

**Regular Meeting**  
**Tuesday, October 11, 2022**  
**6:00 p.m.**



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

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

**Council Members**  
Dennis M. Robinson  
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:** Chris Hladick  
**City Clerk:** Marjie Veeder, [mveeder@ci.unalaska.ak.us](mailto:mveeder@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/85203975430>

**Meeting ID:** 852 0397 5430 / **Passcode:** 977526

**TELEPHONE: Meeting ID:** 852 0397 5430 / **Passcode:** 977526

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.** **Board of Directors Meeting Agenda**

1. Call to order
2. Roll call
3. Adoption of agenda
4. Approve Minutes of Previous Meeting: [November 9, 2021](#)
5. [Resolution 2022-01](#): Election of Secretary
6. [Resolution 2022-02](#): Authorizing the President of the Corporation to Sign the Regional Landing Requirement Relief Framework Agreement
7. Adjourn

## UNALASKA CITY COUNCIL AGENDA

1. **Call to order**
2. **Roll call**
3. **Pledge of Allegiance**
4. **Recognition of Visitors**
5. **Adoption of Agenda**
6. **Approve Minutes of Previous Meeting:** [September 27, 2022](#)
7. [City Manager Report](#)
8. **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.*
9. **Public Comment on Agenda Items** *Time for members of the public to provide information to Council regarding items on the agenda. Members of the public may also speak when the issue comes up on the regular agenda by signing up with the City Clerk. Three-minute time limit per person.*
10. **Public Hearing** *Members of the public may testify about any item set for public hearing. Three-minute time limit per person.*
  - a. [Ordinance 2022-16](#): Amending Section 2.20.075 of the Unalaska Code of Ordinances, removing the prohibition of Council Members Participating in Executive Session by telephone and adding participation in meetings by other electronic means
  - b. [Ordinance 2022-17](#): Creating Budget Amendment #2 to the Fiscal Year 2023 Budget to (1) Increase wages, fringe benefits and associated State of Alaska PERS contributions for IUOE Local 302 union employees covering increased wage scales, longevity bonuses and education incentives for three Collective Bargaining Unit Agreements; (2) Recognizing local support revenue of \$10,834 from APIA in the general fund and increasing the PCR operating budget by \$10,834 for the senior exercise program; (3) Increasing Mayor and Council budget by \$75,000 to fully fund two community fireworks shows; (4) Appropriating an additional \$252,154 from the electric proprietary fund for the Generator Sets Rebuild Project; and (5) Appropriating an additional \$526,447 from the water proprietary fund for the Pyramid Water Treatment Plant Chlorine Upgrade Project
11. **Regular Agenda** *Persons wishing to speak on regular agenda items must sign up with the City Clerk. Three-minute time limit per person.*
  - a. **Unfinished Business**
    - i. [Ordinance 2022-16](#): Second Reading, Amending Section 2.20.075 of the Unalaska Code of Ordinances, removing the prohibition of Council Members Participating in Executive Session by telephone and adding participation in meetings by other electronic means
    - ii. [Ordinance 2022-17](#): Second Reading, Creating Budget Amendment #2 to the Fiscal Year 2023 Budget to (1) Increase wages, fringe benefits and associated State of Alaska PERS contributions for IUOE Local 302 union employees covering increased wage scales, longevity bonuses and education incentives for three Collective Bargaining Unit Agreements; (2) Recognizing local support revenue of \$10,834 from APIA in the general fund and increasing the PCR operating budget by \$10,834 for the senior exercise program; (3) Increasing Mayor and Council budget by \$75,000 to fully fund two community fireworks shows; (4) Appropriating an additional \$252,154 from the electric proprietary fund for the Generator Sets Rebuild Project; and (5) Appropriating an additional \$526,447 from the water proprietary fund for the Pyramid Water Treatment Plant Chlorine Upgrade Project
  - b. **New Business**
    - i. [Review New Liquor License Application](#), Amelia's Restaurant (recommend no action)
    - ii. [Canvass Committee Report, October 4, 2022 General Election; and Certification of Election Results](#)
    - iii. [Ordinance 2022-18](#): Amending Sections of Title 17, Buildings and Construction, of the Unalaska Code of Ordinances, by Adopting Portions of the 2018 Edition of the Uniform Plumbing Code, the 2020 Edition of the National Electrical Code, and the 2021 Edition of the International Residential Code
12. **Council Directives to City Manager**
13. **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.*
14. **Adjournment**

**UNALASKA CRAB, INC.**  
**MINUTES**  
**November 9, 2021**

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**Annual Meeting**

The chair called the Annual Meeting of Unalaska Crab, Inc., to order at 6:01 p.m. and made this statement: A quorum for the annual meeting is 20% of the number of voters in the most recent local election. In the October 2021 municipal election there were 510 ballots cast, so a quorum is 102 registered voters. I don't see that many people present tonight. Therefore, we do not have a quorum for this meeting and the annual meeting of Unalaska Crab, Inc. will be adjourned.

Robinson moved to adjourn into a Board of Directors Meeting; second by Tungul. Roll call vote: Coleman – yes; Looby – yes; Nicholson – yes; Robinson – yes; and Tungul yes. Motion passed unanimously.

Meeting adjourned at 6:02 p.m.

**Board of Directors Meeting Minutes**

1. **Call to order.** The corporation president, Vincent M. Tutiakoff, Sr., called the meeting to order at 6:02pm.
2. **Roll call.** Board Members Looby, Robinson, Tungul, Coleman and Tutiakoff present in person; Board Member Nicholson present via ZOOM; Board Member Bell absent. Quorum established.
3. **Adoption of agenda.** Robinson moved to adopt the agenda; second by Looby. There being no objection, the agenda was adopted by consensus.
4. **Approval of minutes.** Robinson moved to approve the minutes of September 28, 2021; second by Tungul. There being no objection, the minutes approved by consensus.
5. **Resolution 2021-02:** Election of Officers

Robinson moved to adopt UCI Resolution 2021-02; second by Looby.

Robinson moved to amend the resolution to add the following names to the Resolution; second by Looby:

President Vincent M. Tutiakoff, Sr.

Vice President Dennis M. Robinson

Secretary/Treasurer Erin M. Reinders

Roll call vote: all board members presented voted in the affirmative; UCI Resolution 2021-02 unanimously adopted.

6. **Report from Fisheries Consultant.** Frank Kelty gave a report.
7. **Adjourn.** Having completed all items on the agenda, Mr. Tutiakoff adjourned the meeting at 6:22pm.

These minutes approved at the Board of Directors Meeting on October 11, 2022.

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Secretary

DRAFT



**UNALASKA CRAB, INC.  
RESOLUTION 2022-01**

A RESOLUTION OF UNALASKA CRAB, INC., ELECTING A SECRETARY AND TREASURER OF THE CORPORATION

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 Secretary and Treasurer as an officer of the Corporation; and

WHEREAS, Erin Reinders was previously elected as Secretary and Treasurer, but is not eligible as an officer of the Corporation due to no longer being a registered voter in Unalaska, necessitating the election of a new Secretary and Treasurer.

NOW THEREFORE, IT IS HEREBY RESOLVED that \_\_\_\_\_ shall serve as Secretary and Treasurer of the Corporation until the annual election of officers to be held at the first meeting of the Board following the 2022 Annual Meeting of members.

DULY ADOPTED at a meeting of the Board of Directors of Unalaska Crab, Inc., on October 11, 2022.

UNALASKA CRAB, INC.

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

ATTEST:

\_\_\_\_\_  
Secretary

**UNALASKA CRAB, INC.  
RESOLUTION 2022-01**

A RESOLUTION OF UNALASKA CRAB, INC., APPROVING THE REGIONAL LANDING REQUIREMENT RELIEF FRAMEWORK AGREEMENT

WHEREAS, Unalaska Crab Inc. (the Corporation) is the authorized representative for Unalaska, an Eligible Crab Community (ECC) pursuant to the federal regulations generally known as the Crab Rationalization Program; and

WHEREAS, 50CFR 680.4(p) sets forth a process by which holders of an individual fishing quota (IFQ) or individual processing quota (IPQ) in certain crab fisheries (Exemption Applicants) may request a preseason exemption from otherwise applicable geographical restrictions on the delivery or processing of crab; and

WHEREAS, 50CFR 680.4(p)(4)(ii)(B) requires that Exemption Applicants certify that the Exemption Applicant has entered into a framework agreement signed by representatives of the ECC; and

WHEREAS, the Corporation has participated in the process of negotiating a framework agreement and has reviewed a proposed framework agreement for the 2022-2023 crab fishing season, which is intended to comply with 50CFR 680.4(p)(4)(ii) (B); and

WHEREAS, the Corporation finds the terms of the framework agreement acceptable to Unalaska as an ECC.

NOW THEREFORE be it resolved: (1) that Unalaska Crab, Inc., hereby authorizes the President of the Corporation to sign the framework agreement attached to this Resolution; (2) that any changes to the proposed agreement be subject to further review and approval of the Corporation; (3) that any specific provisions be subject to further review and approval of the Corporation; and (4) that any in-season exemptions required by 50CFR 680.4(p)(4)(ii)(B) be subject to further review and approval of the Corporation.

DULY ADOPTED at a meeting of the Board of Directors of Unalaska Crab, Inc., on October 11, 2022.

UNALASKA CRAB, INC.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

## FRAMEWORK AGREEMENT

October 15, 2022

This Regional Landing Requirement Relief Framework Agreement (“Framework Agreement”) is entered into by and among Central Bering Sea Fishermen’s Association, Unalaska Crab, Inc., Aleutian Pribilof Island Community Development Association, Kodiak Fisheries Development Association (“Community Representatives”), 57 Degrees North, LLC, Alyeska Seafoods, Inc., APICDA Joint Ventures, Inc., Arctic Sea Holdings LLC, Blue Dutch, LLC, Coastal Villages Region Fund, Kodiak Fisheries Development Association, Norquest Seafoods, Inc., Peter Pan Seafoods, Inc., RAS II, LLC, Royal Aleutian Seafoods, Inc., Trident Seafoods Corporation, Westward Seafoods, Inc. (“IPQ Holders”), and Aleutian Islands Cooperative, Aleutian Pribilof Island Community Development Association, Alternative Crab Exchange, Coastal Villages Crabbing Cooperative, CPH Association, Dog Boat Cooperative, Inter-Cooperative Exchange, R&B Cooperative and Trident Affiliated Crab Harvesting Corporation (“IFQ Holders”) (each individually, a “Party” and together, the “Parties”) as of October 15, 2022 with respect to the following facts:

### RECITALS

A. The Bering Sea and Aleutian Islands Crab Rationalization Program adopted by the North Pacific Fishery Management Council (the “Council”) as Amendments 18 and 19 to the Fisheries Management Plan for the Bering Sea and Aleutian Islands crab fisheries, and implemented through National Marine Fisheries Service (“NMFS”) regulations at 50 C.F.R. 680 (the “Crab Rationalization Program”) includes several regional landing requirements (the “Regional Landing Requirements”). The Regional Landing Requirements stipulate that certain amounts of crab harvested pursuant to Individual Fishing Quota (“IFQ”) issued annually must be delivered in certain regions of the fishery based on historical delivery patterns, and regionally designate “Class A” IFQ and corresponding Individual Processing Quota (“IPQ”) accordingly.

B. The Parties acknowledge that the Regional Landing Requirements were included in the Crab Rationalization Program to provide certain Bering Sea and Aleutian Islands communities with protection from adverse economic consequences that could result from changes in crab delivery and processing locations made possible by the Crab Rationalization Program.

C. The Parties intend that the Regional Landing Requirements fulfill their purpose under the Crab Rationalization Program, i.e., providing the beneficiary communities with crab deliveries and processing activity that promotes stable and healthy fisheries economies. However, the Parties acknowledge that circumstances outside of the Parties’ control could impair IFQ holders from making crab deliveries in the designated region within a commercially reasonable period of time after crab harvests, or could prevent IFQ holders from doing so within the related crab fishing season. Under these circumstances, the Regional Landing Requirements could prevent crab that has been harvested from being delivered alive, resulting in loss of the related product value, or could prevent crab from being delivered during the regulatory fishing season. This

would not only result in communities failing to receive the benefit of the intended crab deliveries, but could also result in waste of Bering Sea and Aleutian Islands crab resources, which would be inconsistent with the Crab Rationalization Program's purposes and National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act.

D. Further, in the absence of an exemption to the Regional Landing Requirements, persons harvesting IFQ crab may have incentives to attempt crab deliveries under unsafe or marginally safe conditions, to avoid losing the value of their harvests.

E. The Parties therefore wish to define certain terms and conditions under which a person harvesting crab IFQ may obtain relief from an otherwise applicable Regional Landing Requirement.

## AGREEMENT

The Parties agree as follows:

1. Purpose of Agreement. This Agreement defines the general terms and conditions under which an exemption contract may be negotiated and executed among some or all of the Parties and an "Inseason Notice of Exemption" may be filed with NMFS pursuant to 50 CFR 680.4(p)(4)(iii), which, upon filing, will result in NMFS re-designating the Class A IFQ described in the related affidavit and the IPQ with which it is matched as free of any Regional Landing Requirements. This Agreement is entered into to enable the Parties to satisfy the affidavit requirement of 50 CFR 680.4(p)(4)(ii)(B).

2. Eligible Applicants. To be eligible to apply for a regional landing requirement exemption by filing an Inseason Notice of Exemption, a Party must be one of the following, and must have been conducting and be conducting its harvesting and processing operations in a manner consistent with the Fishery Guidelines and Reserve Pool approach (as defined in Section 4, below) then in effect for the Fishery or Fisheries (as defined in Section 2.1, below) for which the exemption is sought, unless the Fishery Guidelines and/or the Reserve Pool Agreement's terms have been waived in accordance with the applicable conditions of Section 5, below:

2.1 IFQ Holders. A person holding regionally designated IFQ for Bristol Bay red King crab ("BBRKC"), Bering Sea snow crab ("BSS"), St. Matthew blue King crab ("SMB"), Eastern Aleutian Islands golden King crab, Western Aleutian Islands red King crab, Pribilof Island blue King crab or Pribilof Island red King crab (each, a "Fishery," and together, the "Fisheries").

2.2 IPQ Holders. A person holding regionally designated IPQ for one or more of the Fisheries.

## 2.3 Community Representatives.

2.3.1 For communities that hold or formerly held the right of first refusal (“ROFR”) pursuant to 50 CFR 680.41(l), the Eligible Crab Community entity, as defined at 50 CFR 680.2.

2.3.2 For North Region SMB crab processor quota shares (“PQS”) and North Region BSS PQS that was issued without a ROFR, the community representatives for the communities of St. Paul and St. George shall be both the Aleutian Pribilof Island Community Development Association (“APICDA”) and the Central Bering Sea Fishermen’s Association (“CBSFA”), in accordance with 50 CFR 680.4(p)(2)(iii)(B)(2)(i).

3. Fisheries Subject to Agreement. This Agreement establishes the conditions for filing an exemption notice for each of the Fisheries.

4. Actions Taken to Reduce the Need for and Amount of an Exemption. To reduce the need for and amount of a BSS Regional Landing Requirement exemption, the Parties shall adopt annual fishery operational guidelines per Section 4.1, below (the “Fishery Guidelines”) and shall operate under the reserve pool approach described in Section 4.2, below (the “Reserve Pool”). The actions taken to reduce the need for and amount of a Regional Landing Requirement exemption for the crab Fisheries other than the BSS Fisheries shall be developed by the Coordinating Committee (as defined in Section 7, below) from time to time.

4.1 Fishery Guidelines. The Parties holding North region BSS IFQ and IPQ will develop proposed Fishery Guidelines for the BSS Fishery, and will submit them to the Coordinating Committee for review and approval. The Fishery Guidelines will provide general guidance concerning the delivery period for the North region of the BSS Fishery and the types and amounts of harvesting and processing capacity to be employed in the North region of the BSS Fishery, which, absent circumstances outside of the Fishery participants’ control, should enable the Fishery to be conducted without a Regional Landing Requirement exemption being necessary. The Fishery Guidelines will be consistent with the delivery periods and harvesting and processing capacity employed during the 2016-2017 through 2021-2022 seasons of the BSS Fishery, as adjusted to take into account the total allowable catch (“TAC”) for the 2022-2023 BSS Fishery and 2022-2023 BSS market factors.

4.2 Reserve Pool. The Reserve Pool approach set forth in this Section 4.2 establishes a procedure under which North region BSS deliveries are scheduled and made on a basis that reduces the risk that North region ice conditions cause BSS IFQ and IPQ to be stranded, and certain amounts of South Region IFQ and IPQ are reserved to cover frustrated North region deliveries, as set forth below.

4.2.1 As long as the risks associated with delivering in the North region remain acceptable (as determined by vessel masters), on an IPQ holder by IPQ holder basis, reserve pool participants will give North region deliveries priority over South region deliveries.

4.2.2 If the risks associated with delivering in the North region become unacceptable (as determined by vessel masters), South region IFQ will be used first to cover any frustrated North region deliveries, and then used as follows:

4.2.2.1 Immediately following the suspension of North Region deliveries due to adverse conditions, on an IPQ holder by IPQ holder basis, the affected IFQ holder(s) will assign South region IFQ in amounts approximating the remaining balance to be delivered to that IPQ holder (or on its account) in the North region to a “reserve pool.” When all South region IFQ in excess of an IPQ holder’s share of the reserve pool has been delivered, if the North region is still closed to deliveries, the affected IFQ holder(s) and each IPQ holder with whom they are matched may, by mutual agreement, either (i) use such IPQ holder’s share of the South region reserve pool until it has been exhausted or the North region has been re-opened for deliveries, and/or (ii) initiate a request for a Regional Landing Requirement exemption in accordance with Section 5, below, and if it is approved, may deliver North region designated IFQ to the South region for processing.

4.2.2.2 If the North region re-opens during the BSS season, such that there is a reasonable likelihood of delivering a substantial amount of IFQ in the North region prior to season closure, the IFQ holder(s) with remaining North region IFQ will (in consultation with North region IPQ holders) prioritize North region deliveries over South region deliveries. If IFQ holder(s) and an IPQ holder with whom the IFQ holder(s) are matched have been delivering North region IFQ in the South region under an exemption pending such re-opening, they may initiate compensatory landings in the North region.

4.2.2.3 If at any point in time a North region IPQ holder and the North region IFQ holder(s) with whom it is matched conclude in their reasonable discretion that it will not be feasible to make additional landings in the North region in the same crab fishing season, then any remaining balance of such IPQ holder’s and IFQ holder(s)’ compensatory landing obligation will roll over to the following year.

