

Regular Meeting
Tuesday, February 25, 2020
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

Council Members
Thomas D. Bell
Darin Nicholson
David M. Gregory

UNALASKA CITY COUNCIL

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

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

Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager

AGENDA

1. **Call to order**
2. **Roll call**
3. **Pledge of allegiance**
4. **Recognition of visitors**
5. **Adoption of agenda**
6. **Approve minutes of previous meeting** February 11, 2020
7. **Reports**
 - a. City Manager
 - b. Annual Reports
 - i. Library Advisory Committee
 - ii. Parks, Culture & Recreation Committee
 - iii. Planning Commission and Platting Board
 - iv. Historic Preservation Commission
8. **Community Input & Announcements** *Members of the public may make announcements of interest to the community.*
9. **Public testimony on agenda items** *Time for members of the public to testify or provide information to Council regarding items on the agenda. Members of the public may also speak when the issue comes up on the regular agenda by signing up with the City Clerk.*
10. **Public hearing** *Members of the public may testify about any item set for public hearing.*
 - a. Ordinance 2020-01: Amending Unalaska Code of Ordinances § 3.44.030 (C) and (D) specifying employees receiving overtime compensation for working on holiday and clarification of overtime approval requirements
11. **Work session** *Work sessions are for planning purposes, or studying and discussing issues before the Council.*
 - a. Discussion: Tidelands lease with Bering Select Seafoods Ltd.
 - b. Presentation: Report from Ounalashka/Chena Power, LLC regarding their Makushin geothermal project

12. Regular agenda *Persons wishing to speak on regular agenda items must sign up with the City Clerk.*

- a. Ordinance 2020-01: 2nd Reading, Amending Unalaska Code of Ordinances § 3.44.030 (C) and (D) specifying employees receiving overtime compensation for working on holiday and clarification of overtime approval requirements
- b. Ordinance 2020-02: 1st Reading, Amending Unalaska Code of Ordinances § 6.28.030, Required Exemptions, to define exempt vessels; to remove the exemption for structures containing fire protection systems; and to reorganize the code section
- c. Resolution 2020-08: Approving a long term lease agreement situate in ATS 1444, between the City of Unalaska and Bering Select Seafoods Ltd., for an outfall easement on City owned tidelands
- d. Resolution 2020-13: Authorizing the City Manager to sign a Settlement Agreement with Alaska Mechanical, Inc., to resolve Alaska Mechanical, Inc. vs. City of Unalaska, case no. 3AN-15-8280 CI
- e. Resolution 2020-14: Authorizing the City Attorney to bring a suit against American International Group, Inc.
- f. Liquor license renewal applications (no action requested)

13. Council Directives to City Manager

14. Community Input & Announcements *Members of the public may make announcements of interest to the community.*

15. Adjournment

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MINUTES

1. Call to order

Mayor Tutiakoff, Sr. called the Regular Meeting of the Unalaska City Council to order on Tuesday, February 11, 2020 at 6:00 pm, in the Unalaska City council chambers.

2. Roll call

Present:

Vincent Tutiakoff, Sr., Mayor
Dennis Robinson, Vice Mayor
Darin Nicholson
Thomas D. Bell
Alejandro Tungul
David Gregory (Telephonic)
Shari Coleman

Absent:

None

3. Pledge of allegiance

Mayor Tutiakoff Sr. led the Pledge of Allegiance followed by a moment of silence for Alexis Magalong

4. Recognition of visitors

Dan Rozema, KPMG

5. Adoption of agenda

Bell made a motion to adopt agenda; Robinson seconded.

Robinson made a motion to amend agenda to add one Regular Session item: Approve travel for Council Member Thomas D. Bell to attend the Southwest Alaska Municipal Conference, March 5-6, 2020 in Anchorage; Coleman seconded.

Roll Call Vote on motion to amend: Bell – yes; Nicholson – yes; Gregory – yes; Robinson – yes; Coleman – yes; Tungul – yes.

Motion passed 6-0.

Robinson made a motion to amend agenda to add one Executive Session item: Receive update from City Attorney regarding litigation related to construction on the Waste Water Treatment Plant litigation; Tungul seconded.

Roll Call Vote on motion to amend: Coleman – yes; Gregory – yes; Nicholson – yes; Robinson – yes; Tungul – yes; Bell – yes.

Motion passed 6-0.

Roll Call Vote on main motion as amended: Tungul – yes; Robinson – yes; Nicholson – yes; Gregory – yes; Bell – yes; Coleman – yes.

Motion passed 6-0.

6. Approve minutes of previous meetings: January 28 and January 30, 2020

Tungul made a motion to approve the January 28 and January 30, 2020 meeting minutes; Robinson seconded.

No objection.

Motion passed by consensus.

7. Reports

- a. City Manager. Acting City Manager gave the report and answered Council questions
- b. Financial Reports: December 2019. Interim Finance Director gave his report and answered Council questions.

8. Community Input & Announcements

- Mayor and Council wished Council Member Coleman Happy Birthday
- PCR - several activities postponed this week
- Capital Projects update posted on city website
- Community meeting on FUDS - Formerly Used Defense Sites, February 19, 2020 – Grand Aleutian Hotel
- UDPS – update on quarantined vessel from China

9. Public testimony on agenda items – None.

10. Work session

Robinson made a motion to adjourn to Work Session; Tungul seconded.

No objection.

Motion passed by consensus.

- a. Presentation of the FY19 Comprehensive Annual Financial Report, and the Federal and State Single Audit Reports for year ended June 30, 2019
Interim Finance Director Jim Sharpe introduced Dan Rozema, KPMG.
Dan Rozema gave a presentation of the FY19 Comprehensive Annual Financial Report, and the Federal and State Single Audit Reports for year ended June 30, 2019 and answered Council questions regarding:
 - City's internal controls over approval of overtime
 - Future potential weaknesses in the area of fraud

Mayor and Council thanked Dan Rozema for his years of service with the City of Unalaska.

- b. Discuss State and Federal legislative priorities

Mayor Tutiakoff Sr. updated council on the State and Federal legislative priorities. Council members agreed to continue to list airport issues as a high priority.

- c. Discuss use of the Henry Swanson House
Public Works Director Tom Cohenour gave a brief presentation on Henry Swanson and outlined options for possible uses for the Henry Swanson House.

Robinson made a motion to adjourn to Regular Session; Bell seconded.
No objection.
Motion passed by consensus.

7:24 pm – Break

11. Consent agenda

Robinson made a motion to adopt Consent Agenda; Tungul seconded
Roll Call Vote: Tungul – yes; Gregory – yes; Robinson – yes; Bell – yes; Nicholson – yes;
Coleman – yes.
Motion passed 6-0.

Mayor Tutiakoff Sr. read titles of Resolution 2020-11 and Resolution 2020-12 into record.

- a. Resolution 2020-11: Approving the Mayor's appointments to the Library Advisory Committee; the Parks, Culture & Recreation Committee; the Planning Commission and Platting Board; and the Historic Preservation Commission
- b. Resolution 2020-12: Authorizing an inter-fund loan from the General Fund to the Electric Fund for the Captains Bay Electric Upgrade project

12. Regular agenda

- a. Ordinance 2020-01: Amending Unalaska Code of Ordinances § 3.44.030 (C) and (D) specifying employees receiving overtime compensation for working on holidays and clarification of overtime approval requirements

Coleman made a motion to schedule Ordinance 2020-01 to Second Reading and Public Hearing on February 25, 2020; Robinson seconded.
Roll Call Vote: Coleman – yes; Bell – yes; Gregory – yes; Nicholson – yes; Robinson – yes; Tungul – yes.
Motion passed 6-0.

- b. Resolution 2020-03: Awarding the 2020 Park and Playground Improvements Project

Coleman made a motion to adopt Resolution 2020-03; Tungul seconded.
Roll call Vote: Bell – yes; Coleman – yes; Nicholson – yes; Robinson – yes; Tungul – yes; Gregory – yes.
Motion passed 6-0.

- c. Resolution 2020-09: Identifying the City's State Priorities for Fiscal Year 2021

Tungul made a motion to adopt Resolution 2020-09; Robinson seconded.
Roll Call Vote: Gregory – yes; Bell – yes; Coleman – yes; Nicholson – yes; Robinson – yes; Tungul – yes.
Motion passed 6-0.

- d. Resolution 2020-10: Identifying the City's Federal Priorities for Fiscal Year 2021

Robinson made a motion to adopt Resolution 2020-10; Bell Seconded.

Roll Call Vote: Bell – yes; Coleman – yes; Nicholson – yes; Robinson – yes; Tungul – yes; Gregory – yes.
Motion passed 6-0.

- e. Approve travel to Juneau for the City lobbying efforts, constituent dinner and legislative reception, scheduled for March 16-18, 2020

Robinson made a motion to approval travel for Mayor and three Council members to travel to Juneau for the City lobbying efforts, constituent dinner and legislative reception, March 16-18, 2020; Coleman seconded.

Robinson made a motion to amend to add the following Council Members names: Dennis Robinson, Alejandro Tungul, and David Gregory; Tungul seconded.
Roll Call Vote on amend motion: Nicholson – yes; Robinson – yes; Tungul – yes; Coleman – yes; Bell – yes; Gregory – yes.

Motion passed 6-0.

- f. Approve travel for Council Member Thomas D. Bell to attend the Southwest Alaska Municipal Conference, March 5-6, 2020 in Anchorage

Robinson made a motion to approve travel for Council Member Thomas D. Bell to attend the Southwest Alaska Municipal Conference, March 5-6, 2020 in Anchorage; Tungul seconded.

Roll Call Vote: Gregory – yes; Coleman – yes; Tungul – yes; Nicholson – yes; Robinson – yes; Bell – yes.

Motion passed 6-0.

13. Council Directives to City Manager – None.

14. Community Input & Announcements

Go Fund Me account established for the Magalong Family for funeral and travel expenses

15. Executive Session: AIG Insurance Claim and WWTP litigation

Robinson made a motion to enter into Executive Session; Tungul seconded.

No objection.

Motion passed by consensus.

8:50 pm – Reconvened to Regular Session

Council directed City Attorney to prepare three resolutions for the February 25, 2020 meeting.

16. Adjournment

Coleman made a motion to adjourn; Tungul seconded.

No objection.

Motion passed by consensus.

The meeting adjourned at 8:51 pm.

Marjie Veeder, CMC
City Clerk

rfw

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: February 25, 2020
Re: City Manager Report

Upcoming Deadlines: The following filing and application deadlines are coming up.

- Business Personal Property Tax Returns, required to be filed by all City business license holders, are due March 1, 2020
- The annual application for the Senior Citizen Real Property Tax Exemption, which exempts from tax the first \$150,000 in real property value, is due March 1, 2020
- The annual application for the \$200 Senior Citizen Sales Tax Refund is due March 31, 2020

Ounalaska/Chena Power, LLC (OCP) Geothermal Project: Discussions between the City team and OCP continue. Although a power purchase agreement (PPA) will eventually be required in order for OCP to obtain their funding, it is now not the main focus of our discussions. Instead we are focusing our energy on understanding the project, identifying challenges, mitigating risks, expanding opportunities, identifying what would need to be done should the project move forward, refining displaced costs, and exploring heating options. OCP will proceed with their fieldwork and research, which will help reduce the number of uncertainties and assumptions. We reached out to process[rs to garner their interest in the project and encourage them to attend tonight's Council meeting. The City team, including Brooks Chandler and Mike Hubbard, will be having discussions with OCP representatives during OCP's visit to the island the week of February 24, 2020.

STIP Update: Staff nominated the Captains Bay Road and Utility Improvement for Community Transportation Funding in September of 2019. This is a competitive process and the awards for the CTP nominations will be announced in March of 2020. The awarded projects will be incorporated into the STIP through Amendment 1.

UVB and Henry Swanson House: The City has provided the required 30 day formal notice to the UVB of the need for them to vacate the space in Burma Road Chapel by March 15, 2020. This is after City staff had already been in discussions with UVB about this potential for some time and with the understanding that the UVB was already looking for an alternative space that better met their needs. UVB has responded to the notice and the City's offer to use the Henry Swanson House that the Henry Swanson House will not fit their needs, and will be entering in to a lease at a different location. City staff will continue preparing the Henry Swanson House for use and come back to Council with options when that work is completed.

Executive Level Searches: Executive level vacancies include the Finance Director, Police Chief, and Fire Chief.

- Fire Chief. On-site visits and interviews with two Fire Chief Candidates are currently underway as I draft this memo. Candidates are participating in a City tour, panel interview,

staff meetings and Volunteer training during their time on island. Mike Hanson continues to serve as Acting Fire Chief.

- Finance Director. The job announcement for the Finance Director posting closed on January 27, 2020. Initial telephone interviews were conducted February 6, 2020, and we are planning an onsite visit and interview with the candidate during the second week of March. Jim Sharpe continues to serve as Interim Finance Director, who is participating in meetings telephonically and available for staff while off island.
- Police Chief. As was previously communicated, I learned on January 9, 2020 that the vacancy was not advertised in six of the targeted sites as planned due to an employee error. Staff continues efforts with updating the posting and position profile for recruitment purposes. We will then proceed with advertising in the targeted sites and recruitment efforts. I do not have a firm advertising and closing date set at this time. John Lucking continues to serve as Interim Police Chief.

Directives to the City Manager: The following identifies the status of outstanding Directives to the City Manager:

- *Options for Increased Tobacco Tax (11/27/18)*. *On hold*. Council discussed in detail at the July 9, 2019 Council Meeting. Future discussions will include additional information on Tobacco Excise Tax, a combination Tobacco Excise Tax with increased sales tax on alcohol and marijuana, fund dedication options, and potential rates. Additional information will be provided to Council in the coming months.
- *Fiscal Sustainability Plan and Policy (5/14/19)*. *Initiated*. Interim Finance Director Jim Sharpe began a discussion with City Council on sustainable long term planning at the December 12, 2019 Council meeting.
- *Research the use of feasibility of purchasing parcel 04-09-330 (1/28/2020)*. *Initiated*. I have asked that Planning Director, Bil Homka look in to this issue, with the assistance of Public Works Director Tom Cohenour. They will address the purchasing process, potential right of way adjustments, roadway improvements and actions related to the remaining property.

CITY OF UNALASKA
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MEMO

February 11, 2020

To: Mayor Vincent Tutiakoff, Sr.
Unalaska City Council
From: M. Lynn Crane, Chair, Unalaska Public Library Advisory Committee
Re: Library Advisory Committee Annual Report to the Mayor and Council, 2019

This year, the Unalaska Public Library continued to provide valuable services and resources to the community, and I am pleased to submit this report on Unalaska Public Library and Library Advisory Committee activities to the Mayor and Council. It covers the calendar year from January – December of 2019. The following statistics provide a snapshot of core library services and usage.

