing community safety through guidance as to the safe and proper use of off-road vehicles. The City identified the specific locations and means by which a person could operate an off-road vehicle in the City of Unalaska.

Alaska Statutory changes regarding roadway regulations and all-purpose vehicles became effective January 1, 2022, and allow for Council to revise their prohibition should they choose. Changes are outlined below.

### **Alaska Statutory Changes: Roadway Regulations & All-Purpose Vehicles**

(1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow all-purpose vehicle on roads with maximum speed of 45 mph or less.

(g) No person may drive an all-purpose vehicle on any public roadway where the designation maximum speed is greater than 45 miles per hour.

(2) 13 AAC 02.482 is proposed to be amended by adding a new subsection to allow municipalities to prohibit all-purpose vehicles from using roadways.

(c) No driver of an all-purpose vehicle may travel on a public roadway where that travel is prohibited by a local law or ordinance enacted in accordance with AS 28.01.010

(3) 13 AAC 04, Article 6 is proposed to be amended by adding the term “all-purpose vehicle”.

(4) 13 AAC 04.400(a) is proposed to be amended by adding the term “all-purpose vehicle”.

(5) 13 AAC 04.400(b) is proposed to be amended by adding the term “all-purpose vehicle”.

(6) 13 AAC 04.405 is proposed to be amended by adding the term “all-purpose vehicle”.

(7) 13 AAC 04.410 is proposed to be amended by adding the term “all-purpose vehicle”.

(8) 13 AAC 04.415(a) is proposed to be amended by adding the term “all-purpose vehicle”.

(9) 13 AAC 04.420(a) is proposed to be amended by adding the term “all-purpose vehicle”.

(10) 13 AAC 40.010 proposed to be amended by adding a new paragraph

(67) “all-purpose vehicle” means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground and is commonly used to transport persons for recreational purposes, including vehicles such as four-wheel drive units, all-terrain vehicles (ATVs), or utility terrain vehicles (UTVs); does not include off-highway vehicles.

**DISCUSSION:** The State of Alaska lifted its restriction of off-road vehicle use on roadways, where the designated speed limit is less than 45 miles per hour; defined the term “All-Purpose Vehicle”; and added equipment mandates that would allow All-Purpose vehicles to be legally operated on the roadway. Finally, the State code was amended to allow municipalities to prohibit all-purpose vehicle use on the roadways within their jurisdictions.

The specific challenge for each community is in regard to the potential impact on the safety of current roadway traffic with the introduction of all-purpose vehicles; and to the safety of those operating the all-purpose vehicles if operated on the public roadway. Each community has to evaluate its own circumstances as they relate to traffic (speed limit, traffic control devices, congestion and traffic enforcement), current road use, maintenance and construction, and the types of vehicles that currently utilize the public roadway (passenger vehicles and commercial vehicles). In the City of Unalaska, there are an estimated 2,500 passenger vehicles and 1,000

commercial vehicles utilizing approximately nine (9) miles of paved road and forty (40) miles of improved road, if Overland Drive and Captains Bay Road are included.

The current City ordinance governing the operation of off-road vehicles was evaluated after the State of Alaska's announcement on the reduction on the restrictions for the use of all-purpose vehicles. As a result of the review, amendments were drafted affecting Sections 14.04.010 and 14.08.020. The draft ordinance was developed in an effort to redefine "Off Road Vehicle" within Section 14.04.010 and to clarify the City's authority and continued restriction in regard to the operation of off-road vehicles on the public roadway in Section 14.08.020.

**ALTERNATIVES:** Council has the following primary alternatives to consider:

1. Council may approve the ordinance as presented and continue the restriction of all-purpose vehicles (off-road vehicles) for on roadway use.
2. Council may amend the proposed ordinance and adjust the current restriction as it relates to the time and location (which roads) authorized for all-purpose vehicles (off-road vehicles) for on roadway use.
3. Council may repeal the existing ordinance and allow State Statute(s) to serve as the governing Code and allow all-purpose vehicles to be operated on the roadway.

**FINANCIAL IMPLICATIONS:** Associated salaries and/or supplies would be covered by the department's normal day to day operations and budget for those that would play a role in the enforcement of any violation of Code governing the use of all-purpose vehicles.

The City Manager reached out to State and Federal lobbyist concerning potential federal funding implications. Unlike with regulations around seatbelts and alcohol, it does not appear that allowing all purpose vehicles on roadways would impact our ability to receive federal funding.