5. Inseason Notice of Exemption Procedure. One or more share-matched IFQ holder(s) and IPQ holder(s) may initiate the request for a Regional Landing Requirement exemption. The determination whether any specific set of circumstances justifies filing an Inseason Notice of Exemption shall be made by the authorized representatives of the “Affected Parties.” For purposes of this Agreement, “Affected Parties” shall mean (i) the community or communities to which the exempted crab would normally be delivered under the regional landing requirements; (ii) the community or communities from which compensatory deliveries would originate; (iii) the IFQ holder(s) whose IFQ would be exempted from otherwise applicable regional landing requirements; and (iv) the IPQ holder(s) whose IPQ would be exempted from otherwise applicable regional landing requirements. No Inseason Notice of Exemption may be filed without the approval of all Affected Parties.

An Inseason Notice of Exemption may not be filed unless and until the Affected Parties determine that each of the following conditions is satisfied or (if permissible) is waived by all Affected Parties.

5.1 Circumstances outside of the Parties' control have resulted in essential crab processing capacity within a designated region becoming inaccessible or unavailable such that there is a risk that the affected IFQ holder(s) will not be able to land all regionally designated crab in such region prior to the end of the crab fishing season.

5.2 If a Regional Landing Requirement exemption is requested for the BSS Fishery, the Fishery Guidelines referenced in Section 4.1, above have been approved by the Coordinating Committee, and the IFQ holder(s) and IPQ holder(s) requesting an exemption have conducted and are conducting their harvesting and processing operations in a manner consistent with such Fishery Guidelines and the Reserve Pool approach described in Section 4.2, above. If a Regional Landing Requirement exemption is requested for a Fishery other than the BSS Fishery, the actions taken to reduce the need for and amount of a Regional Landing Requirement exemption for the Fishery at issue shall be those developed by the Coordinating Committee from time to time, if any.

5.3 The Affected Parties on a processor/IPQ holder by processor/IPQ holder basis have entered into an exemption contract on a processor/IPQ holder by processor/IPQ holder basis that:

5.3.1 Identifies the IFQ amount and IPQ amount, by Fishery, that is subject to the exemption contract;

5.3.2 Describes the circumstances under which the exemption is being exercised;

5.3.3 Specifies the action that the Parties must take to mitigate the effects of the exemption;

5.3.4 Specifies the compensation, if any, that any Party must make to any other Party; and

5.3.5 Specifies any arrangements for compensatory deliveries in that crab fishing year or the following fishing year.

5.4 The Affected Parties may waive one or more of the conditions set forth in Sections 5.1 and 5.2 for good cause shown. If a Party is seeking a waiver of one or more such conditions because it was prevented from satisfying such condition(s) by circumstances outside of its control, such Party must have notified the Affected Parties of such circumstances within ten (10) days of their occurrence. The Affected Parties may not waive the exemption contract requirement set forth in Section 5.3.

6. Mitigating the Effects of an Exemption. The Parties shall take the following actions to mitigate the effects of a Regional Landing Requirement exemption.

6.1 In connection with circumstances involving a BSS Regional Landing Requirement exemption for up to five (5) million pounds of crab, the IFQ and IPQ holders shall make compensatory landings, which for IPQ holders shall be calculated on a processor/IPQ holder by processor/IPQ holder basis by a qualified independent third-party data collector which will yield a ratio of regionally



designated shares for each processor/IPQ holder (regional ratio), in an amount equal, so long as each processor/IPQ holder has the opportunity to seek a portion of the exemption up to its regional ratio, to the amount of crab delivered outside of its originally designated region. Such compensatory landings shall be made during the same crab fishing year that the exemption was obtained and used, or during the following crab fishing year.

6.2 In connection with events involving a BSS Regional Landing Requirement exemption for five (5) million or more pounds of crab, the type and amount of compensation shall be negotiated as part of each individual exemption contract. The compensation may include, but is not limited to, compensatory landings and monetary relief.

6.3 The Coordinating Committee may amend the BSS thresholds set forth in Sections 6.1 and 6.2, above, in particular based on the changing size of the TAC, and may adopt compensation thresholds for other Fisheries from time to time.

7. Coordinating Committee. On or before October 15, 2022, the Parties shall form a "Coordinating Committee," composed of the Parties or their designees, which shall, before the start of the BSS Fishery: (i) approve the BSS Fishery Guidelines per Section 4.1, above; and (ii) amend the thresholds set forth in Sections 6.2 and 6.3, above, as needed; and may, from time to time: (i) specify the actions to be taken by IFQ and IPQ holders to reduce the need for and amount of a Regional Landing Requirement exemption for one or more of the Fisheries other than the BSS Fishery, and (ii) develop compensation thresholds for Fisheries other than the BSS Fishery. Decisions of the Coordinating Committee at any given meeting shall require the consent of all Coordinating Committee members present either in person or on the telephone conference line. The Coordinating Committee may appoint Fishery subcommittees from time to time, and may delegate its authority to such sub-committee(s) as it deems appropriate.

8. Season Extension. If the re-opening of the North region is delayed such that a season closure could prevent additional landings from being made in the North region in the same crab fishing season, the Affected Parties may seek a season extension from the Alaska Department of Fish and Game if the extension could make it feasible to deliver a substantial amount of IFQ in the North region prior to the extended season's closure. A decision to seek a season extension shall require the consent of all Affected Parties.

9. Reporting Requirements. Each IFQ holder that is a party to this Agreement shall prepare a "Regional Delivery Exemption Report" (the "Report") as required under the Crab Rationalization Program regulations. Each IFQ holder shall deliver a copy of its Report to the IPQ holders and community representatives who are party to this Agreement on or before July 15, 2023, and shall deliver a copy of its Report to NMFS on or before July 30, 2023, but no Report shall be submitted to NMFS less than fifteen (15) days after it was delivered to the IPQ holders and community representatives. The Report shall contain all information required by the Crab Rationalization Program regulations, including but not limited to explanations of:

9.1 The amount of IFQ, if any, set aside to reduce the need for, and the amount of, an exemption;

9.2 The mitigation measures employed before submitting an Inseason Notice;

9.3 The number of times an exemption was requested and used;

9.4 The arrangements for any compensatory deliveries, including all compensatory deliveries made during the crab fishing year and any outstanding compensatory delivery obligations for the following crab fishing year;

9.5 Whether the exemption was necessary; and

9.6 Any impacts resulting from the exemption on fishery participants and communities that signed the preseason application.

10. Term and Termination. This Agreement shall take effect as of the date set forth above and shall expire as of midnight, June 30, 2023.

11. Miscellaneous.

11.1 No amendment to this Agreement shall be effective against a Party hereto unless in writing and duly executed by such Party. The Parties agree to amend this Agreement as reasonably necessary to comply with changes in law, and policies and regulations implementing Regional Landing Requirement relief.

11.2 This Agreement shall be governed by and construed in accordance with applicable federal law and the laws of the State of Alaska.

11.3 This Agreement may be executed in counterparts which, when taken together, shall have the same effect as a fully executed original. Delivery of a signed copy of this Agreement by electronic transmission shall have the same effect as delivering a signed original.

11.4 The Parties agree to execute any documents necessary or convenient to give effect to the intents and purposes of this Agreement.

11.5 All notices required to be given under this Agreement shall be deemed given five (5) days following deposit in certified first class U.S. mail, postage prepaid, with the correct address, or upon the first business day following confirmed electronic transmission to the recipient. **Each Party agrees to provide all other Parties with the name, postal address, email address and fax number of its representative(s) for purposes of receiving notices under this Agreement within three (3) days of executing this Agreement.**

11.6 In the event that any provision of this Agreement is held to be invalid or unenforceable, such provision shall be deemed to be severed from this Agreement, and such holding shall not affect in any respect whatsoever the validity of the remainder of this Agreement.

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: _____
ALEUTIAN PRIBILOF ISLAND COMMUNITY DEVELOPMENT ASSOCIATION By: _____ Its: _____	APICDA JOINT VENTURES, INC. By: _____ Its: _____



IPQ Holders Continued

<p>ARCTIC SEA HOLDINGS LLC</p> <p>By: _____</p> <p>Its: _____</p>	<p>BLUE DUTCH, LLC</p> <p>By: _____</p> <p>Its: _____</p>
<p>COASTAL VILLAGES REGION FUND</p> <p>By: _____</p> <p>Its: _____</p>	<p>KODIAK FISHERIES DEVELOPMENT ASSOCIATION</p> <p>By: _____</p> <p>Its: _____</p>
<p>NORQUEST SEAFOODS, INC.</p> <p>By: _____</p> <p>Its: _____</p>	<p>PETER PAN SEAFOODS, INC.</p> <p>By: _____</p> <p>Its: _____</p>
<p>RAS II, LLC</p> <p>By: _____</p> <p>Its: _____</p>	<p>ROYAL ALEUTIAN SEAFOODS, INC.</p> <p>By: _____</p> <p>Its: _____</p>
<p>TRIDENT SEAFOODS CORPORATION</p> <p>By: _____</p> <p>Its: _____</p>	<p>WESTWARD SEAFOODS, INC.</p> <p>By: _____</p> <p>Its: _____</p>

IFQ Holders

<p>ALEUTIAN ISLANDS COOPERATIVE</p> <p>By: _____</p> <p>Its: _____</p>	<p>ALEUTIAN PRIBILOF ISLAND COMMUNITY DEVELOPMENT ASSOCIATION</p> <p>By: _____</p> <p>Its: _____</p>
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IFQ Holders Continued

<p>ALTERNATIVE CRAB EXCHANGE</p> <p>By: _____          _____          Its: _____          _____</p>	<p>COASTAL VILLAGES CRABBING COOPERATIVE</p> <p>By: _____          Its: _____</p>		
<p>CPH ASSOCIATION</p> <p>By: _____          _____          Its: _____          _____</p>	<p>DOG BOAT COOPERATIVE</p> <p>By: _____          Its: _____</p>		
<p>INTER-COOPERATIVE EXCHANGE</p> <p>By: _____          _____          Its: _____          _____</p>	<p>R&amp;B COOPERATIVE</p> <p>By: _____          Its: _____</p>		
<table border="1"> <tr> <td data-bbox="363 1150 792 1472"></td> <td data-bbox="792 1150 1326 1472"> <p>TRIDENT AFFILIATED CRAB HARVESTING CORPORATION</p> <p>By: _____          _____          Its: _____          _____</p> </td> </tr> </table>			<p>TRIDENT AFFILIATED CRAB HARVESTING CORPORATION</p> <p>By: _____          _____          Its: _____          _____</p>
	<p>TRIDENT AFFILIATED CRAB HARVESTING CORPORATION</p> <p>By: _____          _____          Its: _____          _____</p>		

**Regular Meeting**  
**Tuesday, September 27, 2022**  
**6:00 p.m.**



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

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

**Council Members**  
Dennis M. Robinson  
Alejandro R. Tungul  
Shari Coleman

## **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:** Chris Hladick  
**City Clerk:** Marjie Veeder, [mveeder@ci.unalaska.ak.us](mailto:mveeder@ci.unalaska.ak.us)

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### **MINUTES**

1. **Call to order.** The Mayor called the regular meeting of the Unalaska City Council to order on September 27, 2022, at 6:02 p.m.
2. **Roll call.** The City Clerk called the roll. The Mayor and all Council Members were present in person. Mayor announced establishment of a quorum.  
  
Coleman read the City's Mission Statement: To provide a sustainable quality of life through excellent stewardship of government.
3. **Recognition of Visitors.** The Mayor recognized City Attorneys Brooks Chandler and Charles Cacciola; Evan Rose and Bill Lierman from Alaska Permanent Capital Management; M. Lynn Crane of USAFV; and welcomed Police Chief King back to the island following successful completion of the FBI Academy in Virginia.
4. **Pledge of Allegiance.** Nicholson led the Pledge of Allegiance.
5. **Mayoral Proclamation.** M. Lynn Crane, Executive Director of Unalaskans Against Sexual Assault and Family Violence (USAFV), presented to Council regarding domestic violence awareness; and the Mayor made a Proclamation Declaring October 2022 as Domestic Violence Awareness Month.
6. **Adoption of Agenda.** Robinson moved to adopt the agenda with second by Coleman. There being no objection, motion adopted unanimously.
7. **Approve Minutes of Previous Meetings.** Tungul moved to approve the proposed minutes of the council meeting held September 13, 2022, as presented, with second by Nicholson. There being no objection, the minutes were approved by consensus.
8. **City Manager Report.** Acting City Manager Bil Homka provided updates to the written report. Mr. Homka and Interim City Manager Chris Hladick responded to questions from Council.
9. **Community Input & Announcements.** The Mayor provided an opportunity for community input and announcements, which were provided as follows:
  - a. PCR Director Roger Blakeley made announcements regarding PCR programs;
  - b. M. Lynn Crane made announcements for USAFV;
  - c. Acting Fire Chief Mike Hanson announced the Fire Department Open House October 15;



- d. Bil Homka announced a Community Swim Meet; AND
- e. City Clerk Marjie Veeder made announcements regarding the October 4 General Election; and due date for second half property tax payments (October 20).

10. **Public Comment on Agenda Items.** The Mayor provided opportunity for public comment on agenda items; no comments offered.

11. **Work Session.**

Tungul moved to go into Work Session; second by Nicholson. There being no objection, Council began their work session at 6:32 p.m.

- a. Unalaska Airport Master Plan Presentation. Marc Luiken, Civil/Transportation Engineering Manager, Michael Baker International, presented to Council regarding the Unalaska Airport Master Plan. Mr. Luiken and Paul Khera, Aviation Planner, Alaska Department of Transportation, responded to Council inquiries. Travis Swangel provided public comment.
- b. Investment Presentation. Evan Rose provided a brief overview and introduced Bill Lierman, Chief Investment Officer, Alaska Permanent Capital Management, who presented a report to Council regarding the City's investments. Mr. Lierman and Mr. Rose responded to Council questions.
- c. City Attorney Report. Brooks Chandler of Chandler, Falconer, Munson & Cacciola, presented their firm's report to Council. Mr. Chandler and Charles Cacciola responded to questions from Council.

Robinson moved to return to regular session; second by Tungul. There being no objection, Council resumed regular session at 8:00 p.m.

Mayor announced a break

Back on the record at 8:10 p.m.

12. **Consent Agenda.** Robinson moved to adopt the Consent Agenda; second by Nicholson. Roll call vote: all council members voted in the affirmative; motion passed unanimously 6-0 approving the following item:

- a. Request from the Unalaska Native Fisherman's Association for an updated letter of support from the City related to their request to the North Pacific Fishery Management Council for a Community Cod Allocation

13. **Regular Agenda**

- a. Ordinance 2022-16: First Reading, Amending Section 2.20.075 of the Unalaska Code of Ordinances, removing the prohibition of Council Members Participating in Executive Session by telephone and adding participation in meetings by other electronic means

Tungul moved to introduce Ordinance 2022-16 and schedule it for second reading and public hearing on October 11, 2022; second by Looby.

Acting City Manager Bil Homka and the City Clerk provided an overview and responded to Council questions.

Roll call vote: all Council Members voted in the affirmative, scheduling Ordinance 2022-16 for second reading and public hearing on October 11, 2022.

- b. **Ordinance 2022-17:** First Reading, Creating Budget Amendment #2 to the Fiscal Year 2023 Budget to (1) Increase wages, fringe benefits and associated State of Alaska PERS contributions for IUOE Local 302 union employees covering increased wage scales, longevity bonuses and education incentives for three Collective Bargaining Unit Agreements; (2) Recognizing local support revenue of \$10,834 from APIA in the general fund and increasing the PCR operating budget by \$10,834 for the senior exercise program; (3) Increasing Mayor and Council budget by \$75,000 to fully fund two community fireworks shows; (4) Appropriating an additional \$252,154 from the electric proprietary fund for the Generator Sets Rebuild Project; and (5) Appropriating an additional \$526,447 from the water proprietary fund for the Pyramid Water Treatment Plant Chlorine Upgrade Project

Robinson moved to introduce Ordinance 2022-17 and schedule it for second reading and public hearing on October 11, 2022; second by Nicholson.

Council discussion and questions.

Roll call vote: all Council Members voted in the affirmative, scheduling Ordinance 2022-17 for second reading and public hearing on October 11, 2022.

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

- 15. Community Input & Announcements.** The Mayor provided a final opportunity for community input and announcements. The Mayor discussed a request for a letter of support from the Alaska Bering Sea Crabbers Association, to go to the North Pacific Fishery Management Council.

**16. Executive Session.**

Tungul moved to go into Executive Session to discuss pending litigation with the attorneys representing the city, the immediate public discussion of which may tend to adversely affect the legal positions of the City. Present in Executive Session will be the Mayor, Council Members physically present in chambers, City Manager Chris Hladick, Acting City Manager Bil Homka, HR Manager Amy Stanford, Risk Manager Debra Zueger, and attorneys Brooks Chandler, Charles Cacciola and Dezi Robb.

Second by Robinson. There being no objection, Executive Session began at 8:42 p.m.

Discussion with City Attorneys regarding pending litigation.

Tungul moved to return to regular session; second by Looby. There being no objection, Council returned to regular session at 9:37 p.m.

- 17. Adjournment.** Having completed all items on the agenda, the Mayor adjourned the meeting at 9:38 p.m.

These minutes were approved by the Unalaska City Council on October 11, 2022.