	2019	2019 Daily Average ¹	2018	2017
Users through the door	49,725	140	52,435	50,597
Items checked out	83,487	235	86,450	74,345
Computer & WiFi Sessions	47,664	134	55,278	37,987 ²
Reference Questions	983	3	2,065	1,266
Active Registered Users ³	4,134	-	4,178	4,427
Interlibrary Loans	304	-	283	293
Programs Offered	122	-	159	137
Attendance at Programs	1,835	-	2,643	2,088
Meeting Room Reservations	303	-	337	270
Notarized Documents	358	-	370	197
Passport Applications	143	-	160	149
Passport Photos	241	-	232	190 ⁴

1. The library was open 355 days in 2019.
2. Starting in January 2018, we tracked the number of wireless sessions using the Wireless Access Point rather than staff tallying by hand, so this number saw a large increase and is now more accurate.
3. Card has been used for checkout in the past 60 months.
4. New service as of March 2017

We recognize that many of these numbers have decreased between 2018 and 2019. While it is not possible to pinpoint the specific cause of usage trends from year to year, possible reasons for this decrease

include a decrease in the seasonal work force and decreased library internet use due to the library's bandwidth not keeping up with technological advances and increased expectations of high-speed internet. We have also scaled back on library programming somewhat due to staff capacity levels, with the goals of preventing burnout, providing a high level of customer service, and maintaining a low level of staff turnover.

Expansion and Renovation of the Library Facility

The Committee thanks the Mayor and Council for beginning the CMMP process in 2012 to eventually improve the library facility. The community has expressed a need for improvements in the areas of children's and teen space, meeting and study space, community event and learning space, and more room for seating and library materials.

In the past two years, this project has gained momentum, with city funding in FY19 for full design of the expansion and renovation of the library and funding in FY20 for construction. After a year-long design process, incorporating extensive input from the community and from library and city staff, ECI Alaska Architects have completed a 90% building design. In November 2019, the project went out to bid for construction. F&W Construction had the highest scoring bid, but all construction bids came in higher than anticipated. In December 2019, the Project Team worked with ECI and F&W to identify opportunities for cost savings while maintaining the integrity and scope of the established design. While the additional cost represents a hurdle for the project, the Advisory Committee recommends moving forward with funding and construction as designed.

If the project continues with Council approval, construction will begin in spring 2020 with anticipated completion by the end of 2020.

The Advisory Committee has played an active part in the public input process for the Library Building Improvement Project, meeting multiple times with the project architects and providing input on topics like furniture and finishes, public art, and self-checkout, as well as giving general input on the direction and scale of the project. The Advisory Committee also appointed an Art Committee to solicit, evaluate, and select art installations for the project.

The City of Unalaska is considering applying for a Rasmuson Foundation Grant for assistance with this capital project. The Rasmuson Foundation asks grant applicants to establish a local fundraising effort as part of the application process, and if we proceed with this grant application, the Library Advisory Committee may be involved in the fundraising piece of the project.

Committee Work

In 2019, the Committee met eight times: seven times in regular session and once in special session. The Committee received information and gave advice to the City Librarian and the Director of Parks, Culture, and Recreation on the following discussion topics in 2019:

- Library Building Improvement Project
- Art Committee – Library Building Improvement Project
- Library Business Plan
- On-Call Staff & Library Staffing Levels
- Valentine Rose Writing Contest judging
- Summer Reading Program
- Seasonal Library Programs
- New Library Cards
- FY21 Internet Contract
- Security Gates

Library Advisory Committee Members

	Term Expires:
M. Lynn Crane, Chair	02/2021
Cyri Thompson, Vice Chair	02/2022
Robert Cummings	02/2021
Debbie Hanson-Zueger	02/2020
Virginia Hatfield	02/2022
Cat Hazen	02/2021
Lucy Ortiz	02/2022

In summary, members of the Public Library Advisory Committee report that the library has had an exceptional year and that the Unalaska community continues to use the library's resources, services, and programs. We look forward to discussing this report and answering any questions from Council members or City Administration on February 11, 2020.

Unalaska Public Library


2019 Year in Review



49,725

Visitors through the door

4,134 active users
386 new library cards



83,487

Items checked out


3,177 new items added

Each day in 2019, the library saw an average of 140 visitors and checked out an average of 235 items.



47,664

Wireless & computer sessions



1,835

Program attendance
122 programs for all ages

In a 2019 City of Unalaska Comprehensive Plan survey, 90% of respondents said the library is doing a good job. This is the highest approval rate in the city.



**City of Unalaska
Parks, Culture and Recreation Committee
Annual Report to Council
January 01 – December 31, 2019**

The Annual Report of the Parks, Culture and Recreation (PCR) Committee highlights the Committee's accomplishments during the 2019 calendar year.

PCR COMMITTEE MEMBERS

- Thomas Roufos, Chair
- Jason Gates
- Jim Morris
- Greg Peters
- Robert Cummings
- Michelle Murdock

The Committee was active in the playground improvement projects including the construction of Town Park and Tanaadakuchax Park. We also played an active role in the design and bid process for Sitka Spruce Park and the USCD playground project.

The committee's major role is to provide insight and feedback on programming, events, and operations, serving as another set of eyes looking at all of PCR. The Committee extensively reviewed all recreation programming from tots to adults, as well as the seasonal activity guides, annual budget, fee schedule and Business Plans developed by each PCR Division.

The Business Plan Project was to develop a format for anyone to look at the department in a more in-depth way without getting lost in spreadsheets and schedules. The Business Plans have made it possible to look at the goals and outcomes by division and to track the progress of each of the divisions' goals and objectives. (See the info graphic information.)

The Committee tackled PCR concerns that included new pool hours for children and adults. We suggested that the pool hours be lengthened to include a free swim time for children from 3:30-4:30 each day. The addition of the new Head Lifeguard Position has allowed the Aquatic Center to expand in many areas. We now offer swim gear for sale including swimsuits, goggles and caps. We will begin electronic sign in for corporate passes to eliminate paper sign in. The manager, coordinator and head lifeguard are all certified swim instructors that can also certify additional instructors. We will begin our

first swim lessons with the preschool class January 28, 2020. There are also three Aquafit classes, one on Tuesdays and Thursdays from 5:30 p.m. - 6:30 p.m. and one on Wednesday from 12:00 p.m. – 12:30 p.m.

Having three full time employees at the Aquatic Center allows us to offer more events. One of the newest events, which began in January 2020, is our Dive-In Movie series. Each quarter we show movies on a big screen in the pool area and upstairs in the Mezzanine simultaneously.

The Aquatic Center is proposing to begin design of the Mezzanine Expansion Project in FY2021. The expansion of the Mezzanine will allow more space for events, workout classes and offices for our new head lifeguard and coordinator. The expansion will also include windows looking outside and opening the area for better air circulation.

The chart below outlines the accomplishments of the PCR Committee during 2018.

PCR Committee 2019

Reviewed	Action
Activity Guides - Winter/Spring, Summer, & Fall	New Community Center Cameras were installed
Budget for Fiscal Year 2018	
Business Plans (Recreation; Library; Aquatics; Parks; and Operations)	
CMMP Projects	
Implemented Ideas & Suggestions	Feedback & Suggestions for Improvements to Existing Programs
Healthier food choices at PCR activities	Youth Swim League
Staff are pursuing a Head lifeguard Position	Pool Family Swim Hours
Pool Hours	Healthier food choices at PCR activities
Staff are pursuing an Activity Guide App	
	Concerns
	Lack of qualified people to teach the classes

New Classes

The Committee determined that a key area of concern was in PCR’s offerings regarding Aquatic Programming. This year we have had many more programs at the pool due to the hiring of a program coordinator for aquatics programming and a new Head life guard for staffing issues.

PCR has partnered with APIA to host several programs. There is a weekly senior exercise program that is held at the Senior Center on Tuesdays and Thursdays at 8:30 a.m. This class seeks to increase the

overall health and mobility of those who participate. PCR also worked with APIA to host a summer camp program with art, basketball, and iqyax building programs.

New Approaches

PCR Staff worked to revamp the Martin Luther King Jr. Event to a dinner and a night to enjoy our community.

PCR staff released a smartphone app that provides the tri-annual Activity Guide available on smartphones and other digital devices. This will increase the availability of the Activity Guide and save on printing and advertising costs and reduce paper waste which has been shown to be a local concern.

AQUATIC CENTER & COMMUNITY CENTER 2019 YEAR IN REVIEW



Community Center
Fitness Visits

*These numbers reflect only those visits related to fitness type activities and do not include general facility use or teen use.



Aquatic Center
Fitness Visits



Program Sessions
Delivered

*Programs delivered is based off of the number of individual sessions of all programs delivered through the Aquatic & Community Centers. Program registrations do not include participants in daily drop in programming.



Individual Program
Registrations



22 Corporate Pass
Holders

9,851 Corporate
Pass Visits

26 Visits per Day

**CITY OF UNALASKA
PLANNING COMMISSION & PLATTING BOARD
2019 ANNUAL REPORT**



This annual report is designed to serve multiple functions: to summarize the planning activities of the Unalaska Planning Commission; to serve as a resource document; to project future planning needs and activities; and to meet the requirements of § 2.60.090, Unalaska Code of Ordinances.

The Planning Commission, Platting Board, Department of Planning, and Unalaska City Council refer to the adopted Comprehensive Plan, Platting and Subdivision Regulations, Zoning Code of Ordinances, Zoning Map, and other applicable codes for all decisions rendered.

The following residents of Unalaska served on the City of Unalaska's Planning Commission and Platting Board throughout 2018:

Chair Billie Jo Gehring (Elected at meeting of January 20, 2019; Resigned December, 2019)
Vice Chair Travis Swangel
Vicki Williams
Helen Brown
Tom Bell

The Planning Commission and Platting Board are supported by the City of Unalaska's Planning Department, which consists of:

William Homka, AICP, Planning Director
Thomas Roufos, Associate Planner
Cameron Dean, GIS Administrator (Hired January, 2019)
AnnMarie Rafer, Administrative Assistant (Resigned January, 2019)
Delaney McConnell, Administrative Assistant (Hired February, 2019; Resigned, July 2019)
Jasmine Gonzalez, Administrative Assistant (Hired July, 2019)

PLANNING COMMISSION AND PLATTING BOARD
RESOLUTION 2020-01

In accordance with § 2.60.090 of the Unalaska Code of Ordinances, the City of Unalaska's Planning Commission officially adopts the following annual report, filing the same with the Unalaska City Council.

CITY OF UNALASKA
PLANNING COMMISSION

BY: _____
Travis Swangel
Acting Commission Chair

William Homka
Secretary of the Commission

DATE OF ADOPTION: _____

INTRODUCTION

Alaska State law gives incorporated municipalities the authority and responsibility for planning, platting, and land use regulation. In addition to providing for the orderly and efficient use of land and other resources, planning can establish ground rules for development for the whole community and provide the means by which residents participate in important decisions about their community's future. With effective planning, a community can define its character and realize tangible benefits.

The Unalaska Code of Ordinances establishes the Planning Commission and Platting Board to help assure orderly growth of Unalaska and offers additional guidance regarding their functions, power and duties, which include:

- To recognize and utilize such basic information necessary to understand past trends, present conditions, and forces affecting community growth and development;
- To prepare and keep current a Comprehensive Plan for meeting present requirements and future needs for community growth and development as may be foreseen by the Commission/Board;
- To establish principles and policies for guiding actions affecting growth in the city;
- To prepare and to recommend to the City Council ordinances, regulations, or other proposals promoting orderly development indicated as desirable by the Comprehensive Plan;
- To exercise jurisdiction over platting as provided in Chapter 8.08, and to act upon requests for variances, conditional uses, and zone amendments as provided in Chapter 8.12;
- To keep the City Council and general public informed and advised as to matters before the Commission/Board;
- To conduct such meetings, as required, to gather information necessary for the drafting, establishment, and maintenance of the Comprehensive Plan and the ordinances and regulations relating to it; and
- To perform other duties lawfully assigned to the Commission/Board or which have a bearing on the preparation or accomplishment of the Comprehensive Plan.



§ 2.60.090 of the Unalaska Code of Ordinances requires each board and committee to submit an annual report which summarizes the activities which have occurred during the previous year. The Annual Report is a mechanism for monitoring those activities and for presenting to the City Council the goals and objectives for Planning in the coming year.

SUMMARY OF PLANNING ACTIONS FOR 2019

I. General Statistics (January 1, 2019 – December 31, 2019)

2019 was about as busy as 2018 for both the Planning Commission and Platting Board. The PC/PB actions for 2019 and previous years are summarized below:

Application Type	Considered or Reviewed/ Granted, Approved or Formally Recommended		
	2017	2018	2019
Variance	3/2	7/5	2/1
Conditional Use	6	5	4/4
Zone Amendment	-	-	1/1
Property Acquisitions	-	-	-
Code Revisions	-	-	1/1
Plats	3	3	1
Planning Documents	2	2/1	3/3
TOTAL MEETINGS	8	10	10

II. Planning Commission Recommendations to Council

The Planning Commission recommended one Code Revision and three Planning Documents to the City Council for action in 2019.

<p><i>September 19, 2019: Work session on recommendation to City Council and Directive to Planning Department</i></p>	<p>Work session item to discuss Capital Maintenance and Management Plan (CMMP) preliminary brainstorming session for planning projects, resulting in two resolutions, 2019-09 and 2019-10.</p>
<p><i>October 17, 2019 meeting delayed to October 24, 2019: Approved Resolution 2019-09, Directive to Planning Department and recommendation to City Council</i></p>	<p>The Planning Commission Approved Resolution 2019-09 a resolution recommending City Council pursues Public Transportation in the 2020 - 2025 CMMP and directing the Planning Department to nominate such a project.</p>

<p>October 17, 2019 meeting delayed to October 24, 2019: Approved Resolution 2019-10, Directive to Planning Department and recommendation to City Council</p>	<p>The Planning Commission Approved Resolution 2019-10 a resolution recommending City Council pursues a Trails Maintenance and Identification Project in the 2020-2025 CMMP and directing the Planning Department to nominate such a project.</p>
<p>October 17, 2019 meeting delayed to October 24, 2019: Approved Resolution 2019-11, an update to city code</p>	<p>The Planning Commission Approved Resolution 2019-11 a resolution recommending City Council adopts changes to Unalaska City Code Titles 8 & 9 regarding operating hours of adult businesses.</p>
<p>December 23, 2019: Approved resolution 2019-12 declaring vacancy</p>	<p>The Planning Commission approved Resolution 2019-12 a resolution in appreciation of and accepting the resignation of Billie Jo Gehring, who as a member of the City Of Unalaska Planning Commission provided valuable service to the City Of Unalaska, and declaring the seat vacant effective December 20, 2019.</p>

III. Planning Commission Actions and Activities

<p>The Planning Commission & Platting Board reviewed two Planning Documents, approved five Variances, and approved four Conditional Use Permits in 2018, and held two special meetings.</p>	
<p>January 31, 2019: Special Meeting Approved Resolution 2019-01 Annual Report (Planning Document) and filed with City Council</p>	<p>The Planning Commission through Resolution 2019-01 approved the <i>Planning Commission and Platting Board 2018 Annual Report</i>, which reviewed the year in Planning in Unalaska.</p>
<p>January 31, 2019: Special Meeting Approved Resolution 2019-02, a conditional use permit</p>	<p>The Planning Commission through Resolution 2019-02 approved a storage facility for the pallet factory at 80 Gilman Road.</p>
<p>March 21, 2019: Approved Resolution 2019-03, a zoning amendment, and sent the same to City Council</p>	<p>The Planning Commission through Resolution 2019-03 approved a zoning amendment from General Commercial to Medium Density Residential at 201 West Broadway.</p>
<p>March 21, 2019: Approved Resolution 2019-04, a conditional use permit</p>	<p>The Planning Commission through Resolution 2019-04 approved a fish oil storage tank farm at 42 Gilman Road.</p>

<p><i>April 25, 2019: Approved Resolution 2019-05, a variance</i></p>	<p>The Planning Commission through Resolution 2019-05 approved a variance allowing 4 units on a lot slammer than 14,000 square feet at 201 West Broadway.</p>
<p><i>June 20, 2019: Approved Resolution 2019-06, a conditional use permit</i></p>	<p>The Planning Commission through Resolution 2019-06 approved a conditional use permit for a propane storage and sales facility at 116 Gilman Road.</p>
<p><i>July 18, 2019: Tabled Resolution 2019-07 for editing, conditional use permit</i></p>	<p>Due to confusion from the applicant in their application, and subsequent misinterpretation of staff, the Planning Commission tabled Resolution 2019-07, a conditional use permit for an additional unit at 88 West Broadway, for review by staff.</p>
<p><i>July 18, 2019: Tabled Resolution 2019-08 for editing, a variance</i></p>	<p>Due to confusion from the applicant in their application, and subsequent misinterpretation of staff, the Planning Commission tabled Resolution 2019-08, a variance to the rear yard setbacks on 88 West Broadway, for review by staff.</p>
<p><i>August 15, 2019: approved updated Resolution 2019-07, a conditional use permit</i></p>	<p>The Planning Commission reviewed and approved the revised Resolution 2019-07, a conditional use for 3 residential units on a General Commercial lot at 88 West Broadway.</p>
<p><i>August 15, 2019: Denied updated Resolution 2019-08, a variance</i></p>	<p>The Planning Commission reviewed and denied the revised Resolution 2019-08, a variance to the rear yard setback of 88 West Broadway.</p>
<p><i>Special Meeting December 23, 2019: Approved</i></p>	<p>The Planning Commission reviewed and approved Resolution 2019-12, a resolution accepting the resignation of, and thanking Billie Jo Gehring for her years of service.</p>

IV. Platting Board Actions

The Platting Board took action on zero subdivision plats in 2019. One plat remains in the preliminary stage, a final plat with appropriate edits was never returned to the Planning Commission.

