

**Regular Meeting**  
**Tuesday, December 19, 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](http://www.ci.unalaska.ak.us)

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

---

### **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. **Awards and Presentations** – Community Extra Mile Awards
  - a. [Cheri Tremarco, Principal, Eagle's View Elementary School](#)
  - b. [U.S. Coast Guard Cutter Midgett](#)

6. **Adoption of Agenda**
7. **Approve Minutes of Previous Meeting** – [November 28, 2023](#)
8. [City Manager Report](#)
9. **Community Input & Announcements** *Members of the public may provide information to council or make announcements of interest to the community. Three-minute time limit per person.*
10. **Public Comment on Agenda Items** *Time for members of the public to provide information to Council regarding items on the agenda. Alternatively, members of the public may speak when the issue comes up on the regular agenda by signing up with the City Clerk. Three-minute time limit per person.*
11. **Public Hearing** *Members of the public may testify about any item set for public hearing. Three-minute time limit per person.*
  - a. [Ordinance 2023-12](#): Temporary non-code ordinance allowing extended hours for the sale of alcohol in Unalaska on December 31, 2023 and January 1, 2024
12. **Work Session** *Work sessions are for planning purposes, or studying and discussing issues before the Council.*
  - a. Discussion regarding [Resolution 2023-49](#): Authorizing the City Manager to enter into a sole source agreement with PND Engineering for the geophysical, bathymetry, permitting and design for the dredging of the LCD and UMC in an amount not to exceed \$497,000
13. **Consent Agenda** *Approval of non-controversial or routine items, accomplished without debate and with a single motion and vote. Council members may request an item be moved to the regular agenda for discussion purposes.*
  - a. [Resolution 2023-50](#): Adopting an alternative allocation method for the FY2024 Shared Fisheries Business Tax Program
  - b. [Resolution 2023-51](#): Establishing dates for the FY2025 real property tax and business personal property tax collection effort
14. **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 2023-12](#): 2<sup>nd</sup> reading, Temporary non-code ordinance allowing extended hours for the sale of alcohol in Unalaska on December 31, 2023 and January 1, 2024
  - b. [Resolution 2023-49](#): Authorizing the City Manager to enter into a sole source agreement with PND Engineering for the geophysical, bathymetry, permitting and design for the dredging of the LCD and UMC in an amount not to exceed \$497,000
15. **Council Directives to City Manager**
16. **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.*
17. **Adjournment**



*Congratulations!*

**CHERI TREMARCO**

★ **Community Extra  
Mile Awardee** ★



*Congratulations!*

**U.S. COAST GUARD  
CUTTER MIDGETT**



**Community Extra  
Mile Award Recipient**



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

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



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

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

## **UNALASKA CITY COUNCIL**

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

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

---

### **MINUTES**

1. **Call to order.** The Vice Mayor called the regular meeting of the Unalaska City Council to order on November 28, 2023 at 6:02 p.m.  
  
Nicholson read the City's Mission Statement: To provide a sustainable quality of life through excellent stewardship of government.
2. **Roll call.** The acting City Clerk called the roll. Council Members Bell, Looby, Nicholson, Longo, and Tungul were present, the Mayor and Council Member Coleman were absent.
3. **Pledge of Allegiance.** Longo led the Pledge of Allegiance.
4. **Recognition of Visitors.** No particular recognition was made.
5. **Adoption of Agenda.** Nicholson moved to adopt the agenda with second by Looby. Bell moved to amend agenda to include an action item following the executive session to vote on proposed findings of fact and conclusions of law related to the appeal of the planning commission decision; second by Looby. There being no objection, the motion to amend was unanimously adopted. There being no objection to the main motion, the amended agenda was adopted by consensus.
6. **Approve Minutes of Previous Meeting.** Looby moved to approve the proposed minutes of the council meeting held November 14, 2023 as presented, with second by Nicholson. There being no objection, the minutes were approved by consensus.
7. **Reports.**
  - a. City Manager Report – City Manager Bil Homka provided an overview of the Manager Report. No questions from Council.
8. **Community Input & Announcements.**
  - a. PCR Director Roger Blakeley made announcements about upcoming PCR events and programs.
  - b. M. Lynn Crane from Unalaskans Against Sexual Assault & Family Violence provided an update on Thanksgiving, Christmas, and Russian Christmas food boxes. USAFV is selling tickets for Winter Raffle and will be at both the Midnight Madness and PCR Holiday Bazaar. Classic movie night coming up in December. Soup-Off scheduled for March 30, 2024.

**9. Public Comment on Agenda Items.**

- a. Acting City Clerk read a written comment from Chris Price of the Qawalangin Tribe regarding OCCP's Makushin Geothermal Project.

**10. Public Hearing.** The Vice Mayor opened the Public Hearing on 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. There being no testimony, the Vice Mayor closed the Public Hearing on Ordinance 2023-11.

**11. Work Session.** Nicholson moved to go into Work Session, second by Longo. There being no objection, motion adopted by consensus.

6:26 p.m. – Entered into Work Session

- a. Dave Matthews of OCCP provided an update on the Makushin Geothermal Project. Public comment provided by Dennis Robinson, Denise Rankin, Alyssa McDonald and Michael Tutiakoff

6:42 p.m. – Looby moved to return to regular session with second by Nicholson; there being no objection, Council returned to regular session.

**12. Regular Agenda.**

- a. Ordinance 2023-11: 2<sup>nd</sup> 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

Bell moved to adopt Ordinance 2023-11; second by Looby.

City Manager Homka introduced the ordinance and responded to Council questions.

Roll call vote: all Council Members present voted in the affirmative, adopting Ordinance 2023-11 with a 5-0 vote.

- b. Ordinance 2023-12: 1<sup>st</sup> 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

Bell moved to introduce Ordinance 2023-12 and schedule it for public hearing and second reading on December 19, 2023; second by Nicholson.

City Manager Homka introduced the ordinance.

Looby asked to be recused from the vote as she owns a business that would be affected by this ordinance.

Council discussion.

Dennis Robinson provided public comment.

Roll call vote: Council Members voted in the affirmative, scheduling Ordinance 2023-12 for public hearing and second reading on December 19, 2023 with Looby abstaining, adopting the resolution with a 4-0 vote.

- 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

Nicholson moved to adopt Resolution 2023-44; second by Longo.

City Manager Homka introduced the resolution.

Council discussion.

Roll call vote: all Council Members present voted in the affirmative, adopting Resolution 2023-44 with a 5-0 vote.

- d. Resolution 2023-46: Authorizing the City Manager to enter into an agreement extension with OptimERA Holdings, Inc. for Electrical Lineman Services

Nicholson moved to adopt Resolution 2023-46; second by Looby.

City Manager Homka introduced the resolution.

Council discussion.

Roll call vote: all Council Members present voted in the affirmative, adopting Resolution 2023-46 with a 5-0 vote.

- e. Resolution 2023-47: Adopting priority rankings for the FY25-FY34 Capital and Major Maintenance Plan Process Guide

Nicholson moved to adopt Resolution 2023-47; second by Bell.

City Manager Homka introduced the resolution.

Council discussion.

Roll call vote: all Council Members present voted in the affirmative, adopting Resolution 2023-47 with a 5-0 vote.

13. **Council Directives to City Manager:** None

14. **Community Input & Announcements:** None

15. **Executive Session:** Nicholson moved to go into Executive Session to discuss proposed findings of fact and conclusions of law with the city attorney, related to the October 19, 2023 decision of the Planning Commission granting a conditional use permit for a communications tower on a leased portion of Tract A, Block 6, Ilulaq Subdivision, Plat 89-19. Present in Executive Session will be the Mayor and Council, City Manager William Homka, Planning Director Cameron Dean and City Attorney Charles Cacciola. Second by Longo. There being no objection, Council moved into Executive Session at 7:09 p.m.

**Clerk's Note:** Planning Director Cameron Dean did not attend the Executive Session; the City Attorney who attended was Sam Severin, not Charles Cacciola; and Assistant City Manager Marjie Veeder attended the Executive Session.

Discussion in Executive Session.

Longo moved to return to regular session; second by Nicholson. There being no objection, Council returned to regular session at 7:43 p.m.

Longo moved to reconsider the November 14, 2023 motion to affirm the planning and zoning commission October 19, 2023 decision. Second by Nicholson.

The Vice Mayor stated the reason reconsideration is sought: The earlier motion was adopted based on an erroneous belief that the distance from the proposed tower location to all property boundaries was more than 1.1 times the tower height

City Manager Homka spoke to the motion.

Council discussion.

**Roll call vote on motion to reconsider:** all Council Members present voted in the affirmative with a 5-0 vote.

Bell moved to amend the motion to affirm the planning and zoning commission's October 19, 2023 decision as follows: affirm the planning commission's October 19, 2023 decision with the condition that the tower location be a minimum of 1.1 times the height of the tower from all property boundaries; second by Longo.

City Manger Homka reiterated the relevance of the amendment.

Council discussion.

**Roll call vote on motion to amend:** all Council Members present voted in the affirmative with a 5-0 vote.

Bell moved to affirm the planning commission's October 19, 2023 decision with the condition that the tower location be a minimum of 1.1 times the height of the tower from all property boundaries; second by Looby.

Council discussion.

**Roll call vote on motion to affirm Planning Commission decision:** all Council Members present voted in the affirmative with a 5-0 vote.

Longo moved to adopt the written findings of fact and conclusions of law; second by Nicholson

Council discussion.

**Roll call vote on adopting written findings of fact and conclusions of law:** all present Council Members voted in the affirmative with a 5-0 vote.

16. **Adjournment.** Having completed all items on the agenda, the Vice Mayor adjourned the meeting at 7:54 p.m.

These minutes were approved by the Unalaska City Council on December 19, 2023.