**LEGAL:** The City Attorney reviewed the proposed changes and provided insight as to the wording of the draft ordinance.

**STAFF RECOMMENDATION:** Staff recommends adoption of Ordinance 2022-04.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-04 and schedule it for public hearing and second reading on March 8, 2022.

**CITY MANAGER COMMENTS:** I support staff's recommendation.

**ATTACHMENTS:**

- Directive to the City Manager
- Current Code Sections - 14.04.010 and 14.08.020

**UNALASKA CITY COUNCIL  
DIRECTIVE TO CITY MANAGER**

DATE: 2/8/22

TOPIC: ORDINANCE ON OFF-ROAD VEHICLE USE

MOTION: MOVE TO DIRECT THE CITY MANAGER TO

BRING DRAFT ORDINANCE TO ~~MEET~~ MEETING ON FEB 22  
2022 REGARDING OFF ROAD VEHICLE USAGE

MOTION BY: ROBINSON

SECONDED BY: TUNGUL

VOTE: 6 YES 0 NO

Notes if any:

  
\_\_\_\_\_  
COUNCIL MEMBER SIGNATURE

This form is utilized in order to provide clear guidance as to the intent of the Council Directive  
Forward completed form to the City Clerk



#### **§ 14.04.010 DEFINITIONS.**

Unless otherwise expressly stated in this title:

(A) "ABANDONED VEHICLE" means a motor vehicle left unattended in violation of § [14.12.020](#) of this chapter.

(B) "COMMERCIAL MOTOR VEHICLE" means a self-propelled or towed vehicle:

(1) Used to transport passengers or property for commercial purposes;

(2) Used upon a public highway or right-of-way; and

(3) That:

(a) Has a gross vehicle weight rating or gross combination weight rating greater than 12,000 pounds;

(b) Is designed to transport more than 15 passengers, including the driver; or

(c) Is used in the transportation of materials found by the United States Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 5101 - 5127;

(4) Except that the following vehicles meeting the criteria in division (B)(1) through (3) of this section are not commercial motor vehicles:

(a) Emergency or fire equipment that is necessary to the preservation of life or property;

(b) School buses;

(c) Vehicles owned and operated by the federal government unless the vehicle is used to transport property of the general public for compensation in competition with other persons who own or operate a commercial motor vehicle subject to AS 19.10.310 through 19.10.399, and except to the extent that regulation of vehicles operated by the federal government is permitted by federal law; and

(d) Vehicle used exclusively for purposes other than commercial purposes;

(C) "COMMERCIAL PURPOSES" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but that are incidental to and done in furtherance of the person's business.

(D) "DEPARTMENT" means the Department of Public Safety.

(E) "DIRECTOR OF PUBLIC SAFETY" means the Chief of Police and any designee of the Chief of Police.

(F) "FIFTH WHEEL" means a device mounted on a truck tractor or similar towing vehicle (e.g., converter dolly) which interfaces with and couples to the upper coupler assembly of a semitrailer.

(G) "GROSS COMBINATION WEIGHT RATING" means the value specified by the manufacturer as the loaded weight of a combination vehicle, except that if a value has not been specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and the load on the towed unit;

(H) "GROSS VEHICLE WEIGHT RATING" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(I) "HIGHWAY" means the entire width between the boundary lines of every right-of-way that is publicly maintained when a part of it is opened to the public for purposes of travel by motor vehicle, including but not limited to every street.

(J) "IMPOUNDED VEHICLE" means any motor vehicle which has been taken into the possession of an authorized person or company pursuant to § [14.12.040](#) of this chapter.

(K) "JUNK VEHICLE" means any motor vehicle without a current motor vehicle registration in this or any other state and that has been wholly or partially dismantled or wrecked, or that is otherwise inoperable.

(L) "MOTOR VEHICLE" means a vehicle which is self propelled except a vehicle moved by human or animal power and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, trucks, tractors, wagons, snowmachines, all terrain vehicles, go-carts, recreational vehicles, campers and trailers.

(M) "OFF ROAD VEHICLE" means any vehicle that is being operated off a highway.

(N) "PUBLIC PROPERTY" means any highway right of way and any interest in property held by the United States of America, State of Alaska or the city.

(O) "SIDEWALK" means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines and intended for use by pedestrians.

(P) "STORAGE" means the parking or leaving of a vehicle upon private or public property for more than 48 hours.