August 2019: Regarding Resolution 2018-10, a large subdivision

The Planning Department accepted a request from Coe Whittern to extend the time to finalize his preliminary plat which was approved in 2018.

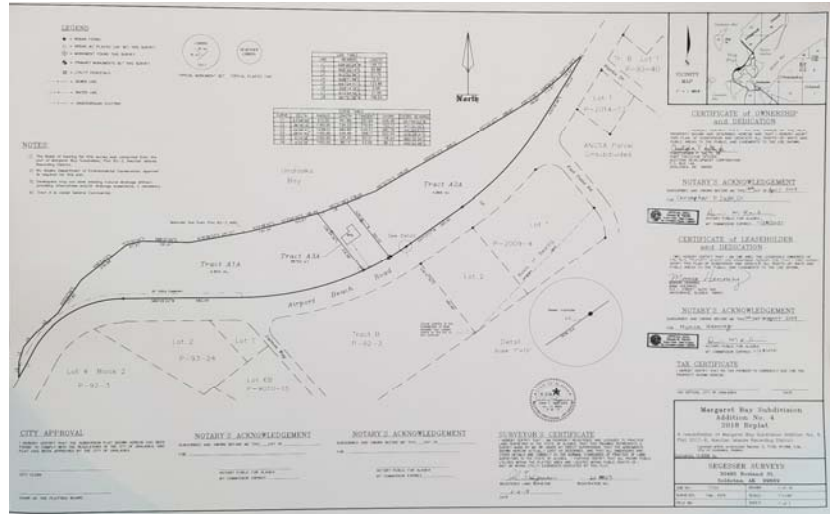


V. Platting Authority Actions

The Planning Director acting as the Platting Authority and took action on one subdivision plat in 2019; however it has not yet been recorded.

On November 25th, 2019, the Platting Authority approved **Margaret Bay Subdivision Addition No. 4 2018 Replat**, a re-subdivision of Margaret Bay Subdivision Addition No. 4, Plat 2017-6, Aleutian Islands Recording District.

The new plat is **currently unrecorded at the time of printing.**



VI. Planning Determinations

The Planning Director issued one planning determinations in 2019.

December 12, 2019: Announced planning determination clarifying use

Planning Staff announced a Planning Determination to the Planning Commission, clarifying the Rod and Gun Club range as an acceptable use in a Marine Related Industrial Zone

VII. Summary of Appeals Cases and Actions:

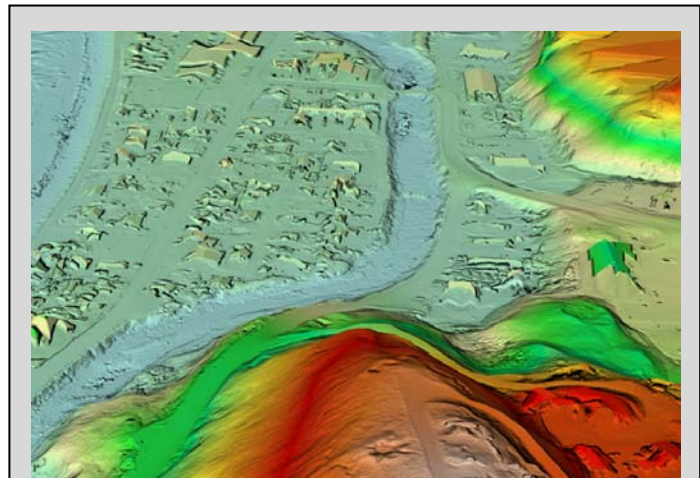
The Planning Commission did not hear any appeals of administrative decisions.

VIII. Department of Planning Activities:

The Department of Planning's primary responsibility is coordinating community planning and development, land use, and capital growth within the City of Unalaska. Services include assisting the public, Mayor and City Council, Planning Commission, and other City departments by providing information, guidance, and direction on land use issues and regulations. Under the guidance of the department, the City's annual five-year capital improvement, replacement, and maintenance program is developed. The department also initiates and directs studies and reports relating to long and short-term planning needed for both community growth and development, in accordance with the Comprehensive Plan.

In addition to the involvement in the items described in previous sections, Departmental activities and accomplishments for 2019 include the following:

- **Negotiated Agreements:** Coordinated the negotiation and approval of:
 1. Tideland leases and easements which will allow for businesses to expand operations in our community and help to diversify Unalaska's economic base, as well as provide access for public works projects.
 2. Entered into negotiations supporting Public Works for several projects, including the Generals Hill Booster Pump, and several easements for drainage.
- **GIS Improvements.** Staff completed significant improvements to the accuracy of the City's parcel and other data with help from Public Works. Our data now incorporates numerous control points around the city. Combined with continued work updating and expanding the City's aerial imagery, maps are more complete and precise than ever before. The department also largely transitioned the web GIS viewers used by other departments from a vendor's software to a more modern system we can manage internally.
- **Housing Conditions Survey.** Planning staff began updating the Housing Conditions Survey from 2018. The new survey is integrated with our GIS and captures more information about each property. The survey update is 75% complete waiting on better weather.
- **Planning Education and Outreach.** The planning department participated in the annual job fair at the Unalaska High School, and hosted an elementary school class during their field trip to City Hall.
- **Planning Commissioner Training.** Planning staff arranged for Commissioner Williams to participate in Commissioner Training at the 2020 Alaska Planning Conference held in Anchorage in February, 2020.
- **Transit Study:**
 1. Planning Staff attended Alaska Chapter of American Planning Association's annual conference January 13-15, 2019, where they presented the Transit Study, and provided further information to representatives from Naknek and Haines.



**THREE DIMENSIONAL MODEL MAP of
UNALASKA SHOWING ELEVATIONS &
TOPOGRAPHY**

2. Planning generated a CMMP project for a professionally written transit study, to be completed in FY 2021
- **Comprehensive Planning.**
 1. The Planning Department is approximately 60% complete with the 2030 Comprehensive Plan Update. Student Intern Christian Schmidt has been an integral part of this effort. Planning launched an on-line survey (September-October 2019) with over 150 respondents. The results were presented at a public forum in October 2019.
 2. Planning held Comp Plan meetings with representatives from PCR, Clinic, DPW, DPU, and DPS to discuss future needs and gain input for the on-line survey planning is developing for the public and crafted an on-line survey using our ESRI software to be deployed in September.
 - **US Census 2020 Preparation:** Staff assisted the Census Bureau in reviewing addressing information to better prepare our island residents for the upcoming decennial census. This involved troubleshooting address problems/issues provided to us by the Census Bureau and verifying individual addresses per the city's addressing policy.
 - **Community Support Grants:** Planning Department took over the administration of the community support grant program. The Planning Department received 11 Community Grant Applications from different non-profit organizations around the City of Unalaska. These applications were reviewed, critiqued, and sent back for corrections before discussing financial matters to the City Council. Once applications had come back through, evaluations were conducted. Planning designed a means for the City Council to establish the sums for the Community Support Grants.
 - **CMMP Process:**
 1. This year, the Planning Department has moved from PowerPoint to ArcGIS Online to create a centralized and automated process for editing and displaying data for the CMMP. This has boosted the speed at which the CMMP is processed, as well as minimizes errors previously made in copying and hand computing dollar amounts.
 2. The CMMP process guide for this year includes a new evaluation formula and format. The evaluation is now more transparent than ever, and includes weighted scores by the City Council to further align with their expectations for the budget.

IX. Departmental goals for 2020 include the following:

- Continue to explore options for zoning code changes to better implement our 2020 Comprehensive Plan and Land Use Plan.
- Continue improving process of zoning and public nuisance code enforcement as minor offenses.
- Create web maps, set up collector app, and train staff in new programs.
- Update the Comprehensive Plan as the current plan is nearing the end of its lifespan and a new plan is required in order to provide guidance for community facility and infrastructure investments.
- Analyze ways to improve inter-city permitting and review coordination

**CITY OF UNALASKA
HISTORIC PRESERVATION COMMISSION
2019 ANNUAL REPORT**



This annual report is designed to serve multiple functions: to summarize the historic preservation activities of the Unalaska Historic Preservation Commission; to serve as a resource document; to note future historic preservation related activities; and to meet the requirements of § 2.60.090, Unalaska Code of Ordinances.

The following residents of Unalaska served on the City of Unalaska's Historic Preservation Commission throughout 2019:

Chair Billie Jo Gehring (Elected at meeting of January 20, 2019; Resigned December, 2019)
Vice Chair Travis Swangel
Vicki Williams
Helen Brown
Tom Bell
City Manager: Erin Reinders
Planning Director: Bil Homka

The Historic Preservation Commission is supported by the City of Unalaska's Planning Department, which consists of:

William Homka, AICP, Planning Director
Thomas Roufos, Associate Planner
Cameron Dean, GIS Administrator (Hired January, 2019)
AnnMarie Rafer, Administrative Assistant (Resigned January, 2019)
Delanney McConnell, Administrative Assistant (Hired February, 2019; Resigned, July 2019)
Jasmine Gonzalez, Administrative Assistant (Hired July, 2019)

HISTORIC PRESERVATION COMMISSION
RESOLUTION 2020-01

In accordance with § 2.60.090 of the Unalaska Code of Ordinances, the City of Unalaska's Historic Preservation Commission officially adopts the following annual report, filing the same with the Unalaska City Council.

CITY OF UNALASKA
HISTORIC PRESERVATION COMMISSION

BY: _____
Travis Swangle
Acting Commission Chair

Bil Homka, AICP
Secretary of the Commission

DATE OF ADOPTION: _____

INTRODUCTION

City Council approved Ordinance 2014-05 in 2014 which amended various sections of Title 2 of the Unalaska Code of Ordinances, including sections related to Historic Preservation. The Planning Department and Parks, Culture, and Recreation Department consulted with the City Attorney regarding the selection process of Historic Preservation Commissioners. Approved changes created a new UCO 2.76.015, stating that the Historic Preservation Commission membership is the Planning Commission membership, including the Planning Commission's *ex officio* members (*i.e.*, the City Manager and the Director of Planning). While remaining non-voting for Planning Commission decisions, the City Manager and Director of Planning would be full members of the HPC.

Unalaska Code of Ordinances §2.76.040 identifies the duties and responsibilities of the HPC. This is based on the requirements of local governments participating in the Alaska Certified Local Government Historic Preservation Program. The duties and responsibilities are listed below.

- To survey and inventory community historic resources including historic, architectural, and archaeological resources within the community;
- To review nominations to the National Register of Historic Places and consulting with federal and State authorities in section 106 reviews under the National Historic Preservation Act;
- To act in an advisory role to other officials, and to City Departments regarding the identification and protection of local historic and archaeological resources and historic preservation planning;
- To enforce state historic preservation laws. The Historic Preservation Commission shall support the enforcement of the Alaska Historic Preservation Act;
- To review, and where it is deemed appropriate, recommend nominations to or deletions from the Unalaska Register of Historic Places to the Unalaska City Council twice yearly.

§ 2.60.090 of the Unalaska Code of Ordinances requires each board and committee to submit an annual report which summarizes the activities which have occurred during the previous year. The Annual Report is a mechanism for monitoring those activities and for presenting to the City Council the goals and objectives for historic preservation in the coming year.

SUMMARY OF HISTORIC PRESERVATION COMMISSION ACTIONS FOR 2019

I. General Statistics (January 1, 2019 – December 31, 2019)

The Historic Preservation Commission, with support from the Planning Department, took the following actions. One meeting was postponed due to lack of quorum in September; the follow-up meeting was cancelled due to October 17th plane crash.

HPC Summary of Activities	2016	2017	2019
Ordinance Changes	-	-	-
General Resolutions	1/1	3/3	1/1
Survey/Inventory of Historic Properties	1/1	-	-
Preservation Planning Activities	-	-	-
National Register Participation	-	-	-
Historic Property Protection	-	-	-
Public Education Projects	-	-	-
Historic Preservation Grants	-	-	-
TOTAL MEETINGS	3	3	1

II. Historic Preservation Commission Recommendations to Council

There were no recommendations to Council.

III. Historic Preservation Commission Actions

The Historic Preservation Commission approved the 2018 annual report and had several discussion items.	
<i>January 31, 2019: Approved of Annual Report and filed with City Council.</i>	The Historic Preservation Commission approved Resolution 2019-01 , a resolution approving the HPC 2018 Annual Report.
<i>Scheduled: September 19, 2019, postponed to October 17th, ultimately cancelled: Discussion item</i>	Discussion on the removal of WW2 materials from the Unalaska Valley site.
<i>Scheduled: September 19, 2019, postponed to October 17th, ultimately cancelled: Discussion item</i>	Discussion on Amaknak Pre-WWII Tank Farm Groundwater Monitoring Draft Work Plan

IV. Historic Preservation Goals for 2018

- Improve public engagement with historic preservation, including website improvements, celebrating Preservation Month in May, and improving kiosks/signage/wayfinding.
- Suggest list of sites to City Council for the Unalaska Register of Historic Places and explore ideas for a Historic Preservation Ordinance Amendment.
- Continue working toward addressing the action items identified in the 2011 Comprehensive Plan as they relate to Historic Preservation.
- Consider creation of Historic Preservation regulations and protections.