---

Estkarlen P. Magdaong  
City Clerk



## CITY MANAGER'S REPORT

TO: Mayor Tutiakoff and City Council Members  
FROM: Marjie Veeder, Acting City Manager  
DATE: December 19, 2023

---

- **Shop with a Cop:** On Friday, December 8, a group of Alaska Peace Officers Association members of the Public Safety Department, along with volunteers from the Fire Department, picked up six kids from the Elementary School for the Shop with a Cop Event. The students, selected from applications distributed by the Elementary School principal, were given an allowance and taken to local stores to purchase Christmas presents for their family members. After visiting Three Bears, Bering Sea Office Supply, and Safeway, the children participated in a lights and sirens parade back to the Public Safety Headquarters. The children, assisted by the volunteers, then wrapped the presents while enjoying hot cocoa and an assortment of snacks in the elaborately decorated Patrol Room. The children were surprised with a visit from Santa, who gifted them with presents. The children had some time to play with their new toys while listening to Christmas music and enjoying the holiday spirit, before being picked up by parents. Upon pickup, the families of each child were given a frozen turkey and 2 food boxes that were made from donations received from Safeway and Three Bears.
- **Holiday Closures:** Apart from 24-hour service departments, City facilities will be closed on Monday, December 25 and Monday, January 1 for the Christmas and New Year holidays.
- **New Year's Eve Fireworks:** The community fireworks show is scheduled for 11:59 p.m. on Sunday night, December 31, 2023.
- **Update - Stabilization of Cliff Face on Ballyhoo Road:** Personnel from Southeast Road Builders and R&M Consultants arrived on island on Monday, December 4, 2023 to perform hand-scaling work on the cliff face behind the Latitude 54 Building on Ballyhoo Road. The hand scaling of loose rock and debris from around the work area was productive in removing a large amount of material from around the wedge rock. During the course of the hand scaling, the wedge rock was identified to be fractured in a way that makes drilling into it a hazard for personnel in the work area due to the potential for additional rock fall from vibration. Options were discussed on ways to remove the rock without drilling and blasting, or if there were ways to mitigate further rock falls with anchoring and/or netting on the cliff face. Bolting directly into the rock is not an option but there is potential to bolt anchors to each side of the rock and engineer a system to secure the rock to those anchors. SERB and R&M also suggested a larger barrier wall could be constructed around the perimeter of the building to contain additional rock falls in the future. SERB will continue to look into other options for rock removal and mitigation. R&M will assemble their notes and findings into a report detailing the work, complications and potential solutions. As it stands, this phase of the project is complete even though the objective of hazard removal was not completed as hoped. Additional study and engineering should take place utilizing the information gathered during this initial phase to determine the most feasible and economical long term solution.
- **Boiler Replacement, Unalaska City School:** Pursuant to our Code of Ordinances, the City is responsible for all major maintenance projects for the school buildings. There are three boilers at the Unalaska City School which heat the building and the aquatic center, including the water for the pool. One of the three boilers has failed and cannot be repaired. The remaining boilers are capable of handling the load for the school and aquatic center, but if a second boiler fails, we will need to shut down the

aquatic center because one boiler will not be able to handle both the school and the aquatic center. Plans are underway to replace the failed boiler this summer. We are waiting until summer so that there is no interruption in the school’s activities. City staff has received a quote for the boiler replacement and installation and we plan to bring a budget amendment to council in January to obtain funding for this project. The vendor indicated there is not a long lead time for this particular equipment and it would be ready to ship within 8 weeks after ordering.

- **Makushin Geothermal Project:** OCCP has delayed their projected commercial operation date for the Makushin Geothermal Project to November 2028, due to difficulty and delays in funding the project. OCCP requests finalization of a new Power Purchase Agreement with the City of Unalaska no later than March 2024.
- **Title 3 Classification & Compensation Study:** Consultant McGrath and City Staff are continuing to work on the Title 3 Compensation & Classification Study project. Market data has been collected and the analysis is nearly complete. We hope to present the report and recommendations to Council at the 2<sup>nd</sup> meeting in January, which will include a cost model.
- **DPU Director Recruitment:** Staff continues to work with Baker Tilly to recruit our next Director of Public Utilities. The consultant is building a profile of our ideal candidate through interviews and questionnaires with both internal and external sources. This profile and other information about the position and the City of Unalaska will be included in their recruitment brochure.
- **Staffing Update:**

Statistics November 16 – December 15

Type of Action	Number Of	Internal	External
Hires	2	0	2
Pending Hires	5	1	4
Pending Offers	0	NA	NA
Resignations	3	NA	NA
Separations	2	NA	NA

Position Openings

Department	# Openings	Notes
Administration	1	HR Mgr
Clerks	0	NA
DPS	3	Police Officer (2), Police Sergeant
DPU	8	Director, Water Op, Solid Waste Supv, SW Op I WW Supervisor, Util Lineman (2), Util Lineman Chief
DPW	3	City Engineer, Light Equip Mech, Installation Maint Worker
Finance	2	Controller, Network Admin
PCR	5	4 Lifeguards, Rec Coordinator
Planning	1	GIS Admin Replacement
Ports	0	NA
<b>TOTAL</b>	<b>23</b>	

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 2023-49

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PND ENGINEERS TO COMPLETE THE GEOPHYSICAL, BATHYMETRY, PERMITTING AND DESIGN FOR THE DREDGING AT THE LIGHT CARGO DOCK AND THE UNALASKA MARINE CENTER IN AN AMOUNT NOT TO EXCEED \$497,000

WHEREAS, The City of Unalaska Council has determined that dredging at the Unalaska Marine Center (UMC) and the Light Cargo Dock (LCD) are necessary to achieve a deep draft port designation; and

WHEREAS, The United States Army Corps of Engineers (USACE) has completed the design for the dredging of the entrance channel into Dutch Harbor; and

WHEREAS, the entrance channel needs to be dredged in order to allow passage of deep draft vessels into Dutch Harbor; and

WHEREAS, the City of Unalaska desires to dredge the UMC and LCD in conjunction with the entrance Channel; and

WHEREAS, the UMC and LCD are constructed with PND's Open Cell Sheet Pile®; and

WHEREAS, the calculations for tolerance on modifications to the dock can only be completed by PND; and

WHEREAS, the City of Unalaska contracted with PND Engineers to begin the design work in 2015; and

WHEREAS, the City of Unalaska has solicited a scope of work from PND to complete the data collection and calculations to complete the permitting and design for dredging at the docks; and

WHEREAS, the City has received a fair and responsible rate to complete the tasks for geophysical, bathymetry, permitting and design.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to enter into a sole source contract with PND Engineers, Inc., to complete the geophysical, bathymetry, permitting and design for dredging at the Unalaska Marine Center and Light Cargo Dock.

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: Peggy McLaughlin, Port Director  
Through: Marjie Veeder, Acting City Manager  
Date: December 19, 2023  
Re: Resolution 2023-49: Authorizing the City Manager to enter into a sole source agreement with PND Engineering for the geophysical, bathymetry, permitting and design for the dredging of the LCD and UMC in an amount not to exceed \$497,000

---

---

**SUMMARY:** Resolution 2023-49 will authorize the City Manager to enter into an agreement with PND Engineers (PND) to complete the geophysical, bathymetry, permitting and design for the dredging of the Light Cargo Dock (LCD) and the Unalaska Marine Center (UMC). The request to authorize this contract comes as a sole-source request based on the existing design and the proprietary nature of the Open Cell Sheet Pile® and intellectual property associated with that design. The requested agreement will complete the data collection, permitting and design. The project will go out for a competitive bidding process once design is complete. The amount of this contract is not to exceed \$497,000.

**PREVIOUS COUNCIL ACTION:**

RESOLUTION 2014-06: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PND ENGINEERS, INC. FOR AN AMOUNT NOT TO EXCEED \$420,858 FOR PRELIMINARY DESIGN, PERMITTING, AND GEOTECHNICAL INVESTIGATION

RESOLUTION 2015-37: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PND ENGINEERS, INC FOR PRELIMINARY DESIGN (30%), MASTER PLANNING AND PROJECT SCOPING, PUBLIC INPUT PROCESS AND REPORT, PERMITTING PROCESS SUPPORT AND IHA APPLICATION, EXISTING WAREHOUSE STRUCTURAL AND ELECTRICAL CONDITION ASSESSMENT, AND UMC UPLAND SURVEY AND BATHYMETRY IN AN AMOUNT NOT TO EXCEED \$489,135

RESOLUTION 2016-13: AUTHORIZING THE CITY MANAGER TO EXTEND PND ENGINEERS INC. CONTRACT FOR THE UNALASKA MARINE CENTER EXPANSION AND REPLACEMENT PROJECT POSITIONS 3 AND 4 FOR 65% DESIGN COMPLETION IN AN AMOUNT NOT TO EXCEED \$935,000 AND FURTHER AUTHORIZE THE CITY MANAGER TO EXTEND PND ENGINEERS, INC CONTRACT FOR FINAL DESIGN, PROJECT IMPROVEMENT ANALYSIS, AND PROJECT BIDDING SUPPORT UPON ADOPTION OF THE CITY OF UNALASKA FY17 CAPITAL BUDGET INCLUDING APPROPRIATIONS FOR UMC EXPANSION AND REPLACEMENT PROJECT POSITIONS 3 AND 4 IN AN AMOUNT NOT TO EXCEED \$1,021,802.

ORDINANCE 2017-05 BUDGET AMENDMENT NO. 3: CREATING A BUDGET AMENDMENT TO AMEND THE ENTRANCE CHANNEL DREDGING FEASIBILITY STUDY BY \$350,000 TO BEGIN GEOTECHNICAL WORK IN FISCAL YEAR 2017.

**BACKGROUND:** In 2015 the City of Unalaska authorized PND Engineers to begin preliminary data collection through geotechnical investigation and bathymetry for the purpose of construction and for future dredging at the Unalaska Marine Center (UMC) and the Light Cargo Dock (LCD). The geophysical and bathymetry was authorized as an extension of the Design contract with PND

for the Unalaska Marine Center. The data was used to provide an initial scope of work and identify the future requirements for designing, permitting and dredging at UMC and LCD within the margins of tolerance for PND's Open Cell Sheet Pile® existing at both facilities. The dredging of UMC and LCD was and is intended to run in concert with the Corps of Engineers project to dredge the Entrance Channel.

**DISCUSSION:** The discussion regarding Resolution 2023-49 requires some detailed background for this dredging project. It also requires some transparent discussion for the purposes of sole-sourcing this part of the UMC and LCD dredging project. Considering the significant turnover in City staff and Council it is worth revisiting the key components and qualifying criteria for the sole-source request.

This project was developed in order to solve the problem of the lack of deep draft moorage in Dutch Harbor. A truly deep draft port is 45 feet (45') of mean lower low water (MLLW). This means at the very lowest tide there is 45' from the surface of the water to the sea floor. The entrance channel is only 43'. Inside Dutch Harbor there are areas that greatly exceed the 45' deep draft requirement, but at the face of the UMC it is only 40' of clearance and LCD is less than that. In order for us to be a deep draft port, or a deep draft Potential Port of Refuge, or to "court" deep draft carriers specific to the Great Circle Route and the Arctic, we need docks that actually meet the deep draft designation and the ability to navigate to them. We recognized that there was limited value in money spent to further research dredging inside of Dutch Harbor until deep draft vessels could navigate the bar. The City asked PND to define the project enough that we could develop a preliminary scope for the project and temporarily shelve it to pick it up at a later date.