(Q) "TRAFFIC DEVICE" means any light, sign or other object which is intended to control, inform or aid the driver of a motor vehicle.

(R) "TRAILER" means a vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle; it includes semitrailers and pole trailers.

(S) "TRAILER KING-PIN" means a pin (with a flange on its lower end) which extends vertically from the front of the underside of a semitrailer and which locks into a fifth wheel.

(T) "TRUCK-TRACTOR UNIT" means a motor vehicle designed and used primarily for drawing other vehicles, which is not designed or constructed to carry a load other than a part of the weight of the vehicle and load being drawn, whether or not a trailer is attached or a load is being drawn.

(U) "UPPER COUPLER ASSEMBLY" means a structure consisting of an upper coupler plate, trailer king-pin and supporting framework which interfaces with and couple to a fifth wheel.

(V) "UPPER COUPLER PLATE" means a plate structure through which the king-pin neck and collar extend. The bottom surface of the plate contracts the fifth wheel when coupled.

(W) "VEHICLE" means a junk vehicle or motor vehicle.

(Am. Ord. 2012-06, passed 6-4-12; Am. Ord. 2018-11, passed 12-11-18)

#### **§ 14.08.020 OFF ROAD VEHICLE OPERATION.**

It shall be unlawful to operate an off-road vehicle in the City of Unalaska:

(A) On private property owned by a person other than the driver without having the written consent of the owner of the property in the driver's possession.

(B) On public property which has not been officially designated as an area for off-road vehicle operation.

(C) On a sidewalk or trail designed and maintained for non-motorized travel.

(D) Repealed.

(E) In such a manner as to throw or scatter debris or other material onto:

(1) Any improved real property;

(2) Any sidewalk;

(3) Any paved driveway; or

(4) Any paved highway.

(F) On a highway, or sidewalk, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.

(G) Between the hours of 10:00 p.m. and 8:00 a.m.

(H) This section shall not apply to an employee of a municipal or state law enforcement agency while in the performance of the employee's official duties.

(Am. Ord. 2016-02, passed 2-23-16)

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2022-05

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING TITLE 14 OF THE UNALASKA CODE OF ORDINANCES REGULATING THE USE OFF-ROAD VEHICLES WITHIN CITY LIMITS

WHEREAS, beginning in 2022, state regulations will permit all-purpose vehicles to operate on public roadways where not prohibited by local law or ordinance; and

WHEREAS, the City code currently prohibits off-road vehicles on roadways; and

WHEREAS, limited amendments to the Code of Ordinances are necessary to remove ambiguity or potential conflict with the new state regulations.

NOW THEREFORE BE IT ENACTED BY THE UNALASKA CITY COUNCIL as follows:

**Section 1: Classification.** This is a Code Ordinance.

**Section 2:** Subsection 14.04.010 DEFINITIONS, of the Unalaska Code of Ordinances is hereby amended to read as follows, ~~striking through~~ deleted words and underlining the new words:

(M) "OFF ROAD VEHICLE" means any self-propelled vehicle designed primarily for recreational off-highway travel on land, snow or water, or on more than one type of terrain, steered by wheels, treads, skis, or any combination thereof, including vehicles commonly known as snow machines, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs) or all-purpose vehicles (APVs) ~~means any vehicle that is being operated off a highway.~~

**Section 3:** Subsection 14.08.020, OFF ROAD VEHICLE OPERATION, of the Unalaska Code of Ordinances is hereby amended to read as follows, ~~striking through~~ deleted words and underlining the new words:

It shall be unlawful to operate an off-road vehicle in the City of Unalaska:

(A) On private property owned by a person other than the driver without having the written consent of the owner of the property in the driver's possession.

(B) On public property which has not been officially designated by the City as an area for off-road vehicle operation.

(C) On a sidewalk or trail designed and maintained for non-motorized travel.

~~(D) Repealed.~~

~~(E)(D)~~ In such a manner as to throw or scatter debris or other material onto:

(1) Any improved real property;

- (2) Any sidewalk;
- (3) Any paved driveway; or
- (4) Any paved highway.

~~(F)~~(E) On a highway, or sidewalk, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.

~~(G)~~(F) Between the hours of 10:00 p.m. and 8:00 a.m.

~~(H)~~(G) This section shall not apply to an employee of a municipal or state law enforcement agency while in the performance of the employee's official duties.

~~(E)~~(H) All off-road vehicles operated on the roadway must comply with all National Highway Traffic Safety, United States Department of Transportation, and State of Alaska regulations to include registration and insurance requirements.