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Marjie Veeder, CMC  
City Clerk

Manager's Report

October 11, 2022

From: Chris Hladick, Interim City Manager

1. **City Manager Applications/Search:** We have received one application so far and we are beginning the vetting process. The individual's last city manager experience was Cordova ending in 2019. We need to have a discussion about increasing the wage to offer \$170K to \$180K depending on experience. We are simply not getting applicants. Also I would like to explore hiring a firm to perform the search. I think the City needs a person with capital project experience and fairly extensive utility experience.
2. **Public Utilities Director:** Steve Tompkins is the new utilities director for the City of Unalaska. I look forward to working with him in his new capacity.
3. **Assistant City Manager:** I have conducted interviews of two internal candidates and need to make a decision, which should be the first part of next week.
4. **Title III wage increases:** I will be bringing the necessary documents forward on October 25<sup>th</sup> to recommend to the council a 10% increase to Title III wages, adding a longevity bonus plus and adjusting the moving allowance. I am also proposing that we hire a consultant to perform a compensation study. We need to benchmark our positions and have accurate data for council decision making. A new wage scale is warranted which takes into consideration what represented employees have received but also we need comparisons to other similar jobs with the same job duties not just the title. We should start this process with a workshop in the near future.
5. **Title III Rewrite/Update (personnel):** This is an update to the Municipal Code. We are refining the review process and attempting to get it done ASAP. This will be an ordinance change before the council as soon as it's ready.
6. **Christmas Party:** A City Employee Christmas Party is being planned for December 3<sup>rd</sup>, 2022.
7. **Assessment of City Services:** I have been working with the Directors on updating the city assessments, what has been missing is a workshop with the council to discuss each department in detail and offer an opportunity for dialogue on the issues facing the departments and possible solutions. There are some fairly significant issues that should be discussed. The CMMP should flow out of the city assessments. It is a powerful tool if used properly.
8. **CMMP:** There will be a thorough internal review of the CMMP prior to the initiation of this coming year's process.
9. **Federal and State capital project priorities:** We need to set these priorities in the near future. I have typically done this by developing a list and having a discussion with our lobbyists on what is in the realm of the possible. I am reviewing last year's resolution on this

topic and will be making recommendations on an approach. Typically it is not a laundry list approach.

10. **Carl Moses Boat Harbor:** Just received a letter from the Corps of Engineers regarding repair of the floats. The Corps responsibility is ongoing, as one of the floats' anchoring system continues to fail (chains to anchors on the first float, on the bridge side of harbor). They are waiting for congressional funding. I can't tell you how many years this has been in play but it started when the project was completed. Technically we are not accepting the floats until this is fixed.
11. **Trident Seafoods:** We continue to assist Trident with project costs in Captains Bay. We understand a final decision on whether to move forward or not will be made in November.
12. **Aleutian Airways:** They will begin scheduled service in mid-November at a one-way cost of \$650 and one free bag.
13. **Fish Tax:** The City has received \$4.7 million in fish tax revenue from the State of Alaska, which was budgeted was \$4.5 million.

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2022-16

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING SECTION 2.20.075 OF THE UNALASKA CODE OF ORDINANCES, REMOVING THE PROHIBITION OF COUNCIL MEMBERS PARTICIPATING IN EXECUTIVE SESSION BY TELEPHONE AND ADDING PARTICIPATION IN MEETINGS BY OTHER ELECTRONIC MEANS

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

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

**Section 2: Amendment of Section 2.20.075.** Section 2.20.075 of the Unalaska Code of Ordinances is hereby amended to read as follows, with new language underlined; and deleted language ~~overstruck~~:

**§ 2.20.075 TELEPHONIC PARTICIPATION BY TELEPHONE OR OTHER ELECTRONIC MEANS**

(A) A Council member or the Mayor may participate ~~via~~ by telephone or other electronic means, in any meeting or work session, including executive session, up to six times annually. Additional meetings by telephone or other electronic means may be considered by the Mayor or Mayor pro-tem depending on the circumstances which prevent the person's physical attendance at the meeting. A City Council meeting or executive session must have at least three members physically present. Any member participating by telephone or other electronic means shall be considered present at the meeting or session for all purposes under this chapter. In order to participate by telephone or other electronic means, the member or the Mayor must declare in advance to the City Clerk that out of town travel or other circumstances prevents physical attendance at the meeting. If the Mayor chooses to participate via telephone or other electronic means, the Council shall appoint a Mayor pro tem to preside in the Mayor's stead.

(B) Notice under this section is acceptable, if provided in writing or via electronic mail, and must include a short description of the circumstances which prevent the person's physical attendance at the meeting.

(C) Telephonic participation shall be refused by the Mayor if, at any time, it appears that technical capabilities or other interference does not allow all persons, whether physically present or not, to hear and engage in discussion. Where practicable, any written materials or other information presented during the meeting should be made available to persons participating via telephone or other electronic means.

~~(D) Council member telephonic participation in executive sessions is prohibited.~~

**Section 3: Effective Date.** This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on October \_\_\_\_\_, 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  
From: Marjie Veeder, City Clerk  
Through: Chris Hladick, Interim City Manager  
          Bil Homka, Acting City Manager  
Date: September 27, 2022  
Re: Ordinance 2022-16: Amending Section 2.20.075 of the Unalaska Code of Ordinances, removing the prohibition of Council Members participating in executive session by telephone and adding participating in meetings by other electronic means

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**SUMMARY:** Since 2017, Unalaska’s Code of Ordinances has prohibited participation in executive session by telephone. Ordinance 2022-16 amends code to allow participation in executive session by telephone as well as “other electronic means”; and expands participation in regular meetings to include “other electronic means”, such as online platforms like Zoom. Given the discussion with Council and their subsequent directive to the City Manager on September 13, 2022, staff recommends adoption.

**PREVIOUS COUNCIL ACTION:** Previous Council action related to this section of code includes the following:

1. Ordinance 2006-10, adopted on May 23, 2006: This ordinance added § 2.20.075 to the code and specifically allowed telephonic participation in executive session by mayor and council members, but limited the number of council members participating by telephone to two.
2. Ordinance 2015-09, adopted May 12, 2015: This ordinance added language to § 2.20.075, paragraph (A), but maintained in paragraph (B) the language allowing telephonic participation in executive session.
3. Ordinance 2015-20, adopted November 10, 2015: Again, § 2.20.075(A) was amended, but telephonic participation in executive session was maintained.
4. Ordinance 2017-11, adopted December 12, 2017: Subparagraph (D) was added to § 2.20.075, stating “Council member telephonic participation in executive sessions is prohibited.” This change was made, along with many others, in a comprehensive update of Title 2 in 2017.
5. Council discussed this topic and the proposed ordinance in work session on September 13, 2022, and directed the City Manager to present an ordinance for consideration and action at a future meeting.

**BACKGROUND AND DISCUSSION:** UCO §2.20.075 is set out below, reflecting the changes proposed by the City Clerk. New language is underlined; and deleted language is ~~everstruck~~.

**§ 2.20.075 TELEPHONIC PARTICIPATION BY TELEPHONE OR OTHER ELECTRONIC MEANS**



(A) A Council member or the Mayor may participate ~~via~~ by telephone or other electronic means, in any meeting or work session, including executive session, up to six times annually. Additional meetings by telephone or other electronic means may be considered by the Mayor or Mayor pro-tem depending on the circumstances which prevent the person's physical attendance at the meeting. A City Council meeting or executive session must have at least three members physically present. Any member participating by telephone or other electronic means shall be considered present at the meeting or session for all purposes under this chapter. In order to participate by telephone or other electronic means, the member or the Mayor must declare in advance to the City Clerk that out of town travel or other circumstances prevents physical attendance at the meeting. If the Mayor chooses to participate via telephone or other electronic means, the Council shall appoint a Mayor pro tem to preside in the Mayor's stead.

(B) Notice under this section is acceptable, if provided in writing or via electronic mail, and must include a short description of the circumstances which prevent the person's physical attendance at the meeting.

(C) Telephonic participation shall be refused by the Mayor if, at any time, it appears that technical capabilities or other interference does not allow all persons, whether physically present or not, to hear and engage in discussion. Where practicable, any written materials or other information presented during the meeting should be made available to persons participating via telephone or other electronic means.

~~(D) Council member telephonic participation in executive sessions is prohibited.~~

There are two basic changes proposed: (1) removing the prohibition of participation executive session by telephone; and (2) adding participation by "other electronic means". The changes are discussed separately below.

### **PROHIBITION OF TELEPHONIC PARTICIPATION IN EXECUTIVE SESSION**

The changes to Title 2 adopted in 2017, when the prohibition of telephonic participation in executive session was added, were part of a comprehensive update to Title 2. The staff memos from that time do not shed any light on the reason behind the prohibition. The recommendation for the prohibition came from an Ad-Hoc Committee consisting of the then-Mayor and two Council Members, along with the former City Clerk and City Manager. None of the committee members are presently an elected official or employee of the city. At that point in time, our City Attorney was very concerned about the security and confidentiality of executive sessions because anyone who had the number could call in and listen, potentially undetected.

I listened to the audio recordings of the council meetings when this topic was discussed and the security and confidentiality of executive session was a stated concern. One council member stated they were in favor of this prohibition because there was no control over who might be listening to the executive session by telephone, either another party in the room with a council member, or someone calling into the telephone conference line who was not a council member. This concern has been partially addressed by obtaining a new executive session telephone conference number which is not disclosed to anyone but the authorized participants. Also, we can change the executive session call in number as frequently as we choose to do so. Further, if we

begin using the Zoom platform for executive session, there are additional security features to prevent uninvited participants listening in on executive session.

If elected officials are to be trusted to maintain the confidentiality of matters discussed in executive session, they should also be trusted not to allow others to listen to the discussion in executive session. The City Attorney has advised elected officials to ensure they are in a private setting while participating remotely, and to take steps to prevent others from overhearing the discussion. Anyone participating in executive session remotely should take these steps.

Another stated concern in 2017 was when council reconvenes to regular session to vote on an issue discussed in executive session. If a council member was out of town and unable to participate in executive session remotely, they are being asked to vote on a matter without the benefit of hearing and participating in the executive session discussion with their fellow council members. Council may recall a recent example of this when two council members participated by telephone in the May 24 council meeting, which was continued on May 26, 2022. These council members were not allowed to participate by telephone in the executive session discussion of three collective bargaining agreements either evening. Following executive session, those council members voted on three resolutions, without the benefit of hearing and participating in that discussion with their fellow council members and staff. This is not an ideal situation.

The Mayor, attorneys, consultants and staff are allowed to participate in executive session by telephone. Council members should be provided the same opportunity.

It would be ideal if all Council Members are physically present at every meeting. The best discourse is had when all participants are present in person with one another, in the same room and able to hear and observe the other participants. There are many nuances of communication that are nonverbal, and this is lost in part during remote participation in meetings, especially since local internet bandwidth doesn't presently support video. For this reason, we propose keeping the restriction to remote participation to six times per year; and keeping the requirement that at least three council members must be physically present.

### **OTHER ELECTRONIC MEANS**

During the COVID-19 pandemic emergency and related social distancing measures, the City Manager issued an Emergency Order suspending the provisions of UCO §2.20.075 regarding council member participation in meetings by telephone. This allowed Council Members to attend by telephone more than six meetings per year, and also allowed telephonic participation in executive session during the declared emergency.

During this time, the city began using the online meeting platform Zoom for remote participation in council meetings. Online platforms are an improvement over simple telephone conferences, due to the security features and controls available. These features include the ability to mute participants to prevent disruption; displaying documents; virtual waiting rooms (participants must be added to a meeting by the host); and other controls to provide a better experience for all participants, both in chambers and remotely.

The COVID-19 pandemic and associated societal changes demonstrate that remote participation in meetings, including Unalaska City Council meetings, is generally more accepted and expected. Both in business and our personal lives, more and more meetings of all kinds are held electronically. The time has come to amend code to allow participation in City Council meetings by "other electronic means", including executive sessions.

## **DOCUMENTS USED IN EXECUTIVE SESSION**

During the work session on September 13, 2022, discussion was had about maintaining the confidentiality of documents viewed in Executive Session for those participating remotely. The City Clerk has begun researching cloud based document solutions to determine the best fit for this purpose, looking for a service that supplies appropriate security to satisfy our needs. This security may include document encryption, document passwords, and login requirements such as usernames and passwords. The Clerk hopes to have further information on this topic at the October 11 meeting, but this element is not contained in code.

**ALTERNATIVES:** Council may choose not to proceed with the proposed ordinance, which means telephonic participation in executive session by council members will continue to be prohibited; and code will not be updated to include participation in meetings by “other electronic means”.

**FINANCIAL IMPLICATIONS:** None.

**LEGAL:** City Attorney Brooks Chandler reviewed the proposed ordinance. Mr. Chandler said he has participated in many, many executive sessions by telephone and a growing number by Zoom; and if he can participate in that manner, it makes sense for council members to as well. His main concern is confidentiality and security: “Members participating by telephone or Zoom need to be careful they are in a private setting. When on a speakerphone or computer speaker, steps to prevent others from overhearing should be taken. ... On balance I think the security concerns are outweighed by the convenience of having more people able to participate. If the ordinance is adopted, I suggest you research whether there are security issues with Zoom and what steps could be taken to limit potential eavesdropping on an executive session held by Zoom.”

**STAFF RECOMMENDATION:** Staff recommends adoption.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-16 and schedule it for public hearing and second reading on October 11, 2022.

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

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2022-17

CREATING BUDGET AMENDMENT #2 TO THE FISCAL YEAR 2023 BUDGET TO (1) INCREASE WAGES, FRINGE BENEFITS AND ASSOCIATED STATE OF ALASKA PERS CONTRIBUTIONS FOR IUOE LOCAL 302 UNION EMPLOYEES COVERING INCREASED WAGE SCALES, LONGEVITY BONUSES AND EDUCATION INCENTIVES FOR THREE COLLECTIVE BARGAINING UNIT AGREEMENTS; (2) RECOGNIZING LOCAL SUPPORT REVENUE OF \$10,834 FROM APIA IN THE GENERAL FUND AND INCREASING THE PCR OPERATING BUDGET BY \$10,834 FOR THE SENIOR EXERCISE PROGRAM; (3) INCREASING MAYOR AND COUNCIL BUDGET BY \$75,000 TO FULLY FUND TWO COMMUNITY FIREWORKS SHOWS; (4) APPROPRIATING AN ADDITIONAL \$252,154 FROM THE ELECTRIC PROPRIETARY FUND FOR THE GENERATOR SETS REBUILD PROJECT; AND (5) APPROPRIATING AN ADDITIONAL \$526,447 FROM THE WATER PROPRIETARY FUND FOR THE PYRAMID WATER TREATMENT PLANT CHLORINE UPGRADE PROJECT

BE IT ENACTED BY THE UNALASKA CITY COUNCIL

- Section 1. Classification: This is a non-code ordinance.  
 Section 2. Effective Date: This ordinance becomes effective upon adoption.  
 Section 3. Content: The City of Unalaska FY23 Budget is amended as follows:

- A. That the following sums of money are hereby accepted and the following sums of money are hereby authorized for expenditure.  
 B. The following are the changes by account line item:

**Amendment No. 2 to Ordinance 2022-10**

	Current	Requested	Revised
<b>I. OPERATING BUDGETS</b>			
<b>A. General Fund</b>			
Sources			
Local Support - APIA	\$ -	\$ 10,834	\$ 10,834
General Fund - Appropriated Fund Balance	6,224,748	957,232	7,181,980
PERS Non-Employer Contribution	747,381	45,398	792,779
	<u>\$ 6,972,129</u>	<u>\$ 1,013,464</u>	<u>\$ 7,985,593</u>
Uses			
Mayor & Council	\$ 432,215	\$ 75,000	\$ 507,215
Clerks	555,515	22,719	578,234
Finance/IS	2,126,285	129,332	2,255,617
Planning	779,777	21,690	801,467
Public Works	6,177,533	418,570	6,596,103
Parks, Culture & Recreation	3,552,906	346,153	3,899,059
	<u>\$ 13,624,231</u>	<u>\$ 1,013,464</u>	<u>\$ 14,637,695</u>
<b>B. Proprietary Funds</b>			
Sources			
Electric Fund - Budgeted use of unrestricted net assets	\$ 3,753,863	\$ 630,832	\$ 4,384,695
Electric Fund - PERS Non-Employer Contribution	145,573	22,311	167,884
Water Fund - Budgeted use of unrestricted net assets	1,644,562	622,988	2,267,550
Water Fund - PERs Non-Employer Contribution	69,642	5,187	74,829
Wastewater Fund - Budgeted use of unrestricted net assets	1,336,158	102,789	1,438,947
Wastewater Fund - PERS Non-Employer Contribution	62,218	5,288	67,506
Solid Waste Fund - Budgeted use of unrestricted net assets	1,429,039	102,467	1,531,506
Solid Waste Fund - PERS Non-Employer Contribution	61,587	5,505	67,092
Ports Fund - Budgeted use of unrestricted net assets	4,235,063	47,574	4,282,637
Ports Fund - PERS Non-Employer Contribution	99,018	2,674	101,692
Airport Fund - Budgeted use of unrestricted net assets	310,348	18,869	329,217
Airport Fund - PERS Non-Employer Contribution	11,409	991	12,400
Housing Fund - Budgeted use of unrestricted net assets	324,744	12,538	337,282
Housing Fund - PERS Non-Employer Contribution	9,399	648	10,047
	<u>\$ 13,492,623</u>	<u>\$ 1,580,661</u>	<u>\$ 15,073,284</u>

	Current	Requested	Revised
Uses			
Transfers to Electric Project	\$ 883,112	\$ 252,154	\$ 1,135,266
Electric Fund - Utility Administration Expenses	5,868,123	74,911	5,943,034
Electric Fund - Power Production Expenses	12,227,482	110,627	12,338,109
Electric Fund - Power Distribution Expenses	1,199,561	203,310	1,402,871
Electric Fund - Vehicle Maintenance	62,557	4,799	67,356
Electric Fund - Facilities Maintenance	126,078	7,342	133,420
Transfers to Water Project	791,061	526,447	1,317,508
Water Fund - Utility Administration Expenses	1,870,677	39,123	1,909,800
Water Fund - Operating Expenses	1,596,254	57,426	1,653,680
Water Fund - Vehicle Maintenance	38,322	2,797	41,119
Water Fund - Facilities Maintenance	59,390	2,382	61,772
Wastewater Fund - Utility Administration Expenses	1,958,143	32,763	1,990,906
Wastewater Fund - Operating Expenses	1,998,824	70,503	2,069,327
Wastewater Fund - Vehicle Maintenance	30,251	2,204	32,455
Wastewater Fund - Facilities Maintenance	60,661	2,607	63,268
Solid Waste Fund - Utility Administration Expenses	1,673,007	19,174	1,692,181
Solid Waste Fund - Operating Expenses	1,962,110	71,900	2,034,010
Solid Waste Fund - Vehicle Maintenance	147,021	8,907	155,928
Solid Waste Fund - Facilities Maintenance	112,313	7,991	120,304
Ports Fund - Harbor Office Expenses	7,024,257	42,807	7,067,064
Ports Fund - Vehicle Maintenance	62,479	4,209	66,688
Ports Fund - Facilities Maintenance	52,096	3,232	55,328
Airport Fund - Admin/Operating Expenses	678,188	5,202	683,390
Airport Fund - Facilities Maintenance	169,289	14,658	183,947
Housing Fund - Admin/Operating Expenses	403,530	1,054	404,584
Housing Fund - Facilities Maintenance	179,113	12,132	191,245
	<u>\$ 41,233,899</u>	<u>\$ 1,580,661</u>	<u>\$ 42,814,560</u>

## II. CAPITAL PROJECT BUDGETS

### A. Public Utilities - Project Budgets

Electric Projects - Generator Sets Rebuild (EL23B)

Sources

Transfers from Electric Operating	\$ 750,000	\$ 252,154	\$ 1,002,154
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Uses

Generator Sets Rebuild (FY23) Project	\$ 750,000	\$ 252,154	\$ 1,002,154
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Water Projects - Pyramid WTP Chlorine Upgrade (WA21A)

Sources

Transfers from Water Operating	\$ 981,500	\$ 526,447	\$ 1,507,947
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Uses

Pyramid WTP Chlorine Upgrade	\$ 981,500	\$ 526,447	\$ 1,507,947
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PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on October 11, 2022.