During the design phase of the UMC restoration project, PND did the preliminary bathymetry and soundings in conjunction with the design work for UMC positions 3 and 4. PND expanded that work to glean a certain amount of basic information for future dredging in front of UMC; they also did some similar work at the LCD during the LCD expansion project. The LCD and UMC are both constructed with Open Cell Sheet Pile®.

In 2015 and 2016 there was a push to get projects "shovel ready" in hopes that we could capitalize on certain federal funding programs, consolidate projects for cost effective mobilization and demobilization, and reduce overhead of projects by bundling. The dredging for LCD and UMC was initiated and "shelved" with this in mind and while the United States Army Corps of Engineers (USACE) worked on the feasibility and design of the dredging of the entrance channel. The UMC and LCD Dredging project was first added to the CMMP in FY2016-FY2020.

PND was asked by the City to provide the preliminary scope for dredging at UMC and LCD. At the same time there was information sharing with the USACE for marine mammal data collection for the IHA permit for UMC and LCD. At this time, PND provided enough preliminary information to form estimates for the amount of material to be removed, potential means, potential disposal sites and permitting. This preliminary information established a scope of work for the dredging project at UMC and LCD and then was "shelved" until the project could be timed with the dredging of the entrance channel.

PND provided the City with the initial information for the dredging at UMC and LCD, so why is it important the contract with PND continues for the data collection, permitting and design? Further, how does a contract with PND for this work qualify under the City Purchasing Policy for a sole-source contract?

Purchasing is addressed in City Code and the purpose of the Purchasing Policy is to support Code of Ordinances, and specifically to “provide for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.”

The purchasing policy outlines the expected practices for procurement of contracts for services. Typically this means most goods and services of a certain value go through a public bidding process. The purpose of the bidding process works with the purpose of the policy and often will provide multiple qualified bidders in order to have a competitive price. There are, however, times when a bidding process is not practical and the policy allows for the City to sole-source work under certain conditions. The condition that applies for this contract is: “A contract may be awarded without competition when the following circumstances are evident: The item/service is available only from one source.”

The discussion around this particular qualifier is that the Open Cell Sheet Pile® is proprietary. PND owns the design and PND protects the engineered specifications that support the performance of the structure. All forces at play at the dock are calculated into the design, depth of the pile driven and with consideration to the geotechnical data. Without having the specifications for the Open Cell Sheet Pile®, miscalculations could result in undermining the dock and causing the dock to fail or limit the performance of the dock. Catastrophic failure could result in millions of dollars of loss to the City, to UMC customers, and to the community. This is a risk we should not be willing to take. However, if the City Council decides they are not comfortable with sole-sourcing this contract, PND will have to be consulted in order for any other company to produce an end product. PND will not disclose the proprietary information on the Open Cell Sheet Pile®. The information, calculations and specification for the performance of the Open Cell Sheet Pile® are intellectual property.

The data collection and the information that leads to the “design” for dredging is important to maintain the integrity of the dock. Simply stated, PND is the only qualified engineering group to complete that task. Additionally, any design firm wishing to fulfill the work in the proposed contract will need to consult with the original design team (PND) for any dock modifications to the original design, including removal of sea floor material. The Open Cell Sheet Pile design is used at both UMC and LCD.

PND submitted two proposals. There are 7 tasks in all which includes geophysical work and bathymetry in front of the new lay down yard. The tasks are clearly defined in the proposals and the proposals are provided for your review.

The Budget that was adopted in the FY23 CMMP was adopted with the 2015 Rough Order of Magnitude (ROM). The entire budget is \$2,654,145. We were given that number without significant detail for engineering. We put \$109,650 into design and engineering knowing that number would likely change as the USACE got closer to design and construction. The remainder of the budget was left in construction services. We will need to do some shifting within the project budget to cover the geophysical, bathymetry, design and permitting in the correct line items. We will not know the entire cost of construction until the design is complete. We are hopeful, even with inflation, we are going to make this budget work, but we will not know for a while yet.

The USACE process and contracts are separate from the City’s contracts for dredging at UMC and LCD. The bidding process for actual dredging will be concluded this spring. The USACE has received their permits (or most of them) and it is time for City to dust off our dredging for UMC

and LCD to be able to continue to share a certain amount of information with USACE for permitting and hopefully recognize some cost savings by working the projects in concert. Seeking a contractor for the actual dredging is separate from completing the necessary geotechnical, bathymetry, and permitting. PND's proposal is to complete that work in order to design a process and depth that is compatible with their Open Cell Sheet Pile System. The actual dredging will be put out to bid when design is complete.

**ALTERNATIVES:** Council could choose to adopt Resolution 2023-49; Council could choose to amend Resolution 2023-49; and Council could choose to not adopt Resolution 2023-49 and require a competitive bidding process

**FINANCIAL IMPLICATIONS:** There is funding in the overall budget for this contract.

**LEGAL:** N/A

**STAFF RECOMMENDATION:** I recommend adoption of Resolution 2023-49, awarding the contract on a sole-source basis to PND.

**PROPOSED MOTION:** I move to adopt Resolution 2023-49.

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

**ATTACHMENTS:**

1. PND Proposal for Geophysical and Bathymetry – UCM Multi-Purpose Dock
2. PND Proposal for Design and Permitting of Dredging at Unalaska Marine Center and Light Cargo Dock



ENGINEERS, INC.

December 6, 2023

PND: 111135

Peggy McLaughlin  
Director of Ports  
City of Unalaska  
P.O. Box 610  
Unalaska, Alaska 99685

Subject: PND Proposal for Geophysical and Bathymetry - UMC Multi-Purpose Dock

Dear Peggy:

PND Engineers, Inc. (PND) is pleased to provide this proposal for an offshore Geophysical and Geotechnical Investigation for UMC Multi-Purpose Dock. We have developed this work plan to provide the information needed to guide the development alternatives being considered for the Cruise Ship Dock and eventual connection to the existing UMC.

As you recall, the most desirable alignment of the proposed UMC expansion would be aligned with the existing UMC dock face, however the bathymetry of the area as well as possibility of shallow bedrock may prevent the economic or practical development of the preferred dock alignment. Several less preferred but functional alternative alignments have been developed which should more economically accommodate the potential for shallow bedrock.

We understand that the Multi-Purpose Dock is intended to initially be a stand-alone facility, however the location and alignment of this facility will determine the alignment of the future phases of UMC expansion. Therefore, it is very important to clearly understand the subsurface conditions within the entire potential future UMC expansion area.

A larger scale geotechnical program designed to provide the necessary site information was evaluated and found cost-prohibitive due to the scope, duration and cost required to complete the number of drilled holes needed to collect the necessary information. The geophysical program described in this proposal is intended to cost-effectively explore the general future project area and identify the location and depth of shallow bedrock that could impede future development phases. This geophysical program is also designed to narrow and refine the scope and improve the cost effectiveness of a future marine geotechnical drilling exploration program.

#### **Task 1 – Bathymetry, Side Scan Sonar, Sub-Bottom Profiling and Electric Resistivity**

PND will subcontract with Benthic GeoScience to locate and delineate depth to bedrock and quantify the amount of overburden present above the bedrock in the project area, including the vessel approach area to the south of the project. This information will be used to guide decision making regarding the dock alignment alternatives being evaluated by improving the project team's understanding of dredging requirements and feasibility for each alignment based on the seafloor and underlying bedrock topographies. The investigation area will cover all potential dock face alignments (see attached).

This task will include a bathymetric survey of the project area utilizing Multibeam Echosounder (MBES) and Side Scan Sonar (SSS) technology. It will also include use of Sub-Bottom Profiling (SBP) and Electric Resistivity (ERT) systems to develop profiles of the overburden and bedrock layers present at the site

location. The SBP and ERT systems will be calibrated to five geotechnical boreholes that were previously drilled for the UMC Position III & IV Replacement Project. This “ground-truthing” will increase accuracy of the geophysics system to identify the bedrock layer. One day of weather stand-by is included in the cost below but may not be required. Additional weather standby days are charged at \$18,980, if required.

After performing the field portion of the work, the collected site data will be analyzed and a report will be generated with associated graphics and drawings. Project costs include fuel, room and board, permitting, marine support and expenses, see attached detailed cost breakdown.

**Deliverable – Geophysical Investigation – Final Report and Drawings**

**Task 1**

**\$294,475 Time and Materials**  
(including 1 day of stand-by cost for weather)

**Task 2 – UMC and Light Cargo Dock Bathymetry**

PND/Benthic will perform a bathymetric survey of the area adjacent to the UMC Dock and Light Cargo Dock. Existing bathymetric data sets for UMC Dock area was collected in 2015 & 2018. Existing bathymetric data sets for Light Cargo Dock area was collected in 2007. This task is not a standalone task and the pricing below assumes that this work is performed during the same mobilization as Task 1.

**Deliverable - Survey base map drawing (in AutoCAD and PDF) of the project area.**

**Task 2**

**\$18,980 Time and Materials**

**Task 3 –Permitting for UMC Multi-Purpose Dock Geotechnical Investigation**

We recommend initiating permit acquisition for the geotechnical drilling investigation at this time with the assumption that a geotechnical drilling program will be pursued within the next few years (permit is valid for multiple years) and the permit process is expected to require 6-9 months duration. PND will develop and submit the required documentation (applications, drawings and equipment plans, etc.) to obtain permits for the geotechnical investigation. We anticipate that only a nationwide permit (NWP) from the U.S. Army Corps of Engineers (USACE).

**Deliverable – UMC Multi-Purpose Dock Geotechnical Investigation USACE Permit**

**Task 3**

**\$25,000 Time and Materials**

**Total cost for Tasks 1 2, and 3 is \$338,455**

We recommend the geophysical program be performed as soon as practicable to minimize weather risk and because this information is needed to finalize the geotechnical drilling plan. Benthic GeoScience is available in March 2024 to perform this work and has confirmed that this work can be completed without additional permitting. A notice to proceed must be received by **December 20, 2023** to secure equipment needed to meet this schedule.

For your future planning purposes, we anticipate the cost of geotech drilling, testing and report will be \$550,000 - \$1,050,000 depending on the results of the geophysical program and the scope of the geotechnical

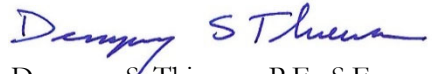


investigation. A detailed proposal for geotechnical investigation will be developed after analysis of the geophysical program.

We look forward to assisting the City in evaluating future expansion of the UMC Multi-Purpose Dock project. Please call if you have any questions regarding this proposal.

Sincerely,

**PND Engineers, Inc.**



Dempsey S. Thieman, P.E., S.E.