~~(E)~~(I) Snow Mobiles are prohibited from being operated on the roadway, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.

**Section 4: Effective Date.** This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on March \_\_\_\_\_, 2022.

\_\_\_\_\_  
Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

\_\_\_\_\_  
Marjie Veeder, CMC  
City Clerk



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
Through: JR Pearson, Acting City Manager  
From: J.E. King, Director of Public Safety  
Date: March 22, 2022  
Subject: Ordinance 2022-05: Amending Title 14 of the Unalaska Code of Ordinances regulating the use of off-road vehicles within the city limits

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**SUMMARY:** The State of Alaska lifted its restriction on off-road vehicles for use on the roadway. This change allows Council to reevaluate the current restrictions contained in Unalaska's Code. On February 22, 2022, Council directed the City Manager to present an ordinance allowing all purpose vehicles on public roads in Unalaska. Ordinance 2022-05 accomplishes this directive and is presented this evening for consideration and further discussion.

**PREVIOUS COUNCIL ACTION:** Council approved Ordinance 2016-02 in February 2016, which amended Section 14.08.020 of Code to restrict the use of off-road vehicles except under certain conditions. In addition, the ordinance limited the hours of use and also allowed special permission for municipal and state law enforcement.

On December 14, 2021, Council Member Bell brought up the question of how the Alaska statutory changes allowing all-purpose vehicles might impact Unalaska. There was enough interest in the topic that on December 28, 2021, Staff provided information and submitted a proposed ordinance, amending local code to provide clarification as a result of the State's code change. During that initial discussion Council requested further information for their consideration.

On February 8, 2022, Council members were provided safety and statistical data in regards to off-road vehicle operation on roadways in response to Council's request for information. A Directive to the City Manager was issued to bring a draft ordinance to the February 22<sup>nd</sup> meeting regarding off road vehicle usage.

On February 22, 2022, Council members were provided Ordinance 2022-04 maintaining the current restrictions on the use of off-road vehicles and incorporating updated definitions for off-road vehicles. Ordinance 2022-04 was defeated on first reading. Council directed staff to prepare an ordinance allowing all purpose vehicles on public roads in Unalaska and discussed including language for additional safety features.

**BACKGROUND:** The City adopted the existing ordinance prohibiting off-road vehicles from on roadway use, therefore providing community safety through guidance as to the safe and proper use of off-road vehicles. The City identified the specific locations and means by which a person could operate an off-road vehicle in the City of Unalaska.

Alaska Statutory changes regarding roadway regulations and all-purpose vehicles became effective January 1, 2022, and allow for Council to revise their prohibition should they choose. Changes are outlined below.

## Alaska Statutory Changes: Roadway Regulations & All-Purpose Vehicles

(1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow all-purpose vehicle on roads with maximum speed of 45 mph or less.

(g) No person may drive an all-purpose vehicle on any public roadway where the designation maximum speed is greater than 45 miles per hour.

(2) 13 AAC 02.482 is proposed to be amended by adding a new subsection to allow municipalities to prohibit all-purpose vehicles from using roadways.

(c) No driver of an all-purpose vehicle may travel on a public roadway where that travel is prohibited by a local law or ordinance enacted in accordance with AS 28.01.010

(3) 13 AAC 04, Article 6 is proposed to be amended by adding the term “all-purpose vehicle”.

(4) 13 AAC 04.400(a) is amended to require at least one headlight during times when lights are required for an “all-purpose vehicle”.

(5) 13 AAC 04.400(b) is amended to require at least one red light, stop signal and red reflector mounted to the rear are required for an “all-purpose vehicle”.

(6) 13 AAC 04.405 is amended to require brakes which control movement, stop and hold for an “all-purpose vehicle”.

(7) 13 AAC 04.410 is amended to require a foot or hand operated throttle with an idle spring for an “all-purpose vehicle”.

(8) 13 AAC 04.415(a) is amended to require a carburetor intake, exhaust muffler (without cutout, bypass or other similar device) and emission control system for an “all-purpose vehicle”.

(9) 13 AAC 04.420(a) is amended to require snow-flaps, protective shields, side reflectors, spark arresters and if towed the use of a towbar for an “all-purpose vehicle”.

