

Regular Meeting
Tuesday, November 28, 2023
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

Council Members
Thomas D. Bell
Darin Nicholson
Daneen Looby

Council Members
Anthony Longo
Alejandro R. Tungul
Shari Coleman

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

UNALASKA CITY COUNCIL

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

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

COUNCIL MEETING ATTENDANCE

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

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

PUBLIC COMMENT

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

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

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

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

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

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

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

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** [November 14, 2023](#)

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. Alternatively, members of the public may speak when the issue comes up on the regular agenda by signing up with the City Clerk. Three-minute time limit per person.*
10. **Public Hearing** *Members of the public may testify about any item set for public hearing. Three-minute time limit per person.*
 - a. [Ordinance 2023-11](#): 2nd reading – Creating Budget Amendment No. 2 to the Fiscal Year 2024 Budget, providing \$10,000 in additional monies to fully fund the Park & Recreation Study
11. **Work Session** *Work sessions are for planning purposes, or studying and discussing issues before the Council.*
 - a. Makushin Geothermal Project
12. **Regular Agenda** *Persons wishing to speak on regular agenda items must sign up with the City Clerk. Three-minute time limit per person.*
 - a. [Ordinance 2023-11](#): 2nd reading – Creating Budget Amendment No. 2 to the Fiscal Year 2024 Budget, providing \$10,000 in additional monies to fully fund the Park & Recreation Study
 - b. [Ordinance 2023-12](#): 1st reading – Non-code temporary ordinance of the City of Unalaska allowing extended hours for the sale of alcohol in Unalaska on December 31, 2023 and January 1, 2024
 - c. [Resolution 2023-44](#): Authorizing the City Manager to enter into a contract with Berry Dunn to provide services for a Park and Recreation Master Plan
 - d. [Resolution 2023-46](#): Authorizing the City Manager to enter into an agreement extension with OptimERA Holdings, Inc. for Electrical Lineman Services
 - e. [Resolution 2023-47](#): Adopting priority rankings for the FY25-FY34 Capital and Major Maintenance Plan Process Guide
13. **Council Directives to City Manager**
14. **Community Input & Announcements** *Members of the public may provide information to council or make announcements of interest to the community. Three-minute time limit per person.*
15. **Executive Session** *Executive Session is closed to the public.*
 - a. Findings of Facts and Conclusion of Law on the appeal of the October 19, 2023 decision of the Unalaska Planning Commission granting a Conditional Use Permit for a communications tower of a leased portion of Tract A, Block 6, Ilulak Subdivision, Plat 89-19
16. **Adjournment**

Regular Meeting
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MINUTES

1. **Call to order.** Mayor Tutiakoff called the regular meeting of the Unalaska City Council to order on November 14, 2023 at 6:03 p.m. following the board of directors meeting by Unalaska Crab, Inc.
2. **Roll call.** City Clerk called the roll. The Mayor and all Council Members were present, with Nicholson attending remotely.
3. **Pledge of Allegiance.** Tungul led the Pledge of Allegiance.
4. **Recognition of Visitors.** No particular recognition made.
5. **Awards and Presentations.** Mayor presented Dennis Robinson a Plaque of Appreciation for his many years of service as City Council Member.
6. **Adoption of Agenda.** Coleman made a motion to adopt the agenda, with a second by Bell. Looby made a motion to amend the agenda by removing Resolution 2023-44 from the Consent Agenda and table it for the November 28 meeting after the Public Hearing and 2nd reading of Ordinance 2023-11, with a second by Tungul.

Roll call vote: all Council Members voted in the affirmative

Agenda adopted as amended.

7. **Approve Minutes of Previous Meetings.** Tungul moved to approve the proposed minutes of the October 24 and November 7, 2023 meeting, with a second by Longo. Hearing no objection, motion adopted by consensus.
8. **City Manager Report.** Mr. Homka presented his written report to Council, provided some more information and answered Council questions.
9. **Community Input & Announcements** were provided as follows:
 - a. Roger Blakeley made announcements regarding programs available at the PCR.
 - b. Museum of the Aleutians will have an exhibit opening on November 17th, at 6 p.m. called Family Mosaic: Near, Far, Related.

- c. There will be no Interagency Cooperative meeting this month as it coincides with Thanksgiving.
- d. USAFV is preparing holiday food boxes. Donations are welcome. Winter raffle is ongoing, it's \$5 a ticket or 5 tickets for \$20.
- e. Shari Coleman announced that Unalaska Fish and Game Advisory Committee is meeting on Friday, November 17th at the Library at noon.

10. Public Comment on Agenda Items. None.

11. Public Hearing. An appeal of Planning Commission Resolution 2023-07, approving a conditional use permit for a cellular tower on a lot zoned high density residential on a leased portion of Tract A, Block 6, Iluluaq Subdivision, Plat 89-19 at approximately 75 Chernofski Drive.

- Chairperson opened Public Hearing on appeal of Planning Commission Resolution 2023-07.
- City Manager William Homka reminded the board that this appeal will be heard by the City Council as a quasi-judicial board, different from their usual role as City Council. Mr. Homka introduced Charles Cacciola, the City Attorney to discuss the procedure of the public hearing.
- Mr. Cacciola provided information and answered Council questions.
- Cameron Dean, Planning Director, presented a brief overview of events leading to the approval of Planning Resolution 2023-07 and answered Council questions.
- Sherrie Doctor, Appellant, provided testimony in support of her appeal and answered Council questions
- Sergie Roraback provided testimony in support of the appeal of the Planning Resolution 2023-07.
- Dennis Robinson provided testimony to uphold Planning Commission's Resolution.
- Laresa Syverson and Natalie Cale from the Ounalashka Corporation, the property owner, provided testimonies on record.

After all presentations were done, Bell made a motion to enter into executive session for deliberation, with a second by Coleman.

Roll call vote: all Council Members voted in the affirmative.

The Council entered into Executive Session at 7:24 p.m.

Coleman moved to come out of the executive session, with a second by Tungul. There being no objection, Council returned to Regular Session at 7:54 p.m.

After their deliberation, Coleman made a motion to affirm the Planning Commission's decision, with a second by Bell.

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

Motion passed 6-0

12. Work Session

Tungul moved to get into work session, with a second by Looby. There being no objection, Council moved into work session at 8:00 p.m.

- a. Identifying City Council Legislative Priorities

Homka introduced the work session item and invited Sebastian O’Kelly and Rick Marks from the lobbying firm Robertson, Monagle & Eastaugh LLC to present and identify the Council legislative priorities.

Council discussion.

Dennis Robinson provided comment into record.

Tungul moved to return to regular session, with a second by Longo. There being no objection, the Council reconvened to Regular Session at 8:37 p.m.

13. Consent Agenda

- a. Resolution 2023-45: Approving a 67-year lease period for an Amended Lease Agreement between the City of Unalaska and Iliuliuk Family and Health Services, Inc for Tract A of Iliuliuk Health Campus

At the request of Council Member Coleman, Resolution 2023-45 was removed from the Consent Agenda and was added to Regular Agenda as item b.

14. Regular Agenda

- a. Ordinance 2023-11: Creating Budget Amendment No. 2 to the Fiscal Year 2024 Budget, providing \$10,000 in additional monies to fully fund the Park & Recreation Study

Looby made a motion to introduce Ordinance 2023-11 and schedule it for public hearing and second reading on November 28, 2023, with a second by Coleman.

City Manager Homka provided an overview and answered Council questions.

Council discussion.

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

Motion passed 6-0, with this vote, Council has introduced Ordinance 2023-11 and scheduled it for the public hearing and second reading on November 28, 2023.

- b. Resolution 2023-45: Approving a 67-year lease period for an Amended Lease Agreement between the City of Unalaska and Iliuliuk Family and Health Services, Inc for Tract A of Iliuliuk Health Campus

Bell made a motion to adopt Resolution 2023-45, with a second by Tungul.

City Manager Homka provided an overview of the resolution and answered Council questions.

Council discussion.

Noel Rea, IFHS CEO answered Council questions.

Dennis Robinson provided comment into record.

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

Motion passed 6-0

15. **Council Directives to City Manager.** Direct staff to come up with written Findings of Facts and Conclusion of Law regarding the public hearing item.

16. **Community Input & Announcements** were made as follows:

- a. Cheri Tremarco announced that she and Patrick Bliss are spearheading the Host a Coastie program during the Thanksgiving holiday. On December 11th, the Coast Guard will present water safety training at the elementary school at 5:30 p.m. until 7:00 p.m.
- b. City Clerk reminded Council Members to complete and submit their CMMP priority rankings.

17. **Adjournment.** Having completed all items on the agenda, the Mayor adjourned the meeting at 9:07 p.m.

These minutes were approved by the Unalaska City Council on November 28, 2023.

Estkarlen P. Magdaong
City Clerk

DRAFT

CITY MANAGER’S REPORT

TO: Mayor Tutiakoff and City Council Members
 FROM: William Homka, City Manager
 DATE: November 28, 2023

- **City Christmas Party:** By now you should have received your invite to the City Christmas Party on Saturday December 2, 2023. Please inform Michelle Price of your plans to attend or not.
- **Travel:** I plan to attend the AML meeting in Anchorage the week of December 4 and then Washington DC the following week of December 11, 2024. I will be on personal leave December 16 - December 29, 2023. Marjie Veeder will be Acting City Manager while I’m off island.
- **Staffing Update:** Though Unalaska has had difficulty filling all open positions, a recent article from Anchorage illustrates how we are not alone. Last week the Anchorage news reported the City of Anchorage has 579 vacancies. <https://www.alaskasnewsresource.com/2023/11/22/579-vacant-positions-municipality-anchorage-document-shows/> As of November 24, 2023 Unalaska has 22 open positions.
- October 16 – November 15

Type of Action	Number Of	Internal	External
Hires	3	0	3
Pending Hires	4	0	4
Pending Offers	0		
Resignations	0	NA	NA
Terminations	2	NA	NA

- Position Openings

Department	# Of Openings	Notes for Marilou
Administration	1	HR Mgr
Clerks	0	
DPS	3	Police Officer (2), Police Sergeant
DPU	10	Director, Power Plan Op I, Water Supv, Water Op (2), Solid Waste Supv, WW Supervisor, Util Lineman (2), Util Lineman Chief
DPW	3	City Engineer, Light Equip Mech, Installation Maint Worker
Finance	1	Controller
PCR	3	2 Lifeguards, Rec Coordinator
Planning	1	GIS Admin Replacement
Ports	0	
TOTAL	22	

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2023-11

CREATING BUDGET AMENDMENT #2 TO THE FISCAL YEAR 2024 BUDGET, APPROPRIATING \$10,000 FROM THE GENERAL FUND FOR AN INCREASE TO THE PARKS & RECREATION STUDY PROJECT (PR23A).

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 FY24 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 2023-03

	<u>Current</u>	<u>Requested</u>	<u>Revised</u>
I. OPERATING BUDGETS			
A. General Fund			
Sources:			
Appropriated Fund Balance	\$ 252,224	\$ 10,000	\$ 262,224
Uses:			
Transfer to Govt Capital Projects	\$ 1,503,330	\$ 10,000	\$ 1,513,330
II. CAPITAL BUDGETS			
A. Governmental Project Budget			
Parks & Recreation Study			
Sources:			
Transfers from General Fund	\$ 150,000	\$ 10,000	\$ 160,000
Uses:			
Parks & Recreation Study	\$ 150,000	\$ 10,000	\$ 160,000

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 28, 2023.