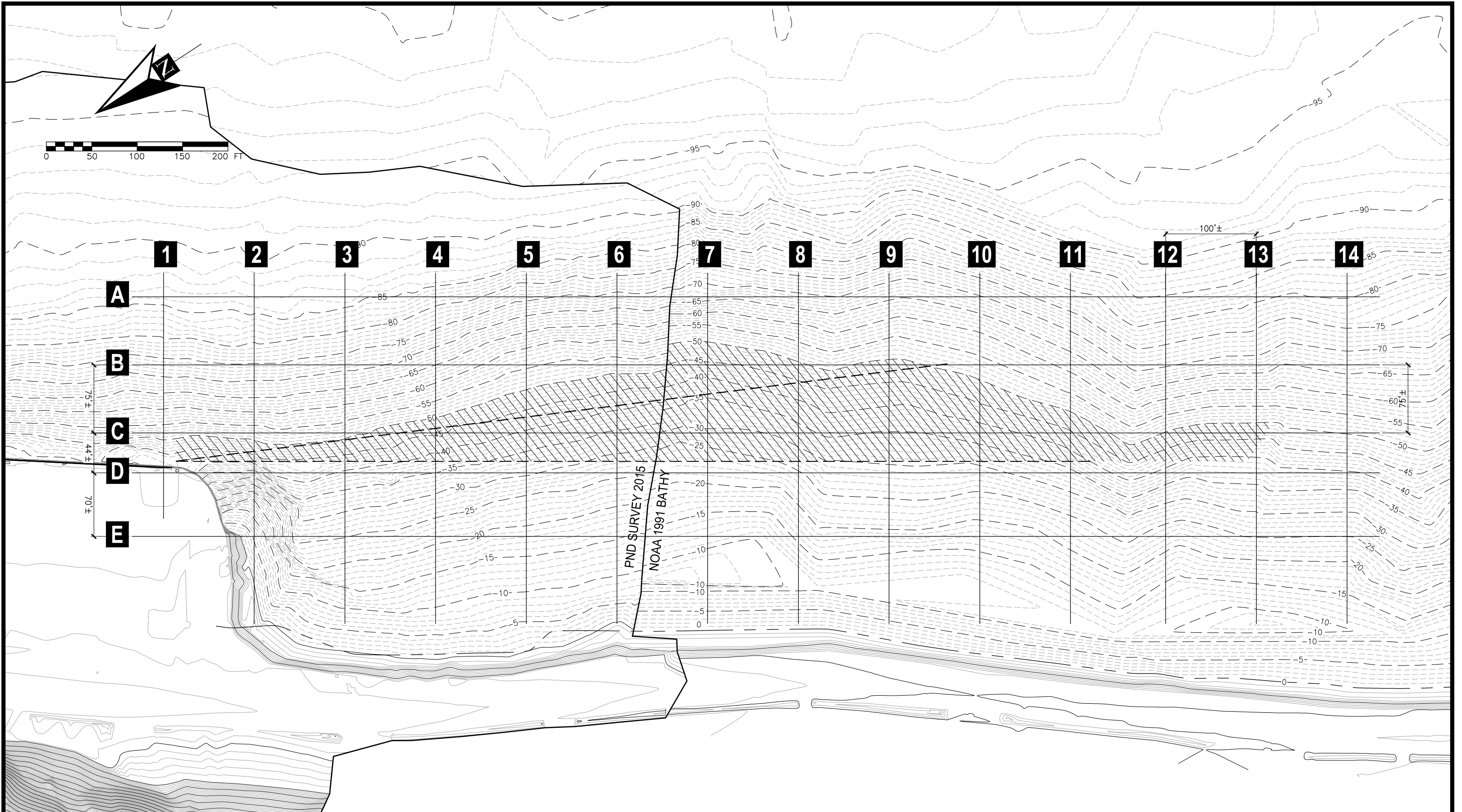
Senior Vice President

Attachments:

Proposed Geophysical Survey Areas

Dock Concept Drawings

PND Standard Rate Schedule



**CONCEPT**  
06/29/2017

PND Engineers, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

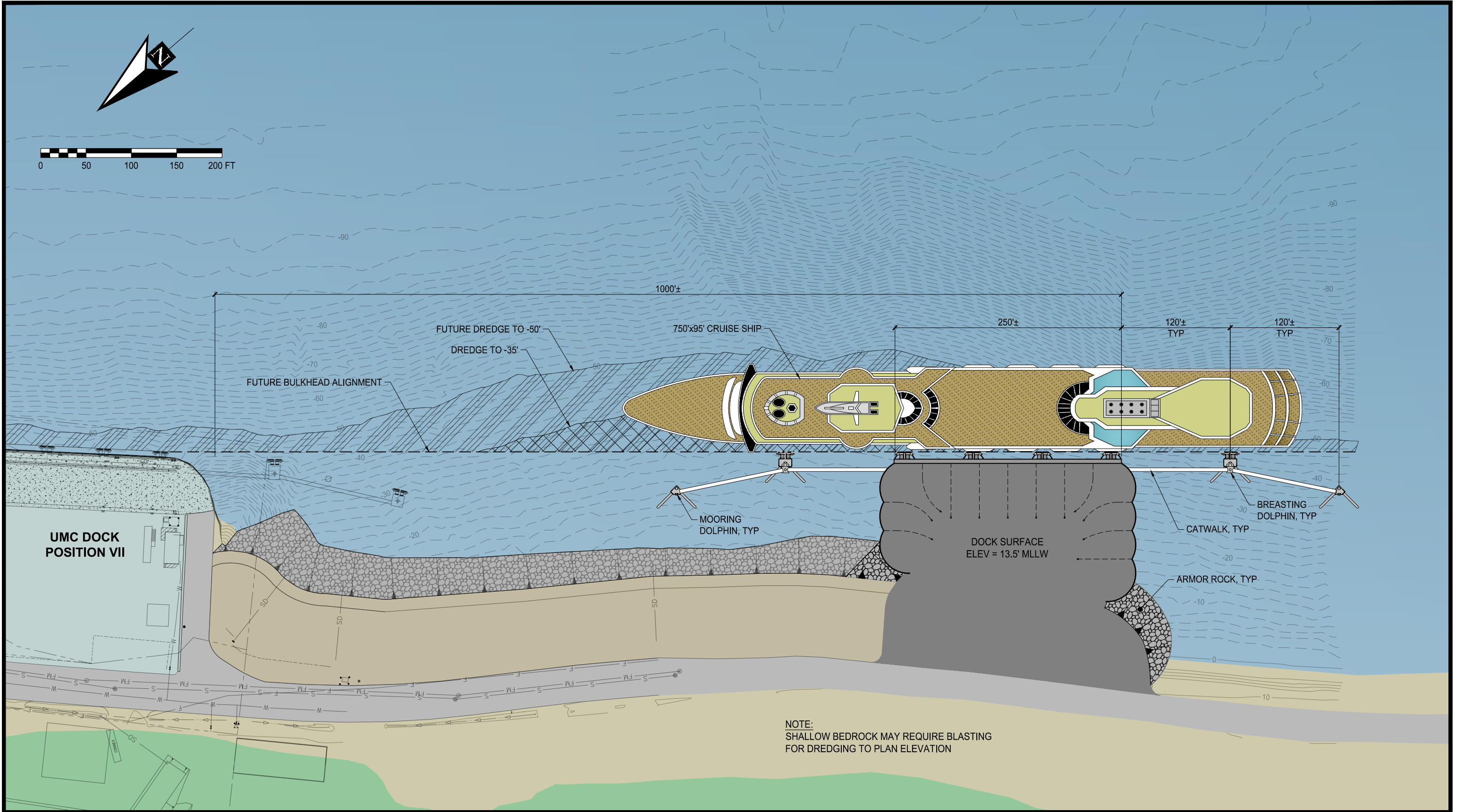
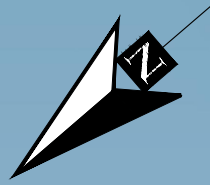
REV	DATE	DESCRIPTION

DATE: \_\_\_\_\_

1506 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.1011  
Fax: 907.563.4220  
www.pndengineers.com



PROJECT: UMC DOCK MULTIPURPOSE DOCK			
TITLE: GEOPHYSICS AREA			
DESIGNED BY: MJC	DATE: 12/1/2023	Council Packet Page 26	
CHECKED BY: DST	PROJECT NO: 111135	1	OF 1



**CONCEPT**  
12/27/2018

PND Engineers, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

DATE: \_\_\_\_\_

1506 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.1011  
Fax: 907.563.4220  
www.pndengineers.com



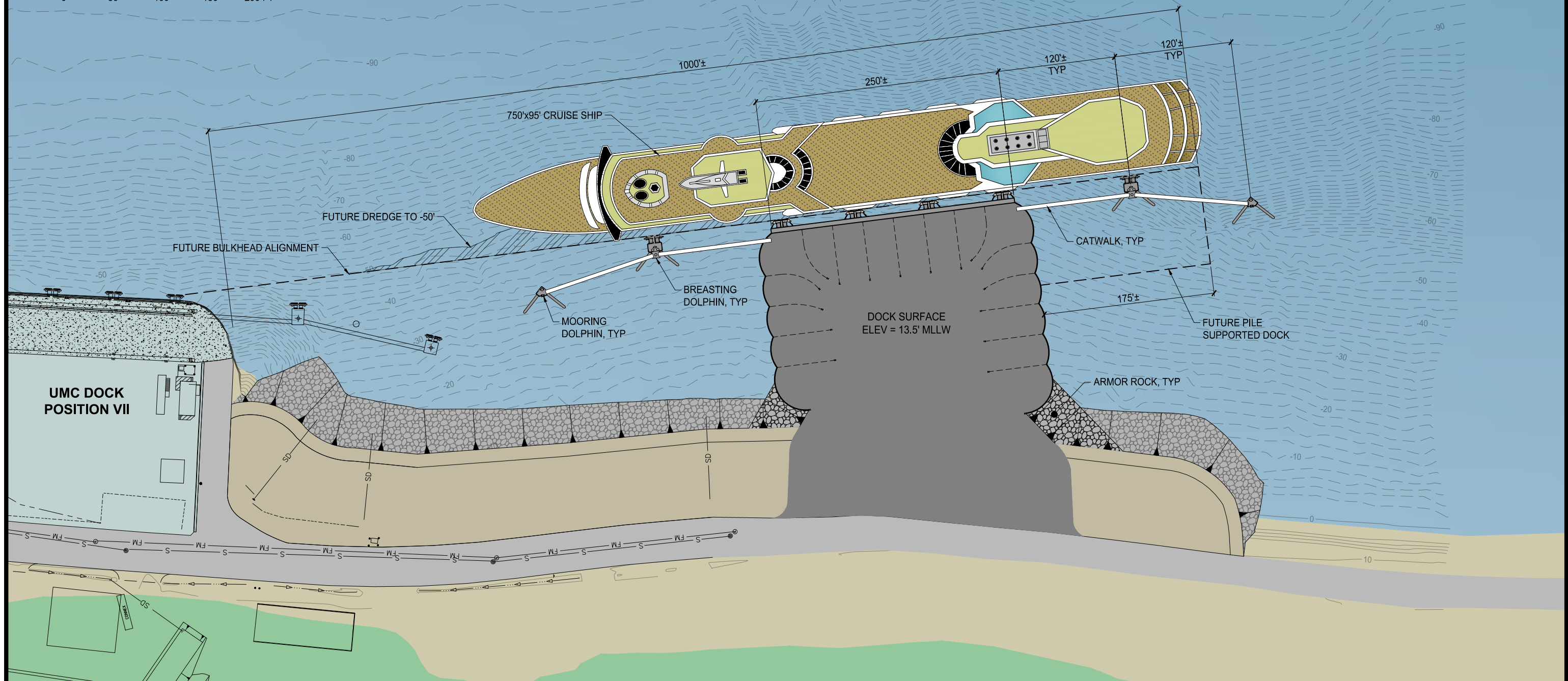
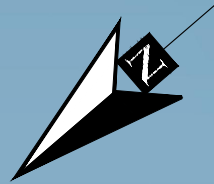
PROJECT: **UMC CRUISE SHIP DOCK CONCEPT**