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: February 25, 2020
Re: Ordinance 2020-01: Amending Unalaska Code of Ordinances § 3.44.030 (C) and (D) specifying employees receiving overtime compensation for working on holiday and clarification of overtime approval requirements

At the February 11 meeting Council discussed proposed Ordinance 2020-01, amending Title 3 specifying employees receiving overtime compensation for working on holidays and clarification of overtime approval requirements. Council voted to set this ordinance for public hearing and second reading on February 25, 2020.

Staff is working to better address Council concerns that were brought forward during the February 11 Council meeting. Additional time for continued discussions with the staff and our City Attorney is necessary to ensure that we are effective in our efforts.

Staff recommends Council remove the public hearing and second reading from the February 25, 2020 agenda and reschedule these items the March 10, 2020 meeting. When the agenda is up for adoption, we suggest a motion to amend the agenda as follows:

PROPOSED MOTION TO AMEND THE AGENDA: I move to reschedule the public hearing, second reading and adoption of Ordinance 2020-01 to March 10, 2020.

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2020-01

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA CODE OF ORDINANCES § 3.44.030 (C) and (D) SPECIFYING EMPLOYEES RECEIVING OVERTIME COMPENSATION FOR WORKING ON HOLIDAYS AND CLARIFICATION OF OVERTIME APPROVAL REQUIREMENTS

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

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

Section 2: Amendment of Chapter 3.44.030 TIME AND ONE-HALF OVERTIME

Section 3.44.030 (C) and (D) of the Unalaska Code of Ordinances is hereby amended to read as follows [additions are underlined and deletions are overstruck]:

Overtime hours shall be paid and shall be defined as follows:

(A) Hours worked in excess of eight regular time hours worked in one day if working a five-day work week shall be paid at time and one-half. Hours worked in excess of ten regular time hours worked in one day if working a four-day work week shall be paid at time and one-half.

(B) Hours worked in excess of forty regular time hours of hours worked shall be paid at time and one-half. If an employee is compensated for a city holiday or for personal leave hours taken during the regular city work week, those hours of compensation for time worked shall not count as hours worked within the meaning of this section.

(C) For employees in regular full-time and regular part-time positions only, who are in pay status the day before and the day following a recognized city holiday listed in UCO 3.44.060, ~~Hours worked on such a holiday recognized city holidays~~ shall be paid at time and one-half, in addition to holiday pay.

(D) All overtime ~~shall~~must be approved by the supervisor and the Director prior to its performance unless special circumstances make prior approval impracticable.

Section 3: Effective Date. This ordinance is effective upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on February 25, 2020.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: J. R. Pearson, Assistant City Manager
Through: Erin Reinders, City Manager
Date: February 11, 2020
Re: Ordinance 2020-01, amending Unalaska Code of Ordinances § 3.44.030 (C) and (D) specifying employees receiving overtime compensation for working on holidays and clarification of overtime approval requirements

SUMMARY: The Department of Administration recently realized that Unalaska Code of Ordinances § 3.44.030 (C) did not specify the applicable employees receiving compensation when working on recognized holidays.

In addition, the recent financial audit revealed that § 3.44.030 (D) did not consider the fact that at times, such as during emergencies, pre-approval of overtime by the supervisor and Director is not always possible.

PREVIOUS COUNCIL ACTION: Council adopted the current version of Chapter 3 of the Code of Ordinances on September 10, 2019.

BACKGROUND: The current version of § 3.44.030 (C) caused confusion concerning whether less than part time employees were entitled to compensation when working holidays.

The recent financial audit revealed that pre-approval of overtime by the supervisor and Department Director was not always followed, as required by § 3.44.030 (D). Further investigation determined that pre-approval of overtime is not possible in every instance.

DISCUSSION: The amendment to § 3.44.030 (C) is needed to accurately define those employees who will be compensated when working on holidays. This amendment also supports § 3.44.090 Computation of Holiday Pay that defines those eligible for holiday pay.

The amendment to § 3.44.030 (D) is needed to reflect that there are times when pre-approval of overtime is not possible.

ALTERNATIVES: Council could decide not to adopt these amendments. However, there will be continued confusion about who is eligible for compensation while working on recognized City holidays. Regarding the preapproval of overtime, future financial audits would continue to note that this section of code is not being followed.

FINANCIAL IMPLICATIONS: None.

LEGAL: Staff consulted with City Attorney, who provided suggestions to better communicate the intent of the amendments.

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to approve Ordinance 2020-01, and set it for public hearing and second reading on February 25, 2020.

CITY MANAGER COMMENTS: These proposed changes provide increased clarity for all employees. The specifics of these changes were developed in a coordinated effort between staff and the city attorney. I support this Ordinance.

ATTACHMENTS: None.

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-08

A RESOLUTION OF THE UNALASKA CITY COUNCIL APPROVING A LONG TERM LEASE AGREEMENT SITUATE IN ATS 1444, BETWEEN THE CITY OF UNALASKA AND BERING SELECT SEAFOODS LTD., FOR AN OUTFALL EASEMENT ON CITY OWNED TIDELANDS

WHEREAS, the City of Unalaska is the owner of Alaska Tidelands Survey (ATS) 1444, Plat 94-5, Aleutian Island Recording District; and

WHEREAS, Bering Select Seafoods Ltd. (Bering Select) operates a fish oil processing facility In Unalaska; and

WHEREAS, Bering Select desires a lease for a Category C Tidelands Easement per Unalaska Code of Ordinances Title 8, Section 8.12.170, and the City of Unalaska Tidelands Leasing Policy, for an area identified as measuring 15' wide by 408' in length, extending from Airport Beach Road into the water, with an area of 6,120 square feet; and

WHEREAS, Bering Select will submit an as built survey of the area for inclusion with the lease agreement to indicate the location of the easement and outfall line; and

WHEREAS, the annual lease amount for Category C Tidelands, set by the Tidelands Leasing Policy, is \$2,250 per year, with reappraisal every five years, payable to the City of Unalaska; and

WHEREAS, Unalaska City Code requires Council to approve any long term lease agreement, defined as exceeding five years.

NOW THEREFORE BE IT RESOLVED THAT THE UNALASKA CITY COUNCIL approves a long term lease between the City of Unalaska and Bering Select Seafoods Ltd. for a term of fifteen (15) years, subject to the terms and conditions as set out in the lease agreement attached hereto.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on February 25, 2020.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: William Homka, Director, Planning Department
Through: Erin Reinders, City Manager
Date: February 25, 2020
Re: Resolution 2020-08, approving a long term lease agreement situate in ATS 1444, between the City of Unalaska and Bering Select Seafoods Ltd., for an outfall easement on City owned tidelands

SUMMARY: The City of Unalaska administers developable tidelands pursuant to Unalaska Code of Ordinances (UCO) Title 8, Section 8.12.140, Developable Tidelands District. Resolution 2020-08 enables the city to enter into a long term lease (also referred to as a Right of Way Permit) with Bering Select's fish oil plant for a discharge outfall classified as a Tidelands Category C lease. The tidelands policy sets Category C leases at \$2,250 annually. Staff recommends approval.

PREVIOUS COUNCIL ACTION: The City Council endorsed the Regulations for Tidelands Leasing, License, Exchange or Sale by passing Resolution 2012-28 on April 24, 2012.

BACKGROUND: Section 7.12.020 UCO requires the City Council to approve any lease of city property having a term greater than 5 years. The Regulations for Tidelands exist to promote long term investment in Unalaska's tidelands, but also lists several considerations in determining the actual term of the lease.

DISCUSSION: Tyler Zimmerman, TZ Engineering, submitted an application for a Tidelands Lease on behalf of Bering Select, Ltd., to lease an area within ATS 1444 that measures 15' x 408' (6,120 square feet). There is an existing outfall line that is proposed to be expanded to about 6,000 lineal feet. However the tideland limit is 408' and the subject of this lease. The balance, or approximately 5,600 lineal feet, extends toward Hog Island and serves to meet environmental purposes beyond the city's purview. The requested term is 15 years.

The application is being processed and the proposed lease has been drafted in accordance with the Title 7 and Regulations for Tidelands Leasing, License, Exchange or Sale. The area involved has been surveyed, platted and recorded with the State Recorder's Office. U.S. Army Corps of Engineers permits, and other required permits, are in the process of being obtained including any City permits required for work in the city right of way. The required proof of insurance and the lease bond will need to be provided before the lease can be signed. The applicant also requests approval to submit the legal description as an as built after the project has been completed to improve accuracy.

The City Manager Regulations for Category C leases require an initial cost of \$2,250 per year with the annual fee subject to periodic review and adjustment every five (5) years with a \$2,250 minimum annual rent.

ALTERNATIVES: Not applicable.

FINANCIAL IMPLICATIONS: The city will receive annual income of \$2,250 for fifteen years. Provisions exist in the contract to adjust the rent after the first and subsequent five (5) year lease periods. If no changes are made to the lease value then the final amount collected after a 15 year lease would be \$33,750.

LEGAL: The City Attorney reviewed the lease.

STAFF RECOMMENDATION: Staff recommends Council approve Resolution 2020-08, approving a fifteen (15) year lease agreement for a 6,120 square foot area of a city owned tidelands located off of Airport Beach Road for a total period not to exceed 15 years.

CITY MANAGER COMMENTS: The Planning Department is processing this in accordance with code and policy associated with the leasing of tidelands. I support staff's recommendation.

ATTACHMENTS:

- Location Map
- Lease

CITY OF UNALASKA
PRIVATE NON-EXCLUSIVE
RIGHT-OF-WAY AGREEMENT
ATS No. 1444
FOR CITY OWNED TIDELANDS

THIS AGREEMENT is made and entered into this _____ day of _____, 2020, by and between the City of Unalaska, "Grantor", and Bering Select Seafoods Ltd. "Permittee", whose address is 641 W. Ewing Street, Seattle, WA 98119.

WHEREAS, in accordance with the provisions of City of Unalaska Code of Ordinances, the Permittee applied for a private non-exclusive right-of-way permit for an outfall/intake line to be located within tide and submerged lands patented to the City of Unalaska.

WHEREAS, it is understood and agreed by the Permittee that, as a condition to granting the right-of-way applied for, the land covered by the right-of-way shall be used for no purpose other than the location, construction, operation and maintenance of the said right-of-way, over and across the following City of Unalaska tide and submerged lands:

**An outfall line in ATS 1444 as shown on the as-built-survey,
Attachment A.**

1. Term. This right-of-way permit shall run for a term of fifteen (15) years and shall expire on _____, 2035, subject to the conditions listed below.
2. Non-Exclusive. The easement granted under this right-of-way is designated as private and non-exclusive. The Grantor retains control of the easement and reserves the right to grant compatible easements within, overlapping or adjacent to the subject easement area.
3. Rent. The annual rental fee is \$2,250.00 per year. The rental fee is payable on or before _____ of each year. Said rental fee is subject to periodic review and adjustment every 5 years during the term of the right-of-way.
4. Public Trust Doctrine. The Alaska Constitution guarantees any citizen of the United States or resident of the state the right of access to navigable and public waters of the state. The Public Trust Doctrine further guarantees the public right to use navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes. This right-of-way is subject to the principles of the Public Trust Doctrine. The Grantor reserves the right to grant other interests to the subject lands consistent with the Public Trust Doctrine as long as said interests will not unreasonably interfere with the use of the parcel by the Permittee.
5. Restricted to Proposed Use. The Permittee shall utilize the lands herein granted consistent with the purposes of the proposed use, as revealed by the application therefor, and shall maintain the premises in a neat and orderly manner and shall adopt and apply such safety

measures as shall be necessary, proper and prudent with respect to the use to which the land is subjected. In case the necessity for the right-of-way shall no longer exist, or the Permittee should abandon or fail to use the same, then this permit shall terminate.

6. Comply with Laws. The Permittee in the exercise of the rights and privileges granted by this permit shall comply with all regulations established by the Grantor and all other federal, state or City of Unalaska laws, regulations or ordinances applicable to the area herein granted.

7. Termination. Upon abandonment, termination, revocation or cancellation of this indenture, the Permittee shall within 90 days remove all structures and improvements from the area herein granted, except those owned by the Grantor, and shall restore the area to the same or similar condition as the same was upon the issuance of this permit. Should the Permittee fail or refuse to remove said structures or improvements, within the time allotted, they shall revert to and become the property of the Grantor. However, the Permittee shall not be relieved of the cost of the removal of the structures, improvements and/or the cost of restoring the area. Provided further, however, that the Grantor, in its discretion, may alter or modify the requirements contained in this provision if it is to the best interest of Grantor to do so.

8. State and Federal Permits. Prior to any construction or development that will use, divert, obstruct, pollute or utilize any of the waters of the State, the Permittee shall first obtain approval therefor from the Commissioner of the Department of Fish and Game and the Corps of Engineers and file image copies thereof with the Grantor.

9. Limitation of Liability. The Grantor shall be forever wholly absolved from any liability for damages which might result to the Permittee herein on account of this permit having been cancelled, forfeited or terminated prior to the expiration of the full time for which it was issued.

10. Insurance.

(a) Insurance shall be placed with companies acceptable to the Grantor; such companies shall be licensed to do business in Alaska or shall be a surplus carrier approved by the State of Alaska, and shall be rated "A-" or better in Best's Key Rating Guide.

(b) Deductibles or Self-Insureds. Any deductibles or self-insured retentions must be declared to and approved by the Grantor. At the option of the Grantor, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Grantor, its administrator, officers, officials, employees, and volunteers; or Permittee shall provide a financial guarantee satisfactory to the Grantor guaranteeing payment of losses and related investigations, claim administration, and defense expense.

(c) Changes in Coverage and Cancellations. Each insurance policy required by this permit shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after 30 days prior written notice for nonpayment of premium or 60 days prior written notice for any other reason, by certified mail, return receipt requested, has been given to the Grantor.

(d) Verification of Coverage. Prior to the commencement of this permit, Permittee shall furnish certificates of insurance, preferably on standard Acord insurance forms, to the Grantor evidencing that the insurance policy provisions required are in force. Acceptance by the Grantor of deficient evidence does not constitute a waiver of permit requirements. The Grantor reserves the right to request complete, certified copies of all required insurance policies.

(e) Minimum Scope of Insurance. Permittee shall procure and maintain throughout the life of this permit the following insurance at the amounts and coverages specified hereunder.

- Commercial General Liability: \$1,000,000 combined single limit per occurrence \$2,000,000 General Aggregate for bodily injury and property damage claims;
- Pollution Liability: \$2,000,000 site pollution coverage including third party Coverage
- Workers' Compensation as required by the State of Alaska, and
- Employers' Liability: coverage is to be in compliance with any other statutory obligations, whether State or Federal, pertaining to the compensation of injured employees assigned to work, including but not limited to Voluntary Compensation, Federal Longshoremen and Harbor Workers' Act Maritime and the Outer Continental Shelf's Land Act.

(f) Commercial General Liability and Pollution Liability. Permittee shall maintain limits no less than those specified herein for Commercial General and Pollution Liability. The Grantor, its administrator, officers, officials, employees and volunteers are to be covered as additional insureds. Permittee's insurance coverage shall be primary insurance as respects the Grantor, its administrator, officers, officials, employees and volunteers. All rights of subrogation must be waived against the Grantor, its administrator, officers, officials, employees and volunteers.

THEREFORE, in accordance with the provisions of The City of Unalaska Code of Ordinances and the rules and regulations promulgated thereunder and in accordance with the conditions heretofore set forth or attached hereto and made a part hereof, the Permittee herein is hereby authorized to locate, construct, operate and maintain said right-of-way over and across the lands herein described.