(10) 13 AAC 40.010 proposed to be amended by adding a new paragraph

(67) “all-purpose vehicle” means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground and is commonly used to transport persons for recreational purposes, including vehicles such as four-wheel drive units, all-terrain vehicles (ATVs), or utility terrain vehicles (UTVs); does not include off-highway vehicles.

**DISCUSSION:** The State of Alaska lifted its restriction of off-road vehicle use on roadways, where the designated speed limit is less than 45 miles per hour; defined the term “All-Purpose Vehicle”; and added equipment mandates that would allow All-Purpose vehicles to be legally operated on the roadway. Finally, State code was amended to allow municipalities to prohibit all-purpose vehicle use on the roadways within their jurisdictions.

The specific challenge for each community is in regard to the potential impact on the safety of current roadway traffic with the introduction of all-purpose vehicles; and to the safety of those operating the all-purpose vehicles if operated on the public roadway. Each community has to evaluate its own circumstances as they relate to traffic (speed limit, traffic control devices, congestion and traffic enforcement), current road use, maintenance and construction, and the types of vehicles that currently utilize the public roadway (passenger vehicles and commercial vehicles). In the City of Unalaska, there are an estimated 2,500 passenger vehicles and 1,000 commercial vehicles utilizing approximately nine (9) miles of paved road and forty (40) miles of improved roads, if Overland Drive and Captains Bay Road are included.

The current City ordinance governing the operation of off-road vehicles was evaluated after the State of Alaska's announcement on the reduction on the restrictions for the use of all-purpose vehicles. As a result of the review, amendments were drafted affecting Sections 14.04.010 and 14.08.020 (Ordinance 2022-04). The draft ordinance was developed in an effort to redefine "Off Road Vehicle" within Section 14.04.010 and to clarify the City's authority and continued restriction in regard to the operation of off-road vehicles on the public roadway in Section 14.08.020. Ordinance 2022-04 was defeated. Ordinance 2022-05 in tonight's packet was prepared in response to a directive from Council, to remove the restriction for the use of off-road vehicles while maintaining the prohibition on the use of snow mobiles on the roadway.

In regards to safety protocols and equipment, the term DOT Compliance refers to the adherence to Federal Motor Vehicle Safety Standards, Public Laws, U.S. Codes and Federal Regulations.

The National Highway Traffic Safety Administration (NHTSA) is responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. NHTSA sets and enforces safety performance standards for motor vehicles and equipment. NHTSA issues Federal Motor Vehicle Safety Standards. NHTSA does not regulate off-road vehicles or off-road vehicle after-market accessories because off-road vehicles are not manufactured for on roadway use. Source: [nhtsa.dot.gov](https://www.nhtsa.dot.gov).

**ALTERNATIVES:** Council has the following primary alternatives to consider:

1. Council may approve the ordinance as presented to remove the restriction of all-purpose vehicles (off-road vehicles) for on roadway use, with snow mobiles being the exception.
2. Council may amend the proposed ordinance and adjust the safety protocols and equipment required to enhance the safe operation of authorized off-road vehicles for on roadway use.
3. Council may repeal the existing ordinance and allow State Statute(s) to serve as the governing Code and allow all-purpose vehicles to be operated on the roadway without enacting additional safety protocols and equipment.

**FINANCIAL IMPLICATIONS:** Associated salaries and/or supplies would be covered by the department's normal day to day operations and budget for those that would play a role in the enforcement of any violation of Code governing the use of all-purpose vehicles.

The City Manager reached out to our State and Federal lobbyists concerning potential federal funding implications. Unlike with regulations around seatbelts and alcohol, it does not appear that allowing all purpose vehicles on roadways would impact our ability to receive federal funding.

**LEGAL:** The City Attorney reviewed the proposed changes and provided insight as to the wording of the draft ordinance.

**STAFF RECOMMENDATION:** Staff recommends additional discussion on Ordinance 2022-05.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-05 and schedule it for public hearing and second reading on April 12, 2022.

**CITY MANAGER COMMENTS:** I support staff's recommendation.

**ATTACHMENTS:** None

City of Unalaska, Alaska  
COUNCIL MEMBER  
AGENDA ITEM REQUEST (UCO 2.20.025)

Date: 6/11/24

Printed Name of Requesting Council Member: THOMAS BELL

Date to place item on agenda: AUGUST/SEPTEMBER

Description of item to place on agenda: \_\_\_\_\_

ORDINANCE CHANGE TO ALLOW  
APV USE ON PUBLIC ROADS IN  
UNALASKA

Requirements:

- ☐ Discussion only; no action
- ☒ Ordinance
- ☐ Resolution
- ☐ Motion

Information that will be provided for council packet by requesting council member: \_\_\_\_\_

CODE OF ORDINANCE

(Note: Documents for the council packet are due to the City Clerk no later than noon the Friday before the requested council meeting.)