Vincent M. Tutiakoff, Sr.
Mayor

Attest:

Estkarlen P. Magdaong
City Clerk

City of Unalaska
Summary of Budget Amendment and Schedule of Proposed Accounts
FY24 Budget Amendment 2

- 1) General Fund - Operating Budget
 - Add \$10,000 to Appropriated Fund Balance
 - Add \$10,000 to Transfers to Govt Capital Projects for Parks & Rec Study

- 2) Governmental Fund Capital Projects Budget
 - Add \$10,000 to Transfers from General Fund
 - Add \$10,000 to Parks & Rec Study budget

	<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Current</u>	<u>Requested</u>	<u>Revised</u>
1) <u>General Fund - Operating Budget</u>						
Sources:						
Appropriated Fund Balance	01010049	49900		\$ 252,224	\$ 10,000	\$ 262,224
Uses:						
Transfer to Govt Capital Projects	01029854	59920		\$ 1,503,330	\$ 10,000	\$ 1,513,330
2) <u>Govt Fund - Capital Project Budgets</u>						
Parks & Recreation Study						
Sources:						
Transfer from General Fund	31019848	49100	PR23A	\$ 150,000	\$ 10,000	\$ 160,000
Uses:						
Other Professional Svcs	31022053	53300	PR23A	\$ 150,000	\$ 10,000	\$ 160,000

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Roger Blakeley, PCR Director
Through: Patricia Soule, Finance Director
William Homka, City Manager
Date: 11/14/2023
Re: Ordinance 2023-11: Creating budget amendment #2 to the fiscal year 2024 budget, providing \$10,000 in additional monies to fully fund the Park & Recreation Study.

SUMMARY: This budget amendment request seeks Council's approval to transfer \$10,000 in General Fund Revenue into MUNIS Project PR23A, the Parks and Recreation Study.

PREVIOUS COUNCIL ACTION: Council funded the Parks and Recreation Study in the FY23-032 CMMP Plan. It was funded at \$150,000. After doing a RFP Berry Dunn was selected as the vendor but the amount of the Study proposed is \$156,992 requiring a Budget Amendment before the contract can be signed.

BACKGROUND: The project was included in the 2023 CMMP with the intent of commencing it in 2024. The Parks and Recreation Advisory Board has thoroughly assessed the project, and our staff has meticulously prepared all the bid documents, guiding this project to its current stage. A scoring committee was established to evaluate the submitted bids, using a predetermined scoring matrix that had been made available to all bidding firms before the bids were publicly submitted. Staff recommends that the City enter into a contract with Berry Dunn for Master Planning Services for the Parks, Culture and Recreation Department that will become part of the City's overall Comprehensive 20 year planning process.

DISCUSSION: If Council approved the Budget Amendment it will allow the City to enter into a contract with Berry Dunn.

ALTERNATIVES: Council could decide not to approve the requested budget amendment in its entirety which would preclude entering into a contract to do the Park & Recreation Plan.

FINANCIAL IMPLICATIONS: The project budget was \$150,000. Staff requests an additional \$10,000 to increase the budget to \$160,000 to cover the increased cost of the project.

		Org	Object	Project	Current	Requested	Revised
1)	<u>General Fund - Operating Budget</u>						
	Sources:						
	Appropriated Fund Balance	01010049	49900		\$ 252,224	\$ 10,000	\$ 262,224
	Uses:						
	Transfer to Govt Capital Projects	01029854	59920		\$ 1,503,330	\$ 10,000	\$ 1,513,330
2)	<u>Govt Fund - Capital Project Budgets</u>						
	Parks & Recreation Study						
	Sources:						
	Transfer from General Fund	31019848	49100	PR23A	\$ 150,000	\$ 10,000	\$ 160,000
	Uses:						
	Other Professional Svcs	31022053	53300	PR23A	\$ 150,000	\$ 10,000	\$ 160,000

LEGAL: Not applicable

STAFF RECOMMENDATION: Staff recommends Council adopt Ordinance 2023-11 so the contract can be signed.

PROPOSED MOTION: I move to schedule Ordinance 2023-11 for a second reading and public hearing on November 28, 2023.

CITY MANAGER COMMENTS: I am pleased the study is progressing and the bids came in as close to the budget as they did. I support staff's recommendation.

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2023-12

TEMPORARY NON-CODE ORDINANCE ALLOWING EXTENDED HOURS FOR THE SALE OF ALCOHOL BY THE DRINK ON DECEMBER 31, 2023 AND JANUARY 1, 2024

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

Section 1: Classification. This is a temporary non-code ordinance.

Section 2: Amendment of Section 9.20.020(B). Section 9.20.020(B) of the Unalaska Code of Ordinances is hereby temporarily amended as follows: [New language is underlined; and deleted language is ~~overstruck~~.]

§ 9.20.020 CLOSING HOURS FOR LICENSED PREMISES.

...

(B) Restaurants and bars with an existing license to dispense alcoholic beverages by the drink may lawfully do so on Sunday between the hours of 12:00 p.m. and ~~10:00 p.m.~~ 3:00 a.m. on Monday, January 1, 2024.

...

Section 3: Effective Date. This temporary non-code ordinance shall take effect December 31, 2023, and shall remain in effect through January 1, 2024. During the effective period, this ordinance supersedes UCO 9.20.020(B).

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on December 19, 2023.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Estkarlen P. Magdaong
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, Assistant City Manager
Through: William Homka, City Manager
Date: November 28, 2023
Re: Ordinance 2023-12: Temporary Non-Code Ordinance allowing extended hours for the sale of alcohol by the drink on December 31, 2023 and January 1, 2024

SUMMARY: In response to a directive to the City Manager issued on October 24, 2023, Ordinance 2023-12 is presented for consideration to provide a temporary extension of lawful hours to sell alcohol by the drink on New Year's Eve 2023. This temporary ordinance allows bars and restaurants to remain open and sell alcohol from noon on December 31, 2023, until 3:00 a.m. on January 1, 2024.

PREVIOUS COUNCIL ACTION: Council discussed this matter at their meeting on October 24, 2023, and issued a directive to the City Manager to prepare a non-code ordinance with a one day exception to code for New Year's Eve 2023.

Council has previously temporarily extended hours for alcohol sales on holidays:

- 1995 for New Year's Eve
- 1996 for Christmas Eve
- 1997 for Independence Day
- 2000 for New Year's Eve

This section of code was most recently amended in 2015 with Ordinance 2015-25. This amendment allowed bars that do not hold a "restaurant designation" liquor license to open at 8 a.m. on Sundays to serve food and non-alcoholic beverages.

Before 2015, this section of code was last amended in 2003 with Ordinance 2003-01. This amendment set the present operating hours of licensed premises; and also allowed liquor sales on Sundays from noon to 10 p.m.

BACKGROUND: New Year's Eve 2023 is Sunday, December 31, 2023. Unalaska's Code of Ordinances at § 9.20.020(B) dictates that restaurants and bars licensed to dispense alcoholic beverages by the drink may lawfully do so on Sunday between noon and 10 p.m. Council Member Looby, who owns the Norwegian Rat Saloon, inquired whether it was possible to have a one-day exception to code to allow licensed premises to remain open past 10 p.m. on New Year's Eve.

DISCUSSION: Council had the opportunity to fully discuss this issue at their October 24 meeting and a copy of the October 24 staff memo is attached for reference.

ALTERNATIVES: Council may choose to adopt the ordinance as presented; amend it; or take no action.

FINANCIAL IMPLICATIONS:

1. The City will incur attorney fees in relation to the non-code Ordinance.
2. If the exception is approved, the Police Department must provide additional police coverage on the night in question, most likely incurring overtime pay for our short-staffed Police Department.
3. If the exception is granted and hours of alcohol sales are extended, establishments selling alcohol by the drink will likely see an increase in revenue.
4. City sales tax revenue on liquor sales will likely increase if the exception is granted, but this is not considered significant.

LEGAL: The City's attorney has reviewed and approved this ordinance.

STAFF RECOMMENDATION: As this is in response to a directive from Council, staff recommends adoption.

PROPOSED MOTION: First reading: I move to introduce Ordinance 2023-12 and schedule it for public hearing and second reading on December 19, 2023.

Second reading: I move to adopt Ordinance 2023-12.

CITY MANAGER COMMENTS: I support the staff recommendation.

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, Assistant City Manager
Through: William Homka, City Manager
Date: October 24, 2023
Re: New Year's Eve exception to operating hours for bars and restaurants serving alcohol by the drink

SUMMARY: New Year's Eve 2023 is Sunday, December 31, 2023. Unalaska's Code of Ordinances at § 9.20.020(B) dictates that restaurants and bars licensed to dispense alcoholic beverages by the drink may lawfully do so on Sunday between noon and 10 p.m. Council Member Looby, who owns the Norwegian Rat Saloon, inquired whether it was possible to have a one-day exception to code to allow licensed premises to remain open past 10 p.m. on New Year's Eve, presumably because it is common for celebrations of New Year's Eve continue well past 10 p.m. This memo is informational to aid in Council's discussion and decision whether to take action on this request.

PREVIOUS COUNCIL ACTION & BACKGROUND: Unalaska's Code of Ordinances presently states:

§ 9.20.020 CLOSING HOURS FOR LICENSED PREMISES.

(A) It shall be lawful to dispense alcoholic beverages in the city by a premises licensed under authority of the State of Alaska Alcoholic Beverage Control Board as follows:

- (1) Monday 8:00 a.m. through Tuesday 2:00 a.m.
- (2) Tuesday 8:00 a.m. through Wednesday 2:00 a.m.
- (3) Wednesday 8:00 a.m. through Thursday 2:00 a.m.
- (4) Thursday 8:00 a.m. through Friday 2:00 a.m.
- (5) Friday 8:00 a.m. through Saturday 3:00 a.m.
- (6) Saturday 8:00 a.m. through Sunday 3:00 a.m.

(B) Restaurants and bars with an existing license to dispense alcoholic beverages by the drink may lawfully do so on Sunday between the hours of 12:00 p.m. and 10:00 p.m.

(C) It shall be unlawful for any premises licensed under authority of the State of Alaska Alcoholic Beverage Control Board, licensee, agent or employee to dispense alcoholic beverages within the city during hours not authorized by this chapter.

§ 9.20.025 OPERATING HOURS FOR LICENSED PREMISES.

(A) Except as provided in this section, it shall be unlawful for a licensed premises to allow persons or customers who are not owners or employees to remain on the premises during hours when alcoholic beverages cannot be lawfully dispensed.

(B) Restaurants and bars with an existing license to dispense alcoholic beverages by the drink may lawfully allow persons or customers on premises for food and non-alcoholic beverage service on Sundays from 8:00 a.m. until such hour as the licensed premises is authorized to dispense alcoholic beverages by § 9.20.020 unless the establishment is otherwise required to be closed by this chapter or any other law.

This section of code was most recently amended in 2015 with Ordinance 2015-25, adopted on December 22, 2015. This amendment allowed bars that do not hold a “restaurant designation” liquor license to open at 8 a.m. on Sundays to serve food and non-alcoholic beverages.

Before 2015, this section of code was last amended in 2003 with Ordinance 2003-01 adopted on February 25, 2003. This amendment set the present operating hours of licensed premises; and also allowed liquor sales on Sundays from noon to 10 p.m., which were previously prohibited on Sundays, except “in good faith as an accompaniment to a meal.”

DISCUSSION: There are several issues that Council should consider in deciding whether to take action on this request.