IN WITNESS WHEREOF, the City of Unalaska, as Grantor, acting through the City Manager or lawfully designated representative, and otherwise being lawfully authorized, and the Permittee, have caused this permit to be signed, and have hereunto set their respective hands, agreeing to keep, observe and perform the applicable ordinances, as amended, the rules and regulations promulgated thereunder, and the terms, conditions and provisions herein

contained or attached, which on the Grantor's or Permittee's respective parts are to be kept, observed and performed.

GRANTOR
City of Unalaska

PERMITTEE
Bering Select Seafoods Ltd.

Erin Reinders
City Manager

(insert name)
(insert title)

STATE OF ALASKA)
) ss.
Third Judicial District)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Erin Reinders, City Manager for the City of Unalaska, a First Class Alaska Municipal Corporation, on behalf of the City of Unalaska.

Notary Public
State of Alaska
My Commission expires _____

STATE OF _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____ (insert name), _____ (insert title) of Bering Select Ltd., a Washington corporation, on behalf of the corporation.

Notary Public
State of _____
My Commission expires _____

ATTACHMENT A
As Built Survey

(To be added after construction)

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: February 25, 2020
Re: Work Session – Presentation regarding Makushin Geothermal Project from Ounalashka/Chena Power LLC

Representatives of Ounalashka/Chena Power, LLC plan to be in attendance on February 25 to give a report and presentation to City Council regarding their proposed Makushin Geothermal Project.

Following the presentation, we anticipate offering a time for Q&A from the city council and community members.

Hard copies of audio/visual presentations and documents will be provided at the meeting.

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2020-02

AN ORDINANCE AMENDING UNALASKA CITY CODE § 6.28.030, REQUIRED EXEMPTIONS, TO DEFINE EXEMPT VESSELS; REMOVE THE EXEMPTION FOR STRUCTURES CONTAINING FIRE PROTECTION SYSTEMS; AND TO REORGANIZE THE CODE SECTION

WHEREAS, the property tax exemption for vessels is not intended to apply to permanently docked or moored vessels; and

WHEREAS, Alaska Statute 29.45.030(I), the statutory provision exempting 2% of assessed value of structures equipped with a fire protection system, was repealed by §8 ch. 9, SLA 2017; and

WHEREAS, § 6.28.030 has been amended from time to time; and

WHEREAS, owing to periodic amendments, the structure of the section has become unnecessarily complex; and

WHEREAS, a clear restatement of the exemptions and the rules pertaining to them is desirable.

BE IT ENACTED by the Unalaska City Council:

Section 1: Form. This is a Code ordinance.

Section 2: Effective Date. This ordinance becomes effective upon adoption.

Section 3: Repeal and Reenactment of UCO § 6.28.030. Unalaska Code of Ordinances § 6.28.030 is hereby repealed and replaced with a new § 6.28.030 to read as follows:

§ 6.28.030 REQUIRED EXEMPTIONS.

- (A) The following is exempt from general property taxation:
- (1) Municipal, state or federally owned property, except that a private leasehold, contract or other interest in property is taxable to the extent of the interest.
 - (2) Household furniture and personal effects of members of a household.
 - (3) Property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes.
 - (4) Property of a nonbusiness organization or its auxiliary composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable.

- (5) Money on deposit.
 - (6) The first \$150,000 of the assessed value of the real property owned and occupied as a permanent place of abode by (a) a resident 65 years of age or over; (b) a disabled veteran; (c) a resident at least 60 years old who is the widow or widower of a person who qualified for an exemption under (a) or (b) of this subsection. In a case of hardship, the City of Unalaska hereby provides for exemption beyond the first \$150,000 of assessed value in accordance with regulations of the State of Alaska.
 - (7) Real property or an interest in real property that is exempt from taxation under 43 U.S.C. 1620(d), as amended.
 - (8) The increase in assessed value directly attributable to the subdivision of a single parcel of property into three or more parcels and completion of the construction of any improvements made to the property by the property owner necessitated by its subdivision. This exemption shall commence no earlier than the first assessment year after subdivision and shall expire for each individual lot upon the earlier of:
 - (a) Sale, leasing or rental of the lot; or
 - (b) Construction or placement of any structure upon the lot; or
 - (c) Use of the lot for any occupation, employment, or enterprise that is carried on for profit; or
 - (d) The end of the fifth assessment year following subdivision.
 - (9) One motor vehicle per household owned by a resident who is 65 years of age or older on January 1 of the assessment year is exempt either from taxation on its assessed value or from the registration tax under AS 28.10.431. An exemption may be granted under this subsection only on written application on a form prescribed by the Alaska Department of Administration.
 - (10) Commercial and non-commercial vessels.
 - (11) All other property exempt from general taxation under AS 29.45.030.
 - (12) The first \$10,000 of the assessed value of the real property owned and occupied as a permanent place of abode by a resident who provides in the City volunteer (a) firefighting services and is certified as a fire fighter by the Alaska Department of Public Safety, or (b) emergency medical services and is certified under AS 18.08.082.
 - (13) The first \$30,000 of the full and true value of all personal property is tax exempt.
- (B) In subsection (A)(3) of this section, property used exclusively for religious purposes includes the following property owned by a religious organization:

- (1) The residence of a bishop, pastor, priest, rabbi, minister, or religious order of a recognized religious organization;
 - (2) A structure, its furniture, and fixtures used by the religious organization solely for public worship, charitable purposes, religious administrative offices, religious education, or a nonprofit hospital; and
 - (3) Real property occupied by parking spaces required by local ordinance to be adjacent to or near a structure described in subsection (2), above, and owned by the religious organization owning said structure.
- (C) Property described in subsections (A)(3) or (4) of this section from which income is derived is exempt only if that income is solely from use of the property by qualified nonprofit religious, charitable, hospital, educational groups, or veteran groups. If used by nonprofit educational groups, the property is exempt only if used exclusively for classroom space.
- (D) For the purposes of (A)(6) and (A)(12) of this section:
- (1) Real property includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes.
 - (2) "Disabled Veteran" means a disabled person separated from the military service of the United States under a condition that is not dishonorable who is a resident of the State, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50% or more by the branch of service in which that person served or by the Veteran's Administration.
 - (3) No exemption may be granted except upon written application for the exemption on a form prescribed by the State Assessor for use by local assessors or upon a form established by the City Assessor. The claimant must file the application no later than March 1 of the assessment year for which the exemption is sought. The City Council for good cause shown may waive the claimant's failure to make timely application for the exemption for that year and authorize the assessor to accept the application as if timely filed. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If a claimant whose failure to file by March 1 of the assessment year has been waived as provided in this subsection and application for exemption is approved, the amount of tax which the claimant may have already paid for the assessment year for the property exempted shall be refunded to the claimant.
 - (4) The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed, and shall require a disabled veteran claiming an exemption thereunder on that basis to provide evidence of the disability rating. The assessor may require proof of eligibility at any time.

- (5) Only one exemption under (A)(6) may be granted for the same property and, if two or more persons are eligible for an exemption for the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption. Exemption under (A)(6) may be denied if the assessor determines, after notice and hearing to the parties concerned, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption.
 - (6) If two or more individuals are eligible for an exemption for the same property under (A)(12), not more than two exemptions may be granted.
 - (7) The assessor's eligibility determination may be appealed under AS 44.62.560-44.62.570.
- (F) (1) For the purpose of determining property exempt under (A)(7) of this section, the following definitions apply to terms used in 43 U.S.C. 1620(d) unless superseded by applicable federal law:
- (a) "Developed" means a purposeful modification of the property from its original state that effectuates a condition of gainful and productive present use without further substantial modification; surveying, construction of roads, providing utilities or other similar actions normally considered to be component parts of the development process, but that do not create the condition described in this subsection, do not constitute a developed state within the meaning of this subsection; developed property, in order to remove the exemption, must be developed for purposes other than exploration, and be limited to the smallest practicable tract of the property actually used in the developed state.
 - (b) "Exploration" means the examination and investigation of undeveloped land to determine the existence of subsurface nonrenewable resources.
 - (c) "Lease" means a grant of primary possession entered into for gainful purposes with a determinable fee remaining in the hands of the grantor; with respect to a lease that conveys rights of exploration and development, this exemption shall continue with respect to that portion of the leased tract that is used solely for the purpose of exploration.
- (2) If property or an interest in property that is determined not to be exempt under (A)(7) reverts to an undeveloped state, or if the lease is terminated, the exemption shall be granted, subject to the provisions of (A)(7) of this section.
- (G) For the purpose of determining property exempt under (A)(8) of this section:
- (1) The date of subdivision shall be either the date of preliminary approval of a plat by the platting authority or the date of recordation of a final plat by the Alaska Department of Natural Resources;

- (2) Lots for which the city completes the construction of required improvements shall not be exempt; and
 - (3) Lots whose exemptions terminate prior to the due date for final payment of tax shall not be subject to a pro rata payment of tax.
- (H) For the purpose of determining eligibility for exemption under (A)(10) of this section, a vessel must have been capable of safe navigation and operation upon the waters of the city as of January 1 of the assessment year or within 60 days of that date; and
- (1) have a valid certificate of documentation issued by the United States Coast Guard under 46 U.S.C. 12101 - 12123 or a valid registration with the state Department of Administration;
 - (2) have been operated in this state for a period not exceeding 90 consecutive days and have a current, valid certificate or number issued by another state having a federally approved numbering system; or
 - (3) be a foreign vessel operated in water of the state for a period not exceeding 90 consecutive days.
- (I) Laws exempting certain property from execution under AS 09 (Code of Civil Procedure) do not exempt the property from taxes levied and collected by the City.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on this _____ day of March 2020.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, City Clerk
Through: Erin Reinders, City Manager
Date: February 25, 2020
Re: Ordinance 2020-02, Amending Unalaska Code of Ordinances § 6.28.030, Required Exemptions, to define exempt vessels; to remove the exemption for structures containing fire protection systems; and to reorganize the code section

SUMMARY: This ordinance amends § 6.28.030, Required Exemptions, in the property tax code, clarifying that the exemption for commercial and non-commercial vessels does not apply to vessels permanently docked or moored, by providing definitions to qualify for the exemption; and amending code to match the state's repeal of the statutory exemption for 2% of the assessed value of structures equipped with fire suppression systems. Finally, because of periodic amendments, the structure of the section has become unnecessarily complex, and this ordinance provides a clear, better-organized restatement of § 6.28.030.

PREVIOUS COUNCIL ACTION: Previous council action related to § 6.28.030, Required Exemptions, is as follows:

- Ordinance 2003-05 passed May 6, 2003: council adopted an ordinance amending and rewriting in its entirety, Title 6, Revenue and Finance.
- Ordinance 2015-22, passed November 24, 2015: creating an exemption from business personal property tax for the first \$30,000 of the full and true value of business personal property.
- Ordinance 2015-26, passed on January 26, 2016: creating a five year exemption from real property tax for the increase in assessed value directly attributable to the subdivision of a single parcel of property into three or more parcels.

BACKGROUND and DISCUSSION: In many ways, the city's required exemptions mirror the required exemptions in Alaska Statute. Because the State repealed the statutory exemption for 2% of the assessed value of structures containing fire suppression systems, our city attorney recommends that the city's code be amended similarly.

There are vessels located within the city limits that are permanently affixed in the tidelands. The city attorney and contract assessor agree that these vessels are subject to city property tax without amending the code, but recommended a code clarification that the exemption for vessels does not apply to those vessels permanently moored or docked.

The amendment sets out the attributes necessary for vessels to receive the exemption: capable of safe navigation; valid certificate issued by either the U.S. Coast Guard or the State of Alaska; have been operated in the state for a period not exceeding 90 consecutive days with a current, valid certificate issued by another state; or be a foreign vessel operated in the state for a period not exceeding 90 consecutive days.

Though not part of the vessel definition, the first \$30,000 of the full and true value of all personal property is tax exempt, so any vessel worth less than \$30,000, regardless of whether it meets the proposed vessel definition, is exempt.

ALTERNATIVES: Council may choose to adopt this ordinance or not; and may choose to amend or delete either of the substantive changes (a) removing the exemption for structures containing fire protection systems; and (b) adding eligibility requirements for the vessel exemption, clarifying that the exemption does not apply to vessels permanently moored or docked.

Impact of not removing the exemption for structures containing Fire Protection Systems: Because the fire suppression system exemption has been removed from the mandatory exemptions provided under AS 29.45.030, for the city to retain this exemption, it would need to be supported by the optional exemptions allowed under AS 29.45.050. The only basis is AS 29.45.050(a), which is restricted in application to residential property. AS 29.45.050(a) also requires that the voters ratify the ordinance granting the exemption. If council wants to retain this exemption, with justification found in the state's optional exemptions, the exemption would apply only to residential property. Further, the process to accomplish this entails repealing the present exemption, then readopting it for application to residential property only, which would then be placed on a ballot for voter ratification. The structures presently enjoying this exemption in Unalaska are all commercial or industrial structures.

Impact of not clarifying the Vessel Exemption: Vessels permanently moored or docked, or permanently affixed in the tidelands, are already subject to property tax. This code clarification reduces the risk of a dispute or litigation should the owner of one these vessels disagree with our conclusion.

FINANCIAL IMPLICATIONS: Removing the exemption for fire suppression systems will impact four property owners, who own nine parcels claiming the exemption. The combined value of the exempt property is \$933,252, resulting in an increase in taxable value, and thereby increasing property tax revenue to the city by \$9,799.15 at the current millage rate.

There are two property owners whose permanently affixed vessels were added to the tax roll this year, with a combined assessed value of \$2,350,700, resulting in an increase in taxable value, and thereby increasing property tax revenue to the city by \$24,682.35 at the current millage rate.

LEGAL: The City Attorney has been involved in the discussion of this topic, and wrote the ordinance.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 2020-02.

PROPOSED MOTION: I move to approve Ordinance 2020-02 and set it for second reading and public hearing on March 10, 2020.

CITY MANAGER COMMENTS: I support staff's recommendation.

ATTACHMENTS:

Exhibit A - current version of § 6.28.030

EXHIBIT A
CURRENT VERSION OF UCO § 6.28.030 REQUIRED EXEMPTIONS

(A) The following property is exempt from general taxation:

(1) Municipal, state or federally owned property, except that a private leasehold, contract or other interest in property is taxable to the extent of the interest.

(2) Household furniture and personal effects of members of a household.

(3) Property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes.

(4) Property of a nonbusiness organization or its auxiliary composed entirely of persons with ninety (90) days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable.

(5) Money on deposit.

(6) The real property of certain residents of the State to the extent and subject to the conditions provided in (E) of this section.

(7) Real property or an interest in real property that is exempt from taxation under 43 U.S.C. 1620d, as amended.

(8) The increase in assessed value directly attributable to the subdivision of a single parcel of property into three or more parcels and completion of the construction of any improvements made to the property by the property owner necessitated by its subdivision. This exemption shall commence no earlier than the first assessment year after subdivision and shall expire for each individual lot upon the earlier of:

(a) Sale, leasing or rental of the lot; or

(b) Construction or placement of any structure upon the lot; or

(c) Use of the lot for any occupation, employment, or enterprise that is carried on for profit; or

(d) The end of the fifth assessment year following subdivision.