If you request assistance from the City Manager, or staff through the City Manager, please describe requested assistance: \_\_\_\_\_

If the request is not submitted to the City Clerk at least 2 weeks before the intended meeting, support of two other council members is required, in which case the request is due to the City Clerk 5 days before the meeting at which the item is to be addressed.

  
Signature of Council Member

DARIN NICHOLSON  
Printed Name

  
Signature of Council Member

Dancien Looby  
Printed Name

  
Signature  
Requesting Council Member

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Michelle Price, Executive Assistant 1  
Through: William Homka, City Manager  
Date: November 12, 2024  
Re: North Pacific Fishery Management Council Meeting

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**PURPOSE OF TRAVEL:** The North Pacific Fishery Management Council will meet from December 2 through December 10, 2024, at the Egan Center in Anchorage Alaska. The agenda is attached. The council will set the 2025 groundfish allocations and review the Amendment 80 Bottom Trawl Sector. There will be an opportunity for oral testimony on current fisheries-related issues to the advisory panel during the meetings. This meeting is being conducted remotely with a web broadcast that provides the opportunity for remote public comment. The City's Fisheries Advisor, Frank Kelty, will attend this meeting on behalf of the City of Unalaska.

**FINANCIAL IMPLICATIONS:** The estimated travel costs per person are:

Air Fare	\$ 1,300.00
Hotel	\$ 1,890.00
Vehicle Rental	\$ -
Taxi, Shuttle, Other	\$ 250.00
Per Diem	\$ 1,450.00
Registration Fees	\$ -
<b>Total</b>	<b>\$ 4,890.00</b>

This travel is planned and was included in Council's FY25 travel budget.

The current balance in Council's travel budget (0102-0152-55903) is \$ 91,847.16, therefore there are sufficient funds to cover travel for the Mayor and up to three City Council Members.

**COUNCIL'S TRAVEL POLICY:** Council's Travel Policy states that no more than three Council Members may travel to the same meeting or conference; that travel be conducted in the most direct and economic manner possible to accomplish City business; and Council will discuss the travel, identify the Council Members to travel, and approve the travel by motion at least twenty-one days before the trip.

**PROPOSED MOTION:** I move to approve travel for Mayor Tutiakoff and up to three City Council Members to attend the North Pacific Fishery Management Council Meeting.



**UPDATED 10/25/2024**

**DRAFT AGENDA**

**272nd Plenary Session, North Pacific Fishery Management Council  
December 5-10, 2024, Egan Center, Anchorage, AK**

The North Pacific Fishery Management Council will meet in early April, at the Hilton Hotel, Anchorage, AK. Other meetings to be held in close conjunction are:

<u>Committee/Panel</u>	<u>Dates</u>
Scientific and Statistical Committee	December 2-4, 2024, 8 am- 5 pm, Egan Center
Advisory Panel	December 3-6, 2024, 8 am – 5 pm, Egan Center
IFQ Committee	Dec 2, 2024, 10am-3:30pm, Council offices 1007 W 3 <sup>rd</sup> Ave Ste 400
Charter Halibut Management Committee	Dec 3, 2024, 8am-5pm, Council offices 1007 W 3 <sup>rd</sup> Ave Ste 400
Council	December 5-10, 2024, 8 am – 5 pm, Egan Center