1. **Value to the Community:** Would an exception to extend the hours for bars and restaurants to serve alcohol by the drink benefit the community as a whole, not just bar owners and their customers?
 - a. As noted above, New Year’s Eve celebrations typically continue well past 10 p.m., with a countdown to midnight ushering in the new calendar year.
 - b. Does the economic benefit to bar owners and the perceived benefit for customers wishing to purchase alcohol by the drink override any potential negative impacts and consequences of consuming alcoholic beverages?
2. **Conflict of Interest:** Administration takes no position on the potential or perceived conflict of interest, but in considering all angles, we must point out the conflict of interest ordinance contained in code due to Council Member Looby making the request and her ownership of a licensed premise. UCO 2.04.020 reads:

§ 2.04.040 CONFLICT OF INTEREST.

(A) A member of the City Council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.

(B) The Mayor shall rule on a request by a member of the City Council to be excused from a vote.

(C) The decision of the Mayor on a request by a member of the City Council to be excused from a vote may be overridden by the majority vote of the City Council.

Additional details of the City's conflict of interest process, which should be considered, are at UCO 2.88.030 and 2.88.040.

3. **Applicable to all Licensed Premises, but not package stores:** If Council chooses to provide an exception to the operating hours, it will apply to all bars and restaurants dispensing alcohol by the drink, but will not affect package stores. The businesses licensed by the State of Alaska to dispense alcohol by the drink in Unalaska are:
 - a. Harbor View Bar & Grill
 - b. Grand Aleutian Hotel
 - c. Grand Aleutian Hotel – Chart Room
 - d. Airport Restaurant & Lounge
 - e. Harbor Sushi
 - f. Norwegian Rat Saloon
 - g. Amelia's Restaurant
 - h. San Diego Tacos to Go (not presently open and operating)
4. **Setting a Precedent:** If Council provides a "one-time" exception to the operating hours of licensed premises due to a holiday falling on a Sunday, Council may be asked to consider additional requests for exceptions in the future.
5. **Department of Public Safety:** It is anticipated that additional police officers will need to be scheduled, most likely incurring overtime, if a one-time exception to the operating hours of licensed premises is made.
6. **Fire/EMS Department:** The Fire Chief doesn't believe this potential change will impact the department's ability to respond to 911 calls.
7. **City Fireworks Display:** The City of Unalaska puts on a New Year's Eve fireworks display, which is scheduled to begin on Sunday, December 31, 2023, at 11:59 p.m.
 - a. Police and Fire personnel must be on hand for the fireworks display. Having bars open past 10 p.m. further increases the need for extra personnel on this date. Additional overtime for a short-staffed police department is almost a certainty.
 - b. It is conceivable that allowing bars to remain open past 10 p.m. will reduce viewership of the fireworks display.
8. **Liability to the City:** Liability to the City for a one-time exception to closing hours for bars and restaurants is not a huge concern, but in the interest of a robust conversation on why Council might consider such an action, it is worth mentioning. For example, if someone got hurt driving home from the bar, the city might be criticized for expanding the hours, but the risk of actual liability to the city isn't significant. Council could consider requiring bar owners to mitigate risk, such as hiring taxi cabs for patrons, but this would be difficult to administer and to enforce.

ALTERNATIVES: Council may choose:

1. To take no action.

2. To direct the City Manager to prepare a non-code ordinance with a one-day exception to code for New Year's Eve 2023, as requested by Council Member Looby.
3. Council may also consider a permanent change to code providing extended operating hours for licensed premises when a holiday falls on a Sunday.

FINANCIAL IMPLICATIONS:

1. The City will incur attorney fees in preparing a non-code Ordinance.
2. If the exception is approved, the Police Department must provide additional police coverage on the night in question, most likely incurring overtime pay for our short-staffed Police Department.
3. If the exception is granted and hours of alcohol sales are extended, establishments selling alcohol by the drink will likely see an increase in revenue.
4. City sales tax revenue on liquor sales will likely increase if the exception is granted, but this is not considered significant.

LEGAL: Staff discussed this issue with the City Attorney, and at the attorney's suggestion, topics such as the value to the community as a whole, conflict of interest, and liability are discussed above. The City Attorney indicated a non-code ordinance would be appropriate if Council decides to provide a one-time exception to operating hours for licensed premises.

STAFF RECOMMENDATION: This is a City Council decision, but with heavy consideration for the staff of our Police and Fire Departments, staff recommends taking no action.

PROPOSED MOTION: Not applicable unless Council wishes to issue a directive to the City Manager.

CITY MANAGER COMMENTS: I support staff's recommendation.

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2023-44

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BERRY DUNN TO PROVIDE A PARKS AND RECREATION MASTER PLAN (PR23A)

WHEREAS, the City of Unalaska needs a Master Plan for the Parks and Recreation Department; and

WHEREAS, this planning process will provide the City with another section of the overall City's Comprehensive Plan; and

WHEREAS, this has been part of the approved CMMP Plan for the last several years; and

WHEREAS, Berry Dunn is the most qualified and capable vendor to provide this service to the Parks and Recreation Department; and

WHEREAS, the FY 23 and 24 CMMP has been adopted for the project and came in at \$6,992 over the budget, needed to fund the entire amount; and

WHEREAS a budget amendment for the project cost of \$156,992 is in progress; and

WHEREAS, it is in the City's best interest to award this contract to Berry Dunn.

NOW THEREFORE BE IT RESOLVED that that the Unalaska City Council authorizes the City Manager to enter into a contract with Berry Dunn to provide Master Planning services for the Parks and Recreation Department Master Planning project (PR23A)

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 28, 2023.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Estkarlen P. Magdaong
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Roger Blakeley, PCR Director
Through: William Homka, City Manager
Date: November 14, 2023
Re: Resolution 2023-44: Authorizing the City Manager to enter into a contract with Berry Dunn to provide a Parks and Recreation Master Plan (PR23A)

SUMMARY: The project has been included in the Capital Maintenance and Management Plan (CMMP) for the past few years with the intent of commencing it in 2024. The Parks and Recreation Advisory board has thoroughly assessed the project, and our staff has meticulously prepared all the bid documents, guiding this project to its current stage. A scoring committee was established to evaluate the submitted bids, using a predetermined scoring matrix that had been made available to all bidding firms before the bids were publicly submitted. Staff recommends that the City enter into a contract with Berry Dunn for Master Planning services for the Parks, Culture and Recreation Department that will become part of the City overall Comprehensive planning process.

PREVIOUS COUNCIL ACTION: On April 26, 2022, the City Council adopted the FY 2023 -2024 CMMP, which included the Parks Culture and Recreation Master Plan project, (PR23A), funded for \$150,000.

BACKGROUND: During the CMMP process it was identified that a Parks Culture and Recreation Master Plan was necessary to guide the development of recreational needs in Unalaska for the next 20 years.

DISCUSSION: A RFP was issued and Berry Dunn was selected as the vendor for the work. Berry Dunn was found to be the most qualified vendor, the price came in at \$156,992.

ALTERNATIVES: Alternatives include 1) award the contract to Berry Dunn and approve the City Manager to sign the contract 2) do not approve the work being done.

FINANCIAL IMPLICATIONS: The project budget was \$150,000, and the bid came in at \$156,992 A budget amendment is necessary for an additional \$6,992 to cover the costs of project. Staff intends to present a budget amendment in November.

LEGAL: Not applicable.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 2023-44.

PROPOSED MOTION: I move to adopt Resolution 2023-44.

CITY MANAGER COMMENTS: I agree with the staff recommendations.

ATTACHMENTS:

- Request for Proposals
- Scoring Matrix



REQUEST FOR PROPOSAL

Qualified Professional Consulting Services
for the City of Unalaska Parks and Recreation
Study Project PR23A

Issue Date: _____

Proposal Due Date: _____

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List of Attachments

- Attachment A – References
- Attachment B – DRAFT Consulting Services Agreement
- Attachment C – Evaluation Score Sheet
- Attachment D – Map of Parks

I. PURPOSE OF THE PROJECT

The City of Unalaska is soliciting Requests for Proposals from professional qualified firms to conduct a Comprehensive Master Plan of the City of Unalaska's Department of Parks, Culture and Recreation (PCR) Facilities.

The City of Unalaska has approximately 4,500 permanent residents and supports the largest seafood industry in the U.S. During various seafood processing seasons, the total population may swell to more than 10,000 due to the influx of transient employees hired to work for the local industries. The construction environment in Unalaska is challenging. There are special physics in Unalaska that include frequent hurricane force winds, strong seismic forces, high ground snow loads, wind driven precipitation, corrosive marine conditions and geographical remoteness.

DEPARTMENT OF PARKS, CULTURE AND RECREATION MISSION STATEMENT

To enrich our diverse community by providing exemplary, accessible, and safe cultural, leisure, and recreation facilities and services that nurture youth development and inspire people to learn, play, and engage with our unique and welcoming environment.

II. DESCRIPTION OF PARKS AND FACILITIES

The City of Unalaska's Department of Parks, Culture and Recreation (PCR) was created in 1980. Its greatest growth came during the 1990s when it built the Community Center (1995), took over the Aquatics Center from the school (1998), and built Unalaska's Public Library (1999) and the new expansion was completed in April 2023. Through the years Unalaska has witnessed PCR change and expand to what it is today. Today, PCR, under the leadership of our PCR Director, Roger Blakely. Roger oversees the Community Center, the Unalaska Public Library, the Aquatics Center, and eight (8) parks.

The Community Center opened 1995 and provides Unalaska residents with a large variety of recreational opportunities. For the person wanting to stay in shape the Community Center offers a variety of options:

- Full Size Gymnasium
- Cardio Room
- Weight Room
- Stretching Room
- Small Track
- Racquetball Courts
- Multipurpose Room

Aquatics Center: The City of Unalaska Parks, Culture and Recreation Department took over management of the Aquatic Center from the Unalaska City School District in 1999. Since then the City of Unalaska has

continued hosting the Unalaska City School Districts swim team and swim lessons as well as opening it up to community and offering programs such as Youth Swim League, Tot-Time Swims and fun events like the Pumpkin Plunge and Girls Night Out.

- 36x75 feet/141,000 gallon pool
- Sauna
- Workout Room
- Mezzanine
- Locker Rooms
- Laundry Room
- Pump Room

Library:

In FY18, the Library Building Improvement Project underwent a Pre-Development phase, during which the public outlined community library needs and gave feedback on various design options. Based on public input and the Pre-Development Architect’s assessment of the library building and its patterns of use, City Council decided to move forward with full design for the project in FY19 and completed in April 2023.

ECI Alaska Architects worked closely with the City Librarian and design team to incorporate input from the general public, library advisory committee, focus groups, and library staff during the early stages of design. Based on input from these groups, the building footprint has evolved so that it includes one 3,300 sq. ft. expansion on the front of the building. In addition to the expansion, the plan includes a substantial remodel of another 1,375 sq. ft. of the existing space, and a finishes and furnishings refresh for the remaining 7,100 sq. ft.

The expansion and renovation has improved children’s and teen spaces, added quiet seating areas and study rooms, and provide a community gathering space for large events and programs.

Ounalashka Community Park

Ounalashka Park, built in 1999, is located in the Unalaska valley. At 11.5 acres, this is the department's largest park. Several sports playing areas including a softball field, outdoor basketball/tennis court, and a paved trail with permanent exercise stations are located here. Ounalashka Park is also home of the city's largest playground apparatus.

Kelty Field at Ounalashka Community Park

Kelty Field is named after former mayor Frank Kelty. The PCR ships in clay for the upkeep of the field. The field has two enclosed dugouts, a backstop, and is lined seasonally.