(B) In subsection (A) of this section, property used exclusively for religious purposes includes the following property owned by a religious organization:

(1) The residence of a bishop, pastor, priest, rabbi, minister or religious order of a recognized religious organization.

(2) A structure, its furniture and its fixtures used solely for public worship, charitable purposes, religious administrative offices, religious education or a nonprofit hospital.

(3) Lots required by local ordinance for parking near a structure defined in subsection (2) of this subsection.

(C) Property described in subsections (A)(3) or (4) of this section from which income is derived is exempt only if that income is solely from use of the property by nonprofit religious, charitable, hospital, or educational groups. If used by nonprofit educational groups, the property is exempt only if used exclusively for classroom space.

(D) Laws exempting certain property from execution under AS 09 (Code of Civil Procedure) do not exempt the property from taxes levied and collected by the City.

(E) The real property owned and occupied as a permanent place of abode by a (1) resident sixty-five (65) years of age or over, (2) disabled veteran, or (3) resident at least sixty (60) years old who is the widow or widower of a person who qualified for an exemption under (1) or (2) of this subsection, is exempt from taxation on the first \$150,000 of the assessed value of the real property. In a case of hardship, the City of Unalaska hereby provides for exemption beyond the first \$150,000 of assessed value in accordance with regulations of the State of Alaska. Only

one (1) exemption may be granted for the same property and, if two (2) or more persons are eligible for an exemption for the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption. Real property may not be exempted under this subsection if the assessor determines, after notice and hearing to the parties concerned, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor may be appealed under AS 44.62.560-44.62.570.

(F) No exemption may be granted under (A)(8) or (E) of this section except upon written application for the exemption on a form prescribed by the State assessor for use by local assessors or upon a form established by the City Assessor. The claimant must file the application no later than March 1 of the assessment year for which the exemption is sought. The City Council for good cause shown may waive the claimant's failure to make timely application for the exemption for that year and authorize the assessor to accept the application as if timely filed. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If a claimant whose failure to file by March 1 of the assessment year has been waived as provided in this subsection and application for exemption is approved, the amount of tax which the claimant may have already paid for the assessment year for the property exempted shall be refunded to the claimant. The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under (A)(8) or (E) of this section, and shall require a disabled veteran claiming an exemption under (E) of this section to provide evidence of the disability rating. The assessor may require proof under this section at any time.

(G) (1) In (E) and (F) of this section the term real property includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes.

(2) In (E) and (F) of this section, the term "Disabled Veteran" means a disabled person separated from the military service of the United States under a condition that is not dishonorable who is a resident of the State, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as fifty percent (50%) or more by the branch of service in which that person served or by the Veteran's Administration.

(H) Two percent (2%) of the assessed value of a structure is exempt from taxation if the structure contains a fire protection system approved under AS 18.70.081, in operating conditions, and incorporated as a fixture or part of the structure. The exemption granted by this subsection is limited to:

(1) An amount equal to two percent (2%) of the value of the structure based on the assessment for 1981, if the fire protection system is a fixture of the structure on January 1, 1981; or

(2) An amount equal to two percent (2%) of the value of the structure based on the assessment as of January 1 of the year immediately following the installation of the fire protection system if the fire protection system becomes a fixture of the structure after January 1, 1981.

(I) For the purpose of determining property exempt under (A)(7) of this section, the following definitions apply to terms used in 43 U.S.C. 1620d unless superseded by applicable federal law.

(1) "Developed" means a purposeful modification of the property from its original state that effectuates a condition of gainful and productive present use without further substantial

modification, surveying, construction of roads, providing utilities or other similar actions normally considered to be component parts of the development process, but that do not create the condition described in this subsection, do not constitute a developed state within the meaning of this subsection developed property, in order to remove the exemption, must be developed for purposes other than exploration, and be limited to the smallest practicable tract of the property actually used in the developed state.

(2) "Exploration" means the examination and investigation of undeveloped land to determine the existence of subsurface nonrenewable resources.

(3) "Lease" means a grant of primary possession entered into for gainful purposes with a determinable fee remaining in the hands of the grantor with respect to a lease that conveys rights of exploration and development, this exemption shall continue with respect to that portion of the leased tract that is used solely for the purpose of exploration.

(J) If property or an interest in property that is determined not to be exempt under (A)(7) of this section reverts to an undeveloped state, or if the lease is terminated, the exemption shall be granted, subject to the provisions of (A)(7) of this section.

(K) For the purpose of determining property exempt under (A)(8) of this section:

(1) The date of subdivision shall be either the date of preliminary approval of a plat by the platting authority or the date of recordation of a final plat by the Alaska Department of Natural Resources.

(2) Lots for which the city completes the construction of required improvements shall not be exempt.

(3) Lots whose exemptions terminate prior to the due date for final payment of tax shall not be subject to a pro rata payment of tax.

(L) One motor vehicle per household owned by a resident sixty- five (65) years of age or older on January 1 of the assessment year is exempt either from taxation on its assessed value or from the registration tax under AS 28.10.431. An exemption may be granted under this subsection only on written application on a form prescribed by the Alaska Department of Administration.

(M) Commercial and non-commercial vessels.

(N) All other property exemptions from general taxation under AS 29.45.030.

(O) The real property owned and occupied as a permanent place of abode by a resident who provides in the City volunteer (1) firefighting services and is certified as a fire fighter by the Alaska Department of Public Safety, or (2) emergency medical services and is certified under AS 18.08.082 is exempt from taxation on the first \$10,000 of the assessed value of the real property. If two (2) or more individuals are eligible for an exemption for the same property, not more than two exemptions may be granted.

(P) The first \$30,000 of the full and true value of all personal property is tax exempt.

(Am. Ord. No. 2003-05, passed 5-6-03; Am. Ord. 2015-22, passed 11-24-15; Am. Ord. 2015-26, passed 1-26-16)

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-13

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SIGN A SETTLEMENT AGREEMENT WITH ALASKA MECHANICAL, INC. TO RESOLVE ALASKA MECHANICAL, INC. V. CITY OF UNALASKA, CASE NO. 3AN-15-8280 CI

WHEREAS, on or about May 31, 2013, AMI and the City entered into a Construction Contract (the "Contract") for construction of upgrades to the City's Wastewater Treatment Plant (the "Project"), which was to provide chemically-enhanced primary treatment of domestic wastewater and landfill leachate at the Wastewater Treatment Plant; and

WHEREAS, disputes have arisen between the City and AMI resulting in AMI suing the City in the Superior Court of the State of Alaska, Third Judicial District at Anchorage, Case No. 3AN-15-8280 CI (the "Suit"); and

WHEREAS, AMI submitted claims with 14 separate elements including design conflicts, inconsistent drawings, changed site conditions from over-excavation of the subgrade, and delay costs attributed to 1) additional excavation and fill work; 2) a job site search for explosives; and 3) additions and deletions in concrete work, and sought a judgment of four million three hundred ninety-nine thousand, seven hundred forty three dollars and ten cents (\$4,399,743.10) plus costs and attorney's fees; and

WHEREAS, the City submitted a claim for liquidated damages in the amount of two million twenty-five thousand dollars (\$2,025,000) alleging AMI failed to meet mutually agreed deadlines for completion of three phases of the Project; and

WHEREAS, the City and AMI negotiated in good faith resulting in a proposed Settlement Agreement whereby the City agrees to pay AMI one million eight hundred eighty-two thousand five hundred dollars (\$1,882,500) and both AMI and the City release each other from other claims under the Contract but reserve rights should the United States Environmental Protection Administration seek to recover fines from the City as a result of delayed completion of the Project and dismiss the Suit with prejudice; and

WHEREAS, the City Attorney and City Manager recommend the City Council approve the Settlement Agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT THE UNALASKA CITY COUNCIL authorizes the City Manager to sign the Settlement Agreement between the City of Unalaska and Alaska Mechanical Inc.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on February 25, 2020.

Vincent Tutiakoff
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

BOYD, CHANDLER, FALCONER & MUNSON, LLP

ATTORNEYS AT LAW
SUITE 302
911 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698
bcf@bcfaklaw.com

MEMORANDUM

TO: Unalaska City Council



FROM: Brooks W. Chandler, City Attorney

RE: AMI v. Unalaska Settlement Agreement

DATE: February 21, 2020

AMI has agreed to settle the WWTP litigation for \$1,882,500. This amount is halfway between the last offer made by each side (\$1,775,000 by the City and \$1,990,000 by AMI) and is consistent with the direction previously provided to our office. I recommend approval of the Resolution authorizing the city manager to sign the settlement agreement.

AMI claims in the case total \$4,758,992.66. The City has a claim against AMI for 2,025,000 in liquidated damages for late completion. The offers mentioned above had been considered the “final” offer of each side. These offers followed a very long period of negotiations first between Nancy Peterson and the majority owner of AMI for about 6 months in the latter part of 2017 and the first part of 2018. Then between the attorneys beginning last June and ending at the end of December. During this final period of negotiations AMI gradually reduced it’s settlement offers by \$648,500. The settlement is an additional \$107,500 reduction.

Concluding negotiations had not resulted in a settlement the lawyers began preparing for a trial scheduled in December. Each attorney realized the expense to their clients associated with a twelve day trial would dwarf the \$215,000 difference between the two final offers. As a matter of practical economics this agreement makes sense for both AMI and the City.

One issue reserved out of the settlement agreement is the potential for future EPA penalties for later completion of the Project. The settlement agreement expressly reserves the City’s right to seek reimbursement from AMI and AMI’s right to defend against such a claim. Although we are optimistic such fines will not be assessed (none have been assessed to date) this

cannot be determined for sure until the summer of 2021 when the City seeks to terminate the consent decree. Warranty claims and claims for latent defects are also reserved. The warranty period will run for a period of one year after the settlement payment is made.

The settlement agreement requires payment in 30 days. A budget amendment will be required. I will be present either in person or by phone to answer any questions.

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is entered into and effective as of the 25th day of February, 2020, by and between Alaska Mechanical, Inc. (“AMI”), and The City of Unalaska (“City”). Both are collectively referred to herein as the “Parties,” or individually as a “Party.”

RECITALS

A. On or about May 31, 2013, AMI and the City entered into a Construction Contract (the “Contract”) for construction of upgrades to the City’s Wastewater Treatment Plant (the “Project”), which was to provide chemically-enhanced primary treatment of domestic wastewater and landfill leachate at the Treatment Plant.

B. Disputes have arisen between the Parties, and the Parties are presently in litigation with each other in the Superior Court of the State of Alaska, Third Judicial District at Anchorage, Case No. 3AN-15-8280 CI (the “Suit”). AMI submitted claims with 14 separate elements including design conflicts, inconsistent drawings, changed site conditions from over-excavation of the subgrade, and delay costs attributed to; 1) additional excavation and fill work; 2) a job site search for explosives and; 3) additions and deletions in concrete work. The City submitted a claim for liquidated damages alleging AMI failed to meet mutually agreed deadlines for completion of three phases of the Project.

C. Except as set forth herein, it is the intent of the Parties to fully and finally resolve any and all disputes between them concerning the Contract and the Project.

AGREEMENT

In consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Payment. The City shall pay AMI the sum of \$1,882,500.00 via wire transfer within thirty (30) days of the effective date of this Agreement (the “Settlement Payment”).

2. Mutual Release. Other than the obligations contained in this Agreement, the Parties agree to release and discharge each other and their respective employees, officers elected officials, engineers, sureties, insurers, attorneys, and agents from all known and unknown charges, complaints, claims, liabilities, controversies, damages, causes of action, debts, and expenses of any nature whatsoever, known or unknown, which they have, or may have had, against the other, whether or not apparent or yet to be discovered, for any acts, omissions, or conduct relating to or arising from the Contract or the Project. Expressly excepted from this release are any warranty claims, which shall neither be enlarged nor diminished, latent defect claims, and should the EPA level fines against the City related to AMI’s work on the Project, AMI and the City reserve all rights and defenses against each other to defend against and address those fines.

3. Project Closeout. AMI shall within thirty (30) days of the effective date of this Agreement provide City; 1) the Consent of Surety to Final Payment, 2) Affidavit of Payment of Debts and Claims; and 3) a copy of the notice of completion filed with the State of Alaska Department of Labor and Workforce Development. AMI shall preserve project records for a period of three (3) years from the effective date of this Agreement.

4. Unknown Claims and Liabilities. The Parties represent that they are familiar with and that their attorneys have explained the meaning of decisions of the Alaska Supreme Court applicable to this Agreement, including but not limited to *Alaska Airlines, Inc. v. Sweat*, 568 P.2d 916 (Alaska 1977) and *Witt v. Watkins*, 579 P.2d 1065 (Alaska 1978), that protection of these holdings is waived, and, with the exceptions of paragraph 2 of this Agreement, that the Parties intend this Agreement to discharge each other and to release each other from any liability for damages or costs caused, enhanced, aggravated, or contributed to with respect to acts and claims within the scope of this Agreement, whether such damages and costs are subsequently discovered or are different in degree or kind than is now alleged, known, anticipated, or expected.

5. Dismissal of Suit. Within ten (10) days after receipt of the Settlement Payment by AMI, the Parties will stipulate to dismissal of the Suit with prejudice and without costs or fees assessed to either Party.

6. No Admission of Liability. The Parties understand and acknowledge that this settlement is the compromise of disputed claims. Neither the transfer of any consideration, the doing of any of the acts referred to in this Agreement, nor anything else contained in this Agreement shall be taken or construed to be an admission on the part of the Parties of any claims, demands, causes of action, obligations, damages or liability asserted by the other Party. The Parties expressly deny any and all such claims, demands, causes of action, obligations, damages and liabilities.

7. Attorneys' Fees and Costs. Except as specified below, all attorneys' fees, costs, and expenses incurred by the Parties shall be borne by the Party incurring them.

8. Complete Agreement. This Agreement contains all the promises and covenants made by the Parties. This Agreement supersedes any and all prior documents, discussions, communications, representations, understandings, negotiations, agreements, or contracts by and between the Parties. It is intended that the only obligations which remain between the Parties are expressed in this Agreement.

9. Binding Agreement. This Agreement shall bind the heirs, successors, representatives, and assigns of each Party.

10. Non-Reliance. In executing this Agreement, each Party warrants that it is relying solely on its own judgment and knowledge, and that it is not relying on any statement or representation made by the other Party or its agents.

11. Representation. The Parties acknowledge that they have been represented by counsel in the preparation of this Agreement, have been fully advised as to the legal effect of this Agreement, and have executed this Agreement freely and voluntarily. The Parties acknowledge that both have had the opportunity to participate in the drafting of this Agreement. Thus the

principle that ambiguities are to be construed against the drafter shall not be applicable in any litigation concerning this Agreement.

12. Governing Law. All questions with respect to the construction of this Agreement and the rights and liabilities incurred hereto shall be governed by the laws of the State of Alaska without regard to its choice-of-law provisions.

13. Authority. The individuals executing this Agreement on behalf of a corporation or other entity represent and warrant to the other Party; 1) that they have the authority to bind the Party on whose behalf they execute this Agreement, 2) the execution of this Agreement has been duly and properly authorized by the Party on whose behalf this Agreement is executed; and 3) the consent of all persons or entities necessary to the execution of this Agreement has been obtained.


14. Prevailing Party Attorneys' Fees. In the event of a dispute arising under this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and costs.