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

ATTEST:

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

- 1) General Fund - Operating Budget
  - Add \$927,630 for 302 Wages & Benefits
  - Add \$10,834 to Rec Program Temp Employees for APIA senior exercise program
  - Add \$75,000 to Council Supplies for fireworks
- 2) Proprietary Funds - Operating Budgets
  - Add \$802,060 for 302 Wages & Benefits
  - Add \$252,154 for Electric Transfers to Capital Projects
  - Add \$526,447 for Water Transfers to Capital Projects
- 3) Electric Fund - Capital Projects Budget
  - Add \$252,154 for Generator Sets Rebuild Project (FY23)
- 4) Water Fund - Capital Projects Budget
  - Add \$526,447 for Pyramid WTP Chlorine Upgrades Project

	<u>Org</u>	<u>Object</u>	<u>Current</u>	<u>Requested</u>	<u>Revised</u>
<b>1) General Fund - Operating Budget</b>					
<b>Sources:</b>					
PCR Private Contributions	01012047	47400	0	10,834	10,834
Appropriated Fund Balance	01010049	49900	6,224,748	957,232	7,181,980
PERS Non-Employer Contributions	01010041	42355	747,381	45,398	792,779
<b>Uses:</b>					
<b>Mayor &amp; Council</b>					
General Supplies	1020152	56100	40,000	75,000	115,000
<b>Clerks</b>					
Salaries and Wages	01020551	51100	245,361	17,151	262,512
FICA & Medicare Emplr Match	01020551	52200	20,034	1,127	21,161
PERS Employer Contribution	01020551	52300	72,523	4,441	76,964
<b>Finance</b>					
Salaries and Wages	01020651	51100	563,254	79,920	643,174
FICA & Medicare Emplr Match	01020651	52200	44,520	6,113	50,633
PERS Employer Contribution	01020651	52300	165,936	21,683	187,619
<b>Information Systems</b>					
Salaries and Wages	01020751	51100	222,443	16,029	238,472
FICA & Medicare Emplr Match	01020751	52200	17,429	1,224	18,653
PERS Employer Contribution	01020751	52300	61,182	4,363	65,545
<b>Planning</b>					
Salaries and Wages	01020851	51100	377,871	15,745	393,616
FICA & Medicare Emplr Match	01020851	52200	30,231	1,204	31,435
PERS Employer Contribution	01020851	52300	107,905	4,741	112,646
<b>DPW Administration</b>					
Salaries and Wages	01022051	51100	335,094	27,324	362,418
FICA & Medicare Emplr Match	01022051	52200	25,946	2,091	28,037
PERS Employer Contribution	01022051	52300	98,233	7,322	105,555
<b>Roads</b>					
Salaries and Wages	01022251	51100	877,263	113,999	991,262
Temporary Employees	01022251	51200	36,088	3,609	39,697
FICA & Medicare Emplr Match	01022251	52200	73,314	9,000	82,314
PERS Employer Contribution	01022251	52300	271,671	29,507	301,178

	<u>Org</u>	<u>Object</u>	<u>Current</u>	<u>Requested</u>	<u>Revised</u>
<b>Supply</b>					
Salaries and Wages	01022351	51100	156,157	43,065	199,222
FICA & Medicare Emplr Match	01022351	52200	12,184	2,926	15,110
PERS Employer Contribution	01022351	52300	46,712	10,590	57,302
<b>Vehicle Maintenance</b>					
Salaries and Wages	01022851	51100	436,092	58,914	495,006
FICA & Medicare Emplr Match	01022851	52200	34,542	4,509	39,051
PERS Employer Contribution	01022851	52300	131,499	13,745	145,244
<b>Facilities Maintenance</b>					
Salaries and Wages	01022951	51100	458,731	69,200	527,931
Temporary Employees	01022951	51200	40,459	2,080	42,539
FICA & Medicare Emplr Match	01022951	52200	39,729	5,266	44,995
PERS Employer Contribution	01022951	52300	139,335	15,423	154,758
<b>Rec Programs</b>					
Salaries and Wages	01023251	51100	355,454	77,783	433,237
Temporary Employees	01023251	51200	30,000	10,834	40,834
FICA & Medicare Emplr Match	01023251	52200	31,170	5,216	36,386
PERS Employer Contribution	01023251	52300	102,209	19,326	121,535
<b>Community Center</b>					
Salaries and Wages	01023351	51100	375,009	106,968	481,977
FICA & Medicare Emplr Match	01023351	52200	30,216	7,266	37,482
PERS Employer Contribution	01023351	52300	84,030	18,460	102,490
<b>Library</b>					
Salaries and Wages	01023451	51100	328,059	60,122	388,181
FICA & Medicare Emplr Match	01023451	52200	26,512	4,600	31,112
PERS Employer Contribution	01023451	52300	80,299	14,299	94,598
<b>Aquatics Center</b>					
Salaries and Wages	01023551	51100	249,388	15,446	264,834
FICA & Medicare Emplr Match	01023551	52200	19,459	1,182	20,641
PERS Employer Contribution	01023551	52300	52,574	4,651	57,225
<b>2) Electric Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	50015049	49910	3,753,863	630,832	4,384,695
PERS Non-Employer Contributions	50015041	42355	145,573	22,311	167,884
<b>Uses:</b>					
<b>Transfers Out</b>					
Transfers to Enterprise Capital Projects	50029854	49940	883,112	252,154	1,135,266
<b>Electric - Utility Administration</b>					
Salaries and Wages	50024051	51100	427,003	55,994	482,997
FICA & Medicare Emplr Match	50024051	52200	32,942	4,136	37,078
PERS Employer Contribution	50024051	52300	124,669	14,781	139,450
<b>Electric Production</b>					
Salaries and Wages	50024151	51100	754,648	83,038	837,686
FICA & Medicare Emplr Match	50024151	52200	60,962	6,077	67,039
PERS Employer Contribution	50024151	52300	233,230	21,512	254,742
<b>Electric Line Repair</b>					
Salaries and Wages	50024251	51100	512,815	149,310	662,125
FICA & Medicare Emplr Match	50024251	52200	42,137	9,645	51,782
PERS Employer Contribution	50024251	52300	162,569	44,355	206,924



	<b>Org</b>	<b>Object</b>	<b>Current</b>	<b>Requested</b>	<b>Revised</b>
<b>Electric (Vehicle Maint.)</b>					
Salaries and Wages	50022851	51100	27,153	3,665	30,818
FICA & Medicare Emplr Match	50022851	52200	2,150	279	2,429
PERS Employer Contribution	50022851	52300	8,187	855	9,042
<b>Electric (Facilities Maint.)</b>					
Salaries and Wages	50022951	51100	39,516	5,587	45,103
FICA & Medicare Emplr Match	50022951	52200	3,116	425	3,541
PERS Employer Contribution	50022951	52300	11,815	1,330	13,145
<b>Water Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	51015549	49910	1,644,562	622,988	2,267,550
PERS Non-Employer Contributions	51015541	42355	69,642	5,187	74,829
<b>Uses:</b>					
<b>Transfers Out</b>					
Transfers to Enterprise Capital Projects	51029854	59940	791,061	526,447	1,317,508
<b>Water - Utility Administration</b>					
Salaries and Wages	51024051	51100	262,704	29,248	291,952
FICA & Medicare Emplr Match	51024051	52200	20,189	2,164	22,353
PERS Employer Contribution	51024051	52300	76,236	7,711	83,947
<b>Water - Operations</b>					
Salaries and Wages	51024351	51100	562,496	40,856	603,352
Temporary Employees	51024351	51200	28,714	2,881	31,595
FICA & Medicare Emplr Match	51024351	52200	47,866	3,073	50,939
PERS Employer Contribution	51024351	52300	173,733	10,616	184,349
<b>Water (Vehicle Maint.)</b>					
Salaries and Wages	51022851	51100	15,839	2,136	17,975
FICA & Medicare Emplr Match	51022851	52200	1,256	161	1,417
PERS Employer Contribution	51022851	52300	4,775	500	5,275
<b>Water (Facilities Maint.)</b>					
Salaries and Wages	51022951	51100	12,824	1,810	14,634
FICA & Medicare Emplr Match	51022951	52200	999	142	1,141
PERS Employer Contribution	51022951	52300	3,816	430	4,246
<b>Wastewater Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	52016049	49910	1,336,158	102,789	1,438,947
PERS Non-Employer Contributions	52016041	42355	62,218	5,288	67,506
<b>Uses:</b>					
<b>Wastewater - Utility Administration</b>					
Salaries and Wages	52024051	51100	219,066	24,515	243,581
FICA & Medicare Emplr Match	52024051	52200	16,774	1,805	18,579
PERS Employer Contribution	52024051	52300	63,636	6,443	70,079
<b>Wastewater - Operations</b>					
Salaries and Wages	52024551	51100	501,855	51,331	553,186
Temporary Employees	52024551	51200	28,714	2,881	31,595
FICA & Medicare Emplr Match	52024551	52200	43,224	3,967	47,191
PERS Employer Contribution	52024551	52300	156,982	12,324	169,306
<b>Wastewater (Vehicle Maint.)</b>					
Salaries and Wages	52022851	51100	12,442	1,684	14,126
FICA & Medicare Emplr Match	52022851	52200	988	127	1,115
PERS Employer Contribution	52022851	52300	3,751	393	4,144

	<b>Org</b>	<b>Object</b>	<b>Current</b>	<b>Requested</b>	<b>Revised</b>
<b>Wastewater (Facilities Maint.)</b>					
Salaries and Wages	52022951	51100	13,995	1,981	15,976
FICA & Medicare Emplr Match	52022951	52200	1,721	154	1,875
PERS Employer Contribution	52022951	52300	6,629	472	7,101
<b>Solid Waste Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	53016549	49910	1,429,039	102,467	1,531,506
PERS Non-Employer Contributions	53016541	42355	61,587	5,505	67,092
<b>Uses:</b>					
<b>Solid Waste - Utility Administration</b>					
Salaries and Wages	53024051	51100	179,631	14,359	193,990
FICA & Medicare Emplr Match	53024051	52200	13,709	1,057	14,766
PERS Employer Contribution	53024051	52300	52,073	3,758	55,831
<b>Solid Waste - Operations</b>					
Salaries and Wages	53024751	51100	476,334	51,325	527,659
Temporary Employees	53024751	51200	27,903	2,787	30,690
FICA & Medicare Emplr Match	53024751	52200	41,635	4,140	45,775
PERS Employer Contribution	53024751	52300	148,543	13,648	162,191
<b>Solid Waste (Vehicle Maint.)</b>					
Salaries and Wages	53022851	51100	50,342	6,801	57,143
FICA & Medicare Emplr Match	53022851	52200	3,983	520	4,503
PERS Employer Contribution	53022851	52300	15,177	1,586	16,763
<b>Solid Waste (Facility Maint.)</b>					
Salaries and Wages	53022951	51100	43,023	6,079	49,102
FICA & Medicare Emplr Match	53022951	52200	3,382	464	3,846
PERS Employer Contribution	53022951	52300	12,861	1,448	14,309
<b>Ports and Harbors Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	54017049	49910	4,235,063	47,574	4,282,637
PERS Non-Employer Contributions	54017041	42355	99,018	2,674	101,692
<b>Uses:</b>					
<b>Harbor Office</b>					
Salaries and Wages	54025051	51100	629,033	31,810	660,843
FICA & Medicare Emplr Match	54025051	52200	48,467	2,404	50,871
PERS Employer Contribution	54025051	52300	179,912	8,593	188,505
<b>Ports (Vehicle Maint.)</b>					
Salaries and Wages	54022851	51100	23,754	3,212	26,966
FICA & Medicare Emplr Match	54022851	52200	1,882	248	2,130
PERS Employer Contribution	54022851	52300	7,162	749	7,911
<b>Ports (Facilities Maint.)</b>					
Salaries and Wages	54022951	51100	17,438	2,458	19,896
FICA & Medicare Emplr Match	54022951	52200	1,357	188	1,545
PERS Employer Contribution	54022951	52300	5,164	586	5,750
<b>Airport Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	55017549	49910	310,348	18,869	329,217
PERS Non-Employer Contributions	55017541	42355	11,409	991	12,400

	<u>Org</u>	<u>Object</u>	<u>Current</u>	<u>Requested</u>	<u>Revised</u>
<b>Uses:</b>					
<b>Airport Admin/Operations</b>					
Salaries and Wages	55025651	51100	66,011	3,858	69,869
FICA & Medicare Emplr Match	55025651	52200	4,986	296	5,282
PERS Employer Contribution	55025651	52300	18,949	1,048	19,997
<b>Airport (Facilities Maint.)</b>					
Salaries and Wages	55022951	51100	78,313	11,169	89,482
FICA & Medicare Emplr Match	55022951	52200	6,237	856	7,093
PERS Employer Contribution	55022951	52300	23,410	2,633	26,043
<b>Housing Fund - Operating Budget</b>					
<b>Sources:</b>					
Budgeted use of unrestricted net assets	56018049	49910	324,744	12,538	337,282
PERS Non-Employer Contributions	56018041	42355	9,399	648	10,047
<b>Uses:</b>					
<b>Housing Admin &amp; Operating</b>					
Salaries and Wages	56025851	51100	49,274	783	50,057
FICA & Medicare Emplr Match	56025851	52200	3,798	60	3,858
PERS Employer Contribution	56025851	52300	14,045	211	14,256
<b>Housing (Facilities Maint.)</b>					
Salaries and Wages	56022951	51100	65,299	9,230	74,529
FICA & Medicare Emplr Match	56022951	52200	5,471	706	6,177
PERS Employer Contribution	56022951	52300	20,851	2,196	23,047
<b>3) Electric Fund - Capital Project Budgets</b>					
<b>Sources:</b>					
Generator Sets Rebuild Project (FY23)					
Transfers From Proprietary Operating	50119848-49130-EL23B		750,000	252,154	1,002,154
<b>Uses:</b>					
Generator Sets Rebuild Project (FY23)					
Repair/Maintenance Services	50125053-54300-EL23B		716,923	252,154	969,077
Transfers From Proprietary Operating	50125053-54300-EL23B		33,077	0	33,077
<b>4) Water Fund - Capital Project Budgets</b>					
<b>Sources:</b>					
Pyramid WTP Chlorine Upgrades Project					
Transfers From Proprietary Operating	51119848-49130-WA21A		981,500	526,447	1,507,947
<b>Uses:</b>					
Pyramid WTP Chlorine Upgrades Project					
Engineering & Architecture	51125553-53240-WA21A		108,819	66,120	174,939
Other Professional	51125553-53300-WA21A		27,500	0	27,500
Construction Services	51125553-54500-WA21A		441,475	460,327	901,802
Telephone/Fax/TV	51125553-55310-WA21A		290	0	290
Advertising	51125553-55901-WA21A		284	0	284
Contingency	51125553-55912-WA21A		118,081	0	118,081
Machinery & Equipment	51125553-57400-WA21A		285,051	0	285,051

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Clay Darnell, Interim Finance Director  
Through: Chris Hladick, Interim City Manager  
          Bil Homka, Acting City Manager  
Date: September 27, 2022  
Re: Ordinance 2022-17, FY23 Budget Amendment #2, funding for the three IUOE  
      302 Collective Bargaining Agreements

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**SUMMARY:** This budget amendment fully funds the Council approved Collective Bargaining Agreements (CBAs) for three units of the International Union of Operating Engineers Local 302 (IUOE). The total cost to the City for this implementation is \$1,729,690. The cost to each department is itemized on the Budget Amendment spreadsheet.

**PREVIOUS COUNCIL ACTION:** Council approved three separate CBAs with IUOE on May 24, 2022.

**BACKGROUND:** Every three years the City and IUOE Local 302 bargaining units enter contract negotiations to agree upon CBAs for a new three-year term. The three bargaining units include (1) City Hall, (2) DPU/W and (3) PCR. Council approved all three CBAs on May 24, 2022.

**DISCUSSION:** This budget amendment will fund the implementation of the CBAs. The breakdown of the funding is:

<b>51100</b> Salaries and Wages	\$1,293,905
<b>51200</b> Temporary Employees	\$14,238
<b>52200</b> Payroll Taxes	\$94,818
<b>52300</b> PERS	<u>\$326,729</u>
	\$1,729,690

A total of \$1,729,690 is the cost to fully fund the Council approved CBAs.

**ALTERNATIVES:** Council could choose not to implement the approved changes for the CBAs.

**FINANCIAL IMPLICATIONS:** The total cost to the City is \$1,729,690. The cost to each department is itemized on the Budget Amendment Spreadsheet.

**LEGAL:** None

**STAFF RECOMMENDATION:** Staff recommends adoption.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-17 and schedule it for second reading and public hearing on October 11, 2022.

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

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Roger Blakeley, PCR Director  
Through: Chris Hladick, Interim City Manager  
          Bil Homka, Acting City Manager  
Date: September 27, 2022  
Re: Ordinance 2022-17, creating FY23 Budget Amendment #2, to receive  
      \$10,834.20 from the Aleutian Pribilof Islands Association to pay an instructor for  
      the Senior Exercise Program

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**SUMMARY:** Ordinance 2022-17 accepts \$10,834.20 to fund the Senior Exercise Program.

**PREVIOUS COUNCIL ACTION:** In 2019, Council approved a similar request for \$7,000 to start the program. The program was successful, with funding from APIA. Due to the COVID-19 pandemic and the inability to offer regular instructor led classes in FY21 this funding request was not made in 2020. Council approved a similar budget amendment for \$7,200.00 in FY22 which allowed PCR to continue offering this programming in partnership with APIA.