TITLE: **PLAN - ALTERNATIVE 1**

DESIGNED BY: CC DATE: 10/09/2018 SHEET NO: **1** OF **3**

CHECKED BY: DST PROJECT: UMC CRUISE SHIP DOCK CONCEPT

Council Packet Page 27



**CONCEPT**  
10/09/2018

PND Engineers, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

DATE: \_\_\_\_\_

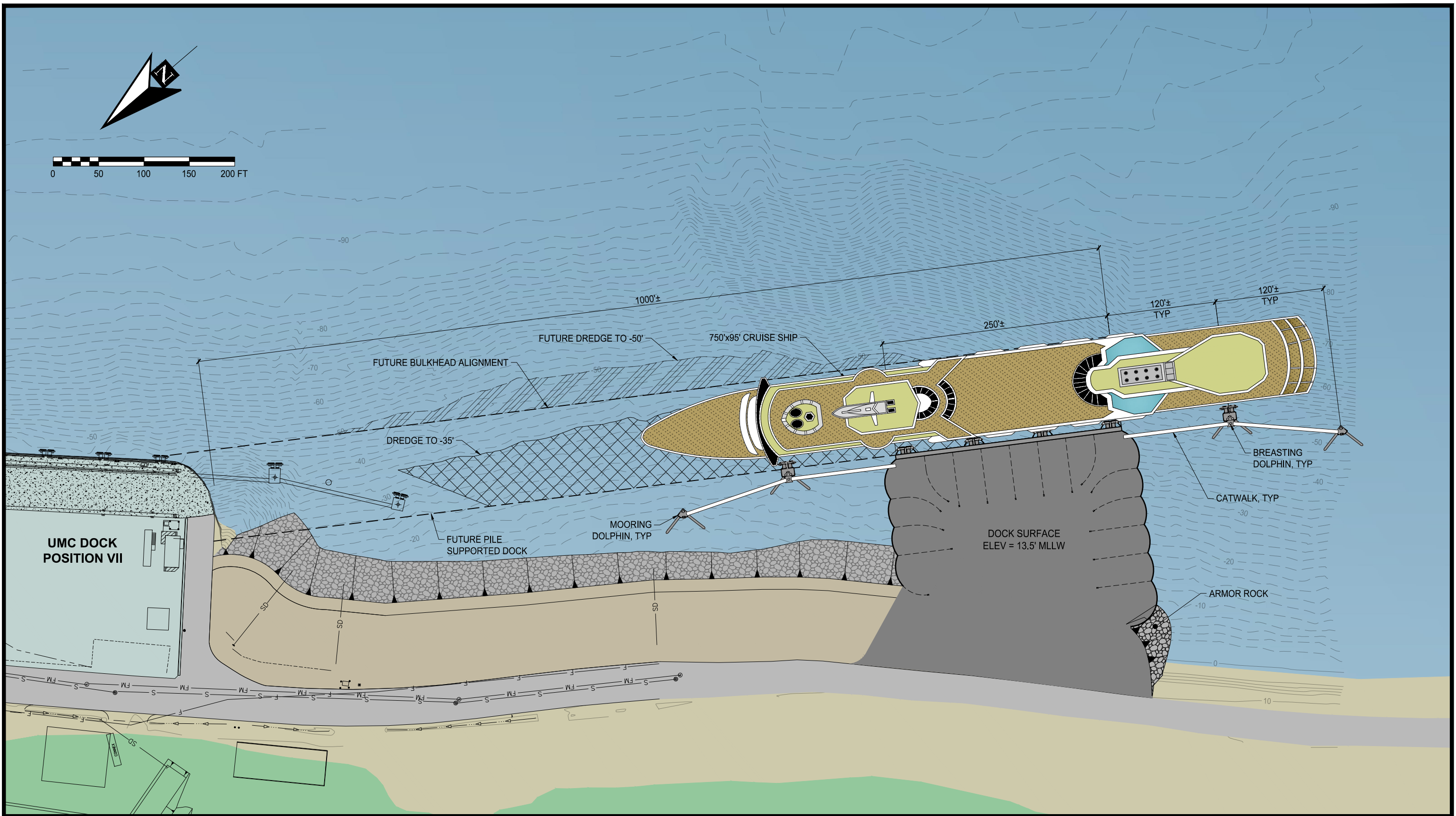
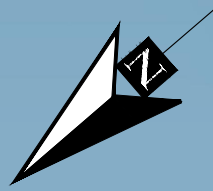
1506 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.1011  
Fax: 907.563.4220  
www.pndengineers.com



PROJECT: **UMC CRUISE SHIP DOCK CONCEPT**

TITLE: **PLAN - ALTERNATIVE 2**

DESIGNED BY: CC	DATE: 10/09/2018	SHEET NO: <b>2</b> OF 3
CHECKED BY: DST	PROJECT: Council Park	



**CONCEPT**  
10/09/2018

PND Engineers, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

DATE: \_\_\_\_\_

1506 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.1011  
Fax: 907.563.4220  
www.pndengineers.com



PROJECT: <b>UMC FERRY DOCK CONCEPT</b>	
TITLE: <b>PLAN - ALTERNATIVE 3</b>	
DESIGNED BY: CC	DATE: 10/09/2018
CHECKED BY: DST	PROJECT NO: 1558
SHEET NO: <b>3</b> OF <b>3</b>	

**PND ENGINEERS, INC.  
SEATTLE STANDARD RATE SCHEDULE  
EFFECTIVE JANUARY 2024**

<u>Professional:</u>	Staff Engineer I	\$116.00
	Staff Engineer II	\$134.00
	Staff Engineer III	\$144.00
	Staff Engineer IV	\$150.00
	Staff Engineer V	\$155.00
	Staff Engineer VI	\$173.00
	Senior Engineer I	\$168.00
	Senior Engineer II	\$179.00
	Senior Engineer III	\$192.00
	Senior Engineer IV	\$206.00
	Senior Engineer V	\$225.00
	Senior Engineer VI	\$246.00
	Senior Engineer VII	\$265.00
	Environmental Scientist I	\$121.00
	Environmental Scientist II	\$144.00
	Environmental Scientist III	\$163.00
Environmental Scientist IV	\$179.00	
Environmental Scientist V	\$197.00	
Environmental Scientist VI	\$207.00	
<u>Surveyors:</u>	Senior Land Surveyor I	\$134.00
	Senior Land Surveyor II	\$144.00
	Senior Land Surveyor III	\$155.00
<u>Technicians:</u>	Technician I	\$68.00
	Technician II	\$100.00
	Technician III	\$110.00
	Technician IV	\$121.00
	Technician V	\$150.00
	Technician VI	\$173.00
	CAD Designer III	\$100.00
	CAD Designer IV	\$116.00
	CAD Designer V	\$139.00
	CAD Designer VI	\$150.00



ENGINEERS, INC.

December 7, 2023

PND 23A-173

Peggy McLaughlin  
Director of Ports  
City of Unalaska  
P.O. Box 610  
Unalaska, Alaska 99685

Re: PND Proposal for Design and Permitting of Dredging at Unalaska Marine Center and Light Cargo Dock

Dear Peggy,

PND Engineers, Inc. (PND) is pleased to provide this proposal for Design and Permitting of Dredging at Unalaska Marine Center and Light Cargo Dock. We understand that the United States Army Corps of Engineers (USACE) are planning to dredge the entrance channel to allow deeper draft vessels access to Dutch Harbor and that the City of Unalaska (City) may realize permitting and construction synergies for their proposed dredging projects.

**Task D1 – UMC Dock Positions 1 through 7 Dock Face Dredging**

PND will develop dredging design drawings and specifications for dredging the various sections of UMC Dock – Position 1-7 to Elev -45 MLLW. The design and analysis will be based upon the soon-to-be collected bathymetry (under a separate PND proposal for UMC and LCD bathymetry and sub-bottom profiling) at the dock face and the original design drawings of each section of the docks. Structural stability, scour and slope stability will be evaluated and design of scour resistant revetments will be included if necessary. We assume that UMC and LCD dredging projects will be bid and constructed under a single City contract.

**Deliverables** – Construction Drawings, Specifications, Cost Estimate and Contract Documents for UMC Pos 1-7 Dock Face Dredging

<b>Schedule</b> –	35% Design Submittal	6 weeks after NTP
	65% Design Submittal	12 weeks after NTP
	95% Design Submittal*	18 weeks after NTP
	100% Design Submittal	24 weeks after NTP

\*Updated project bathymetry is required for progression beyond 65% design.

**Cost - Total = \$68,000 Fixed Fee**

**Task D2 – Light Cargo Dock Face Dredging**

PND will develop dredging design drawings and specifications for dredging the Light Cargo Dock to Elev -30 MLLW. The design and analysis will be based upon the soon-to-be collected bathymetry at the dock face (under a separate PND proposal for UMC and LCD bathymetry and sub-bottom profiling) and the original design drawings of each section of the docks. Structural stability, scour and slope stability will be evaluated and design of scour resistant revetments will be included if necessary. We assume that UMC and LCD dredging projects will be bid and constructed under a single City contract.

**Deliverables – Construction Drawings, Specifications, Cost Estimate and Contract Documents for Light Cargo Dock Face Dredging**

<b>Schedule –</b>	35% Design Submittal	6 weeks after NTP
	65% Design Submittal	12 weeks after NTP
	95% Design Submittal*	18 weeks after NTP
	100% Design Submittal	24 weeks after NTP

\*Updated project bathymetry is required for progression beyond 65% design.