15. Counterparts. This Agreement may be executed in one or more counterparts, and each counterpart is deemed to be an original. Signature pages may be transmitted by Portable Document Format via email or by facsimile, which shall be admissible in evidence.

By signing below, each Party knowingly and voluntarily executes this Agreement and binds such Party to this Agreement.

ALASKA MECHANICAL, INC.

CITY OF UNALASKA

By: 
Name: Darren Buss
Its: Vice President
Date: February 21, 2020

By: _____
Name: _____
Its: _____
Date: February _____, 2020

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-14

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY ATTORNEY TO BRING SUIT AGAINST AMERICAN INTERNATIONAL GROUP, INC

WHEREAS, American International Group, Inc. (AIG) issued a Government Crime Policy to Alaska Public Entity Insurance under which the City of Unalaska (City) is named as an Additional Named Insured (“the Policy”); and

WHEREAS, between April and July of 2019, a fraudster purporting to be a representative of Northern Alaska Contractors used a computer to send a series of fraudulent e-mails to defraud and deceive the City into paying the fraudster \$2,985,406.10 in funds owed by the City to Northern Alaska Contractors; and

WHEREAS, the City subsequently paid the full amount of \$2,985,406.10 to Northern Alaska Contractors; and

WHEREAS, the City recovered \$2,347,544.43, of funds initially paid to the fraudster leaving a loss \$637,861.67 (“the Loss”); and

WHEREAS, the City formally submitted a claim to AIG on November 5, 2019, seeking coverage under four distinct insuring agreements or endorsements in the Government Crime Policy. Those were Insuring Agreement 3 for forgery, Insuring Agreement 7 for computer fraud, Endorsement 6 for faithful performance and Endorsement 25 for fraudulent impersonation; and

WHEREAS, AIG issued a letter accepting coverage under Endorsement 25, which has a limit of liability of \$100,000, for which AIG issued a check for \$100,000 on November 27, 2019 reducing the Loss to \$537,861.67; and

WHEREAS, AIG denied coverage under the remaining endorsements including Insuring Agreement 7, which has a limit of liability of \$1,000,000 determining the Loss did not “result directly” from the use of a computer; and

WHEREAS, the City Attorney has recommended the City initiate legal action against AIG seeking a declaration that the Loss is covered under the Policy;

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Attorney to file civil suit against AIG, any affiliated or successor individuals and entities for declaratory judgment and recovery of the Loss and all other damages and costs to which the City is entitled.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on February 25, 2020.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: February 25, 2020
Re: Resolution 2020-14, authorizing the City Attorney to bring suit against American International Group, Inc.

SUMMARY: The City Attorney prepared this resolution authorizing the attorney to bring suit against American International Group, Inc. (AIG). Staff recommends approval.

PREVIOUS COUNCIL ACTION: Council members have previously discussed this topic in executive sessions. Council directed the City Attorney to draft this resolution.

BACKGROUND: Over the course of several months in 2019, the City paid out a total of \$2,985,406.10 to a fraudulent bank account as a result of a phishing email scam. In this scam the sender of an email represented themselves as a known vendor and requested a change in payment method. \$2,347,544.43 was returned to the City of Unalaska and the City filed an insurance claim for the difference of \$637,861.67. The known vendor has been paid the amounts owed. Additionally, the City has updated internal controls and procedures to reduce the risk of this happening again.

DISCUSSION: AIG determined that the insurance coverage is limited to \$100,000, leaving the City at a loss of \$537,861.67. The City Attorney recommends that the City take legal action against AIG to seek a declaration that this remaining loss is covered under the policy.

FINANCIAL IMPLICATIONS: As it stands now, the loss is \$537,861.67 if no action is taken. Proceeding with legal action may result in recovery of some, or all, of the loss amount. The city will incur associated legal fees.

LEGAL: The City Attorney prepared the attached resolution and will continue to be involved with this process as it moves forward.

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to approve Resolution 2020-14.

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
 From: Marjie Veeder, City Clerk
 Through: Erin Reinders, City Manager
 Date: February 25, 2020
 Re: Liquor License Renewal Applications

SUMMARY: Liquor licenses must be renewed with the State of Alaska every two years. Council reviews the renewal applications and determines whether or not the City, as the local governing body, will protest renewal of the licenses. Seven licensed establishments applied to renew their liquor licenses and staff recommends no protest.

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

BACKGROUND: AS 04.11.400 defines the distribution of liquor licenses based on population and location:

- For every 1,500 or fraction thereof in population, one restaurant/eating place license is authorized. Such licenses allow the establishment to serve only beer and wine.
- For every 3,000 or fraction thereof of population, one beverage dispensary license is authorized and one package store license is authorized.
- Beverage dispensary and restaurant/eating place licenses that are designated as tourism, convenience or airport do not count as licenses based on population.

The City of Unalaska has the following breakdown of licenses authorized:

Establishment	License Type	Explanation
Alaska Ship Supply	Package Store	One of two package store licenses allowed by population
Harbor View Liquor Store	Package Store	One of two package store licenses allowed by population
Dutch Harbor Fast Food	Restaurant/Eating Place	One of three restaurant/eating place licenses allowed by population
Amelia's Restaurant	Restaurant/Eating Place – Public Convenience	Restaurant/Eating Place – Public Convenience is not counted in population per AS 04.11.400(g)
Airport Restaurant & Lounge	Beverage Dispensary – Tourism	Beverage Dispensary – Tourism is not counted in population per AS 04.11.400(d)(2)
Grand Aleutian Hotel	Beverage Dispensary – Tourism	Beverage Dispensary – Tourism is not counted in population per AS 04.11.400(d)
Grand Aleutian Hotel Chart Room	Beverage Dispensary – Tourism Duplicate	Beverage Dispensary – Tourism is not counted in population per AS 04.11.400(d)
Harbor View Bar & Grill	Beverage Dispensary – Tourism	Beverage Dispensary – Tourism is not counted in population per AS 04.11.400(d)
Harbor Sushi	Beverage Dispensary	One of the two beverage dispensary licenses allowed by population
Norwegian Rat Saloon	Beverage Dispensary	One of the two beverage dispensary licenses allowed by population

DISCUSSION: The following licensed establishment applied for renewal of their liquor licenses:

1. Loi My Ma – Dutch Harbor Restaurant
2. M & M Holdings – The Norwegian Rat Saloon
3. Unisea – Grand Aleutian Hotel, Chart Room
4. Unisea – Grand Aleutian Hotel
5. Unisea – Harborview Liquor Store
6. Unisea – Harborview Bar & Grill
7. Unisea – Harbor Sushi

All businesses are current in reporting and payment of sales tax and property tax, and are current in their utility payments.

Council also considers the number of public safety calls made to an establishment each year, which are summarized in the charts attached to this memo.

ALTERNATIVES: Council may choose to protest one or more of the license renewals, but must provide the applicant an opportunity to present a defense to the protest at a future council meeting. This must be accomplished no later than March 30, 2020 for Dutch Harbor Restaurant and the Norwegian Rat Saloon; and no later than April 17 for the five Unisea licenses.

FINANCIAL IMPLICATIONS: Loss of sales tax revenue if a license is not renewed.

LEGAL: None

STAFF RECOMMENDATION: Staff recommends no protest to any of the seven renewal applications.

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

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

ATTACHMENTS:

- Notices to Local Governing Body
- Renewal applications
- DPS Call Statistics



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

January 31, 2020

City of Unalaska

Via Email: mveeder@ci.unalaska.ak.us

Re: Notice of 2020/2021 Liquor License Renewal Application

License #	DBA	License Type
3811	Dutch Harbor Restaurant	Restaurant/Eating Place
5264	The Norwegian Rat Saloon	Beverage Dispensary

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 17, 2020

City of Unalaska

Via Email: mveeder@ci.unalaska.ak.us

Re: Notice of 2020/2021 Liquor License Renewal Application

1185	Harbor View Bar & Grill	Beverage Dispensary - Tourism
1367	Harbor View Liquor Store	Package Store
3301	Grand Aleutian Hotel-Chart Room	Beverage Dispensary - Tourism Duplicate
3290	Grand Aleutian Hotel	Beverage Dispensary - Tourism
4748	Harbor Sushi	Beverage Dispensary

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov



What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant or eating place liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Loi My Ma	License #:	3811
License Type:	Restaurant/Eating Place		
Doing Business As:	Dutch Harbor Restaurant		
Premises Address:	11 North 2nd Street		
Local Governing Body:	City of Unalaska		
Community Council:	None		

Mailing Address:	PO BOX 1294		
City:	UNALASKA	State:	ALASKA
		ZIP:	99685

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Contact Licensee:	LOI MY MA	Contact Phone:	(907)359-1539
Contact Email:	Luat_n_98@yahoo.com		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	LUAT NGUYEN	Contact Phone:	(907)359-1933
Contact Email:	Luat_n_98@yahoo.com		



Form AB-17a: 2020/2021 Restaurant Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. You may view your entity's status or find your CBPL entity number by vising the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

--

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	



NOV 22 2019



Form AB-17a: 2020/2021 Restaurant Renewal License Application

Section 3 - Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

Name:	LOI MY MA		Contact Phone:	(907) 359-1539	
Mailing Address:	PO BOX 1294				
City:	LINALASKA	State:	AK	ZIP:	99685
Email:	Luat_n_98@yahoo.com.				

This individual is an: applicant affiliate

Name:	LUAT TAN NGUYEN		Contact Phone:	(907) 359 1933	
Mailing Address:	PO BOX 1294				
City:	LINALASKA	State:	AK	ZIP:	99685
Email:	Luat_n_98@yahoo.com				

Section 4 - Alcohol Server Education

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 - License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018 2019

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



Form AB-17a: 2020/2021 Restaurant Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

Initials: *ML*

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

Initials: *ML*

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

Initials: *ML*

I am submitting as part of this application a completed copy of Form AB-33: Restaurant Receipts Affidavit, to provide evidence to the ABC Board that this establishment met the food sales requirement set forth in AS 04.11.100(e).

Initials: *ML*

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

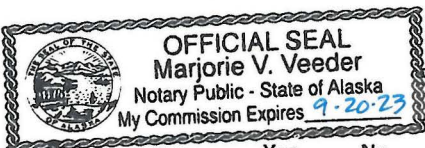
ML
Signature of licensee

Marjorie V. Veeder
Signature of Notary Public

Loi MY MA
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 9-20-23



Subscribed and sworn to before me this 19 day of November, 2019.

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 600.00	Application Fee:	\$ 300.00	TOTAL:	\$ 900.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Alaska Alcoholic Beverage Control Board

Form AB-17: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that are due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	M & M Holdings, LLC	License #:	5264		
License Type:	Beverage Dispensary				
Doing Business As:	The Norwegian Rat Saloon				
Premises Address:	1906 Airport Beach Road				
Local Governing Body:	City of Unalaska				
Community Council:	None				
Mailing Address:	PO Box 920554				
City:	Dutch Harbor	State:	AK	ZIP:	99692

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	Monica Henning	Contact Phone:	1-907-359-3615
Contact Email:	mmm_8k@hotmail.com		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			



Form AB-17: 2020/2021 Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10013351
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	Rogue Properties LLC				Monica Henning - owner	
Title(s):	member	Phone:	907-359-3615	% Owned:	50	
Mailing Address:	PO Box 920524					
City:	Dutch Harbor	State:	AK	ZIP:	99692	

Name of Official:	WeakLink LLC				Andrew Murphy - owner	
Title(s):	member	Phone:	907-359-2165	% Owned:	50	
Mailing Address:	PO Box 920785					
City:	Dutch Harbor	State:	AK	ZIP:	99692	

Name of Official:	r				
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	



Form AB-17: 2020/2021 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated: 2018 2019

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.
If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



Form AB-17: 2020/2021 Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

[Initials]

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

[Initials]

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

[Initials]

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Signature of Notary Public

Monica Henning
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 02/14/2022



Subscribed and sworn to before me this 24 day of January, 2020.

Seasonal License?

Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

AMCO



Alaska Alcoholic Beverage Control Board
Beverage Dispensary – Tourism License
Form AB-17d: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing beverage dispensary-tourism liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO’s main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Unisea, Inc.	License #:	3301
License Type:	Beverage Dispensary - Tourism Duplicate		
Doing Business As:	Grand Aleutian Hotel-Chart Room		
Premises Address:	498 Salmon Way		
Local Governing Body:	City of Unalaska		
Community Council:	None		

Mailing Address:	PO Box 97019			
City:	REDMOND	State:	WA	ZIP: 98073

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:		Contact Phone:	
Contact Email:			

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person’s contact information in the fields below.

Name of Contact:	BRETT RICHARDSON	Contact Phone:	907-581-7170
Contact Email:	BRETT.RICHARDSON@UNISEA.COM		



Form AB-17d: 2020/2021 Tourism Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	4698F
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

BC

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	NIPPON SUISAN KAISHA, LTD			
Title(s):	SHAREHOLDER	Phone:	81.3.3244.700	% Owned: 100%
Mailing Address:	2-62 OTSUNAKI, CHIYODA-KU, TOKYO, JAPAN			
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



Form AB-17d: 2020/2021 Tourism Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate (spouse)

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: applicant affiliate (spouse)

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018 2019

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



Form AB-17d: 2020/2021 Tourism Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019: Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019? Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019? Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

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

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business. BR

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board. BR

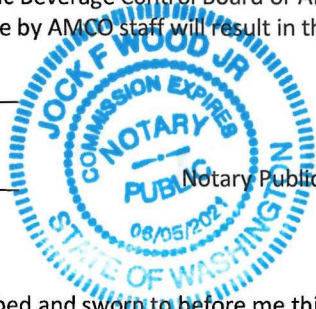
I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. BR

I am submitting as part of this application a completed copy of the attached Tourism Statement form, for review by the Alcoholic Beverage Control Board. BR

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Tom Enlow
Signature of licensee

Tom Enlow
Printed name of licensee



Jock Frank Wood, Jr.
Signature of Notary Public

Notary Public in and for the State of WA

My commission expires: 06/05/2021

Subscribed and sworn to before me this 3rd day of December, 2019.

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

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Alaska Alcoholic Beverage Control Board
Beverage Dispensary – Tourism License
Form AB-17d: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing beverage dispensary-tourism liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO’s main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Unisea, Inc.	License #:	3290
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	Grand Aleutian Hotel		
Premises Address:	498 Salmon Way		
Local Governing Body:	City of Unalaska		
Community Council:	None		

Mailing Address:	PO BOX 97019		
City:	REDMOND	State:	WA
		ZIP:	98073

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:		Contact Phone:	
Contact Email:			

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person’s contact information in the fields below.

Name of Contact:	BRETT RICHARDSON	Contact Phone:	907-581-7170
Contact Email:	BRETT.RICHARDSON@UNISEA.COM		



Form AB-17d: 2020/2021 Tourism Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	4698F
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	NIPPON SUISAN KAISHA, LTD			
Title(s):	SHAREHOLDER	Phone:	81.3.3244.7000	% Owned: 100%
Mailing Address:	2-6-2 OTEMACHI, CHIYODA-KU, TOKYO, JAPAN			
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an individual or multiple individuals and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: [] applicant [] affiliate (spouse)

Form with fields: Name, Contact Phone, Mailing Address, City, State, ZIP, Email

This individual is an: [] applicant [] affiliate (spouse)

Form with fields: Name, Contact Phone, Mailing Address, City, State, ZIP, Email

Section 4 – Alcohol Server Education

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

[Handwritten initials]

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated: 2018 2019

The license was regularly operated continuously throughout each year. [X] 2018 [X] 2019

The license was regularly operated during a specific season each year. [] 2018 [] 2019

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. [] 2018 [] 2019

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. [] 2018 [] 2019

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



Form AB-17d: 2020/2021 Tourism Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

BR

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

BR

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

BR

I am submitting as part of this application a completed copy of the attached Tourism Statement form, for review by the Alcoholic Beverage Control Board.