**BACKGROUND:** The Aleutian Pribilof Islands Association (APIA) partnered with the Department of Parks, Culture and Recreation (PCR) to develop a senior exercise program, held at the Unalaska Senior Center. APIA received a grant to fund the program and is working with PCR to provide an instructor. PCR requests a budget amendment to allocate an additional \$10,834.20 to 01023251-51200 (Temporary Employees) to hire the instructor for this program. This amount reflects the amount of money APIA received to fund the personnel portion of the program.

PCR will invoice APIA for the hours worked by the instructor and we will receive reimbursement for those hours up to the \$10,834.20 outlined in the APIA grant. The result is \$0 net loss to the city, and gives PCR the ability to provide a much-needed senior exercise class in cooperation with APIA. The program will end when the grant funds are exhausted.

**DISCUSSION:** Staff requests \$10,834.20 to pay the Instructor for the Senior Exercise Class held up to three times per week. Without this grant funding PCR would not be able to offer this senior exercise program to the community.

**ALTERNATIVES:** Council may choose to approve the budget amendment and fund the program; or not approve the funding and cancel the program.

**FINANCIAL IMPLICATIONS:** None

**LEGAL:** None

**STAFF RECOMMENDATION:** Staff recommends adoption.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-17 and schedule it for second reading and public hearing on October 11, 2022.

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

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Ben Knowles, Acting Fire Chief  
Through: Chris Hladick, Interim City Manager  
          Bil Homka, Acting City Manager  
Date: September 27, 2022  
Re: Budget Amendment request for fireworks shows to be held New Year's Eve and  
      Independence Day 2022

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**SUMMARY:** The City has sponsored fireworks shows for many years. Due to increased vendor costs, as well as cost increases for fireworks materials, shipping, travel and the need to repair equipment, a budget amendment of \$75,000 is being requested in order to put on two fireworks shows (New Year's Eve 2022 and 4<sup>th</sup> of July 2023).

**PREVIOUS COUNCIL ACTION:** Council approved the FY23 Operating Budget on June 28, 2022, with Ordinance 2022-23, which included \$35,000 for fireworks shows. This budget line contains an additional \$5,000 for miscellaneous supplies, which can be used for fireworks expenses.

On September 13, 2022, Council directed the City Manager to provide a New Year's Eve fireworks show, along with a budget amendment to cover the costs for the fireworks trailer and a 4<sup>th</sup> of July fireworks show.

**BACKGROUND AND DISCUSSION:** City funded fireworks displays have been a long time community event. Shows prior to FY20 were awarded to a pyrotechnics company that is no longer in business. That company offered the city an extremely appealing package for a commercial 1.3g fireworks display that was well below the market value and city employees provided much of the labor for the build and firing of the show. The average cost per show from 2014-2019 was about \$20,500 per show.

During the COVID-19 pandemic the city opted to cancel the NYE 2021 show in the best interest of the community's health. The Alaska State Firefighters Association (ASFA) – Unalaska Chapter was able to fund a smaller non-commercial 1.4g show with no cost to the City by solicitation of donation as a registered 501(c)(3) non-profit from Gorilla Fireworks LLC of Houston, Alaska. 1.4g fireworks are considered to be "over-the-counter" explosives and are available to the general public. They are heavily regulated on size and weight of explosive which provides a very restricted display. Since the NYE 2021 display, ASFA has shot a one show per fiscal year with help from a community support grant. This has allowed the city to only be financially responsible for one display per fiscal year, which has made the budget adequate. ASFA has been battling staffing issues and is at a point where continuing to organize and coordinate the 1.4g displays is becoming overly taxing to the remaining members. Although recruitment efforts are in full swing, the likelihood that the organization is able and willing to handle another fireworks display commitment is slim.

The fireworks equipment is in need of repair or replacement. DPW staff worked to create a dedicated fireworks trailer to mitigate incurring repair costs to their low-boy trailer following a fireworks display. Because of the nature of this event, ultimately there was damage being done

to the equipment used for firing the display. This includes damage to mortar tubes, mortar racks, wiring boards, and DPW's low-boy trailer. There has always been a small contingency of equipment that could be utilized in cases where something failed or there wasn't enough of, which has now been used, mostly beyond repair or is outdated and unsafe to use any further. We are requesting a one-time funding cost of \$25,000 in FY23 for replacement of broken equipment.

After some discussion with pyrotechnic companies in the Anchorage area, the unofficial cost for a show that meets the last issued RFP is \$35,000 per show, which does not include air travel, rental vehicle, hotel, and per diem for the pyro technician, which is estimated at an additional \$5,000. This leaves no funding for contingency, repairs to the trailer or an additional show on 4<sup>th</sup> of July 2023.

We request an additional \$75,000 be added to the FY23 budget, as follows:

Equipment and trailer build/repair	\$25,000
4 <sup>th</sup> of July Show	\$40,000
Contingency for FY23 shows	<u>\$10,000</u>
Total:	\$75,000

**ALTERNATIVES:** Council could choose to:

1. Discontinue community fireworks shows and return the \$35,000 budgeted to the general fund.
2. Fund one show per fiscal year:
  - a. But still need to provide funding to repair equipment.
  - b. Scale down the size the duration of the show in order not to exceed the \$35,000 presently budgeted.

**FINANCIAL IMPLICATIONS:** If approved, \$75,000 to be transferred from the general fund to council's budget for FY23.

**LEGAL:** None.

**STAFF RECOMMENDATION:** Based on Council's Directive to the City Manager, staff recommends approval.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-17 and schedule it for public hearing and second reading on October 11, 2022.

**CITY MANAGER COMMENTS:** I support the Staff Recommendation.



Note: Responses from Staff to questions from Council on September 27, 2022 are included following this memo.

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Steve Tompkins, Acting Director of Public Utilities  
Through: Chris Hladick, Interim City Manager  
Bil Homka, Acting City Manager  
Date: September 27, 2022  
Re: Ordinance 2022-17, Creating Budget Amendment #2 to the Fiscal Year 2023 Budget Adding \$252,154 to Capital Project EL23B Generator Sets Rebuild (FY23)

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**SUMMARY:** This budget Amendment Request consists of a transfer of \$252,154 from the Electric Proprietary Fund to Capital Project EL23B Generator Sets Rebuild, increasing the budget to \$1,002,154.

**PREVIOUS COUNCIL ACTION:** City Council approved Ordinance 2022-10 on June 28, 2022, adopting the FY23 Operating and Capital Budget, allocating \$750,000 to the FY23 Generator Sets Rebuild Project.

**BACKGROUND:** Each fiscal year since FY18, staff estimates which gensets will need major work based on the hour meters, overall condition, and known issues. There is generally a 30% contingency added to allow for unexpected failures that need immediate attention. This system has generally worked well with significant portions of the budget returned to the proprietary fund budgetary reserves at the end of each year:

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual</u>
FY18	\$ 1,267,306.00		\$ 750,171.66
FY19	\$ 1,292,652.00		\$ 516,889.52
FY20	\$ 1,714,056.00	\$ 2,097,683.00	\$ 1,920,749.83
FY21	\$ 1,748,338.00		\$ 978,547.44
FY22	\$ 500,000.00		\$ 295,718.38
FY23	\$ 750,000.00		\$ 714,863.37 Encumbered to date

**DISCUSSION:** There are three primary unanticipated issues in FY23 that contributed to exceeding the original budget of \$750,000, intended to fully fund a scheduled in-frame overhaul of Caterpillar Unit #13:

- Inflationary factors and supply chain issues increased the price of the planned rebuild to \$762,481, with almost \$700,000 in parts. Previous rebuilds on the Cats have been in the \$300,000 - \$400,000 range.
- Severe storm events increased water intrusion into the Valley Power Module container, ultimately shorting out the generator. It is over \$82,000 to remove the generator portion of the genset and get the stator rewound and the unit reconditioned in Seattle. Staff are



exploring options for a better generator enclosure for improved protection from the elements and noise abatement. The old container currently housing the genset should be replaced in the next budget cycle.

- The Wartsila cylinder heads that were rebuilt on-site by Motor-Services Hugo Stamp (MSHS) in FY20 are failing prematurely at the exhaust seats due to non-OEM parts and improper seat installation. There are four heads sitting in the Surrey, British Columbia Wartsila workshop awaiting a purchase order to proceed with rebuilds, and staff have used the two new heads from inventory to keep one of the units on-line.

Breakdown usage of funds requested:

Unanticipated Rebuild Expenses		
Item	Provided By	Amount
Labor and Misc. to Perform In-frame Overhaul on #13	NC Power	\$ 77,000
Remove and Re-install Generator UVPM	NC Power	\$ 15,905
Rewind Stator and Recondition UVPM Generator	Delta Electric Motors	\$ 52,995
Ocean Freight for Generator RT Seattle	Coastal	\$ 14,000
Rebuild Four Cylinder Heads and Two Turbos	Wartsila	\$ 92,254
<b>Total</b>		<b>\$ 252,154</b>

**ALTERNATIVES:** Unalaska Power Division’s Certificate of Fitness from the Alaska Energy Authority states we are required to keep all electrical generating equipment in good running condition.

**FINANCIAL IMPLICATIONS:** EL23B – The proposed budget for the Capital Project is set out as follows:

Generator Sets Rebuild (FY23) - MUNIS Project EL23B								
Account Number	Description	Original Budget	Transfers	Revised Budget	Expensed & Encumbered	Available	This Request	Proposed Revised Budget
50125053-54300-EL23B	Repair/Maint. Services	\$576,923.00	\$140,000.00	\$716,923.00	\$714,863.37	\$2,059.63	\$252,154.00	\$969,077.00
50125053-55912-EL23B	Contingency	\$173,077.00	-\$140,000.00	\$33,077.00		\$33,077.00		\$33,077.00
								\$1,002,154.00

**LEGAL:** N/A

**STAFF RECOMMENDATION:** Staff recommends approval of this budget amendment.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-17 and schedule it for public hearing and second reading on October 11, 2022.

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

**ATTACHMENTS:** None.

## Marjorie Veeder

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**From:** Marjorie Veeder  
**Sent:** Tuesday, October 4, 2022 10:18 AM  
**To:** Alejandro Tungul; Chris Hladick; Daneen Looby; Darin Nicholson; Dennis Robinson; Mayor Tutiakoff; Shari Coleman; Thomas D. Bell  
**Subject:** FW: Questions from 9/27/22 Council Meeting  
**Attachments:** DH30681 City Power House #13.pdf; MSHS Warranty.pdf

Mayor and Council (copy City Manager):

Please see email below (and attachments) from Acting Utility Director Steve Tompkins, responding to council questions from the September 27 council meeting.

*Marjie Veeder*

City Clerk  
CITY OF UNALASKA  
(907) 581-1251 ext. 2104

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**From:** Steve Tompkins  
**Sent:** Monday, October 3, 2022 8:02 PM  
**To:** Marjorie Veeder  
**Cc:** Chris Hladick; Bil Homka  
**Subject:** Questions from 9/27/22 Council Meeting

Hi Marjie,

Thank you for providing audio from the portion of the council meeting that I had to miss. I identified five questions – three from Council Member Bell, and two from Vice Mayor Robinson – which I have answered below:

### Introduction

Beginning in FY22, Staff began budgeting the Generator Sets Rebuild project closer to the anticipated cost, with a narrower contingency. In previous years the project had generally come in well under the budget, with the unused portion returned to the proprietary fund. The problem with this budgeting model is that when rate studies are conducted, the rate analyst looks at these future budgets for all capital spending, and sets the rates accordingly. For background information, this is how this project was originally budgeted, taken from the June 2020 Capital Projects Update, page 80:

Revenue Source	Appropriated Funds	Fiscal Year Funding Requests					
		FY20	FY21	FY22	FY23	FY24	Total
General Fund (DEPT)							
1% Sales Tax							
Grant							
Proprietary Fund		1,714,056	1,748,338	1,783,305	1,818,970	1,855,350	8,920,019
<b>TOTALS \$</b>	-	1,714,056	1,748,338	1,783,305	1,818,970	1,855,350	8,920,019

**Requested Funds:** 113

You can see that FY22 was originally budgeted for \$1,783,338 (reduced by Staff to \$500,000, \$295,718 total was used), and FY23 was originally budgeted for \$1,818,970 (reduced by Staff to \$750,000, BA #2 to increase to \$1,002,154). The anticipated total spent for FY22 & FY23 will be \$1,297,872, **\$47,872 more** than the budget for the two years, but **\$2,304,403 less** than the original budget for these two years.

By budgeting closer, Staff feels this is more transparent, and allows more accurate capital spending projections, in turn allowing more accurate utility rates. The downside is, of course, needing a budget amendment due to unforeseen circumstances beyond a normal contingency.

As a reminder, these are the project budgets from FY18 to the present:

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual</u>
<b>FY18</b>	<b>\$ 1,267,306.00</b>		<b>\$ 750,171.66</b>
<b>FY19</b>	<b>\$ 1,292,652.00</b>		<b>\$ 516,889.52</b>
<b>FY20</b>	<b>\$ 1,714,056.00</b>	<b>\$ 2,097,683.00</b>	<b>\$ 1,920,749.83</b>
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<b>FY23</b>	<b>\$ 750,000.00</b>		<b>\$ 714,863.37 Encumbered to date</b>

These are the questions from the September 27, 2022 City Council Meeting:

Council Member Bell:

- Question: Needs proof that Cat parts prices have increased.**  
**Answer:** NC Machinery have always been quite good about quoting what parts are needed for a rebuild, and they normally come in a little under from their quote. Quote #DH30681 is attached totaling \$762,481.03, with \$689,481.03 in parts which have already been ordered in July due to the 12-14 week lead time. Staff has no reason to believe this quote will not be very close after the work is performed and invoiced in November.
- Question: Storms have decreased in past 20 years, how did water get inside the container and short out the generator?**  
**Answer:** The container housing the generator is in very poor shape; some opinions place it's age at 50+ years old. Facilities Maintenance has made attempts at patching and repairing when winds tear portions off the structure, but there is no question it needs to be replaced. In 2020 it was hoped that geothermal was closer, and that perhaps we could abandon the Valley Power Module entirely as a purpose-built enclosure is quite expensive.

3. **Question: Is there any warranty on the MSHS work that would reduce costs?**

**Answer:** No. Wartsila will not warranty the heads because non-OEM parts and 3<sup>rd</sup> party labor was used, and MSHS only warranties their work for 60 days (copy of warranty attached).

Vice Mayor Robinson:

4. **Question: Do we have any generators down besides the one in the valley?**

**Answer:** Yes. We have scavenged heads off one of the Wartsilas (Unit #10) to use on #11. The heads required to restore #10 to full service are in a Canada workshop awaiting a purchase order to proceed with the rebuilds. Staff will issue the purchase order upon approval of Budget Amendment #2.

5. **Question: I saw exhaust from a genset running in the old powerhouse. I thought we were no allowed to run those anymore?**

**Answer:** Cat Unit #8 and 9 in the old powerhouse were re-permitted under Permit No. AQ0215TVP04, Revision 1, effective July 31, 2020. Staff have use those smaller units as needed since then, especially in the shoulder seasons. They are very useful for being more precise with the load, but they have been challenging in other ways – like frequency control. Sorry about your clocks! Even Matt Scott is scratching his head.

I hope this information helps answer any questions, and my apologies for having to leave in mid-meeting.

Best regards,

Steve Tompkins

Acting Director of Public Utilities  
City of Unalaska  
Work: (907) 581-1260, ext 8108  
Cell: (907) 359-6751

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INVOICE NUMBER	INVOICE DATE	CUSTOMER NUMBER	CUSTOMER ORDER NUMBER			STORE	DIV	SALESMAN	TERMS	PAGE
DH30681	06-07-22	9993033	#13			52	E	JMS	2	1
PSO/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INV SEQ. NO.		
DH30681	07-20-22	10	10	10				1		
MAKE	MODEL	SERIAL NUMBER			EQUIPMENT NUMBER	METER READING		MACHINE ID NO.		
AA	C280	0NKB00148			UNIT 13			A080463A		
QUANTITY	ITEM	N/R	DESCRIPTION			UNIT PRICE		EXTENSION		

\* \* \* REPAIR ESTIMATE/QUOTE \* \* \*

EXPIRATION DATE: 07/20/22

CITY #13

ESTIMATE FOR INFRAME OVERHAUL  
 ESTIMATE ASSUMES GOOD CORES AND CASTINGS  
 ADDITIONAL PARTS AND LABOR MAYBE REQUIRED  
 ESTIMATE IS BASED ON STOCK ORDERED PARTS  
 12-16-WEEKS LEAD TIME ON STOCK ORDERED PARTS  
 ASSUMES CREW WILL LOAD AND UNLOAD PARTS  
 APPLICATION AND INSTALLATION MAY AFFECT LABOR  
 ESTIMATE

OVERHAUL ENGINE  
 INFRAME BEFORE FAILURE

LAST TEO DH25552 @18799 6-2018

QUOTED	PTS	689481.03	*
ESTIMATED	LBR	65500.00	*
ESTIMATED	MSC	6500.00	*

CONSUMABLES	600.00	T
ENVIROMENTAL FEE	400.00	T

TAX EXEMPTION LICENSE LOCAL GOVERNMENT

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**TERMS:** ALL PARTS AND SERVICE INVOICES ARE DUE THE 10TH OF THE MONTH FOLLOWING THE DATE OF PURCHASE. MACHINE INVOICES NET 10 DAYS FROM DATE OF INVOICE.