**Cost - Total = \$54,000 Fixed Fee**

**Task D3 – UMC and Light Cargo Dock Dredge Permitting**

PND will develop USACE and ADEC Antidegradation permit drawings and applications for dredging the UMC and Light Cargo Dock. PND will also prepare expedited ESA consultation letters for NMFS and USFWS. If additional permit requirements are identified, PND will notify the client of the unanticipated scope.

We plan to propose near project offshore disposal of excavated materials in adjacent deeper water (i.e., screeding), eliminating the need for removal of the materials from the water and associated permitting challenges. We anticipate that dredge material sampling and analysis plan will not be required but could be added to the scope if needed. Permits are typically received within 180 days after submittal to USACE, but timelines may be affected by agency requirements and availability.

**Deliverables – USACE Permit Application and Drawing Package**

<b>Schedule –</b>	Draft Permit Application	12 weeks after NTP
	Final Permit Application*	16 weeks after NTP
	Permit Agency Consultation	as needed

\*Updated project bathymetry is required for Final Permit application.

**Cost - Total = \$25,000 Time and Materials**

**Task D4 – UMC and Light Cargo Dock Dredge Bid Support**

PND will assist the City in the bid process of the project through contractor selection and completed City-Contractor agreement. PND will facilitate and lead a Pre-Bid meeting, respond to bidder questions, issue addenda, lead a bid opening meeting and facilitate execution of the City-Contractor agreement and supporting documents. We assume that UMC and LCD dredging projects will be bid together as a single project.

**Deliverables – Bid Support and contract documents as required**

**Schedule –** per City bid schedule after completion of Task D1-3 above

**Cost - Total = \$11,000 Time and Materials**

**TOTAL PROPOSAL COST = \$158,000**





We look forward to assisting with continued marine infrastructure improvements and appreciate the opportunity to work with the City of Unalaska. Please call if you have any questions regarding this proposal.

Sincerely,

**PND Engineers, Inc.**

A handwritten signature in blue ink that reads "Dempsey S. Thieman".

Dempsey S. Thieman, P.E.  
Senior Vice President

CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 2023-50

A RESOLUTION OF THE UNALASKA CITY COUNCIL ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY2024 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE FMA 2: ALEUTIAN ISLANDS AREA

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY2024 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2022 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, the Unalaska City Council proposes to use an alternative allocation method for allocation of FY24 funding available within the FMA 2: Aleutian Islands Area in agreement with all other municipalities in this area participating in the FY2024 Shared Fisheries Business Tax Program.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2022 of fisheries business activity in the municipalities within the FMA 2: Aleutian Islands Area:

1. All municipalities share equally 60% of the allocation; and
2. All municipalities but the Aleutians East Borough share remaining 40% on a per capita basis.

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 Council Members  
From: Estkarlen P. Magdaong, City Clerk  
Through: Marjie Veeder, Acting City Manager  
Date: December 19, 2023  
Re: Resolution 2023-50: Adopting an alternative allocation method for the FY2024 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the FMA 2: Aleutians Islands Area

---

**SUMMARY:** The purpose of this tax program is to provide for a sharing of State fish tax collected outside municipal boundaries with municipalities affected by fishing industry activities. This resolution is submitted to Council with the assumption that the Alternate Method of distribution will be adopted as it has been for more than 29 years. Adak, Atka, Akutan, and the Aleutians East Borough, all of which are included in the fisheries management area, have agreed to the Alternate Method and are addressing or have addressed the same resolution.

**PREVIOUS COUNCIL ACTION:** Council has adopted the alternative allocation formula for more than 29 years.

**BACKGROUND:** This program was created to recognize that there are municipalities affected by fishing activity outside their municipal boundaries, but that were not receiving a share of the State fish tax collected from these activities.

The Shared Fisheries Tax became law (AS 29.60.450) in 1962 with qualified municipalities sharing approximately 10% of the monies. The law evolved from a series of congressional and territorial legislation that originally taxed canned salmon receipts and later other fisheries for the purpose of funding fisheries-related activities in pre-territorial Alaska. Since becoming law, the amount of fisheries business tax shared with qualified municipalities has increased only twice, once in 1979 to 20% and in 1981 to the present 50% share.

**DISCUSSION:** The Shared Fisheries Tax Program provides two methods for applying for this funding. The first method is the Standard Method, which is very complicated and requires a great deal of coordinated effort among the affected communities. The second is the Alternate Method through which all municipalities within a fisheries management area agree to a formula for distribution of funds. This method is less complex and agreeable to all affected communities in the management area.

Atka, Adak, Akutan, and the Aleutians East Borough, all of which participate in this program with Unalaska (Fisheries Management Area 2 Aleutian Islands), have been contacted for confirmation that they agree on the use of the Alternate Method and that they agree with the formula.

**ALTERNATIVES:** Council could choose not to adopt the Alternate Method, in which case the Standard Method would be implemented along with the attendant requirements to document and report the cost of fisheries business impacts in the community.

**FINANCIAL IMPLICATIONS:** This table shows the breakdown between the communities in our Fisheries Management Area for the FY24 allocation. Unalaska can expect to receive a total of \$382,467:

FMA 2: Aleutian Islands					FY 22 Landing Tax Allocation	Reference	
		Total allocation:	60% Divided	40% per capita	\$667,578.33	Number	
		\$288,052.02	\$172,831.21	\$115,220.81			
Community	Population	60% divided share	40% per capita share	Calculated Allocation	Calculated Allocation		Total Distribution
City of Adak	113	\$34,566.24	\$2,217.67	\$36,783.91	\$85,248.99	24-SF02-01	\$ 122,032.91
Aleutians East Borough	2,101	\$34,566.24		\$34,566.24	\$80,109.40	24-SF02-02	\$ 114,675.64
City of Akutan	1,584	\$34,566.24	\$31,086.66	\$65,652.90	\$152,154.64	24-SF02-03	\$ 217,807.54
City of Atka	61	\$34,566.24	\$1,197.15	\$35,763.39	\$82,883.87	24-SF02-04	\$ 118,647.26
City of Unalaska	4,113	\$34,566.24	\$80,719.33	\$115,285.57	\$267,181.43	24-SF02-05	\$ 382,467.00
<b>Totals</b>	<b>7,972</b>	<b>\$172,831.21</b>	<b>\$115,220.81</b>	<b>\$288,052.02</b>	<b>\$667,578.33</b>		<b>\$ 955,630.35</b>
Community Count	5						

\* All municipalities share equally 60% of allocation; all but Aleutians East Borough share remaining 40% on a per capita basis.  
AEB pop = Borough (3685) - Akutan

**LEGAL:** No legal opinion is necessary for this item.

**STAFF RECOMMENDATION:** Adoption of Resolution 2023-50.

**PROPOSED MOTION:** This item is included on the Consent Agenda. If the item is moved to the regular agenda for discussion, the proposed motion would be “I move to adopt Resolution 2023-50”.

**CITY MANAGER’S COMMENTS:** I recommend Council adopt this resolution.

**ATTACHMENTS:** Program materials from the State of Alaska



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development  
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

550 W 7<sup>th</sup> Ave, Suite 1650  
Anchorage, Alaska 99501  
Main: 907.269.4501  
Fax: 907.269.4563

October 26, 2023

Marjie Veeder  
City of Unalaska  
PO Box 610  
Unalaska, AK 99685

Dear Marjie:

The Department of Commerce, Community, and Economic Development is pleased to announce availability of the **FY 2024 Shared Fisheries Business Tax Program**. The purpose of the program is to allocate a share of state fish tax collected outside municipal boundaries with municipalities affected by fishing industry activities. Municipalities around the state will share approximately \$1.3 million based on 2022 fisheries activity as reported by fish processors on their fish tax returns. Details of how the program works are included in the application under Program Description.

**Historically, your municipality along with the other communities in your fisheries management area, FMA 2: Aleutian Islands has filed using the Alternative Method found on the last four pages of this application.** A breakdown is included that details the communities in your FMA, in addition to the anticipated payment based on the agreed upon allocation method for your FMA. If this agreement is still in place with your FMA, you will only need to have your Council/Assembly pass the enclosed alternative method sample resolution in order to participate in the program.

If your FMA intends to change the alternative method of allocation, the new proposal must be submitted to our office no later than **January 15, 2024**. If an agreement cannot be made with all communities in your FMA, you will need to file using the standard method and claim your significant effects. Instructions on both of these methods are detailed in the application packet.

**DEADLINE FOR SUBMISSION OF COMPLETED APPLICATION IS  
FEBRUARY 15, 2024**

Applications can be scanned and emailed to [caa@alaska.gov](mailto:caa@alaska.gov) with the subject line **"City of Unalaska, FY24, SFBT"**. If you have any questions about the program or require assistance in completing the application, please contact me at [zoe.olson@alaska.gov](mailto:zoe.olson@alaska.gov) or call (907) 263-2156.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zoe Olson".

Zoe Olson  
Grants Administrator 2

Enclosure

<b>FMA 2: Aleutian Islands</b>					<b>FY 22 Landing Tax Allocation</b>	<b>Reference</b>
		<b>Total allocation:</b>	<b>60% Divided</b>	<b>40% per capita</b>	<b>\$667,578.33</b>	<b>Number</b>
		\$288,052.02	\$172,831.21	\$115,220.81		
<b>Community</b>	<b>Population</b>	<b>60% divided share</b>	<b>40% per capita share</b>	<b>Calculated Allocation</b>	<b>Calculated Allocation</b>	<b>Total Distribution</b>
City of Adak	113	\$34,566.24	\$2,217.67	\$36,783.91	\$85,248.99	24-SF02-01 \$ 122,032.91
Aleutians East Borough	2,101	\$34,566.24		\$34,566.24	\$80,109.40	24-SF02-02 \$ 114,675.64
City of Akutan	1,584	\$34,566.24	\$31,086.66	\$65,652.90	\$152,154.64	24-SF02-03 \$ 217,807.54
City of Atka	61	\$34,566.24	\$1,197.15	\$35,763.39	\$82,883.87	24-SF02-04 \$ 118,647.26
City of Unalaska	4,113	\$34,566.24	\$80,719.33	\$115,285.57	\$267,181.43	24-SF02-05 \$ 382,467.00
<b>Totals</b>	<b>7,972</b>	<b>\$172,831.21</b>	<b>\$115,220.81</b>	<b>\$288,052.02</b>	<b>\$667,578.33</b>	<b>\$ 955,630.35</b>
Community Count	5					
<p>* All municipalities share equally 60% of allocation; all but Aleutians East Borough share remaining 40% on a per capita basis.  AEB pop = Borough (3685) - Akutan</p>						

**DCCED**  
**Shared Fisheries Business Tax Program**  
**FY24 Long-Form Application**  
**For**

**FMA \_\_\_\_\_ : \_\_\_\_\_**



**APPLICATION MUST BE SUBMITTED TO DCCED**  
**NO LATER THAN FEBRUARY 15, 2024**

**State of Alaska**  
**Mike Dunleavy, Governor**

**Department of Commerce, Community, and**  
**Economic Development**  
**Julie Anderson, Commissioner**

**Division of Community and Regional Affairs**  
**Sandra Moller, Director**

## **FY24 SHARED FISHERIES BUSINESS TAX PROGRAM DESCRIPTION**

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

### **Program Eligibility**

To be eligible for an allocation under this program, applicants must:

1. Be a municipality (city or borough); and
2. Demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

### **Program Funding**

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2022.