**Red = SSC items**

	<u>Council staff lead</u>	<u>Approx TIMING</u>
<b>A. CALL MEETING TO ORDER</b>		
A1 Approve agenda	David Witherell	
<b>B. Reports – written presentations unless noted</b>		<b>7</b>
B1 Executive Director's Report <i>(oral)</i>	David Witherell	
B2 NMFS Management Report, including Northern Fur Seal Conservation Plan report, Final 2025 Annual Deployment Plan, year-end inseason mgmt. report <i>(oral)</i>		
B3 NOAA General Counsel Report		
B4 NOAA Enforcement Report		
B5 ADF&G Report		
B6 USCG Report		
B7 USFWS Report		
B8 U.S. State Department Report		
<b>C. Major Issues/Final Action Items</b>		<b>11</b>
C1 BSAI Groundfish specifications – review BS and AI Ecosystem Status Reports, SAFE report; adopt TAC/ABC/OFLs; Joint Groundfish Plan Teams and BSAI Groundfish Plan Team reports	Diana Stram	5
C2 GOA Groundfish harvest specifications – review GOA Ecosystem Status Report, SAFE report; adopt TAC/ABC/OFLs; GOA Groundfish Plan Team report	Sara Cleaver	3
C3 BSAI Crab specifications - review NSRKC SAFE report chapter and adopt ABC/OFL; BSAI Crab Plan Team report	Anita Kraska	1
C4 2025 Charter Halibut Annual Management Measures – Final action; Committee report	Sarah Marrinan	2
<b>D. Other Issues</b>		<b>20</b>
D1 Climate planning: Review a) IRA update and draft workplan, b) Bering Sea Fishery Ecosystem Plan (BSFEP) Climate Change Taskforce (CCTF) final report, c) AFSC CEFI updates	Katie Latanich	4
D2 BSAI Crab arbitration – Discussion paper	Sarah Marrinan	4
D3 BSAI Crab C-shares – Discussion paper	Taylor Holman	4
D4 Amendment 80 Program Review Report – Review	Taylor Holman	4
D5 IFQ Program Review Report – Review, IFQ Committee report	Anna Henry	4
<b>E. Staff Tasking</b>		
E1 Committees, New Business, and Tasking - Review	Diana Evans	4
<b>TOTAL HOURS (including Executive Session, SSC report in full)</b>		<b>45</b>

**UPDATED 10/25/2024**

**DRAFT Agenda SCHEDULE – Anchorage, AK**

**Dec 2024**

**NOTE:** Agenda items may not be taken in the order in which they appear, and timing is subject to change as necessary. All meetings are open to the public, with the exception of Executive Sessions (*shown in italics*).

<i>All meetings 8am – 5pm</i>	<b>SSC</b> <b>December 2-4</b> <b>Egan Center, Anchorage, AK</b>	<b>Advisory Panel (AP)</b> <b>December 3-6</b> <b>Egan Center, Anchorage, AK</b>	<b>Council</b> <b>December 5-10</b> <b>Egan Center, Anchorage, AK</b>
<b>Monday Dec 2</b> IFQ Cmte, 10am-3.30pm, Council office RecFish Roundtable – afternoon, AP room Halibut presentation – 5.30- 7pm, SSC room	8:00 am Administrative issues C1 BSAI Gfish specs  1:00pm C1 BSAI Gfish (cont)		
<b>Tuesday Dec 3</b> Charter Halibut Mgmt Cmte, 8am-5pm, Council office	8:00 am C1 BSAI Gfish (cont) C2 GOA Gfish specs 1:00 pm C2 GOA Gfish (cont)	8:00 am Administrative issues D4 A80 Program Review 1:00 pm C1 BSAI Gfish specs	
<b>Weds Dec 4</b>	8:00 am C2 GOA Gfish (cont) C3 NSRKC specs 1:00 pm <i>Report writing/ continue as necessary</i>	8:00 am D2 Crab arbitration D3 Crab C shares 1:00 pm D1 Climate plan C2 GOA Gfish specs	
<b>Thursday Dec 5</b>		8:00 am C2 GOA Gfish specs (cont) C3 NSRKC specs 1:00 pm D5 IFQ Program Review	8:00 am B Reports  1:00 pm B Reports (cont) C1 BSAI Gfish specs
<b>Friday Dec 6</b>		8:00 am C4 Charter halibut mgmt 1:00 pm E Staff Tasking	8:00 am C1 BSAI Gfish (cont) 1:00 pm SSC report in full C2 GOA Gfish specs
<b>Saturday Dec 7</b>			8:00 am C2 GOA Gfish specs C3 NSRKC specs C4 Charter halibut mgmt 1:00 pm D1 Climate planning 3:00 pm <i>Executive Session</i>
<b>Sunday Dec 8</b>			8:00 am D1 Climate plan (cont) D2 Crab arbitration  1:00 pm D2 Crab arbitration (cont) D3 Crab C shares
<b>Monday Dec 9</b>			8:00 am D3 Crab C shares (cont) D4 A80 Program Review 1:00 pm D4 A80 Review (cont) D5 IFQ Program Review
<b>Tuesday Dec 10</b>			8:00 am D5 IFQ Review (cont) E Staff Tasking 1:00 pm E Staff Tasking (cont)