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<b>PAY THIS AMOUNT</b> ▶	762481.03
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DH30681	06-07-22	9993033 #13		52	E	JMS	2	5
PSO/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INV SEQ NO.
DH30681	04-20-22	10	10	10				1
MAKE	MODEL	SERIAL NUMBER		EQUIPMENT NUMBER	METER READING		MACHINE ID NO.	
AA	C280	0NKB00148		UNIT 13			A080463A	
QUANTITY	ITEM	N/R	DESCRIPTION		UNIT PRICE		EXTENSION	

\*\*\* REPAIR ESTIMATE/QUOTE \*\*\*  
\*\*\* INVOICE PARTS LIST \*\*\*

6	0L-1352		CAP SCREW		1.57		9.42
1	0R-2770		OIL PUMP G		5735.91		5735.91
3	0R-5546		CORE AS-OIL		4648.48		13945.44
5	0S-1594		CAP SCREW		.53		2.65
2	1A-8063		CAPSCREW		4.62		9.24
2	1D-4569		CAPSCREW		3.58		7.16
2	1H-5959		SEAL		11.33		22.66
32	1K-6872		NUT		1.43		45.76
1	1P-0810		TAPE		9.90		9.90
22	1S-5772		GASKET		4.21		92.62
50	1U-5516		DISC		2.01		100.50
10	1U-7427		COVER ENGINE		4.23		42.30
1	1W-2334		GASKET		9.39		9.39
8	1W-2361		NUT		250.04		2000.32
8	1W-2362		WASHER		30.52		244.16
4	1W-2473		SPRING		36.93		147.72
1	1W-2474		SPRING		45.19		45.19
2	1W-2828		WASHER		225.94		451.88
2	1W-4067		GASKET		2.40		4.80
3	1W-6963		GASKET		64.00		192.00
6	2A-4639		CAP SCREW		.79		4.74
2	2J-3506		NUT		1.70		3.40
96	2N-2766		LOCK NUT		7.77		745.92
3	2N-7522		KIT GASKET		17.54		52.62
2	2W-5023		GASKET		2.60		5.20
2	109-2332		SEAL O RING		26.13		52.26

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PSO/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INV SEQ NO.
DH30681	04-20-22	10	10	10				1
MAKE	MODEL	SERIAL NUMBER		EQUIPMENT NUMBER	METER READING		MACHINE ID NO.	
AA	C280	ONKB00148		UNIT 13			A080463A	
QUANTITY	ITEM	N/R	DESCRIPTION		UNIT PRICE		EXTENSION	

\*\*\* REPAIR ESTIMATE/QUOTE \*\*\*  
\*\*\* INVOICE PARTS LIST \*\*\*

13	269-7885		SEAL-O-RING	29.14	378.82
2	3P-0656		SEAL-O-RING	27.01	54.02
1	3P-0658		SEAL-O-RING	50.80	50.80
4	3S-0127		BOLT	7.73	30.92
20	3S-9643		SEAL	17.09	341.80
40	6V-5839		WASHER-HARD	.56	22.40
2	4F-4873		GASKET	2.44	4.88
10	4P-8134		CLIP	5.67	56.70
4	4W-0530		RING	26.76	107.04
8	4W-3027		BREATHER A	128.67	1029.36
4	4W-4011		REGULATOR	65.61	262.44
4	4W-7749		GASKET	5.96	23.84
1	5D-5957		SEAL	27.38	27.38
4	175-7895		SEAL-O-RING	5.00	20.00
4	5P-5846		SEAL O RING	18.93	75.72
6	5P-7701		SEAL	9.77	58.62
2	5P-7815		SEAL-O-RING	11.42	22.84
6	5P-8245		WASHER-HARD	.87	5.22
4	5P-8248		WASHER	1.66	6.64
1	5P-8249		WASHER	2.20	2.20
2	269-7886		SEAL-O-RING	44.41	88.82
3	5S-9134		SEAL O RING	30.79	92.37
16	6I-4545		SEAL O RING	69.10	1105.60
8	6I-4953		REGULATOR	78.33	626.64
4	6J-2680		SEAL O RING	4.72	18.88
50	6K-0806		TIE	.47	23.50

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PSO/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INV SEQ NO.
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QUANTITY	ITEM	N/R	DESCRIPTION		UNIT PRICE		EXTENSION	

\*\*\* REPAIR ESTIMATE/QUOTE \*\*\*  
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4	6N-3792		HOSE		7.23	28.92
2	6V-1454		SEAL O RING		6.19	12.38
23	6V-3250		SEAL O RING		1.36	31.28
48	6V-3630		BOLT		148.63	7134.24
1	6V-3833		SEAL O RING		28.52	28.52
8	6V-3955		SEAL O RING		9.23	73.84
2	6V-3968		SEAL		44.84	89.68
1	6V-5055		SEAL		37.24	37.24
1	6V-5063		SEAL O RING		2.03	2.03
10	6V-5066		SEAL-O-RING		6.86	68.60
2	272-2583		SEAL-O-RING		14.16	28.32
4	6V-5101		SEAL		31.90	127.60
14	6V-5139		SEAL		6.84	95.76
3	6V-5504		SEAL O RING		7.07	21.21
1	6V-5625		BOLT		102.81	102.81
3	6V-6809		SEAL		7.98	23.94
3	6V-7701		SEAL		47.83	143.49
2	6V-7702		SEAL		56.99	113.98
1	6V-9336		SEAL		61.17	61.17
2	7E-8175		IMPELLER		1212.04	2424.08
8	7J-0204		SEAL O RING		1.13	9.04
96	7L-6443		BOLT		17.11	1642.56
2	7M-8485		SEAL		2.32	4.64
6	7W-3269		GASKET		3.88	23.28
2	7W-3270		GASKET		3.50	7.00
1	7W-3272		GASKET		3.73	3.73

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CITY OF UNALASKA  
ACCOUNTS PAYABLE  
PO BOX 610  
UNALASKA AK 99685-0610

**SHIP TO**

CITY OF UNALASKA  
NOA 581-1251  
PO BOX 610  
UNALASKA, AK 99685

INVOICE NUMBER	INVOICE DATE	CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	STORE	DIV	SALESMAN	TERMS	PAGE
DH30681	06-07-22	9993033	#13	52	E	JMS	2	8
PSO/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INV SEQ NO.
DH30681	04-20-22	10	10	10				1
MAKE	MODEL	SERIAL NUMBER		EQUIPMENT NUMBER	METER READING		MACHINE ID NO.	
AA	C280	ONKB00148		UNIT 13			A080463A	
QUANTITY	ITEM	N/R	DESCRIPTION		UNIT PRICE		EXTENSION	

\* \* \* REPAIR ESTIMATE/QUOTE \* \* \*  
\* \* \* INVOICE PARTS LIST \* \* \*

4	7W-3688		GASKET		6.96	27.84	
4	7X-0796		LOCKWASHER		.28	1.12	
32	8C-8491		WASHER		2.91	93.12	
48	8C-8763		LOCKNUT		6.20	297.60	
2	8N-3640		RING		52.67	105.34	
1	8T-0098		SEAL		63.48	63.48	
8	8T-1919		SEAL		6.22	49.76	
2	8T-2903		SEAL O RING		7.58	15.16	
16	9X-0352		RECEPTACLE A		33.92	542.72	
16	9X-7688		SEAL		58.40	934.40	
1	9Y-9842		GASKET		26.49	26.49	
4	033-6033		O-RING		5.01	20.04	
17	061-9455		SEAL		15.30	260.10	
16	10R-9360		HEAD G CYL		8752.42	140038.72	
112	110-8314		WASHER		1.90	212.80	
2	114-9224		SPACER		22.88	45.76	
3	131-5496		GASKET		23.21	69.63	
1	131-5499		FLANGE		399.67	399.67	
4	134-5641		GASKET		63.84	255.36	
8	134-5643		GASKET		47.33	378.64	
2	134-5958		SEAL-O-RING		20.22	40.44	
4	136-3742		FILTER		.67	2.68	
8	136-4185		BOLT-HEX HD		13.58	108.64	
1	142-6217		SEAL O RING		34.33	34.33	
4	163-5488		STUD		41.63	166.52	
2	164-5011		SEAL-O-RING		3.24	6.48	

This Sale is subject to all terms and conditions set forth in the NC Power Systems Work Authorization, including LIMITED WARRANTY AND RELEASE and EXCLUSION OF LIABILITIES set forth on that Order.

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<b>PAY THIS AMOUNT</b> ▶	CONT'D
<b>AMOUNT CREDIT</b> ▶	

Merchandise cannot be returned for credit without our prior approval and only in accordance with our Parts Return Policy. A copy of the policy is available upon request.



**INVOICE**

WA - (425) 251-9800  
AK - (907) 786-7500

Please Remit To: **NC Power Systems Co.**  
PO Box 58201  
Tukwila, WA 98138-1201

**SOLD TO**  
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UNALASKA AK 99685-0610

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DH30681	06-07-22	9993033	#13	52	E	JMS	2	9
PSO/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INV SEQ NO.
DH30681	04-20-22	10	10	10				1
MAKE	MODEL	SERIAL NUMBER	EQUIPMENT NUMBER	METER READING	MACHINE ID NO.			
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QUANTITY	ITEM	N/R	DESCRIPTION	UNIT PRICE	EXTENSION			

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6	165-3929		BOLT-HEX HEA	.87	5.22
4	172-5635		SEAL-O RING	147.54	590.16
17	175-5060		SLEEVE-CYL	154.64	2628.88
1	177-7245		SENSOR	337.44	337.44
8	187-0450		STUD-TAPERLO	376.11	3008.88
6	188-0449		BEARING-SLEE	37.71	226.26
6	188-0450		BEARING-SLEE	51.24	307.44
4	189-5913		GASKET	185.84	743.36
16	197-5807		VALVE-INDICA	303.33	4853.28
16	20R-0675		INJ GP FUEL	3830.60	61289.60
6	200-8035		NUT	20.87	125.22
4	200-8037		STUD	32.24	128.96
4	204-7562		GASKET	53.27	213.08
68	205-0640		NUT	25.04	1702.72
5	214-7568		SEAL-O RING	5.41	27.05
4	217-6692		HOSE-TEE	77.33	309.32
32	227-2902		BEARING	820.41	26253.12
3	227-4056		GASKET	59.13	177.39
6	227-9851		LWASHER-SET	17.78	106.68
1	240-8297		PUMP GP-F TF	7346.09	7346.09
7	247-3796		GASKET	6.93	48.51
7	247-7133		REGULATOR-TE	65.60	459.20
8	259-4600		SEAL-O-RING	30.71	245.68
16	269-4659		SEAL	24.58	393.28
16	276-1354		SPACER	28.77	460.32
2	284-8288		KIT-TURBO	11114.70	22229.40

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AA	C280	0NKB00148	UNIT 13		A080463A			
QUANTITY	ITEM	N/R	DESCRIPTION	UNIT PRICE	EXTENSION			

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2	292-5982		SEAL GP	558.27	1116.54
1	362-0158		KIT-TUNE UP	286.87	286.87
64	374-2273		PROTECTOR-ST	13.09	837.76
16	425-2519		SEAL O RING	21.94	351.04
2	586-1282		SHAFT	666.59	1333.18
2	450-9608		SEAL-LIP TYP	100.19	200.38
16	479-1621		KIT GASKET	1083.64	17338.24
3	SOLVENT5		SOLVENT 5GAL	133.29	399.87
3	457457		LOCTITE LB 8034 CR	22.16	66.48
2	0R-9667		LIFTER AS-UI	819.89	1639.78
4	0R-9668		LIFTER AS-VA	811.78	3247.12
1	0R-9713		CAMSHAFT	2242.92	2242.92
5	1W-1756		INSERT	34.83	174.15
24	9X-6380		BOLT	2.17	52.08
16	20R-8769		ROD AS-CONN	6064.57	97033.12
16	314-2691		RING-PISTON	460.23	7363.68
16	314-2692		RING-PISTON	460.23	7363.68
16	314-2693		RING-PISTON	460.23	7363.68
16	314-2700		PISTON AS	7851.70	125627.20
32	7C-1413		RETAINER	44.81	1433.92
16	7C-1412		PIN	898.89	14382.24
2	345-4127		PLATE-THRUST	797.21	1594.42
9	129-4054		BEARING	893.29	8039.61
16	377-6887		LINER-CYLIND	3961.47	63383.52
48	1W-0118		SEAL	15.58	747.84
16	1W-0115		SEAL	13.47	215.52

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NC POWER SYSTEMS



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\*\*\* REPAIR ESTIMATE/QUOTE \*\*\*
\*\*\* INVOICE PARTS LIST \*\*\*

Table with columns: QUANTITY, ITEM, N/R, DESCRIPTION, UNIT PRICE, EXTENSION. Rows include items like SEAL AS and BELLOWS AS.

SEGMENT 01 PARTS TOTAL 689481.03

TOTAL PARTS 689481.03

\*\*\* END OF PARTS LIST \*\*\*

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Table with columns: PAY THIS AMOUNT, AMOUNT CREDIT

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## TERMS AND CONDITIONS

(also available at <http://www.mshs.com/termsandconditions.htm>)

These terms and condition represent the final and complete agreement of the parties, and no modification shall be binding upon Motor-Services Hugo Stamp, Inc. ("MSHS") unless made in writing and signed and approved by an officer of MSHS. No modification of these terms shall be deemed made or accepted by MSHS shipping goods or performing services following receipt of a purchase order or other documents containing terms and conditions additional to or in conflict with the terms and conditions herein. MSHS does not agree to the accident, indemnity, and insurance provisions, if any, contained in the buyer's or customer's invitation or specifications, and in such cases MSHS accepts only such liability as is imposed upon MSHS by law and as limited by this contract. Receipt of goods or services by the buyer or customer shall be deemed conclusive proof of irrevocable acceptance of these terms and of the conformity of the goods or services provided; similarly these terms and conditions shall be deemed irrevocably accepted upon commencement of work by MSHS at MSHS' facility or at any other location.

**GENERAL:** MSHS' contracts for furnishing repairs, parts and services are solely on the basis of the insured limited liabilities and specific warranties set forth below. MSHS shall not be liable for any injury or death resulting from its provision of repairs, parts or services, and the purchaser or customer agrees to indemnify, defend and hold MSHS harmless for any such claims brought against MSHS by or on behalf of any person other than a MSHS employee. When MSHS provides parts, repairs or services to any vessel, MSHS shall not be liable, directly or indirectly, in contract, tort or otherwise, to the vessel's owners, charterers, underwriters, lienholders or other party in interest for any damages to such vessel or to its appurtenances, cargo, equipment or moveable stores, or for any consequence thereof, unless such damage is caused solely by MSHS' gross negligence or intentional tort, and in no event shall MSHS' aggregate liability under this contract (with the exception of the specific warranty as set forth in "WARRANTY" below) exceed the sum of \$50,000.00 or the value of the vessel, whichever figure is the lesser. In no event shall MSHS be liable for any consequential or special damages including but without limitation, for faulty or negligent design or manufacture, delay, loss of revenue, detention, wharfage, demurrage, tug expense, pilotage, crew wages, salvage or loss of use. For all sales or services provided, whether vessel related or non-vessel related, MSHS shall not be liable for incidental, special or consequential damages or losses arising directly or indirectly from the purchase and sale of goods or provision of services, or for any other cause, and MSHS' sole liability shall be as set forth under "warranty" below. The buyer or customer agrees to indemnify, defend and hold MSHS harmless with respect to all liabilities to all parties in interest exceeding the amounts herein stated.

**FORCE MAJEURE:** MSHS shall not be liable in any event for any loss, damage or delay caused by strikes, labor difficulties, accidents, delays in delivery of materials, acts of God, war, restraint of princes, including, but not limited to, restraint by local, state or federal authorities, or causes or any kind beyond MSHS' control, including, but not limited to, tropical storms, hurricanes, lightning or rain.

**WARRANTY:** MSHS warrants that its parts and services are provided in accordance with industry standards and parts supplied are free from defects in material and workmanship. Buyer or customer agree that the sole remedy for breach of any warranty, express or implied shall be limited, at MSHS sole discretion, to the replacement of parts, repair of parts, return or crediting of purchase price, or referral of the claim to the original manufacturer for manufacturer's warranty review. MSHS makes no warranty and specifically disclaims all liability for design of any items supplied. THE FOREGOING WARRANTY IS NON ASSIGNABLE AND IS IN LIEU OF AND SPECIFICALLY EXCLUDES ALL OTHER WARRANTIES NOT ACTUALLY SET FORTH HEREIN, WHETHER EXPRESS OR IMPLIED BY OPERATION OF LAW OR OTHERWISE INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS OR THOSE IMPLIED BY THE COMMON LAW OF BAILOR AND BAILEE. No agent or employee of MSHS has authority to bind MSHS to any other or expanded warranty, and any representation to that effect shall not be deemed to become a part of this contract and shall be unenforceable. The specific warranty provided by this section shall be deemed expired and all right of the buyer or customer irrevocably waived unless the claimed defect is submitted to MSHS in writing within 60 days of receipt of the relevant part or service (or the redelivery of the vessel, whichever occurs first). This period shall govern whether the alleged defect is latent or patent and shall not be deemed to be tolled or to arise at any future time as a result of the discovery of a latent defect. Remedies for latent defects not discovered and submitted to MSHS within the 60 day period shall be exclusively those available from the manufacturer, if any. All warranties are contingent upon, and no obligation to perform warranty repairs shall arise until, full payment is received by MSHS, and the provision of repairs or replacement of parts by MSHS shall not be deemed a waiver of this provision.

**FORUM AND CHOICE OF LAW:** This contract shall be deemed to have been executed and fully performed within in the State of Florida, and shall be interpreted and construed in accordance with and subject to the federal maritime law of the United States (excluding its conflict of law rules) or, should no such law exist on any particular issue, the laws of the State of Florida, to the exclusion of the laws of any other state or country. The prevailing party in any legal action shall be awarded reasonable attorneys' fees and costs. Moreover: (1) for U.S. buyers or customers: any dispute arising under, in connection with or incident to this contract shall be litigated before either a federal court of competent jurisdiction located in the Southern District of Florida, or a state court of competent jurisdiction located in the State of Florida, County of Broward, to the exclusion of the courts of any other state or country, and buyer or customer hereby irrevocably consents to the jurisdiction of such court; (2) for non-U.S. buyers and customers: any dispute arising under, in connection with or incident to this contract shall be referred to three persons at New York, New York, one to be appointed by each of the parties hereto, and the third by the two so chosen; their decision or that of any two of them shall be final and, for the purpose of enforcing any award, this contract may be made a rule of the court. Should a party fail to appoint an arbitrator within ten days of notice of demand for arbitration, the demanding party may appoint the second arbitrator with the same force and effect as if appointment by the second party. Should the two arbitrators be unable to agree on the appointment of a third arbitrator within 14 days after appointment of the second arbitrator, the President of the Society of Maritime Arbitrators, Inc. shall make the appointment upon the request of either party without further notice. The proceedings shall be conducted in accordance with the Rules of the Society of Maritime Arbitrators, Inc., including Section 2 "Consolidation". The arbitrators shall be commercial men and shall be members of the Society of Maritime Arbitrators, Inc. The arbitrators shall consider this Agreement an honorable engagement rather than merely a legal obligation. The arbitrators shall award reasonable attorneys' fees and costs to the prevailing party. The parties irrevocably stipulate to the jurisdiction of the United States District Court for the Southern District of New York for purposes of compelling arbitration or confirming an arbitration award. This stipulation shall not be deemed consent to the jurisdiction of the courts of New York for any other purpose or evidence of any presence within New York. With regard to petitions to compel arbitration or to confirm an arbitration award, the parties consent to service of process by certified mail, certified international mail, fax, e mail, Federal Express or DHL courier service to the parties at any of the addresses or other contact information set forth in the MSHS purchase order, quotation, or elsewhere in this contract, and irrevocably waive and right to personal service of these documents.