The Alaska Softball Association uses the fields for their annual softball league and two annual charity tournaments. PCR programs that take place at this location include summer baseball camp, kickball

activities, and the annual Heart of Aleutians Festival. The field is also utilized by local businesses during the summer months for company ball games.

The Ounalashka Park has a playground with many play elements to keep children active and healthy. There are swinging, climbing, crawling, balancing, sliding, and jumping elements. The playground is fenced in and has a rubberized play surface to provide additional safety.

Walking Trail at Ounalashka Community Park

The exercise trail circles the perimeter of the park which makes it a great place to get in a workout while watching a softball game or letting your children enjoy the playground.

Ounalashka Community Park

The park trail also includes six permanent exercise stations. Each station has illustrated instructions on how to use the element to challenge a different muscle group for a full body workout. PCR activities that take place in this area include Summercise (youth summer fitness) and Hersey Track and Field program.

Pavilion at Ounalashka Community Park

Ounalashka Park includes a covered pavilion for community use that makes a great place to celebrate birthdays or simply have a picnic to enjoy a nice day. No reservations are needed for the pavilion, its use is on a first come, first served basis.

The park's snack shack is a great place to grab a burger during a softball game. Restrooms and water fountain are conveniently located behind the building.

Sitka Spruce Park

Sitka Spruce Park, also known as "Pirate Park", opened in 1979. The park is a National Historic Landmark and is one of few areas in Unalaska that has a wide area of trees. Also known as "Pirate Park" for its pirate ship piece of playground equipment is a very popular destination for the PCR's Parks Program because of its trails and trees. In fact, this park is a National Historic Landmark because it is one of the few places on the island that has trees. In addition, the park also has a grill, picnic tables, and men's and women's restrooms. During the summer of FY22 the park was renovated and all new playground equipment was installed, and a half basketball court and larger parking lot were added.

Memorial Park

The Memorial Park is a place of historical remembrance. The park features walkways that leads visitors through monuments dedicated to the history of Unalaska and its people. The military flags flown over Unalaska Memorial Park represent the United States Coast Guard, Prisoners of War, Navy, United States Marine Corps, United States Army, and the United States Air Force.

Town Park

Town Park, located in downtown Unalaska, was opened by the city in 1988. The park has a beautiful wooden gazebo, two picnic tables, a small playground, and is bordered by spruce trees (a rarity on the island!). The park serves as the awards ceremony and picnic location following the Bobby Johnson Summer Bay Classic Half Marathon held annually in August.

Skate Park

The Skate Park opened in 1998 and has several elements for skate enthusiasts. The PCR annual Skate Jam takes place here and brings out all the local skaters, friends, and families. Skate Club, offered through PCR, also regularly frequents the park for practice and safety development.

Tutiakoff Field

Tutiakoff Field is used and maintained by the City of Unalaska, but is owned by Unalaska Methodist Church. This property is under a long-time lease that has been in place since 1984. Tutiakoff Field is used for programs such as soccer, flag football, youth archery, and ultimate frisbee. Pet owners often meet here as this park is also the unofficial dog play area.

Expedition Park

Expedition Park, located on Amaknak Island, opened in 1997 and has the best view of all Unalaska's parks. This park is a perfect gathering place for small groups who want to enjoy the beautiful natural scenery and take advantage of the park's pavilion, fire pit, and grills.

Tanaadakuchax Park

Tanaadakuchax meaning "small land" is the name of the City's smallest park. Tanaadakuchax Park is nestled in Unalaska near the intersection of Ptarmigan and Loop Road. Although the park is small, it is highly enjoyed by the neighborhood children.

Unalaska City School District Playground

The Unalaska City School District Playground (known as the UCSD Park) is not technically a city park. However, we were extremely involved in replacing and improving some key factors during our CMMP process. While working with the superintendent of schools, we tore down the old equipment, improved the drainage of their grass field, provided a walking/running trail, and added four key features: a climbing rock, rope climber, swing set, and a full basketball/volleyball court.

III. SCOPE OF SERVICES

Respondents shall provide a narrative description of the methods proposed to accomplish a PCR Comprehensive Master Plan pertaining to the areas of assessment and the Firm's qualifications to perform the requested services as outlined below:

Scope includes a Comprehensive Master Plan for Parks and Recreation with the goals of the plan are to guide future (CMMP) Project Initiation and Development; Prioritization of Projects; Daily Programing; PCR Operations; Park Maintenance.

The City of Unalaska's Department of Parks, Culture and Recreation Comprehensive Master Plan for the purpose of ensuring that PCR facilities meet the needs of Unalaska residents and visitors; Ensure that PCR Parks offer families the opportunity to enjoy well maintained playground equipment while appreciating the outdoors; Look at the use patterns; Understanding that most of our outdoor areas are not owned by the city.

The intent is for the City of Unalaska to have an evaluation of the PRC Facilities and future needs in order to have a long-term plan for future growth and development. At a minimum, the PCR Comprehensive Master Plan should contain the following:

- Provide a description and functionality assessment of the existing Recreational opportunities.
- Describe existing, new, and pending regulations and their impacts to the Department.
- Evaluate future requirements and capabilities.
- Provide recommendations for PCR, both regulatory required and non-regulatory necessary. Clearly distinguish which recommendations are regulatory required and which are to meet industry standards. Explain the reasoning for these requirements, especially where the recommendation is to meet industry standards.
- Provide preliminary design level of effort with drawings and cost estimate, including O&M, for recommended regulatory required improvements.
- Provide preliminary design level of effort with drawings and cost estimate, including O&M, for non-regulatory driven recommended improvements.
- Provide short, medium, and long-term Capital Improvements Program for new recommended systems or processes, as well as current and future rehabilitation and replacement needs.
- Assess employee training and O&M needs.

The analysis will be conducted in accordance with industry standards.

Note: Drawings shall be provided in CAD, ARC-GIS, and PDF formats.

The project is expected to be complete by January 2025.

IV. TIMELINES AND PRESENTATION OF WORK PRODUCT

The Evaluation Team will be appointed by the Director of PCR from among City of Unalaska staff. The entire scoring procedure, including Evaluation Team meetings and scoring materials, will be held strictly confidential until after negotiations are concluded.

All Evaluation Team members will be required to certify that they have no conflicts of interest and that they will strictly adhere to the procedures herein described.

- The City of Unalaska receives the Proposal.
- Evaluation Team evaluates the Proposals according to established criteria.

- Negotiation with the Respondent with the highest scored Proposal or if necessary the next lower scored responsive Respondent and so on. The Contract will be the Engineering and Related Services Agreement, Attachment B. The City of Unalaska will be inflexible with regards to the Contract language. The Scope of Services, Schedule, and Fee for Services are negotiable.
- Director of PCR forwards evaluation results and the Contract to the City Manager.
- City Manager makes their recommendation to the City Council for Contract award.
- The City of Unalaska and the successful Respondent execute the Contract and a purchase order. The purchase order serves as notice to proceed.

Timeline

- A. Submittal of proposals due: August 1, 2023.
- B. Interview selected finalists: August 15, 2023 (if required).
- C. Award of Contract: August 31, 2023.
- D. Anticipated performance period: 180 days.

The final report should be presented in Unalaska, Alaska by February 15, 2024. The City may, in its sole discretion, extend any or all timelines set forth herein.

V. PROPOSAL REQUIREMENTS

It is expected that each respondent will undertake all inspections or investigations reasonably deemed necessary to become thoroughly acquainted with the project prior to preparation of a proposal. Consultants should demonstrate the professional/technical expertise necessary to accomplish the project. Unique solutions are encouraged which would result in a marked advance in scheduling, cost savings, or would use a state-of-the-art technique. For purposes of comparison, any unique solutions proposed should be made supplemental to, and not instead of, the Scope of Work as outlined.

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that proposals be organized in the manner specified below.

- A. Title Page: Show the Request for Proposal subject, the name of the firm, address, telephone number, name of contact person, and the date.
- B. Table of Contents: Identify the material clearly by section and page number.
- C. Letter of Transmittal: Limit to no more than two printed pages. Briefly state the firm's understanding of the services to be provided and include the names of persons who will be authorized to make representations for the firm, their titles, addresses, and telephone numbers. This letter must be signed by an individual who has the authority to bind the firm.
- D. Qualifications/Proposal for Work as outlined in the rating criteria below. Proposals should be organized to address the following rating criteria in a clear and concise manner. Proposal lengths should be as short as practical and all material included should be germane to the project. All drawings or documentation in support of the proposal must be complete at the time of submittal.
 1. Methodology: Briefly describe the proposed methodology used to complete the Proposal. The descriptions should be clearly expressed and should reflect the major, individual elements of the overall effort set out as tasks to be accomplished. The proposal should be logical, reasonable, and should indicate an understanding of the project.
 2. Schedule and Deliverable Products: A schedule should be included, which represents the consultant's reasoned estimate of the time required for completion of each task. The schedule should be related to the Scope of Work. Deliverable products should be discussed and approximate submission dates included on the schedule.

3. Team Experience: Describe briefly the type of firm or firms comprising the project team and briefly explain areas of technical competence. Give specific examples of only related past projects, annotating those projects that parallel this proposal. Identify and include the resumes for the partners, managers, and supervisors who will work on the project. The satisfactory completion of similar projects of equal size and complexity will be an important element in the proposal's evaluation. Include information on all subcontractors that will be used. The City reserves the right to approve or disapprove the use of any or all subcontractor(s).

PROFESSIONAL QUALIFICATIONS

The Professional Qualifications section should include:

- A brief description of the number, qualifications and types of key personnel who would serve on this Project including employees and subcontractors.
- Identify and furnish resumes of personnel and subcontractors who will serve in key positions for this project. Include specific experience for each person on similar or related projects.
- Billing rates of key personnel in tabular format.
- The location of the home office and the scope of services offered there.
- Any additional information reflecting on the Respondents ability to perform on this Project.

EXPERIENCE AND REFERENCES

The satisfactory completion of similar projects of equal size and complexity will be an important element in the evaluation.

Provide information for (3) projects for which the Respondent has provided services most related to these Projects.

Provide a list of at least (3) references from the above projects that can comment on the firm's professional capabilities and experience. Names, email addresses, and phone numbers of individuals to contact must be included.

NARRATIVE

Briefly describe the methodology the Respondent would use to complete the PCR Project for the City of Unalaska.

Interpretations or clarifications considered necessary by the City of Unalaska in response to such questions will be issued by Addenda. Addenda will be emailed to all registered potential Respondents and also posted on the City of Unalaska website: <http://www.ci.unalaska.ak.us/rfps>

VI. PROPOSAL SUBMISSION REQUIREMENTS

A complete copy of qualifications and proposals must be submitted to the Office of the City Clerk at mveeder@ci.unalaska.ak.us; purchase@ci.unalaska.ak.us by 5:00P.M., 1st day, August. Proposals should be submitted via email. It is the respondent's sole and independent responsibility to timely submit their proposals and respondents assume the risk of delays in delivery of mail or delay or interruption of facsimile transmissions. Note that mail service to Unalaska is regularly delayed due to bad weather. The City may, in its sole discretion, relax or extend the submission deadline if reasonably deemed necessary. All questions or inquiries should be directed to:

Roger Blakely,
Director of Parks, Culture and Recreation
City of Unalaska
P.O. Box 610
Unalaska, AK 99685
rblakely@ci.unalaska.ak.us

Jolene Longo
Operations Manager
City of Unalaska
P.O. Box 610
Unalaska, AK 99685
jlongo@ci.unalaska.ak.us

VII. PROPOSAL EVALUATIONS AND SELECTION PROCESS

The purpose of the Statement of Qualifications is to evaluate each Respondent's capabilities for execution of the Project. Evaluation criteria and weight are as follows.