	DRAFT NPFMC THREE-MEETING OUTLOOK – 10/6/2024						
	December 2-10, 2024 <i>Hilton Hotel, Anchorage, AK</i>	Council staff contact	Feb 3-9, 2025	March 31-April 9, 2025 <i>Hilton Hotel, Anchorage, AK</i>	Council staff contact	June 2-10, 2025 <i>Agate Beach Best Western, Newport, OR</i>	Council staff contact
Topics							
EVENTS/REPORTS*	NMFS report: Final ADP, inseason report Protected Resources: NFS Conservation Plan report (T) NOAA Enforcement report Executive Session IPHC halibut assessment presentation (T) State Department/USCG report on Russian border	DW DE DW DW SM DW	Special meeting: February 3-10, 2025 Egan Center, Anchorage, AK Chum salmon bycatch: Initial Review Cook Inlet salmon: Harvest specifications	ED report: BSAI TLAS allocation review NMFS report: Cost recovery, EFH consultation, Seabirds AFSC report, IPHC report, NIOSH report Cooperative Reports Finance/Executive Committee Salmon excluder EFP	DW DW DW AH DW	ED report: CCC update NOAA Enforcement report	DW
GROUNDFISH HARVEST SPECS	Ecosystem Status Reports: <i>Review</i> BSAI Groundfish: <i>PT report, Final Specifications</i> GOA Groundfish: <i>PT report, Final Specifications</i>	SC DS SC					
OTHER SPECS: CRAB, SALMON, SCALLOP	NSRKC: <i>ABC/OFL specs, Crab PT report</i>	AK				BSAI Crab: <i>AIGKC specs, Plan Team report</i>	AK
REPORTING/MONITORING						Observer Annual Report for 2024: <i>Review, FMAC report</i>	SC
BSAI/GOA GFISH MGMT	Amendment 80 Program Review: <i>Review report</i>	TH		MRA adjustments: <i>Initial Review (T)</i> CGOA Rockfish Program Review: <i>Review report</i>	TH AH	MRA adjustments: <i>Final Action (T)</i> Pelagic trawl gear definition: <i>Initial / Final Action</i> Pelagic trawl gear innovation: <i>Discussion paper</i> AFA Program Review: <i>Review report</i>	TH TH AK KH
BSAI CRAB MGMT	BSAI Crab C-shares: <i>Discussion Paper (T)</i> BSAI Crab arbitration: <i>Discussion Paper</i>	TH SM					
BYCATCH				GOA Tanner Crab Protections: <i>Extended Disc. Paper (T)</i>	AK		
HALIBUT: IFQ/CHARTER	IFQ Program Review: <i>Review report, IFQ Cmte</i> 2025 Charter halibut mgmt meas.: <i>Final action, Cmte</i>	AH SM		Area 4 vessel use caps: <i>Final Action</i> Small sablefish release: <i>Final action</i>	AH SC		
OTHER	Climate planning: <i>CCTF Final Report, IRA timeline</i>	DS		Programmatic Eval: <i>Pre-scoping report, refine alts</i> Survey modernization: <i>Report, SSC recommendations</i>	SC DS	Econ/Socioecon information in TAC-setting: <i>Review (T)</i>	AH

ITEMS NOT YET SCHEDULED:	BSAI Pot Cod LAPP: <i>Discussion Paper</i> GOA POP MRA: <i>Discussion paper</i> Chum salmon bycatch: <i>Final action (Oct 2025 - T)</i> Salmon genetics reports: <i>Review (Oct 2025 - T)</i>	Pot gear regulation consistency: <i>Discussion paper</i> Sablefish motion scales: <i>Discussion paper</i> AI GKC start date : <i>Discussion paper</i> Charter Halibut Mgmt Measures Timing: <i>Discussion Paper</i>
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Council staff contacts: AH - Anna Henry, AK - Anita Kroska, AP - Alaina Plauché (AK Sea Grant fellow), DE - Diana Evans, DS - Diana Stram, DW - Dave Witherell, KH - Kate Haapala, KL - Katie Latanich, MF - Mike Fey (AKFIN), SC - Sara Cleaver, SM - Sarah Martinan, TH - Taylor Holman

\*Reports in addition to the standard agency B reports (Executive Director, NMFS Management, NOAA General Counsel, ADFG, USCG, USFWS.) Note, for definition of acronyms and abbreviations, see online list: <https://www.npfmc.org/library/acronyms/>