**PAYMENT AND PRICE:** Prices quoted and product availability stated are valid for ten days only unless designated as firm for a specific other period in writing by an officer of MSHS. Payment in all cases is net upon receipt of invoice, 1.5% per month to be added to the invoice amount if full payment is not received by MSHS within thirty days of presentation of the invoice. Local fees or taxes are the responsibility of the customer and no deduction shall be made to the invoiced amount therefor. All returns (other than for defective goods under the WARRANTY section hereof) shall be subject to a 25% restocking fee, consent to payment of which is hereby given by customer or buyer, and no returns will be accepted for special order goods, goods supplied pursuant to an incorrect part number provided by the customer, or goods with damaged packing or labels. All returns must be accompanied by a returned goods authorization number provided by MSHS. MSHS may place any account not paid within thirty days into the hands of attorneys for collection and the buyer or customer agrees to pay the reasonable fees and costs of the attorneys, without regard to whether suit is filed or arbitration commenced. All payments must be made in Florida at 3190 SW 4th Avenue, Fort Lauderdale, Florida 33315 or by wire as set forth below. It is agreed that wires are to be deemed payments made in Florida. For payment for work done on or materials furnished to any vessel, whether authorized orally, or by letter, or written contract, and whether MSHS is the general contractor or a subcontractor, MSHS looks to both vessel and owner.

Wire Transfer: City National Bank of Florida  
Fort Lauderdale, FL 33301  
Account: 2003276792 ABA: 066004367

**VESSEL WARRANTIES:** The vessel, its owners, charterers, underwriters, lienholders, and all parties in interest, shall indemnify and hold MSHS harmless from all liability arising under any state or federal air or water quality statute or regulation unless the liability shall arise solely from the gross negligence or intentional tort of MSHS' own employees. Owners, or other parties in interest, warrant that a valid and current U.S. Coast Guard Certificate of Financial Responsibility (Water Pollution) (Form CG-5358-10) shall be kept in force at all times while MSHS is furnishing repairs, parts or services.

**BUYER AND CUSTOMER'S RIGHT TO PURCHASE FURTHER WARRANTIES:** Different or more extensive liabilities will be accepted if an agreement in writing stating the nature and extent thereof is entered into before work is commenced by MSHS, and if the price is adjusted to include the cost of appropriate additional insurance. The terms contained in this contract or as set forth by an addendum thereto shall in no way be interpreted to hold MSHS as an insurer.

**MISCELLANEOUS:** Nothing herein shall be deemed to constitute a waiver of MSHS' maritime lien. Invalidity of any one or more provisions of this contract shall not affect nor impair the remaining provisions. This contract may not be changed orally.

Motor-Services Hugo Stamp, Inc. is an Equal Employment Opportunity/Affirmative Action Employer.



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Tom Cohenour, Director, Department of Public Works  
Bob Cummings, City Engineer  
Steve Tompkins, Director, Department of Public Utilities  
Lori Gregory, Administrative Operations Manager, DPW/DPU  
Through: Chris Hladick, Interim City Manager  
Bil Homka, Acting City Manager  
Date: September 27, 2022  
Re: Ordinance 2022-17, Budget Amendment Request of \$526,447 to fund  
Construction of the Chlorine Upgrades Project

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**SUMMARY:** This Budget Amendment requests \$526,447 from the Water Proprietary Fund in order to fund a contract with Industrial Resources, Inc. to construct the Chlorine Upgrades Project.

**PREVIOUS COUNCIL ACTION:**

- This Project was initially funded at \$100,000 via the FY2021 Capital Budget appropriation Ordinance No. 2020-10, adopted on June 9, 2020.
- On May 11, 2021, budget amendment Ordinance 2021-09 appropriated \$300,000 to fund the purchase of the Chlorine Generation Unit.
- The FY2022 Capital Budget appropriation Ordinance 2021-07, adopted May 25, 2021, provided another \$581,500 in project funding.
- Also on May 25, 2021, Council approved Resolution 2021-37, authorizing the Agreement with PSI Water Technologies to provide the Owner Furnished Materials, the Chlorine Generating Unit, for \$288,000.
- On December 28, 2021, Council approved Resolution 2021-80, awarding the construction of the Project to Industrial Resources, Inc. via contract addendum for \$441,474.73.

**BACKGROUND:** This project was initiated to move the Water Utility away from the expensive and potentially dangerous practice of shipping in the chlorine gas used for potable water disinfection at the Pyramid Water Treatment Plant. The machinery purchased to achieve the project's goal is similar to that already in use at the Wastewater Treatment Plant and Aquatics Center. The Project's construction phase was awarded to Industrial Resources, Inc. ("IRI") via Resolution 2021-80 and consisted of installing the procured MicroChlor chlorine generator and integrating it into the Water Distribution System at the Plant on a time and materials basis. Due to supply chain, travel, and inflation issues, IRI informed the City on April 14, 2022, two weeks before mobilization to the island, it expected an additional \$288,000 in costs associated with completing the project. This amount exceeded the available budget and at this time all IRI work was stopped for this project. The project was then prepared to be put out to bid.

**DISCUSSION:** The project's construction was rebid on June 21, 2022. The sole bid received on July 21, 2022 was from IRI, quoting \$661,200 to perform the work. There is the construction services shortfall of \$460,327, 10% (\$66,120) of the construction contract is being requested to fund Contract Administration and Inspection activities.

**ALTERNATIVES:** Alternatives to funding this Budget Amendment request include abandoning the project or re-advertising for bids.

**FINANCIAL IMPLICATIONS:** The proposed new budget is set forth below.

ACCOUNT DESCRIPTION	CURRENT BUDGET	ENCUMBERED	REMAINING BUDGET	THIS REQUEST	REVISED BUDGET
Engineering and Architectural	\$ 108,819	\$ 21,858	\$ (274)	\$ 66,120	\$ 174,939
Other Professional	\$ 27,500	\$ 26,863	\$ -		\$ 27,500
Construction Services	\$ 441,475	\$ 402,683	\$ -	\$ 460,327	\$ 901,802
Telephone / Fax / TV	\$ 290		\$ 33		\$ 290
Advertising	\$ 284		\$ -		\$ 284
Contingency	\$ 118,081		\$ 118,081		\$ 118,081
Machinery and Equipment	\$ 285,051	\$ 35,712	\$ -		\$ 285,051
	\$ 981,500	\$ 487,116	\$ 117,840	\$ 526,447	\$ 1,507,947

**LEGAL:** None.

**STAFF RECOMMENDATION:** Staff does not believe it is in the best interests of the City to delay this important safety project any further. It is unfortunate that complications from the Pandemic have caused the cost of construction to increase. The generating unit is currently in storage until it can be incorporated into the distribution system. Further delays will only increase the final cost of the project.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-17 and schedule it for public hearing and second reading on October 11, 2022.

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

**ATTACHMENTS:** None.

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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Marjie Veeder, City Clerk  
Through: Chris Hladick, City Manager  
Date: October 11, 2022  
Re: Application for new Liquor License – Amelia’s Restaurant

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**SUMMARY:** The new owner of Amelia’s Restaurant has applied to the State of Alaska for a Liquor License, for a restaurant/eating place. The local governing body may protest the approval. Staff recommends no protest.

**PREVIOUS COUNCIL ACTION:** Council reviews liquor license applications and renewals as they are submitted to the city by the state. Council discussed protesting specific license renewals in the past due to delinquent utility bills but did not file any protests. In 2010 Council protested the renewal of a liquor license due to delinquent sales tax, property tax and utility bills, and because the business had no physical location due to fire.

**BACKGROUND:** Pursuant to Alaska Statute 04.11.480, the Alcohol & Marijuana Control Office issued the attached notice to the City of Unalaska as the local governing body. A local governing body may protest the approval of an application pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance. There are no local zoning issues related to this establishment.

**DISCUSSION:** Hien Tran, doing business as Amelia’s Restaurant applied for a new restaurant/eating place liquor license. The business is current in reporting and payment of sales tax and property tax, and is current in their utility payments. Council also considers the number of public safety calls made to an establishment each year, which are summarized below for 202, 2021 and 2022 year to date. Unalaska’s Police Chief has no concern about this liquor license application.

Type of Incident	2020	2021	2022
Ambulance Request	1	1	0
Drug Law Violation	0	1	0
Release Conditions	0	1	0
Traffic Crime	0	2	3
Other Duties as Assigned	0	2	0
Suspicious Person/Activity	2	1	1
Security Check	3	62	47
Theft	1	0	0
Trespass	1	0	0



Found Property	1	0	0
Civil Paper Services All	1	0	0
Welfare Check	1	0	0
Assistance Rendered	0	0	1
Civil	0	0	1
Vehicle Unlock	0	0	1
Lost Property	0	0	1
Total	11	70	55

**ALTERNATIVES:** Council may choose to protest the license, but must provide the applicant an opportunity to present a defense to the protest at a future council meeting. This must be accomplished no later than November 25, 2022.

**FINANCIAL IMPLICATIONS:** Loss of tax revenue if a license is not granted.

**LEGAL:** None

**STAFF RECOMMENDATION:** Staff recommends no protest.

**PROPOSED MOTION:** No action is necessary unless Council wishes to lodge a protest.

**CITY MANAGER'S COMMENTS:** I support staff's recommendation of no protest.

**ATTACHMENTS:** Notice to Local Governing Body and license application



~~July 20, 2022~~ Redated to 9/26/2022

City of Unalaska

VIA Email: [mveeder@ci.unalaska.ak.us](mailto:mveeder@ci.unalaska.ak.us)

<b>License Type:</b>	Restaurant/ Eating Place	<b>License Number:</b>	6046
<b>Licensee:</b>	Hien T Tran		
<b>Doing Business As:</b>	Amelia's Restaurant		
<b>Premises Address</b>	30 East Point Road		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



## Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

### What is this form?

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

### Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	HIEN T TRAN		
License Type:	RESTAURANT / EATING PLACE	Statutory Reference:	AS 04.11.100.
Doing Business As:	Amelia's Restaurant		
Premises Address:	30 EAST POINT RD		
City:	UNALASKA	State:	AK ZIP: 99692
Local Governing Body:	CITY OF UNALASKA		
Community Council:	<del>CITY OF UNALASKA</del> N/A		

Mailing Address:	P.o box 920561		
City:	DUTCH HARBOR	State:	AK ZIP: 99692

Designated Licensee:	HIEN T TRAN		
Contact Phone:	(907)359-7498	Business Phone:	(907)581-2800
Contact Email:	ameliarestaurant123@gmail.com		

Seasonal License?  Yes  No If "Yes", write your six-month operating period: \_\_\_\_\_

OFFICE USE ONLY			
Complete Date:	7-20-22	License Years:	License #: 6046
Board Meeting Date:	9-20-2022	Transaction #:	100352935
Issue Date:		BRE:	KRS



Alaska Alcoholic Beverage Control Board

# Form AB-00: New License Application

## Section 2 – Premises Information

Premises to be licensed is:

- an existing facility       a new building       a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

## Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant       affiliate

Name:	HIEN T TRAN				
Address:	P.O BOX 920561				
City:	DUTCH HARBOR	State:	AK	ZIP:	99692

This individual is an:  applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**Section 4 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:		AK Formed Date:		Home State:	
Registered Agent:			Agent's Phone:		
Agent's Mailing Address:					
City:		State:		ZIP:	

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

**Section 5 - Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

[Empty text box for disclosure]

**Section 6 - Authorization**

Communication with AMCO staff: Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Dahlia Nguyen. She helps manages at my restaurant.





# Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

## Section 7 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

HT

I certify that all proposed licensees have been listed with the Division of Corporations.

HT

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

HT

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

HT

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

HT

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

*[Handwritten Signature]*

Signature of licensee

*[Handwritten Signature]*

Signature of Notary Public

HIENTRANT

Printed name of licensee

Notary Public in and for the State of

ALASKA

Notary Public  
CHERRY MAE TAN  
State of Alaska  
Commission No.: 211019008  
My Commission Expires 10/19/2025

My commission expires: 10/19/2025

Subscribed and sworn to before me this 14<sup>th</sup> day of April, 2022.

AMCO

APR 20 2022

CITY OF UNALASKA  
UNALASKA, ALASKA

**CERTIFICATE OF ELECTION**

THE UNALASKA CITY COUNCIL hereby certifies the results of the General Municipal Election held October 4, 2022, as presented by the Election Board and Canvass Committee, as follows:

<u>OFFICES / CANDIDATES / QUESTIONS</u>	<u>VOTE TALLY</u>
<b>CITY COUNCIL SEAT CC-A MAYOR</b>	
Dennis M. Robinson .....	131
Vincent M. Tutiakoff, Sr. ....	348
Write-ins .....	1
<b>CITY COUNCIL SEAT CC-C</b>	
Darin Nicholson .....	239
Brenda Baker.....	204
Write-ins .....	5
<b>CITY COUNCIL SEAT CC-D</b>	
Daneen Looby .....	408
Write-ins .....	14
<b>SCHOOL BOARD SEAT SB-C</b>	
Bob Cummings .....	410
Write-ins .....	11
<b>SCHOOL BOARD SEAT SB-D</b>	
Nicole Bice.....	184
David Gibson .....	264
Write-ins .....	6

The Unalaska City Council, with this certification, hereby declares the following:

1. **VINCENT M. TUTIAKOFF, SR.** is elected to City Council Seat CC-A, Mayor, for a 3-year term expiring October 2025.
2. **DARIN NICHOLSON** is elected to City Council Seat CC-C for a 3-year term expiring October 2025.
3. **DANEEN LOOBY** is elected to City Council Seat CC-D for a 3-year term expiring October 2025.
4. **BOB CUMMINGS** is elected to School Board Seat SB-C for a 3-year term expiring October 2025.
5. **DAVID GIBSON** is elected to School Board Seat SB-D for a 3-year term expiring October 2025.



The City Clerk is authorized to deliver a copy of this Certificate of Election to every person elected.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on October 11, 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  
From: Marjie Veeder, City Clerk  
Date: October 11, 2022  
Re: Canvass Committee Report; and Certification of Election Results

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**SUMMARY:** Pursuant to code, the City Council is to publicly declare and certify the election results on the first Tuesday following the election. The Canvass Committee recommends that Council certify the results as presented.

**PREVIOUS COUNCIL ACTION:** This procedure is followed annually.

**BACKGROUND and DISCUSSION:** The General Municipal Election was held on October 4, 2022, following which the Election Board reconciled ballots and completed a tally of the ballots cast on Election Day.

The Canvass Committee met on October 7, 2022 to canvass the absentee, special needs and questioned ballots, and to compile final election results.

Presented to Council tonight is the Canvass Committee Report containing the final results, tallying both Election Day ballots and the ballots counted by the Canvass Committee.

**ALTERNATIVES:** None.

**RECOMMENDATION:** The City Clerk and the Canvass Committee recommend certification of the election results as presented.

**PROPOSED MOTION:** I move to certify the results of the October 4, 2022 General Election as presented by the Election Board and the Canvass Committee.

**ATTACHMENTS:**

- Canvassing Committee Report
- Canvass Committee Tally
- Election Day Ballot Reconciliation Statement and attached memo regarding discrepancy
- Tabulator results from Election Day and Canvass Committee

CITY OF UNALASKA  
UNALASKA, ALASKA

**CANVASSING COMMITTEE REPORT  
OCTOBER 4, 2022 GENERAL ELECTION**

The Canvass Committee members, appointed by City Council Resolution 2022-38, consist of Council Member Shari Coleman, Deputy City Clerk Estkarlen Magdaong and City Clerk Marjie Veeder, Chair.

The Election Board completed a tally of all regular ballots cast at the polls on October 4, 2022, and supplied their reports to the Canvass Committee.

The Canvass Committee met on October 7, 2022, at 10:00 a.m. to canvass ballots not counted on Election Day, consisting of early and absentee ballots (cast both in person and by electronic transmission), special needs ballots and questioned ballots, and makes the following report.

RECAP OF BALLOTS

**ELECTION DAY**

Ballots Counted on Election Day .....	451
Questioned Ballots .....	9
Special Needs Ballots .....	0
Subtotal .....	460

**EARLY AND ABSENTEE**

Early and Absentee Ballots (in person) .....	26
Early and Absentee Ballots (electronic transmission) .....	1
Special Needs Ballots .....	1
Questioned Ballots .....	0
Subtotal .....	28

Total Ballots Cast .....	488
Less Questioned Ballots Found Unqualified .....	5
<b>Total Qualified &amp; Counted Ballots .....</b>	<b>483</b>

Pursuant to UCO 4.04.020, a person may vote in a city election only if qualified to vote in state elections under AS 15.05.010; has been a resident of the city for 30 days immediately preceding the election; is registered to vote in state elections at a residence address within the city at least 30 days before the city election at which the person seeks to vote; and is not disqualified under Article V of the State Constitution.

There were 28 ballots cast by early and absentee voters, all of which were confirmed by the City Clerk to be cast by qualified voters.

There were 9 questioned ballots cast on Election Day, 4 which were determined to have been cast by qualified voters. Of the 5 questioned ballots not counted, 1 voter was not a U.S. Citizen, 2 were registered to vote in other Alaska communities, and 2 were not registered at all. The 5 questioned ballots were not opened or counted.

There were a total of 483 qualified ballots cast in the local election and counted.

The Canvass Committee tallied the Early and Absentee Ballots (28) and the Questioned-Qualified Ballots (4), for a total of 32 ballots. The results, combined with the votes cast at the polls, are attached to this report.

There were 1,853 voters on the precinct register, which documents all voters registered at an address in our community at least 30 days before Election Day. The total number of votes cast by qualified voters was 483, which is a 26% voter turnout.

The Canvassing Committee recommends certification of the election results.

DATED this 7<sup>th</sup> day of October 2022.