Major Factor	Weight
1. Professional Qualifications	40
2. Experience & References	30
3. Narrative	30
TOTAL	100

The Evaluation Team will rank each Respondent using a successive integer ranking system for each major factor. An Evaluator Score for each respondent will be calculated.

$100 - ((\text{Ranking1} \times \% \text{Weight1} + \text{Ranking2} \times \% \text{Weight2} + \text{Ranking3} \times \% \text{Weight3}) - 1) \times 5$

The Total Score for each Respondent is an average of all of the Evaluator Scores.

The Proposal Evaluation Score Sheet will be used by the Evaluation Team to score each Proposal
Attachment C.

VIII. OTHER ITEMS

The City reserves the right to reject any or all proposals received, or to negotiate for terms and conditions that may end up substantially different from the initial proposal received.

The selection of a successful proposal shall be at the sole discretion of the City of Unalaska. No proposed agreement between the City and any proposer shall be effective until approved by the City Council of the City of Unalaska and signed by the City Manager or authorized City official.

The City is not liable for any costs incurred by proposers in preparing or submitting proposals.

In submitting a proposal, each proposer acknowledges that the City shall not be liable to any person for any costs incurred therewith or in connection with costs incurred by any proposer in anticipation of City Council action approving or disapproving any agreement without limitation.

Nothing in this request for proposal or in subsequent negotiations creates any vested rights in any person. Payment will be made upon receipt of detailed invoices listing specific activities for which the charge is being made.

Relationship of Parties: The contractor shall perform its obligations hereunder as an independent contractor of the City. The City may administer the contract and monitor the architect firm's compliance with its obligations hereunder. The City shall not supervise or direct the architect firm other than as provided in this section; provided, however, that nothing in this paragraph shall preclude the City from insisting on complete and timely performance of obligations under the contract.

Nondiscrimination: The contractor will not unlawfully discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, marital status, or mental or physical handicap.

The contractor shall state, in all solicitations for employees to work on contract jobs, that all qualified applicants will receive consideration for employment without unlawful discrimination based upon race, color, religion, national origin, ancestry, age, sex, marital status, or mental or physical handicap.

Permits, Laws and Taxes: The contractor shall acquire and maintain in good standing all permits, licenses, and other entitlements necessary to its performance under this contract. All actions taken by the contractor under this contract shall comply with all applicable statutes, ordinances, rules, and regulations. The contractor shall pay all taxes pertaining to its performance under this contract.

Required Insurance: The contractor shall carry and maintain throughout the life of this contract, at its own expense, insurance not less than the amounts and coverage herein specified, and the City, its employees, agents, and officials, both elected and appointed, shall be named as additional insured under the insurance coverage so specified and where allowed with respect to the performance of the work. There shall be no right of subrogation against the City or its agents performing work in connection with the work, and this waiver of subrogation shall be endorsed upon the policies. Insurance shall be placed with companies acceptable to the City; and these policies providing coverage thereunder shall contain provisions that no cancellation or material changes in the policy relative to this project shall become effective except upon 30 days prior written notice thereof to the City.

Prior to commencement of the work, the contractor shall furnish certificates to the City, in duplicate, evidencing that the Insurance policy provisions required hereunder are in force. Acceptance by the City of deficient evidence does not constitute a waiver of contract requirements.

The contractor shall furnish the City with certified copies of policies upon request. The minimum coverages and limits required are as follows:

Workers' Compensation insurance in accordance with the statutory coverages required by the State of Alaska and Employers Liability insurance with limits not less than \$1,000,000 and, where applicable, insurance in compliance with any other statutory obligations, whether State or Federal, pertaining to the compensation of injured employees assigned to the work, including but not limited to Voluntary Compensation, Federal Longshoremen and Harbor Workers Act, Maritime and the Outer Continental Shelf's Land Act.

Commercial General Liability with limits not less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for Bodily Injury and Property Damage, including coverage for Premises and Operations Liability, Products and Completed Operations

Liability, Contractual Liability, Broad Form Property Damage Liability, and Personal Injury Liability.

Commercial Automobile Liability on all owned, non-owned, hired, and rented vehicles with limits of liability of not less than \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage per each accident or loss.

Umbrella/Excess Liability insurance coverage of not less than \$1,000,000 per occurrence and annual aggregate providing coverage in excess of General Liability, Auto Liability, and Employers Liability.

If work involves use of aircraft, Aircraft Liability insurance covering all owned and non-owned aircraft with a per occurrence limit of not less than \$1,000,000.

If work involves use of watercraft, Protection and Indemnity insurance with limits not less than \$1,000,000 per occurrence.

Professional Liability insurance with limits of not less than \$1,000,000 per claim and \$1,000,000 aggregate, subject to a maximum deductible \$10,000 per claim. The City has the right to negotiate increases of deductibles subject to acceptable financial information of the policyholder.

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as

respects the City, its officers, officials, employees, and volunteers; or the contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expense.

All insurance policies as described above are required to be written on an "occurrence" basis. In the event occurrence coverage is not available, the contractor agrees to maintain "claims made" coverage for a minimum of two years after project completion.

If the contractor employs subcontractors to perform any work hereunder, the contractor agrees to require such subcontractors to obtain, carry, maintain, and keep in force during the time in which they are engaged in performing any work hereunder, policies of insurance which comply with the requirements as set forth in this section and to furnish copies thereof to the City. This requirement is applicable to subcontractors of any tier.

Attachment A – References

Please attach your references labeled as “Attachment A” here

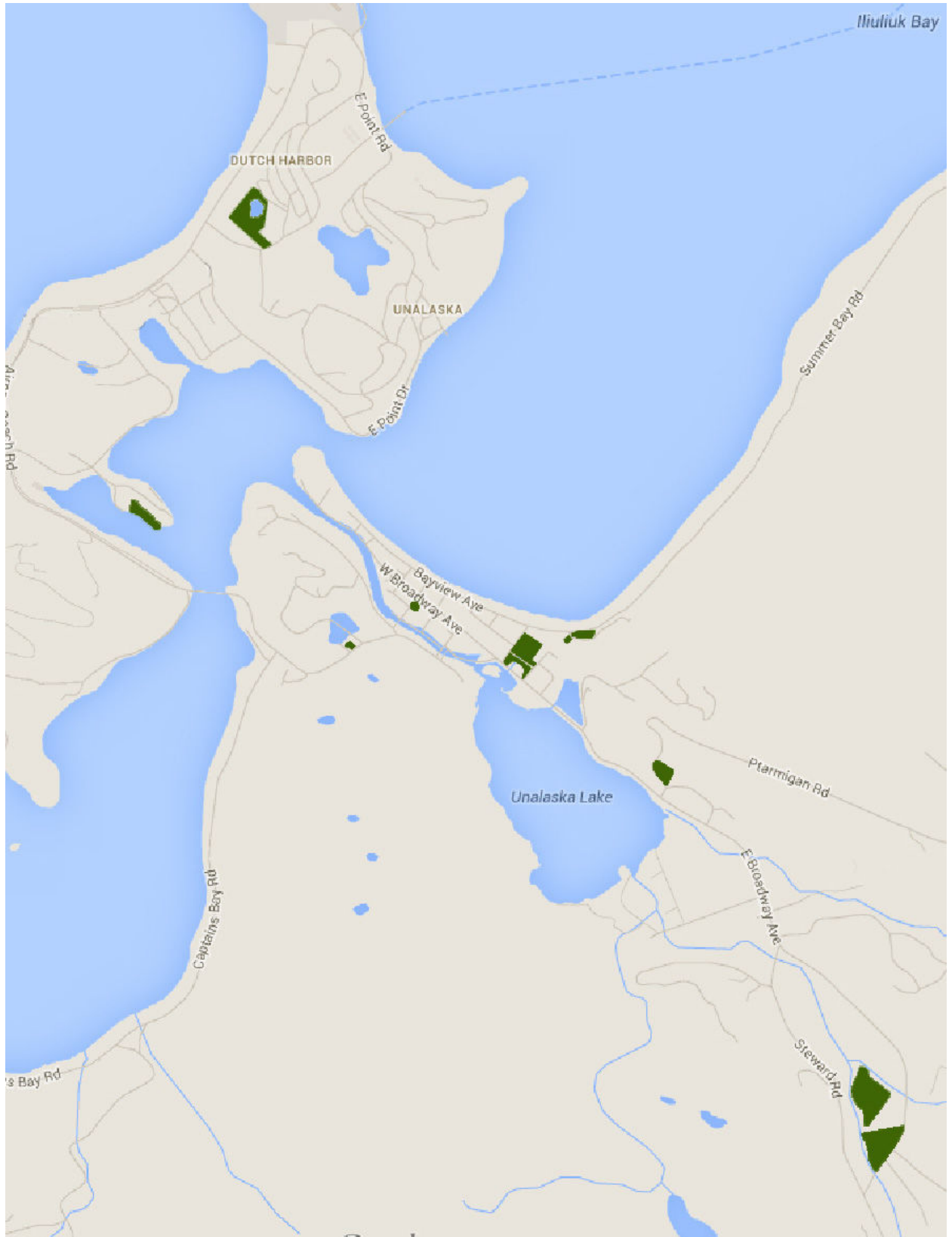
Attachment B - DRAFT Consulting Services Agreement

(we need to attach the draft)

Attachment C - Evaluation Score Sheet

Proposal Evaluation												
[PROJECT NAME]												
						For each Technical Attribute rank each Respondent starting with 1,2,3,4,5 and 6 and so forth. 1 is best, 2 is next best, 3 is third best, etc.. Do not skip or repeat numbers.						
		Weight	%	A	B	C	D					
Professional Qualifications		40	40.0%									
Experiences and References		30	30.0%									
Narrative		30	30.0%									
						Do not edit. The below calculates the rankings you entered above as a percentage. Each successive rank is a difference of 5%.						
		Weight	%	A	B	C	D					
Professional Qualifications		40	40.0%									
Experiences and References		30	30.0%									
Narrative		30	30.0%									
Total Weight		100	100.0%									
Ranking												
I certify that I have no conflicts of interest and that I have strictly adhered to the procedures described in the Request for Qualifications.												
Evaluator Signature:												
Date:												

Attachment – D



Consultant 1 Evaluation Matrix -Berry Dunn

			Weight %	Score 1	Score 2	Score 3	Score 4	Score 5	Average Score	Total Points+ (numerical score x weight)
Professional Qualifications			15	10	10	10	10	10	10	1.5
Experiences and References			15	10	10	10	10	10	10	1.5
Narrative			20	9	10	10	9	9	9.4	1.88
Deliverables and Creativity			40	10	10	10	8	9	9.4	3.76
Price			10	7	6	5	7	7	6.4	0.64
Total Weight Score			100							92.8

Consultant 2 Evaluation Matrix -110% Inc.