Program funding is allocated in two stages:

**1st Stage:** Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2022 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2022, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2022.

**2nd Stage:** The funding available within each FMA will be allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

Some municipalities, because of their extensive area, are included in more than one fisheries management area. In these cases, the municipality must submit a separate program application for each area.



## FY24 SHARED FISHERIES BUSINESS TAX PROGRAM DESCRIPTION

### There are two possible application methods: Standard and Alternative

**Standard Method:** In the Standard Method, established by the department, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in 2022. These impacts are submitted by each municipality in their applications. The department will review the applications and determine if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department will calculate the allocation for each municipality using the following formula:

One half of the funding available within an FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

**Alternative Method:** Alternative allocation methods may be proposed by the municipalities within the FMA. The department will consider approving the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

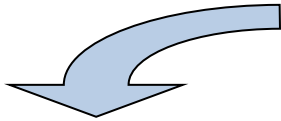
This application packet contains the instructions and forms applying under:

- STANDARD METHOD
- ALTERNATIVE METHOD

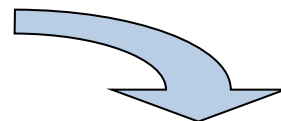
The chart on the following page summarizes the process for these two methods.

# FY24 SHARED FISHERIES BUSINESS TAX PROGRAM DESCRIPTION

## PROCESS FOR METHODS



**November 15**  
Commerce mails program applications to municipalities



### STANDARD METHOD

#### No later than February 15

Each municipality determines and documents the cost of fisheries impacts on the community and submits this information with their application.



#### No later than April 15

Department of Commerce reviews applications, makes a determination as to the validity of the submitted impacts, and notifies the municipalities of this determination.



#### Within 30 days

Municipalities have 30 days in which to appeal Commerce's determinations regarding submitted impacts.



#### Within 20 days

Commerce will respond to appeals within 20 days after receiving them.



#### After all appeals are resolved

Commerce will perform the formula calculations for each FMA based on the relative impacts approved for each municipality in the FMA, and distribute the funding allocations.

### ALTERNATE METHOD

#### No later than January 15

All municipalities in an FMA work together to develop an alternate allocation formula and submit their proposal to the Department of Commerce. Municipalities are encouraged to consult with Commerce during this effort regarding the acceptability of alternative methods.



#### No later than February 1

Commerce reviews alternate proposals, determines if proposals are acceptable, and notifies the municipalities of this determination. If the proposal is accepted, municipalities may then use the Alternative Method application. If the proposal is not acceptable to Commerce, they will work with municipalities in an area to resolve problems. If the problems cannot be resolved, the municipalities in that FMA must apply using the Standard Method application.



#### No later than February 15

Each municipality must submit an Alternative Method application. Commerce will distribute allocations after all applications within that FMA have been received and verified.

# FY24 Shared Fisheries Business Tax Program Application Instructions

## STANDARD METHOD

- In the standard method application process each municipality determines and documents the cost to the municipality of fisheries industry significant effects suffered by the community in 2022.
- Details for each of these effects are submitted by municipalities using the Declaration of Significant Effects application forms provided on the following pages.
- The municipality must also submit an approved resolution by the governing body certifying that the information submitted in the application is correct and complete. A sample resolution is included in this packet.
- The department will review the applications and determine if the significant effects submitted are valid.
- Once the effects have been established for each of the municipalities in a Fisheries Management Area, the department will calculate the funding allocation for each municipality using the following formula:

**One half** of the funding available within an FMA is divided up among participating municipalities on the basis of the relative **dollar amount of impact** in each municipality. The **other half** of the funding available to that area is divided equally among all eligible municipalities.

### Guidelines for Completing the Declaration of Significant Effects Forms

**Some important definitions:** The Shared Fisheries Business Tax Program provides for a sharing of State Fisheries Business Tax with municipalities that can demonstrate they suffered *significant effects* during the *program base year* from *fisheries business activity* in their respective fisheries management area.

For the purposes of this program, "fisheries business activity" means:

- activity related to fishing, including but not limited to the catching and sale of fisheries resources;
- activity related to commercial vessel, moorage and gear maintenance;
- activity related to preparing fisheries resources for transportation; and,
- activity related to processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

And, "significant effects" means:

- municipal expenditures during the program base year demonstrated by the municipality to the department to be reasonable and necessary that are the result of fisheries business activities on the municipality's:
  - population;
  - employment;
  - finances;
  - air and water quality;
  - fish and wildlife habitats; and,
  - ability to provide essential public services, including health care, public safety, education, transportation, marine garbage collection and disposal, solid waste disposal, utilities, and government administration.

And, "program base year" means:

- calendar year 2022.

**A municipality does not need to have actual expenditures in 2022 in order to include them as significant effects in the application.** If a fishing business activity impacts a municipality in a manner that will result in a cost to the municipality, then the municipality can claim that impact as a significant effect. For example, a municipality's pier might have been damaged by an improperly docked fish processing vessel. The municipality might not have the funds to repair the pier during 2022, but the municipality has obtained final engineering estimates for the cost of repairs. In this case, the municipality could declare the repair cost estimates as significant effects on their application. However, **these costs may not be claimed again** if the municipality subsequently expended the monies to repair the pier at a later date (this would result in a double counting of significant effects).

If a significant effect claimed in the application reflects expenditures that were determined by the municipality to be necessary, but for which the municipality was unable to make an expenditure during the program base year, the application must include a finding by the municipal governing body which documents and clearly describes the procedures and methods by which the need and the estimated cost of such expenditures were determined.

**Only that part of overall community impacts which are directly attributable to fishing business activity should be included as significant effects in the application.** For example, a municipality water supply system may be impacted by the fresh water needs of the local fishing fleet and fish processing facilities. However, a municipality in this situation should not claim the entire cost of operating or maintaining the water system as a "significant effect" for the purposes of this program. In this case, the municipality must determine and document its estimate of the share of the use, and "wear and tear," of the water system that can reasonably be attributed to fisheries business activity. A place is provided on the *Declaration of Significant Effects* forms for municipalities to explain how they arrived at such estimates.

**Examples of eligible significant effects.** The kinds of negative effects which a municipality might possibly claim to have suffered are many. It is the responsibility of each municipality to describe, document and justify its particular claims of negative impacts during 2022 resulting from fisheries business activities. For the purposes of this program, all significant effects must be presented in terms of expenditures of municipal funds, either actual or determined necessary. For example, a sudden population increase of 1,000 people is not in itself a negative effect. It is the demonstrable impacts on the municipality budget of dealing with these extra people that may be considered as significant effects

for this program. The following examples represent the kinds of community impacts which are clearly eligible for inclusion in a municipality's *Declaration of Significant Effects* forms.

- a municipality's expenses during 2022 in repairing a dock damaged by a fishing vessel;
- a municipality's costs of hiring extra police, teachers or medical staff to cover periods during 2022 when fish processing workers or fishing crew and their families expanded the municipality's population;
- a municipality's 2022 loan which was used to improve the municipality's water system to meet increased demands for fresh water by local fish processors. Only that part of the debt service which can be directly attributable to supporting the fishing industry may be counted as a significant effect.
- special expenditures made by a municipality during 2022 to assist or help re-train workers who lost their jobs in the fishing industry because of a downturn in fishing activity;
- a municipality's expenditures for operating and maintaining harbor facilities during 2022;
- operating and maintaining a municipality's water and sewer system or landfill during 2022 that is directly attributable to the fishing industry.

**Examples of events which are not eligible to be significant effects**

The following are examples of municipal expenditures or events which are **not eligible** for inclusion in a *municipality's Declaration of Significant Effects* forms:

- Municipal expenditures that occurred before or after 2022 which are the result of fishing business activities;
- Revenues which a municipality did not receive during 2022 because of a downturn in local fishing business activity.

**If you're not sure whether an event is a valid "significant effect" or not, contact DCCED.**

## Instructions for Completing the Standard Method Application

The completed standard method application submitted by each municipality will contain three elements:

- a set of *Declaration of Significant Effects* forms (one separate form for each significant effect claimed by the municipality). **Three copies of this form are included in the application- please make as many additional copies of this form as you need.**
- a *Cover Page* that provides the total number and cost of the significant effects claimed by the municipality.
- an *approved resolution* by the governing body adopting the application as true and correct. A sample resolution is included in the application.

### Instructions for the Cover Page/Summary

The *Cover Page* must be completed and submitted as part of the application. This form summarizes the information found in the application. The number of significant effects claimed should be equal to the number of *Declarations of Significant Effects* forms submitted with the application and the total dollar amount should equal the sum of all the dollar amounts stated in Part 2 on the *Declarations of Significant Effects* forms.

### Instruction for the *Resolution* form

Municipalities may use this form, or a similar form, to comply with the requirement that the submitted application be certified by the municipality's governing body.