\_\_\_\_\_  
Shari Coleman



\_\_\_\_\_  
Estkarlen Magdaong



\_\_\_\_\_  
Marjie Veeder, CMC  
Chair

**City of Unalaska October 4, 2022 General Election  
Canvass Committee Tally - October 7, 2022**

**ELECTION DAY**

Ballots Cast	451
Questioned Ballots (not on register)	9
Special Needs Ballots	0
	<hr/> 460

**QUESTIONED BALLOTS**

Not Qualified to Vote (not counted)	5
Qualified to Vote (counted)	4
	<hr/> 9


**EARLY AND ABSENTEE BALLOTS**


In Person Ballots	26
Email, Fax, Mail Ballots	1
Special Needs Ballots	1
Questioned Ballots	0
	<hr/> 28


Ballots to Tally by Canvass Committee 32 *(28 absentee; 4 questioned-qualified)*

	ELECTION DAY	CANVASS	TOTAL	% VOTE
<b>COUNCIL SEAT A</b>				
Dennis M. Robinson	124	7	131	27%
Vincent M. Tutiakoff, Sr.	323	25	348	73%
Write-ins	1	0	1	0%
	<hr/> 448	<hr/> 32	<hr/> 480	
<b>COUNCIL SEAT C</b>				
Darin Nicholson	219	20	239	53%
Brenda Baker	196	8	204	46%
Write-ins	4	1	5	1%
	<hr/> 419	<hr/> 29	<hr/> 448	
<b>COUNCIL SEAT D</b>				
Daneen Looby	383	25	408	97%
Write-ins	10	4	14	3%
	<hr/> 393	<hr/> 29	<hr/> 422	
<b>SCHOOL BOARD SEAT C</b>				
Bob Cummings	382	28	410	97%
Write-ins	8	3	11	3%
	<hr/> 390	<hr/> 31	<hr/> 421	
<b>SCHOOL BOARD SEAT D</b>				
Nicole Bice	175	9	184	41%
David Gibson	244	20	264	58%
Write-ins	5	1	6	1%
	<hr/> 424	<hr/> 30	<hr/> 454	

**CANVASS COMMITTEE SIGNATURES**

Shari Coleman 

Estkarlen Magdaong 

Marjie Veeder, Chair 

CITY OF UNALASKA  
General Election October 4, 2022  
Ballot Reconciliation Statement

**A. Number of Ballots Received** 2000  
Beginning Stub # 101  
Ending Stub # 2100

**B. Number of Voters and Ballots Issued**

Signatures on register	450	
Questioned/Challenged ballot envelopes	9	
Special Needs/PR ballot envelopes returned	0	
Special Needs/PR ballot envelopes not returned	0	
Spoiled ballots	+	3
Total	462	

**C. BALLOTS USED**

First unused stub #	564	
Starting stub #	-	101
Total	463	

**THE TOTALS IN SECTION B AND SECTION C MUST MATCH**  
*\* Discrepancy of One (1). MW*  
**CERTIFICATION**

We, the undersigned election workers, certify that to the best of our knowledge, the ballot statement information is correct and that we have disposed of the unused ballots as instructed.

Election Clerk: Shelly Blakeley  
Shelly Blakeley

Election Clerk: Thomas Roufos  
Thomas Roufos

Election Clerk: Alicia Aguilar  
Alicia Aguilar

Election Judge: Estylen Magdaong  
Estylen Magdaong

Election Judge: Marjie Veeder  
Marjie Veeder

October 6, 2022

**MEMO**

Re: Ballot Reconciliation Statement  
October 4, 2022 local general election

The State of Alaska provides a precinct register for use in our local election. The register is a list of registered voters in Unalaska and Dutch Harbor. Voters are asked to sign the precinct register before being issued a ballot. If a voter's name does not appear on the register, they vote a "questioned" ballot. Questioned ballots are not tabulated on Election Day and they are not put through the vote tabulator machine.

The ballot tabulator report indicates 451 ballots were cast and tabulated, which was confirmed by a count of the physical ballots. There were 451 ballots in the ballot box.

After closing the polls, there were 450 signatures on the register. There is a discrepancy of one ballot.

There should have been 451 signatures on the register to coincide with the 451 ballots. After multiple counts, there are only 450 signatures on the register.

The most plausible explanation of the discrepancy is that a voter was issued a ballot and voted, but failed to sign the register, most likely due to inattention by poll worker.

The Election Board was unable to resolve the discrepancy of one ballot.



Marjie Veeder, CMC  
City Clerk  
Election Board Chair



\*\*\*\*\*

City of Unalaska  
Unalaska 2022  
Tuesday, October 4, 2022

Tabulator Name  
Absentee

Tabulator ID  
2

Voting Location  
Absentee

Voting Location ID  
2

-----  
Total Cast : 32  
Total Voters : 32

Ballot ID: 22, Ballot Name: 22  
Ballots Cast : 32

=====

TOTALS for all Ballots	
Total Cast	: 32
Total Voters	: 32

=====

CC-A Mayor (1)	
Dennis M. Robinson	: 7
Vincent M. Tutiakoff Sr.	: 25
Write-in	: 0
Total Votes	: 32

City Council CC-C (1)	
Darin Nicholson	: 20
Brenda Baker	: 8
Write-in	: 1
Total Votes	: 29

City Council CC-D (1)	
Daneen Looby	: 25
Write-in	: 4
Total Votes	: 29

School Board SB-C (1)	
Bob Cummings	: 28
Write-in	: 3
Total Votes	: 31

School Board SB-D (1)	
Nicole Bice	: 9
David Gibson	: 20
Write-in	: 1
Total Votes	: 30

-----  
Unit Model: ICP2 (1.4)  
Unit Serial: VAL22090069  
Protective Counter: 506  
Software Version: 5.5.2.1

Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS,  
HEREBY CERTIFY THAT THE ABOVE ELECTION  
WAS HELD IN ACCORDANCE WITH THE LOCAL  
AUTHORITY ELECTION ACT AND REGULATIONS OF  
THIS JURISDICTION.

*M. Wader*  
-----  
Inspector Signature

*De Riker*  
-----  
Inspector Signature

*M. Maglano*  
-----  
Inspector Signature

-----  
Inspector Signature

Inspector Signature

Poll closed  
Friday Oct 7 10:22:18 2022

\*\*\*\*\*

City of Unalaska  
Unalaska 2022  
Tuesday, October 4, 2022

Tabulator Name  
Unalaska City Hall

Tabulator ID  
1

Voting Location  
Unalaska City Hall

Voting Location ID  
1

-----  
Total Cast : 451  
Total Voters : 451

Ballot ID: 22, Ballot Name: 22  
Ballots Cast : 451

=====

TOTALS for all Ballots	
Total Cast	: 451
Total Voters	: 451

=====

CC-A Mayor (1)	
Dennis M. Robinson	: 124
Vincent M. Tutiakoff Sr.	: 323
Write-in	: 1
Total Votes	: 448

City Council CC-C (1)	
Darin Nicholson	: 219
Brenda Baker	: 196
Write-in	: 4
Total Votes	: 419

City Council CC-D (1)	
Daneen Looby	: 383
Write-in	: 10
Total Votes	: 393

School Board SB-C (1)	
Bob Cummings	: 382
Write-in	: 8
Total Votes	: 390

School Board SB-D (1)	
Nicole Bice	: 175
David Gibson	: 244
Write-in	: 5
Total Votes	: 424

-----  
Unit Model: ICP2 (1.4)  
Unit Serial: VAL22090069  
Protective Counter: 474  
Software Version: 5.5.2.1

Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS,  
HEREBY CERTIFY THAT THE ABOVE ELECTION  
WAS HELD IN ACCORDANCE WITH THE LOCAL  
AUTHORITY ELECTION ACT AND REGULATIONS OF  
THIS JURISDICTION.

*M. Wader*  
-----  
Inspector Signature

*M. Maglano*  
-----  
Inspector Signature

*Sully Blakeley*  
-----  
Inspector Signature

-----  
Inspector Signature

Inspector Signature

Poll closed  
Tuesday Oct 4 20:33:04 2022



CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE 2022-18

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA MUNICIPAL CODE TITLE 17 BY ADOPTING PORTIONS OF THE 2018 EDITION OF THE UNIFORM PLUMBING CODE, THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE

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

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

**Section 2: Amendment of Section 17.04.020.** Section 17.04.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are **bold underlined**, deletions are ~~everstruck~~]

**§ 17.04.020 POWERS AND DUTIES.**

(A) The Building Official shall have power to issue all building, ~~electrical, and plumbing~~ permits as they may be required and shall have all other powers and duties prescribed for ~~him~~ **them** by this title, and any building or fire code adopted by the city. The powers and duties of a Building Official may also be performed by authorized representatives of the Building Official and under ~~his~~ **their** supervision and control. ~~Such authorized representatives may bear such titles as electrical inspector, plumbing inspector, and other titles appropriate to their assigned powers and duties.~~

(B) The City Council may by ordinance establish a schedule of fees for permits required by this title. Until the applicable permit fee is paid in full, no action shall be taken on a permit application.

**Section 3: Amendment of Section 17.16.010.** Section 17.16.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are **bold underlined**, deletions are ~~everstruck~~]

**§ 17.16.010 UNIFORM PLUMBING CODE AND OTHER PLUMBING STANDARDS.**

**(A) The most current 2018 edition of the Uniform Plumbing Code sections 101.0 — 103.2, 103.4, 105.0 — 105.2.2, and 105.3 — 106.6 of chapter 1, chapters 2 — 10, chapter 11 excluding the requirements of section 1101.5, chapters 12 — 17, and appendices A — L published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials shall regulate the design, erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system in the City of Unalaska with the following revisions and exceptions: , except those structures covered by the CABO and One and Two Family Dwelling Code (See § 17.28.010).**

**(1) Exception: All buildings and structures in the City that are included within the International Residential Codes as adopted by Chapter 17.28.**

**(2) Exception: The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the 2012 edition of the International Fuel Gas Code as adopted by 13 AAC 50.024.**

**(3) Revision: Section 1210.2.3 (prohibited locations), of the 2018 Uniform Plumbing Code is amended by adding section 1210.2.3.1 to read: “1210.2.3.1. Liquefied petroleum gas piping may not serve any gas fired appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture.”**

**(B) Uniform Swimming Pool, Spa and Hot Tub Code, 2018 edition, sections 101.0 — 103.2, 103.4, 105.3 — 106.6, chapters 2 — 10, and appendices A — C, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials shall regulate the design, erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any swimming pool, spa, or hot tub system in the City of Unalaska**

**(C) Uniform Solar, Hydronics and Geothermal Code, 2018 edition, sections 101.0 — 103.2, 103.4, 105.2 — 105.2.2, 105.3 — 106.6, chapters 2 — 12, and appendices A — C, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials shall regulate the design, erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any solar, hydronics or geothermal system in the City of Unalaska**

**Section 4: Amendment of Section 17.20.010.** Section 17.20.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are **bold underlined**, deletions are ~~overstruck~~]

#### **§ 17.20.010 NFPA 70 NATIONAL ELECTRICAL CODE.**

The most current **2020** edition of **NFPA 70** the National Electrical Code published by the National Fire Protection Association shall regulate the design, construction, installation, alteration, addition, repair, relocation, replacement, maintenance, or use of any electrical conductors, **raceways, signaling and communication conductors, optical fibers** and equipment within the City of Unalaska for the following: ~~except those structures covered by the CABO One and Two Family Dwelling Code (See § 17.28.010).~~

- (1) Public and private premises, including buildings, structures, mobile homes, recreational vehicles and floating buildings.**
- (2) Yards, lots, parking lots, carnivals, and industrial substations.**
- (3) Installations of conductors and equipment that connect to the supply of electricity**
- (4) Installations used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of the generating plant, substation, or control center.**
- (5) Installations supplying shore power to ships and watercraft in marinas and boatyards, including monitoring of leakage current.**

**(6) Installations used to export electric power from vehicles to premises wiring or for bidirectional current flow.**

**Section 5: Amendment of Section 17.28.010.** Section 17.28.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are **bold underlined**, deletions are ~~everstruck~~]

**§ 17.28.010 INTERNATIONAL RESIDENTIAL CABO ONE AND TWO FAMILY DWELLING CODE.**

**(A) The most current 2021 edition of the International Residential CABO One and Two Family Dwelling Code published by the International Code Council Conference of Building Officials Chapters 1 through 24, and chapters 33 and 44 including appendices AE, AH, AI, AJ, AK, AM and AQ, AU, with the Amendments as specified in this section and in Chapter 17.28.020, shall regulate apply to the design, erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height all buildings and structures included within its guidelines in the City of Unalaska.**

**(B) The version of the International Residential Code applicable as the residential building code for buildings used for residential purposes containing four or fewer dwelling units shall be determined by the date construction began, as determined by the date the foundation began installation.**

**(C) The 2020 edition of ICC 600 Standard for Residential Construction in High Wind Regions shall apply to the design, erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of conventional light-frame construction of IRC Section 301.**

**Section 6: Amendment of Section 17.28.020.** Section 17.28.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are **bold underlined**, deletions are ~~everstruck~~]

**§ 17.28.020 INTERNATIONAL RESIDENTIAL CODE REVISIONS**

**The following revisions are made to the IRC as adopted by reference in Sections 17.28.010:**

**(1) Amend each and all the references contained in the IRC which refer to the "International Building Code" by replacing each and all with "Building Code as adopted by Chapter 17.12.010**

**(2) Amend each and all the references contained in the IRC which refer to the "ICC Electrical Code" by replacing each and all with "NFPA 70, National Electrical Code" as adopted by Chapter 17.20.010**

**(3) Amend each and all the references contained in the IRC which refer to the "International Plumbing Code" by replacing each and all with "Uniform Plumbing Code" as adopted by Chapter 17.16.010**

**(4) Excluded from adoption are sections R103, R104.4, R106.3.1, R109, R110, R112, R313, and Chapters 15 – 32 and 34 – 43; and Appendices AA – AD, AF, AG, AL, AN – AP, AR - AS, and AV - AX.**

**(5) R101.1- Insert “City of Unalaska” for [NAME OF JURISDICTION]**

**(6) R101.2- Exclude Exception 2**

**(7) R105.3- Amend to read: “To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the City for that purpose and by meeting other guidelines published by the Unalaska Department of Public Works and Department of Public Utilities.”**

**(8) R108.6- Insert the following at the end of the paragraph: “This fee shall be the same as the building permit fee.”**

**(9) R301- Conventional light-frame construction as detailed in this Section does not apply in Unalaska due to basic 3-second gust wind speed in excess of 110-miles per hour. Amend this Section by replacing all light-frame standards with the standards found in *ICC 600 Standard for Residential Construction in High Wind Regions (2020 Edition)*.**

**(10) R301.2(1)- Add the following information in the table:**

<b><u>Ground snow load</u></b>	<b><u>60 PSF</u></b>
<b><u>Wind Speed (3 second gust basic)</u></b>	<b><u>165 mph</u></b>
<b><u>Seismic Design Category</u></b>	<b><u>D2</u></b>
<b><u>Subject to damage from:</u></b>	
<b><u>Weathering</u></b>	<b><u>Yes, severe</u></b>
<b><u>Frost Line Depth</u></b>	<b><u>48”</u></b>
<b><u>Termite</u></b>	<b><u>No</u></b>
<b><u>Winter Design Temperature</u></b>	<b><u>-10 degrees F</u></b>
<b><u>Flood Hazards</u></b>	<b><u>No</u></b>
<b><u>Ice shield underlayment required</u></b>	<b><u>Yes</u></b>
<b><u>Air freezing index</u></b>	<b><u>2500</u></b>
<b><u>Mean annual temperature</u></b>	<b><u>35 degrees F</u></b>

**Section 7: Effective Date.** This ordinance is effective upon passage.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on October 25, 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  
From: Tom Cohenour, Director of Public Works  
Bob Cummings, City Engineer  
Through: Chris Hladick, Interim City Manager  
Date: October 11, 2022  
Re: Ordinance 2022-18: Amending Sections of Title 17, Buildings and Construction, of the Unalaska Code of Ordinances, by Adopting Portions of the 2018 Edition of the Uniform Plumbing Code, the 2020 Edition of the National Electrical Code, and the 2021 Edition of the International Residential Code

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**SUMMARY:** Ordinance 2022-18 allows for revisions of several sections of the Unalaska Code of Ordinances, specifically §17.04.020 POWERS AND DUTIES, §17.16.010 UNIFORM PLUMBING CODE, §17-20-010 NATIONAL ELECTRICAL CODE, and §17.28.010 CABO ONE AND TWO FAMILY DWELLING CODE, and adds a new section entitled §17-28-020 INTERNATIONAL RESIDENTIAL CODE REVISIONS. These proposed revisions update Title 17 to nationally accepted standards by removing outdated building code references, and revises certain sections of the International Residential Code to allow for Unalaska's unique building environment.

**PREVIOUS COUNCIL ACTION:** Ordinance 2016-02, passed February 23, 2016, amended §17.04.030 to add paragraph (B) which adopted penalties for failure to obtain any permit required by Title 17. Additionally, §17.16.010, §17.20.010, and §17.28.010 have not been amended since originally adopted by the City Council of the City of Unalaska which occurred sometime in the 1980's.

**BACKGROUND:** The Unalaska Code of Ordinances is a living document which requires regular modifications to ensure it reflects the environment in which the City operates. The proposed updates have been discussed for several years and are now brought forth for Council's consideration.

**DISCUSSION:** The last four decades have seen tremendous growth in the number of commercial buildings and single and multi-family residences in Unalaska. National standards related to building and construction policy and codes have changed considerably in this time, however, Title 17 has not undergone a full review and revision since its original adoption. The proposed changes to Title 17 will update City Code with modern building codes and include specific design parameters tailored to our local conditions. The Plumbing Code and Electrical Codes (§17.16.010 & §17.20.010, respectively) are modified to align with the State of Alaska as adopted in Title 13 of the Alaska Administrative Code. The Residential Building Code (§17.28.010) adopts the most recent version published by the International Code Council.

**ALTERNATIVES:** The other option would be to remove the Residential Building Code (§17.28.010) and have no building standards for residential structures but continue to have commercial buildings governed by §17.12.010 and have plans reviewed by the State Fire Marshal.

**FINANCIAL IMPLICATIONS:** There are no concrete financial implications tied to adopting Ordinance 2022-18.

**LEGAL:** The proposed revisions to Title 17 are overdue. By continuing to reference outdated building codes, the City is potentially placing itself at risk. Staff has worked with the City Attorney's office in drafting the proposed revisions to Title 17.

**STAFF RECOMMENDATION:** Staff recommends adopting Ordinance 2022-18.

**PROPOSED MOTION:** I move to introduce Ordinance 2022-18 and schedule it for public hearing and second reading on October 25, 2022.

**CITY MANAGER COMMENTS:** This code revision is long overdue. We are prepared to take this item to a workshop for a more in depth review of the changes if council so chooses.