			Weight %	Score 1	Score 2	Score 3	Score 4	Score 5	Average Score	Total Points+ (numerical score x weight)
Professional Qualifications			15	10	8	6	10	10	8.8	1.32
Experiences and References			15	10	8	6	9	9	8.4	1.26
Narrative			20	8	7	8	9	7	7.8	1.56
Deliverables and Creativity			40	7	6	8	7	8	7.2	2.88
Price			10	9	10	10	10	9	9.6	0.96
Total Weight Score			100							79.8

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2023-46

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT EXTENSION WITH OPTIMERA HOLDINGS, INC. FOR ELECTRIC LINEMAN SERVICES

WHEREAS, the City of Unalaska Line Crew has been reduced to one employee due to resignations and inability to recruit new employees in a very tight labor market; and

WHEREAS, the remaining employee is an Apprentice who requires continuous supervision by a Journeyman Lineman per the City's Standards of Apprenticeship; and

WHEREAS, in September, 2022 the City of Unalaska approved Resolution 2022-40 authorizing the City Manager to enter into an agreement with OptimERA Holdings, Inc., formerly OptimERA, Inc., to provide supervision, outage recovery, and all aspects of repairs and maintenance of the electrical distribution system at a cost not to exceed \$1,006,200; and

WHEREAS, the 2022 agreement expired in October, 2023 and this extension is proposed for one additional year at a cost not to exceed \$1,514,164; and

WHEREAS, the City needs OptimERA's electrical related services to maintain electrical service to the community and to provide it additional time to prepares a strategy for rebuilding its linemen program; and

WHEREAS, the City intends to issue a request for proposals (RFP) seeking these services in about April, 2024 for intervals ranging three to five years.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council approves a continued contract relationship between the City of Unalaska and OptimERA Holdings, Inc. as presented; agrees to fund the one-year agreement from Line Repair & Maintenance Operating Funds not to exceed 1,514,164; and authorizes the City Manager to sign the attached contract amendment on behalf of the City of Unalaska.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 28, 2023.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Estkarlen P. Magdaong
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: William Homka, City Manager
Date: November 28, 2023
Re: Resolution 2023-46: Authorizing the City Manager to enter into an agreement extension with OptimERA Holdings Inc. for Electric Lineman Services

SUMMARY: OptimERA Inc. first supplemented the City of Unalaska Line Crew in February, 2022, when Acting Lineman Chief Davlin Hall left on a 30-day vacation. Mr. Hall resigned in August, 2022 and the City needed to staff the position with qualified services to maintain the island's electric service. In October, 2022 Council adopted Resolution 2022-40 authorizing the City Manager to enter into an agreement with OptimERA for a period of one year or until such time the City hires a Utility Lineman Chief and at least one Utility Linemen to supplement the existing Lineman Apprentice. The one year expired in October, 2023 and the City Manager seeks approval to extend the contract period one year at a cost of \$1,514,164.

PREVIOUS COUNCIL ACTION: Resolution 2022-40 authorized the City Manager to enter into an agreement with OptimERA. Resolution 2022-25 authorized the City Manager to sign the negotiated Collective Bargaining Agreement (CBA) between the City of Unalaska and Public Works and Public Utilities Employees IUOE, Local 302.

BACKGROUND: Employee attrition in the Line Crew combined with unsuccessful recruitment has resulted in just an Apprentice remaining in the division. Starting in August, 2019, the Department of Public Utilities began losing Line Crew. By 2022 four linemen resigned and the vacancies were never filled. When the last lineman left in August, 2022 the City had no resources available internally to maintain the electric distribution system.

In February, 2022 the City learned it can supplement the Line Crew when necessary to maintain essential operations. We hired OptimERA to cover the Line Chief's vacation and provide continuous journeyman supervision of the apprentice per the City's Standards of Apprenticeship developed together with the U.S. Department of Labor. Additionally, the contract included On-Call/Standby to provide 24-hour coverage on outage recovery.

In May, 2022 the lineman resigned so the City again retained OptimERA to staff the Line Crew division and oversee the apprentice. The pricing increased significantly as any work exceeding \$25,000 had to comply with Laborers' and Mechanics' Minimum Rates of Pay as required by Title 36 AS 36.05 & AS 36.10 published by the Alaska Department of Labor. The contract was paid by transferring funds within the Line Repair & Maintenance Division FY22 Budget Salaries & Wages to Other Professional Services.

DISCUSSION: Over the past few months the City has been successful in filling many vacant positions. However, we have had no success in filling the Line Crew positions. The OptimERA contract provides the required services and assists the Department of Public Utilities with maintaining the electric distribution system. Two of OptimERA's employees are former City linemen employees.

Discussions to negotiate a new contract were initiated in August, 2022. At that time Matt Scott presented the City administration with OptimERA's request for a five-year contract period. OptimERA is having difficulty filling the positions due to the short contract period because most many do not want to travel so far to work for just 12 months or less. A longer contract term would widen the pool of candidates.

In response to OptimERA's five-year proposal, the City Manager proposed to extend the one-year contract that expired in October. We are on a month to month basis per that contract. The City desires to acquire Line Men services through the public bidding process. The 2022 contract was sole sourced due to the short notice caused from the Line Men resignation in August, 2022. We have not completed an assessment necessary to form a City rebuild plan for the Line Crew division.

The proposed contract price has increased \$508,564, from \$1,006,200 to \$1,514,165. The increased costs are associated with travel and housing for the employees as well as anticipated wage increases. OptimERA has experienced difficulty sourcing coverage for some of the same reasons the City experiences in recruiting, including the remote location and the weather. Other factors identified per OptimERA include:

- Filling positions has been difficult nationally, statewide, and particularly locally.
- Full staffing was achieved for only 1.5 months.
- Efforts to introduce rotational schedules increased administrative overheads.
- Short employment term creates doubt with potential candidates.

The City would like the one-year extension to allow more time to prepare an analysis of factors we need to overcome in order to rebuild its Line Crew. The results should help plan a strategy to lead us out of this situation. Information from the plan will assist our future recruiting efforts. The City will issue a Request for Proposals for three (3) and five (5) year terms to continue supplementing the Line Men division with external, professional services. During that time the City intends to rebuild the Line Man division.

ALTERNATIVE:

1. The City could disband the Line Crew Division and engage in long term contracting to deliver power distribution services to Unalaska. This is not recommended due to mandatory PERS contributions on behalf of the displaced employees.

FINANCIAL IMPLICATIONS: A fully staffed Line Crew Division under the new 302 Contract requires approximately \$1 million in annual funding. This contract extension will cost \$1,514,164.

LEGAL: Contract and Extension have been reviewed by the City Attorney.

STAFF RECOMMENDATION: Staff recommends Council pass and adopt Resolution 2023-46, authorizing the City Manager to enter into an agreement extension with OptimERA, Inc. for continued electric lineman services.

PROPOSED MOTION: I move to adopt Resolution 2023-46.

CITY MANAGER COMMENTS: I request approval of this resolution.

ATTACHMENTS:

Proposed Contract

OptimERA's Proposal

SECOND AMENDMENT TO
JOURNEYMAN LINEMAN/CHIEF CONSTRUCTION ASSISTANCE AGREEMENT

This Second Amendment to Journeyman Lineman/Chief Construction Assistance Agreement amends DOL contract # 22-05-60304A, **JOURNEYMAN LINEMAN CHIEF CONSTRUCTION ASSISTANCE AGREEMENT (“Contract”)** signed on 05/04/2022 and Amended on 09/15/2022, attached for reference, between the City of Unalaska (“Utility” or “City”) and OptimERA Holdings, Inc. (“Contractor”). This Amendment shall become effective on the last date signed below (“Effective Date”).

I. Amendment to Article 1. Article 1 of the Contract is hereby amended to read as follows:

1. Services to be performed.

- A. Subject to the terms of the Contract, Contractor shall provide its best efforts to provide Utility with supplement staffing necessary to maintain a total of **four (4)** full-time Linemen (*i.e.*, the total of full-time Contracted Linemen provided by Contractor in addition to Utility’s employee Lineman or Linemen or apprentices shall not exceed a total of four). Contractor may provide multiple part-time Contracted Linemen to equal a full-time lineman.
- B. Additional Contact employees may be added by addendum at any time during the Term, at the contract rate, either for the Term or for a negotiated period at the time of addition.
- C. Full-time is defined as forty (40) hours a week for each Contracted Lineman. Overtime must be approved and directed by Utility.
- D. Except as otherwise required by context, “Lineman” and “Linemen” shall include Line Chief, Lineman, and/or Apprentices.
- E. For all services performed under this Contract, Contractor shall comply with Laborers’ and Mechanics’ Minimum Rates of Pay as required by Title 36 AS 36.05 & AS 36.10 published by the Alaska Department of Labor.

II. Amendment to Article 2. Article 2 of the Contract is hereby amended to read as follows:

2. Compensation.

- A. *Fees.* In consideration for the services to be performed by Contractor, City agrees to pay Contractor hourly wages based on the attached rate sheet, Appendix A, with hourly charges determined by the actual hours Contractor’s Linemen perform work for Utility:

1. Applicable Hourly wages per attached Rate Sheet Appendix A “2023 Rate Sheet – OptimERA xG”

2. On-Call work-\$950.00/week, per Lineman
3. Call-Outs shall incur charges for a minimum of two hours or actual hours worked, whichever is greater.
4. Certified payroll Fees - \$800.00/week
5. DOL Project Filing Fees – *N/A*
6. Travel – Expenses for rotational employees shall not exceed an average monthly cost of \$7,050/mo. per rotational position.
 - (i) Expenses shall be reimbursed at actual value.
 - (ii) Receipts shall be provided upon request.
 - (iii) Reimbursement shall include costs related to travel, hotels, per diem, utilities and other expenses directly related to the employment of rotation contract employees.
7. ***Consulting and Technical Service***
 - (i) ***Power and Utility Consulting and Technical Assistance – \$225/hr (~3 months or 480 hours) - \$110,000***
 - (ii) ~~***Electrical Technician—40/week @ \$150/hr for 48 Weeks Annually—\$290,000***~~
8. DOL Mandated Wage Increases – DOL wages may be adjusted, as applicable during the term of the contract to fulfill the mandatory wage adjustments per, Title 36 AS 36.05 & AS 36.10. Rates shall not be adjusted greater than the price difference of the current wage and new wage mandated by Title 36.
9. Total Compensation.
 - (i) The total compensation paid to Contractor annually under this Agreement shall not exceed ***\$1,514,164.***

III. Article 6. Article 6 of the Contract is hereby amended to read as follows:

6. Termination and Reduction of Linemen Due to Utility Staffing.

The City of Unalaska may proceed with staffing and onboarding of new employees during the Term of this Contract. At no time shall a mandatory reduction in staffing, by the contractor, be required during the Term of the Contract.

~~Restaffing, by the Contractor, to fulfill the contract staffing levels, including Utility Employees shall be ongoing, as per the Contract Term.~~

~~A. City of Unalaska will continue to proceed with staffing and onboarding of new employees during the Term of this Contract which shall be one (1) year from the Effective Date of this Second Amendment (“Contract Term”).~~

~~B. During the Contract Term, any redundancy in staffing between Contractor provided staffing and Utility provided staffing shall be reduced, by the Contractor.~~

- ~~C. Reduction in staffing shall commence starting from the first (1st) day of work of the Utility employee, terminating twenty four (24) weeks thereafter or the last day of the month in which the twenty fourth (24th) week falls, whichever is later.~~
- ~~D. Any staffing reduction process shall finalize with Termination of the Contract or continue with any adopted extensions to the Contract Term, maintaining the original start date. Restaffing by the Contractor to accommodate contract staffing levels shall be ongoing for the Contract Term to fill all open positions.~~

IV. **Amendment to Article 9.** Article 9 of the Contract is hereby amended to read as follows:

9. Contractor Staffing Qualifications & Restrictions.

A. Line Chief

1. Maximum of one (1) full-time position
2. Must hold a current Journeyman Certificate of Fitness in the State of Alaska
3. Minimum 3 years supervisor role
4. Experience may be supplemented by practical experience of the local distribution system and applicable higher education.