BR

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

[Signature]
Signature of licensee

Tom Enlow
Printed name of licensee



JOCK FRANK WOOD, JR.
Signature of Notary Public

Notary Public in and for the State of WA

My commission expires: 06/05/2021

Subscribed and sworn to before me this 3rd day of December, 2019.

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

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Alaska Alcoholic Beverage Control Board
Tourism Statement

A new, transfer, or renewal application for a beverage dispensary – tourism or restaurant / eating place – tourism license must be accompanied by a written statement that explains how the establishment encourages tourism and meets the requirements listed under AS 04.11.400(d) and 3 AAC 304.325.

This document must be submitted to AMCO's main office before any tourism license application will be reviewed.

Section 1 – Establishment Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Doing Business As:	Grand Aleutian Hotel	License #:	3290
License Type:	Beverage Dispensary - Tourism		

Section 2 – Tourism Statement

2.1. Explain how issuance of a liquor license at your establishment has/will encourage tourism.

SEE ATTACHED FORM

2.2. Explain how the facility was/will be constructed or improved as required by AS 04.11.400(d)(1):

2.3 Does the licensee or applicant for this liquor license also operate the tourism facility in which this license is located?

YES

NO

2.4 If "no" who operates the tourism facility?



Alaska Alcoholic Beverage Control Board Tourism Statement

2.5 Do you offer room rentals to the traveling public?

YES

NO

If "yes" answer the following questions:

How many rooms are available?

100+

How many of the available rooms (if any) have kitchen facilities (defined as: a separate sink for food preparation along with refrigeration and cooking appliance devices, including a microwave)?

0

Do you stock or plan to stock alcoholic beverages in guest rooms?

YES

NO

If "no" is your facility located within an airport terminal?

YES

NO

2.6 If your establishment includes a dining facility, please describe that facility. If it does not please write "none".

MARGARET BAY CAFE, CAPE CHEERFUL LOUNGE, CHART ROOM,
PYRAMID COFFEE - OPEN 7 DAYS A WEEK W/ A VARIETY OF
MENU OPTIONS

2.7 If additional amenities are available to your guests through your establishment (eg: guided tours or trips, rental equipment for guests, other activities that attract tourists), please describe them. If they are not offered, please write "none".

NONE



Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Unisea, Inc.	License #:	1367
License Type:	Package Store		
Doing Business As:	Harbor View Liquor Store		
Premises Address:	56 Gilman		
Local Governing Body:	City of Unalaska		
Community Council:	None		

Mailing Address:	PO BOX 970 A				
City:	REDMOND	State:	WA	ZIP:	98073

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:		Contact Phone:	
Contact Email:			

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	BRETT RICHARDSON	Contact Phone:	907-581-7170
Contact Email:	BRETT.RICHARDSON@UNISSA.COM		



Form AB-17b: 2020/2021 Package Store Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	4698F
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

BR

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	NIPPON SUISAN KAISHA LTD				
Title(s):	SHAREHOLDER	Phone:	81.3.3244.7000	% Owned:	100%
Mailing Address:	2-8-2 OTEMACHI, CHITODA-KU, TOKYO, JAPAN				
City:		State:		ZIP:	

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	



Form AB-17b: 2020/2021 Package Store Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018 2019

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



Form AB-17b: 2020/2021 Package Store Renewal License Application

Section 6 – Written Orders

Written orders in calendar years 2020 and 2021: Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2020 and/or 2021? Yes No

Section 7 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019: Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019? Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019? Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 8 – Certifications

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

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business. Initials: RL

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board. Initials: RL

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. Initials: RL

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Tom Enlow
Signature of licensee

Tom Enlow
Printed name of licensee



Jock Frank Wood, Jr.
Signature of Notary Public

Notary Public in and for the State of WA

My commission expires: 06/05/2021

Subscribed and sworn to before me this 3rd day of December, 2019.

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

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Alaska Alcoholic Beverage Control Board
Beverage Dispensary – Tourism License
Form AB-17d: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing beverage dispensary-tourism liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO’s main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Unisea, Inc.	License #:	1185
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	Harbor View Bar & Grill		
Premises Address:	188 Gilman		
Local Governing Body:	City of Unalaska		
Community Council:	None		

Mailing Address:	PO BOX 97019				
City:	REDMOND	State:	WA	ZIP:	98073

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:		Contact Phone:	
Contact Email:			

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person’s contact information in the fields below.

Name of Contact:	BRETT RICHARDSON	Contact Phone:	907-581-7170
Contact Email:	BRETT.RICHARDSON@UNISEA.COM		



Form AB-17d: 2020/2021 Tourism Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	4698F
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

RL

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	NIPPON SUISAN KAISHA, LTD			
Title(s):	SHAREHOLDER	Phone:	81.3.3244.700	% Owned: 100%
Mailing Address:	2-6-2 OTEMACHI CHIYODA-KU TOKYO, JAPAN			
City:		State:		ZIP:

Name of Official:	BRETT RICHARDSON			
Title(s):	AFFILIATE	Phone:		% Owned:
Mailing Address:	PO BOX 97019			
City:	REDMOND	State:	WA	ZIP: 98073

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an individual or multiple individuals and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: [] applicant [] affiliate (spouse)

Form with fields: Name, Contact Phone, Mailing Address, City, State, ZIP, Email

This individual is an: [] applicant [] affiliate (spouse)

Form with fields: Name, Contact Phone, Mailing Address, City, State, ZIP, Email

Section 4 – Alcohol Server Education

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

[Handwritten initials]

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated: 2018 2019

The license was regularly operated continuously throughout each year. [checked] [checked]

The license was regularly operated during a specific season each year. [] []

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application. [] []

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year. [] []



Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019: Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019? [] [x]

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019? [] [x]

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Certifications

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

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business. [BR]

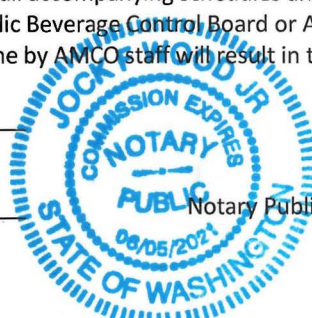
I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board. [BR]

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. [BR]

I am submitting as part of this application a completed copy of the attached Tourism Statement form, for review by the Alcoholic Beverage Control Board. [BR]

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee: [Signature]
Printed name of licensee: Tom Enlow



Signature of Notary Public: [Signature]

Notary Public in and for the State of WA

My commission expires: 06/05/2021

Subscribed and sworn to before me this 3rd day of December, 2019.

Seasonal License? [] Yes [x] No If "Yes", write your six-month operating period: _____

Table with 5 columns: License Fee (\$2500.00), Application Fee (\$300.00), TOTAL (\$2800.00), Miscellaneous Fees, GRAND TOTAL (if different than TOTAL)



Alaska Alcoholic Beverage Control Board
Tourism Statement

A new, transfer, or renewal application for a beverage dispensary – tourism or restaurant / eating place – tourism license must be accompanied by a written statement that explains how the establishment encourages tourism and meets the requirements listed under AS 04.11.400(d) and 3 AAC 304.325.

This document must be submitted to AMCO’s main office before any tourism license application will be reviewed.

Section 1 – Establishment Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Doing Business As:	Harbor View Bar & Grill	License #:	1185
License Type:	Beverage Dispensary - Tourism		

Section 2 – Tourism Statement

2.1. Explain how issuance of a liquor license at your establishment has/will encourage tourism.

SEE ATTACHED FORM

2.2. Explain how the facility was/will be constructed or improved as required by AS 04.11.400(d)(1):

2.3 Does the licensee or applicant for this liquor license also operate the tourism facility in which this license is located?

YES

NO

2.4 If “no” who operates the tourism facility?



Alaska Alcoholic Beverage Control Board

Form AB-17: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that are is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Unisea, Inc.	License #:	4748
License Type:	Beverage Dispensary		
Doing Business As:	Harbor Sushi		
Premises Address:	188 Gilman Road		
Local Governing Body:	City of Unalaska		
Community Council:	None		
Mailing Address:	PO BOX 97019		
City:	REDMOND	State:	WA
		ZIP:	98073

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:		Contact Phone:	
Contact Email:			

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	BRETT RICHARDSON	Contact Phone:	907-561-7170
Contact Email:	BRETT.RICHARDSON@UNISEA.COM		



Form AB-17: 2020/2021 Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>**

Alaska CBPL Entity #:	4698F
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

Initials: PBJ

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	NIPPON SUISAN KAISHA, LTD			
Title(s):	SHAREHOLDER	Phone:	813.3244.700	% Owned: 100%
Mailing Address:	2-6-2 OTEMACHI, CHITODA-KU, TOKYO, JAPAN			
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



Form AB-17: 2020/2021 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

The license was regularly operated continuously throughout each year.

2018	2019
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

The license was regularly operated during a specific season each year.

2018	2019
<input type="checkbox"/>	<input type="checkbox"/>

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

2018	2019
<input type="checkbox"/>	<input type="checkbox"/>

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

2018	2019
<input type="checkbox"/>	<input type="checkbox"/>

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



Form AB-17: 2020/2021 Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

[Initials]

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

[Initials]

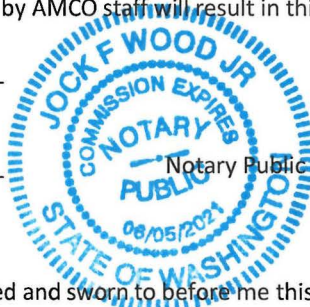
I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

[Initials]

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

T. Enlow
Signature of licensee

T. Enlow
Printed name of licensee



Jock Frank Wood Jr.
Signature of Notary Public

Notary Public in and for the State of WA

My commission expires: 06/05/2021

Subscribed and sworn to before me this 3rd day of December, 2019.

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



CITY OF UNALASKA – Department of Public Safety
Call Statistics

CALL TYPE	HVB--2018	HV Sushi--2018	HV Liquor Store--2018	GAH Cape Cheerful--2018	GAH Chart Room--2018
Ambulance Request	5	0	1	6	0
Animal	0	0	0	0	0
Assault	3	0	0	3	0
Assist Other Agency	3	0	0	0	0
Assistance Rendered	5	0	0	3	0
Criminal Mischief	1	0	0	0	0
Disorderly Conduct	2	0	0	2	0
Domestic Disturbance	0	0	0	0	0
Drug Law Violation	2	0	0	0	0
Drunk Disturbance	5	0	0	0	0
DUI	3	0	0	1	0
Fire Safety	0	0	0	0	0
Fire Response	0	0	0	1	0
Forgery	0	0	0	0	0
Found Property	0	0	0	0	0
Harassment	1	0	0	0	0
Liquor Law Violation	13	0	0	3	0
Marijuana Enforcement	1	0	0	0	0
MVA-Damage	2	0	0	0	0
PC-Alcohol	0	0	0	1	0
Public Safety	2	0	0	0	0
Release Conditions	5	0	0	1	0
Security Check Request	0	0	0	0	0
Suicide	0	0	0	1	0
Suspicious Person/Activity	3	0	0	5	0
Taxi Violation	1	0	0	0	0
Theft	5	0	0	0	0
Traffic Crime	3	0	0	0	0
Trespass	19	0	1	14	1
Unsecured Premise	0	0	0	0	0
Vehicle Theft	0	0	0	0	0
Warrant Arrest	0	0	0	0	0
Weapons	0	0	0	0	0
Welfare Check	2	0	0	3	0
Total Calls to Establishment	86	0	2	44	1
Calls initiated by officer	32	0	0	12	0
Calls initiated by staff/civilian	54	0	2	32	1

CALL TYPE	HVB--2019	HV Sushi--2019	HV Liquor Store--2019	GAH Cape Cheerful--2019	GAH Chart Room--2019
Ambulance Request	3	0	0	13	0
Animal	0	0	0	0	0
Assault	11	0	0	4	0
Assist Other Agency	0	0	0	0	0
Assistance Rendered	5	0	0	11	0
Criminal Mischief	0	0	0	1	0
Disorderly Conduct	3	0	0	3	0
Domestic Disturbance	1	0	0	0	0
Drunk Disturbance	3	0	0	2	0
DUI	2	0	0	0	0
Drug Law Violation	0	0	0	1	0
Fire Safety	0	0	0	0	0
Fire Response	0	0	0	1	0
Forgery	0	0	0	1	0
Found Property	0	0	0	0	0
Harassment	3	0	0	2	0
Liquor Law Violation	14	0	0	3	0
Marijuana Enforcement	1	0	0	0	0
MVA-Damage	0	0	0	0	0
PC-Alcohol	0	0	0	3	0
Public Safety	2	0	0	0	0
Release Conditions	7	0	0	0	0
Robbery	1	0	0	0	0
Security Check Request	0	0	0	0	0
Suicide	0	0	0	1	0
Suspicious Person/Activity	6	0	0	1	0
Taxi Violation	0	0	0	0	0
Theft	0	0	0	5	0
Traffic Crime	1	0	0	0	0
Trespass	23	0	0	5	0
Unsecured Premise	0	0	0	0	0
Vehicle Theft	1	0	0	0	0
Warrant Arrest	4	0	0	1	0
Weapons	0	0	0	0	0
Welfare Check	1	0	0	1	0
Total Calls to Establishment	92	0	0	59	0
Calls initiated by officer	46	0	0	13	0
Calls initiated by staff/civilian	46	0	0	46	0

CALL TYPE	DH Restaurant 2018	DH Restaurant 2019	Norwegian Rat 2018	Norwegian Rat 2019
Ambulance Request	0	0	3	6
Animal	0	0	2	0
Assault	0	0	9	14
Assist Other Agency	1	0	1	0
Assistance Rendered	0	1	2	5
Disorderly Conduct	0	0	5	1
Domestic Disturbance	0	0	0	1
Drunk Disturbance	0	0	5	3
DUI	0	0	1	6
Fire Safety	0	0	0	0
Fire Response	0	0	1	1
Forgery	0	0	0	0
Found Property	0	0	0	0
Harassment	0	0	0	0
Liquor Law Violation	0	0	9	4
Marijuana Enforcement	0	0	0	0
MVA-Damage	0	0	2	0
PC-Alcohol	0	0	1	0
Public Safety	0	0	0	1
Release Conditions	0	0	1	6
Security Check Request	1	0	0	0
Suspicious Person/Activity	1	1	7	7
Taxi Violation	0	0	0	0
Theft	1	0	0	1
Traffic Crime	0	0	1	1
Trespass	0	0	11	25
Unsecured Premise	0	0	0	1
Vehicle Theft	0	0	1	1
Warrant Arrest	0	0	0	2
Weapons	0	0	0	0
Welfare Check	0	0	3	2
Total Calls to Establishment	4	2	65	88
Calls initiated by officer	0	0	23	19
Calls initiated by staff/civilian	4	2	42	69