**Submit completed application  
no later than February 15, 2024, to:**

**E-mail**

**[caa@alaska.gov](mailto:caa@alaska.gov)**

**Subject Line**

**“Municipality Name, FY24, SFBT”**

**Or**

**Mail**

**State of Alaska DCCED**

**Shared Fisheries Business Tax Program**

**550 W 7<sup>th</sup> Ave, Suite 1650**

**Anchorage, Alaska 99501**

**If you have any questions regarding this program, contact  
Zoe Olson at (907) 263-2156**

**FY24 SHARED FISHERIES BUSINESS TAX PROGRAM**

**STANDARD METHOD APPLICATION**

**for**

**FMA** \_\_\_ : \_\_\_\_\_

Name of Municipality: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

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

Phone Number: \_\_\_\_\_

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

Total # of Significant Effects Claimed: \_\_\_\_\_

Total \$ of Significant Effects Claimed: \$ \_\_\_\_\_

Return with, Declaration of Significant Effects forms, and resolution

**E-mail**

**[caa@alaska.gov](mailto:caa@alaska.gov)**

**Subject Line**

**“Municipality Name, FY24, SFBT”**

**Or**

**Mail**

**State of Alaska DCCED**

**Shared Fisheries Business Tax Program**

**550 W 7<sup>th</sup> Ave, Suite 1650**

**Anchorage, Alaska 99501**

**FY24 Shared Fisheries Business Tax Program  
DECLARATION OF  
SIGNIFICANT EFFECTS FORM**  
(One Separate Form for Each Significant Effect Claimed)

---

1. Provide a description of the fisheries business activity which resulted in the significant effect:

2. Total significant effect (municipal expenditure) made necessary during 2022 by the fisheries business activity listed in #1: \$ \_\_\_\_\_

3. Municipal expenditure is:     actual         determined necessary  
(Every municipal expenditure marked "determined necessary" must be supported by a resolution)

4. Describe how the municipal expenditure figure listed under Part 2 was determined:

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?  
 yes         no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):



**FY24 Shared Fisheries Business Tax Program  
DECLARATION OF  
SIGNIFICANT EFFECTS FORM**  
(One Separate Form for Each Significant Effect Claimed)

---

1. Provide a description of the fisheries business activity which resulted in the significant effect:

2. Total significant effect (municipal expenditure) made necessary during 2022 by the fisheries business activity listed in #1: \$ \_\_\_\_\_

3. Municipal expenditure is:     actual         determined necessary  
(Every municipal expenditure marked "determined necessary" must be supported by a resolution)

4. Describe how the municipal expenditure figure listed under Part 2 was determined:

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?  
 yes                       no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY24 Shared Fisheries Business Tax Program  
DECLARATION OF  
SIGNIFICANT EFFECTS FORM**  
(One Separate Form for Each Significant Effect Claimed)

---

1. Provide a description of the fisheries business activity which resulted in the significant effect:

2. Total significant effect (municipal expenditure) made necessary during 2022 by the fisheries business activity listed in #1: \$ \_\_\_\_\_

3. Municipal expenditure is:     actual         determined necessary  
(Every municipal expenditure marked "determined necessary" must be supported by a resolution)

4. Describe how the municipal expenditure figure listed under Part 2 was determined:

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?  
 yes                       no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

FY24 Shared Fisheries Business Tax Program  
Standard Method Resolution

\_\_\_\_\_  
(City or Borough)

RESOLUTION NO.

A RESOLUTION CERTIFYING THE FY 22 SHARED FISHERIES BUSINESS TAX PROGRAM APPLICATION TO BE TRUE AND CORRECT

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY24 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2022 from fisheries business activities; and

WHEREAS, the Department of Commerce, Community, and Economic Development has prepared specific application forms for the purpose of presenting the municipality's claims as to the significant effects suffered by the municipality during calendar year 2022; and

WHEREAS, 3 AAC 134.100 requires the governing body of the municipality to include with the municipality's FY24 program application an approved resolution certifying the information contained in the application to be true and correct;

NOW THEREFORE BE IT RESOLVED THAT:

The \_\_\_\_\_ by this resolution certifies the information contained in  
the \_\_\_\_\_  
(Governing Body)  
(City or Borough)

FY24 Shared Fisheries Business Tax Program Application to be true and correct to the best of our knowledge.

PASSED AND APPROVED by a duly constituted quorum of the \_\_\_\_\_ this \_\_\_\_\_  
(Governing Body)  
day of \_\_\_\_\_, 20 \_\_\_\_.

SIGNED \_\_\_\_\_  
Mayor

ATTEST \_\_\_\_\_  
Clerk

## **FY24 Shared Fisheries Business Tax Program Application Instructions**

### **ALTERNATIVE METHOD**

- In the alternative method application process all municipalities in a fisheries management area may work together to develop an alternative allocation formula for distributing the available program funding among municipalities in the area. It is advised that the Department of Commerce be consulted during this process if the municipalities have questions or concerns about what constitutes an acceptable alternative to the standard allocation method.
- All the municipalities in an area must reach an agreement in writing on an alternative allocation formula.
- By January 15, the department must receive the proposed alternative method. If the alternative method is not acceptable, the department will work with the municipalities to resolve the problems.
- If the municipalities in an area fail to satisfy the department regarding the acceptability of the alternative allocation method proposed, then each municipality in the region must return to the standard application process and submit separate applications as required by that process.
- If the department finds the alternative allocation method satisfactory, each municipality must then complete an alternative method application consisting of a cover page and resolution. The resolution must be adopted by the governing body and it must clearly describe the approved alternative allocation method within that area. After all alternative method applications within an area have been received and approved; the department will perform the allocations and distribute program funds.

## **Instructions for Alternative Method Application**

In the alternative method application, an approved resolution constitutes the application. No other forms need to be submitted. A sample resolution has been attached for your use.

### **General Guidelines for Developing an Alternative Allocation Method**

**All municipalities in a fisheries management area must agree on the alternative method:** There must be unanimous agreement among all eligible municipalities in a fisheries management area with regard to alternative allocation methods. It is the responsibility of community leaders in the area to work together to negotiate an alternative which is acceptable to all municipalities. The department may be consulted at any time regarding what kinds of formula approaches are considered acceptable by the department.

**Alternative methods must incorporate some measure of the relative significant effects experienced by the respective municipalities in the area.** The measure of significant effects may take many forms. One area might agree to use the number of commercial fishing boat visits-per-year per community as a measure of significant effects. Another area might use the linear foot-length of public docks as a measure. Another area might use community population figures as an indication of the significant effects of fisheries business activity. Another area might share one half of the funding equally between the respective municipalities and share the other half based upon community population figures. Areas may decide to use one measure or may use a combination of measures.

**Submit your completed application  
no later than  
February 15, 2024 to:**

**E-mail**

**[caa@alaska.gov](mailto:caa@alaska.gov)**

**Subject Line**

**“Municipality Name, FY24, SFBT”**

**Or**

**Mail**

**State of Alaska DCCED**

**Shared Fisheries Business Tax Program**

**550 W 7<sup>th</sup> Ave, Suite 1650**

**Anchorage, Alaska 99501**

**If you require assistance in completing this application, contact  
Zoe Olson at (907) 263-2156**

**FY24 SHARED FISHERIES BUSINESS TAX PROGRAM**

**ALTERNATE METHOD APPLICATION**

**For**

**FMA** \_\_\_: \_\_\_\_\_

Name of Municipality: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

Phone Number: \_\_\_\_\_

Return with resolution

**E-mail**

**[caa@alaska.gov](mailto:caa@alaska.gov)**

**Subject Line**

**“Municipality Name, FY24, SFBT”**

**Or**

**Mail**

**State of Alaska DCCED**

**Shared Fisheries Business Tax Program**

**550 W 7<sup>th</sup> Avenue, Suite 1650**

**Anchorage, Alaska 99501**

FY24 Shared Fisheries Business Tax Program  
Alternative Method Resolution

\_\_\_\_\_  
(City or Borough)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY24 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA \_\_\_\_\_:

**WHEREAS**, AS 29.60.450 requires that for a municipality to participate in the FY24 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2022 from fisheries business activities; and,

**WHEREAS**, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and,

**WHEREAS**, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and,

**WHEREAS**, The \_\_\_\_\_ proposes to use an alternative allocation method for allocation of FY24 funding available within the FMA \_\_\_\_\_: \_\_\_\_\_ in agreement with all other municipalities in this area participating in the FY24 Shared Fisheries Business Tax Program;

**NOW THEREFORE BE IT RESOLVED THAT:** The \_\_\_\_\_ by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2022 of fisheries business activity in FMA \_\_\_\_\_: \_\_\_\_\_:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

PASSED and APPROVED by a duty constituted quorum of the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

SIGNED \_\_\_\_\_  
Mayor

ATTEST \_\_\_\_\_  
Clerk

CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 2023-51

A RESOLUTION ESTABLISHING DATES FOR THE FISCAL YEAR 2025 REAL PROPERTY TAX AND BUSINESS PERSONAL PROPERTY TAX COLLECTION EFFORT

WHEREAS, UCO 6.36.020 states that taxes become due and are delinquent on dates set yearly by resolution.

NOW THEREFORE, BE IT RESOLVED that the Unalaska City Council sets the following dates and deadlines for the FY25 real property tax and business personal property tax collection effort:

March 1, 2024	Deadline to file Business Personal Property Tax Return
March 25, 2024	Deadline to mail Real Property and Business Personal Property Regular, Supplemental and Involuntary Assessment Notices
April 24, 2024	Deadline for filing Appeals to the Board of Equalization
May 14, 2024	Board of Equalization meets
June 28, 2024	Deadline to mail Real Property and Business Personal Property Regular, Supplemental and Involuntary Tax Statements
August 21, 2024	First half payment due date for regular Real and Business Personal Property Tax rolls
August 21, 2024	Final payment due date for Supplemental and Involuntary Business Personal Property Tax rolls
August 22, 2024	Unpaid taxes become delinquent and subject to penalty and interest
October 21, 2024	Second half payment due date for regular Real and Business Personal Property Tax rolls
October 22, 2024	Unpaid taxes become delinquent and subject to penalty and interest

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: Estkarlen P. Magdaong, City Clerk  
Through: Marjie Veeder, Acting City Manager  
Date: December 19, 2023  
Re: Resolution 2023-51: Establishing dates for the fiscal year 2025 real property tax and business personal property tax collection effort

---

---

**SUMMARY:** UCO 6.36.020 states that taxes become due and are delinquent on dates set yearly by resolution. Resolution 2023-51 accomplishes this objective, as well as setting other dates for the tax collection effort. Staff recommends adoption.

**PREVIOUS COUNCIL ACTION:** Council addresses a similar resolution each year.

**BACKGROUND & DISCUSSION:** The resolution before you tonight is very similar to the resolutions adopted by council in the past, adjusting the dates for the tax year and to ensure that due dates do not fall on weekends. Starting in 2022, we moved back by five days the due dates for mailing assessment notices and for filing appeals to the Board of Equalization. This change was made to provide our assessor additional time to investigate and respond to appeals before the Board of Equalization meeting.

**ALTERNATIVES:** Setting due dates for tax payments is required by our Code of Ordinances, and it helpful for staff and taxpayers alike to have clear deadlines set for other items related to the tax collection effort.

**FINANCIAL IMPLICATIONS:** None.

**LEGAL:** None.

**STAFF RECOMMENDATION:** Staff recommends adoption of Resolution 2023-51.

**PROPOSED MOTION:** This resolution is included on the consent agenda. Should Council wish to move this item to the regular agenda for discussion, a proposed motion is "I move to adopt Resolution 2023-51."

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