B. Lineman

1. Maximum of ~~four~~ (4) full-time positions, including Utility Staffing
2. Must hold a current Journeyman Certificate of Fitness in the State of Alaska.
3. Experience with install and maintenance of municipal distribution systems

C. Apprentices

1. Available Linemen and apprenticeship program(s) shall dictate allowable apprentice staffing levels
2. Minimum Journeyman Apprentice ratio of 1:1 shall apply for all Apprentices
3. Must hold a current Apprentice Certificate of Fitness in the State of Alaska
4. Apprentice must maintain in good program standing, as dictated by program administrators

- D. Contractor shall ensure that Contractor's Linemen comply with applicable City policies and procedures while such persons are performing services under this Contract.

V. Amendment to Article 10. Article 10 of the Contract is hereby amended to read as follows:

10. Work Week/Hours.

- A. *Work Week.* The work week shall begin on Monday of each week through Sunday the same week.
- B. *Normal Work Hours.* Normal Work Hours are defined as Monday through Friday, 8:00 AM through 5:00 PM, not including holidays or approved leave.
- C. *Call-Out & On-Call.* Work performed outside of Normal Work Hours shall be classified as Call-Out and/or On-Call work, charged accordingly and subject to the following:
 - 1. On-Call status shall be requested no later than 48 hours before the start of the work week, for a period no less than 1 week, defined as 7 consecutive days, including holidays, starting on the Monday of the work week.
 - 2. On-Call availability is not guaranteed until requested and approved by both the Utility and Contractor.
 - 3. Call-Outs are defined as unscheduled work outside of Normal Work Hours that is not covered by On-Call status.
 - 4. Call-Out requests shall be made by Utility's POC to Contractor's POC, ***with exception during an emergency outage or to restore services to normal operation.***
- D. *Leave.* Holidays, sick leave, vacation, and other time off shall be in accordance with the policies of the Lineman's employer. The POCs shall communicate all known Lineman requests for leave and time off at their soonest convenience, including requests prior to approval, sick leave, and emergency leaves of absence.
- E. *Overtime.* Overtime shall be approved by both parties, at their discretion, prior to work being performed with such approval acknowledged by both parties by written exchange, (e-mail) prior to work being performed.
- F. Any discrepancies on hours, clarification of rates, the State of Alaska DOL rules and Regulations as required by Title 36 AS 36.05 & AS 36.10 shall take precedent.

VI. Amendment to Article 11. Article 11 of the Contract is hereby amended to read as follows:

11. Procurement and Approval Procedures.

Contracted Linemen shall not act as agents of City for any approval or procurement process, ***outside of the normal scope and job description for the position in which they are fulfilling,*** including but not limited to:

- A. Request or approval of LPOs (Local Purchase Orders);

- B. Requests for procurement of services or materials and/or approval of requisition in process;
- C. Direct ordering of supplies or materials; or
- D. Approval of any City permits, applications, or other documents requiring City authority.

Addition of Article 17. Article 17 of the Contract is hereby added to read as follows:

17. Term and Renewal

The Term of the Contract shall begin on the Effective Date and extend for 12 months thereafter. Upon expiration of the current Term the contract shall remain in effect on a month-to-month basis, until an amended contract is put into place, or either party terminates their participation in the contract. Notice to terminate, after the initial 12-month term, shall be given no less than one month in advance for termination of the contract by either party. Additional billables shall be in addition to the Total Compensation of the Current Term and at the rates of the Current Term.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment on the dates below written.

OptimERA Holdings, Inc.

City of Unalaska, Alaska

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

To: City of Unalaska, City Manager
Date 8/10/2023
Re: Second amendment to Electrical Support Contract # 22-05-60304A

PROPOSAL

2023 CITY OF UNALASKA ELECTRICAL UTILITY SUPPORT CONTRACT

1. BACKGROUND:

Over the past 18 months, we've worked with the City of Unalaska Utility to provide emergency and supplemental staffing for the Electric Line Department. Our current 12-month contract aimed to offer two additional line positions. However, we've faced significant challenges:

- Filling positions has been difficult nationally, statewide, and particularly locally.
- Full staffing was achieved for only 1.5 months.
- Efforts to introduce rotational schedules increased administrative overheads.
- Uncertainty of employment term created doubt with potential labor pool.

2. PREVIOUS AGREEMENT:

We initially provided emergency staffing with the understanding this was a short-term solution. We hoped to phase out as the Utility hired directly. This has yet to materialize, leading to operational inefficiencies in staffing. Currently though our spending still remains below budget (\$685,934 of a \$1,006,000 allocation).

3. CURRENT CHALLENGES:

- Short contract term and fluctuating staffing levels complicate recruitment.
- Too much time is spent hiring, detracting from project execution.
- The uncertainty affects operational efficiency.

4. NEW PROPOSAL:

Based on our experiences, we propose the following changes to the contract:

- **Extended Term:** Move beyond a 12-month contract to a 5-year term.
- **Increased Staffing:** Raise line positions from 3 to 4, eliminating mandatory staff reductions.
- **Additional Roles:** Include staffing for the Electrical Technician position.
- **General Support & Consulting:** Offer broad support as needed and consulting for ongoing Utility projects.

5. FINANCIALS:

The proposed changes lead to:

- A prospective staffing increase of 112%.
- An annual budget increase of ~78%.
- A more significant labor pool will reduce recruitment effort and improve overall effectiveness.
- We offer labor rate discounts of 3-6% for lineman positions beyond the first hire.

6. CONCLUSION:

A longer, more stable contract term is critical for recruiting and retaining quality staff. This proposed contract provides the stability needed to optimize recruitment efforts, enhance operational efficiency, and better serve the City of Unalaska. With the utility's long-term goals focused on build up for the integration and distribution of generation from the geo-thermal development project at Makushin, this term will allow focus on creating a stable support platform for the construction leading up to, during and after the project operational date.

Thank you for your time and consideration of the proposed contract.

Matthew M Scott
Chief Operations Officer, EA #132367
OptimERA xG

Annual Budget Overview

	<u>Line Item</u>	<u>QTY</u>	<u>Unit Rate</u>	<u>Budget</u>	<u>Description</u>
NEW	Consulting/Tech Services	1	\$ 225.00	\$ 108,000.00	Approx 480 Hours, NTE extend by addendum only
NEW	Engineer Technician	1	\$ 150.00	\$ 288,000.00	Approx 48 weeks @ 40hr/WK NTE extend by addendum only
No Change from 2022	Line chief	1	\$ 240.00	\$ 460,800.00	Annual Budget 48 weeks @ 40hr/WK
+ one from 2022	Lineman	2	\$ 195.00	\$ 748,800.00	Annual Budget 48 weeks @ 40hr/WK
No Change from 2022	ON-call	1	\$ 950.00	\$ 49,400.00	Annual Budget - On Call Service (optional)
No Change from 2022	Cert-Payroll	1	\$ 800.00	\$ 41,600.00	Annual Budget - Fixed cost Admin Fee
No Change from 2022	Travel/mo.	1	\$ 7,050.00	\$ 84,600.00	Annual Budget - NTE Billed at Actual Receipts

<u>Line Staffing Budget</u>	
\$1,385,200.00	Base Proposed 2023 Line Staffing Cost
\$ 78,036.00	Full Staffing discount 4 full position 6%
\$ 39,018.00	Partial Staffing discount 3 full positions 3%

<u>2022 to 2023 proposed comparison</u>	
\$1,391,764.00	Estimated Line expense
\$ 685,939.14	Actual to date 2022 Line Expense
\$1,006,200.00	2022 Budget

<u>Total Proposed Budget with additional consulting and staffing</u>	
\$1,787,764.00	Estimated Total Support
\$ 781,564.00	Increase from 2022 Budget
78%	% increase from 2022 Budget

SECOND AMENDMENT TO
JOURNEYMAN LINEMAN/CHIEF CONSTRUCTION ASSISTANCE AGREEMENT

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- B. Additional Contact employees may be added by addendum at any time during the Term, at the contract rate, either for the Term or for a negotiated period at the time of addition.
- C. Full-time is defined as forty (40) hours a week for each Contracted Lineman. Overtime must be approved and directed by Utility.
- D. Except as otherwise required by context, “Lineman” and “Linemen” shall include Line Chief, Lineman, and/or Apprentices.
- E. For all services performed under this Contract, Contractor shall comply with Laborers’ and Mechanics’ Minimum Rates of Pay as required by Title 36 AS 36.05 & AS 36.10 published by the Alaska Department of Labor.

II. Amendment to Article 2. Article 2 of the Contract is hereby amended to read as follows:

2. Compensation.

- A, *Fees.* In consideration for the services to be performed by Contractor, City agrees to pay Contractor hourly wages based on the attached rate sheet, Appendix A, with hourly charges determined by the actual hours Contractor’s Linemen perform work for Utility:

1. Applicable Hourly wages per attached Rate Sheet Appendix A “2023 Rate Sheet – OptimERA xG”

2. On-Call work-\$950.00/week, per Lineman
3. Call-Outs shall incur charges for a minimum of two hours or actual hours worked, whichever is greater.
4. Certified payroll Fees - \$800.00/week
5. DOL Project Filing Fees – *N/A*
6. Travel – Expenses for rotational employees shall not exceed an average monthly cost of \$7,050/mo. per rotational position.
 - (i) Expenses shall be reimbursed at actual value.
 - (ii) Receipts shall be provided upon request.
 - (iii) Reimbursement shall include costs related to travel, hotels, per diem, utilities and other expenses directly related to the employment of rotation contract employees.
7. ***Consulting and Technical Service***
 - (i) ***Power and Utility Consulting and Technical Assistance – \$225/hr (~3 months or 480 hours) - \$110,000***
 - (ii) ***Electrical Technician – 40/week @ \$150/hr for 48 Weeks Annually - \$290,000***
8. DOL Mandated Wage Increases – DOL wages may be adjusted, as applicable during the term of the contract to fulfill the mandatory wage adjustments per, Title 36 AS 36.05 & AS 36.10. Rates shall not be adjusted greater than the price difference of the current wage and new wage mandated by Title 36.
9. Total Compensation.
 - (i) The total compensation paid to Contractor annually under this Agreement shall not exceed ***\$1,787,764.***

III. Article 6. Article 6 of the Contract is hereby amended to read as follows:

6. Termination and Reduction of Linemen Due to Utility Staffing.

City of Unalaska may continue to proceed with staffing and onboarding of new employees during the Term of this Contract. At no time shall a mandatory reduction in staffing, by the contractor, be required during the Term of the Contract.

Restaffing, by the Contractor, to fulfill the contract staffing levels, including Utility Employees shall be ongoing, as per the Contract Term.

IV. Amendment to Article 9. Article 9 of the Contract is hereby amended to read as follows:

9. Contractor Staffing Qualifications & Restrictions.

A. Line Chief

1. Maximum of one (1) full-time position
2. Must hold a current Journeyman Certificate of Fitness in the State of Alaska
3. Minimum 3 years supervisor role
4. Experience may be supplemented by practical experience of the local distribution system and applicable higher education.

B. Lineman

1. Maximum of **four (4)** full-time positions, including Utility Staffing
2. Must hold a current Journeyman Certificate of Fitness in the State of Alaska.
3. Experience with install and maintenance of municipal distribution systems

C. Apprentices

1. Available Linemen and apprenticeship program(s) shall dictate allowable apprentice staffing levels
2. Minimum Journeyman Apprentice ratio of 1:1 shall apply for all Apprentices
3. Must hold a current Apprentice Certificate of Fitness in the State of Alaska
4. Apprentice must maintain in good program standing, as dictated by program administrators

- D. Contractor shall ensure that Contractor's Linemen comply with applicable City policies and procedures while such persons are performing services under this Contract.*

V. Amendment to Article 10. Article 10 of the Contract is hereby amended to read as follows:

10. Work Week/Hours.

- A. Work Week.* The work week shall begin on Monday of each week through Sunday the same week.
- B. Normal Work Hours.* Normal Work Hours are defined as Monday through Friday, 8:00 AM through 5:00 PM, not including holidays or approved leave.
- C. Call-Out & On-Call.* Work performed outside of Normal Work Hours shall be classified as Call-Out and/or On-Call work, charged accordingly and subject to the following:

1. On-Call status shall be requested no later than 48 hours before the start of the work week, for a period no less than 1 week, defined as 7 consecutive days, including holidays, starting on the Monday of the work week.
 2. On-Call availability is not guaranteed until requested and approved by both the Utility and Contractor.
 3. Call-Outs are defined as unscheduled work outside of Normal Work Hours that is not covered by On-Call status.
 4. Call-Out requests shall be made by Utility's POC to Contractor's POC, *with exception during an emergency outage or to restore services to normal operation.*
- D. *Leave.* Holidays, sick leave, vacation, and other time off shall be in accordance with the policies of the Lineman's employer. The POCs shall communicate all known Lineman requests for leave and time off at their soonest convenience, including requests prior to approval, sick leave, and emergency leaves of absence.
- E. *Overtime.* Overtime shall be approved by both parties, at their discretion, prior to work being performed with such approval acknowledged by both parties by written exchange, (e-mail) prior to work being performed.
- F. Any discrepancies on hours, clarification of rates, the State of Alaska DOL rules and Regulations as required by Title 36 AS 36.05 & AS 36.10 shall take precedent.

VI. Amendment to Article 11. Article 11 of the Contract is hereby amended to read as follows:

11. Procurement and Approval Procedures.

Contracted Linemen shall not act as agents of City for any approval or procurement process, *outside of the normal scope and job description for the position in which they are fulfilling*, including but not limited to:

- A. Request or approval of LPOs (Local Purchase Orders);
- B. Requests for procurement of services or materials and/or approval of requisition in process;
- C. Direct ordering of supplies or materials; or
- D. Approval of any City permits, applications, or other documents requiring City authority.

VII. Article 12.

12. Chain of Command.

- A. All normal day-to-day work direction and scheduling shall be at the direction of the City's POC or on-site designee.

- B. Notice of POC change shall be given no less than forty-eight (48) hours in advance of a change, under normal circumstances, excluding unforeseen staffing changes.
- C. POC's shall be named at the time of adoption of this Amendment and changed as required from time to time, via e-mail and acknowledged by both parties.
- D. At no time shall either party request direction or give direction outside of these channels.
- E. This does not include discussions or direction regarding individual contract employee(s), Human Resource Discussions, Wage, Invoicing and/or other contractual obligations outside of normal day to day operations.
- F. Point of Contact ("POC"):

For Utility:

For Contractor:

Title: _____

Title: _____

Name: _____

Name: _____

VIII. Article 13.

13. Contract Employee Approval

The City has the right to review and disallow contract employees who are not eligible, with cause, in alignment with current policies and procedures in place.

IX. Article 14.

14. Non-solicitation.

- A. During the term of the Contract and for a period extending for one (1) year thereafter, the City shall not encourage or solicit any employee, vendor or client of Contractor to leave or terminate their relationship with Contractor. This section shall not prohibit any Contractor employee from applying to any publicly noticed opening with City nor prohibit City from hiring such person; provided, however, that The City shall not satisfy any of its obligations under this Agreement with services performed or offered to be performed by a Lineman who was a Contractor employee at any time during the term of this Agreement.
- B. During the term of the Contract and for a period extending for one (1) year thereafter, Contractor shall not encourage or solicit any City employees to leave or terminate their relationship with the City. This section shall not prohibit any City employee from applying to any publicly noticed opening with Contractor nor prohibit Contractor from hiring such person; provided, however, that Contractor shall not satisfy any of its obligations under this Agreement with services performed or offered to be performed by a Lineman who was a City employee at any time during the term of this Agreement.

X. Article 15.

15. Access to City Facilities.

- A. City shall provide access to City equipment, facilities and systems to allow for the successful implementations of work as directed by the City POC, including but not limited to, keys, access badges, ACAD, ArcGIS, shared network folders or file structures and buildings during normal and unscheduled times, as needed to perform day to day tasks as directed.
- B. Other than is authorized for all members of the public, Contractor’s employees shall not use City premises or property for any purpose other than those to furnish the Services.

XI. Article 16.

16. Relationship.

The City and Contractor are and shall be independent contractors in their relationship with each other and neither is nor shall be considered an agent or legal representative of the other for any purpose whatsoever, nor shall the employee of one be considered an employee of the other.

XII. Addition of Article 17. Article 17 of the Contract is hereby added to read as follows:

17. Term and renewal

The Term of the Contract shall begin on the last date signed below and extend for 5 years thereafter. Upon expiration of the current Term the contract shall remain in effect under the current terms on a month-to-month basis, until an amended contract is put into place, or either party terminates their participation in the contract. Notice shall be given no less than one month in advance for termination of the contract by either party. The contract shall terminate on the date specified in the written notice, no earlier than 30 days from the date of notice. Termination of the contract, without cause or due to a breach of the terms of the contract shall constitute a financial responsibility of The Utility to compensate for the remainder of the contract term at the current contract levels being delivered at the time of contract termination.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment on the dates below written.

OptimERA Holdings, Inc.

City of Unalaska, Alaska

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2023-47

A RESOLUTION OF THE UNALASKA CITY COUNCIL ADOPTING PRIORITY RANKINGS FOR THE FY25 - FY34 CAPITAL AND MAJOR MAINTENANCE PLAN PROCESS GUIDE

WHEREAS, the purpose of the Capital and Major Maintenance Plan (CMMP) is to formalize the process of identifying and completing capital projects and major maintenance projects; and

WHEREAS, the CMMP Process Guide has eight (8) priority areas that serve as a tool to help City staff review, analyze and assign values to projects based on direction from City Council to effectively address the City's needs; and

WHEREAS, the eight (8) priority areas are: Plans/Comprehensive Plan; Regulatory Compliance; Infrastructure/Public Safety; Quality of Life/Health and Wellness; Impact on Operational Budget; External Funding; Timing/Location; and Innovation; and

WHEREAS, on November 7, 2023 the City Council was invited to individually rank the eight (8) priority areas and submit them to the Planning Department for summary analysis; and

WHEREAS, the Planning Department entered the values into a matrix to produce the priority weights for this year's CMMP Process Guide. In order of priority, they are:

1. Regulatory Compliance, Impact on Operational Budget, and External Funding
2. Infrastructure/Public Safety, Plans/Comprehensive Plan, and Quality of Life/Health and Wellness
3. Timing/Location, and Innovation

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council approves and adopts the above priority rankings for this year's CMMP Process Guide.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 28, 2023.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Estkarlen P. Magdaong
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Cameron Dean, Planning Director
Through: William Homka, City Manager
Date: November 28, 2023
Re: Resolution 2023-47: Adopting priority rankings for the FY25 - FY34 Capital and Major Maintenance Plan Process Guide

SUMMARY: This memorandum is supplemental to the last City Council work session regarding the Capital and Major Maintenance Plan (CMMP) Process Guide, which proposes a schedule of deadlines and meeting dates involving the CMMP and its preparation and adoption. In addition to the schedule, the guide also maintains eight (8) project categories for evaluating and ranking projects according to city priorities as well as an incentive for planning out 10 years in advance. Planning has also added point values to the Process Guide that reward projects that address Federal and State priorities and focus areas which the Council establishes annually. This year we are presenting the resulting priorities to City Council for adoption via Resolution 2023-47.

PREVIOUS COUNCIL ACTION: City Council reviews the 10 year CMMP annually each winter and typically adopts it in April. In 2020 the Planning Department introduced the ranking exercise to City Council to provide each council member the opportunity to weight each criterion. At the last City Council meeting, Staff briefed the City Council on this year's changes and introduced this year's ranking exercise.

BACKGROUND: Title 6 of the Unalaska City Code requires the City Manager to submit a five-year capital improvement plan and budget of the proposed projects each year in conjunction with the City's operating budget. Each year, the City Council adopts this plan, called the Capital and Major Maintenance Plan (CMMP), to help identify needs and set spending priorities for the coming five-year period. This is the fourth year Unalaska will prepare a 10 year CMMP. All prior plans were only for five (5) year periods.

DISCUSSION: Following the November 7 City Council meeting, the Planning Department received ranking sheets from the Mayor and Council Members. The sheets were aggregated into a single document and the ranking categories scored as an average across Council Members and the Mayor. The results are displayed in **Figure 1: City Council's CMMP priorities**. The worksheet is attached as Exhibit 1.

Figure 1: CITY COUNCIL CMMP PRIORITIES

Category	Mode	Average	Priority
Plans/Comprehensive Plan	2	1.7	2
Regulatory Compliance	1	1.1	1
Infrastructure/Public Safety	2	2.0	2
Quality of Life/Health and Wellness	2	2.1	2
Impact on Operational Budget	1	1.3	1
External Funding	1	1.7	1
Timing/Location	3	2.6	3
Innovation	3	2.9	3

Annually, Council adopts legislative priorities. Staff also amended the CMMP Process Guide to reflect the work City Council does with identifying said priorities and focus areas. Staff assign point values of ten (10) to be added to projects which address Federal and State priorities, and five (5) points added to those that address Focus Areas. This inclusion provides deference to City Council's work and better assists Staff with sorting and prioritizing the CMMP projects.

ALTERNATIVES: Council reviews the scores aggregated above, and decides to change the rankings.

FINANCIAL IMPLICATIONS: None. This is a guide for a planning document.

LEGAL: Not Applicable.

STAFF RECOMMENDATION: Approval of Resolution 2023-47

PROPOSED MOTION: I move to adopt Resolution 2023-47.

CITY MANAGER COMMENTS: I support Staff's recommendation.

ATTACHMENTS:

- Council Ranking Priorities

Council Ranking Priorities

FY 25-34 CMMP

Category	Council Member							Mode	Mean	Final
	Thomas Bell	Shari Coleman	Anthony Longo	Daneen Looby	Alajandro Bong Tungul	Darin Nicholson	Vincent M. Tutiakoff, Sr.			
Plans/Comprehensive Plan	2	2	2	3	1	1	1	2	1.7	2
Regulatory Compliance	1	1	2	1	1	1	1	1	1.1	1
Infrastructure/Public Safety	2	3	1	2	2	2	2	2	2.0	2
Quality of Life/Health and Wellness	2	2	2	3	2	2	2	2	2.1	2
Impact on Operational Budget	3	1	1	1	1	1	1	1	1.3	1
External Funding	1	3	1	1	2	2	2	1	1.7	1
Timing/Location	1	3	3	2	3	3	3	3	2.6	3
Innovation	3	2	3	3	3	3	3	3	2.9	3