

Regular Meeting
Tuesday, January 12, 2021
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

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

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

UNALASKA CITY COUNCIL

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

Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager
Marjie Veeder, City Clerk mveeder@ci.unalaska.ak.us

Due to recommended social distancing measures to stop the spread of COVID-19, this City Council meeting will be held in Council Chambers, with participation offered by telephone and online with the ZOOM platform. A limited number of Council Members and City Staff will attend in person. Seating for members of the public is reduced to allow for social distancing (first come; first seated). Coverings over the nose and mouth are required to be worn when entering City Hall until seated, and again when exiting.

PARTICIPATION AND PUBLIC COMMENT OPTIONS

- Attend in person
- Listen on KUCB TV Channel 8 or Radio Station 89.7
- Participate online via ZOOM (link, meeting ID & password below)
- Participate by telephone (toll and toll free numbers, meeting ID & password below)
- PUBLIC COMMENT may be provided in person; by telephone; online; and in writing
 - Telephone or online: you must notify the City Clerk at least one hour before the start of the meeting if you wish to provide comment
 - Written comments may be provided to be read by the Clerk during the meeting; comments must be received an hour before the meeting begins

ZOOM MEETING LINK: <https://us02web.zoom.us/j/85203975430>
Meeting ID: 852 0397 5430 / Passcode: 977526

TELEPHONE: Meeting ID: 852 0397 5430 / Passcode: 977526
Toll Free numbers: (833) 548-0276; or (833) 548-0282; or (877) 853-5247; or (888) 788-0099
Non Toll Free numbers: (253) 215-8782; or (346) 248-7799; or (669) 900-9128

AGENDA

1. **Call to order**
2. **Roll call**
3. **Pledge of allegiance**
4. **Adoption of agenda**
5. **Approve minutes of previous meetings:** [December 22](#) and [December 30, 2020](#)
6. **Reports:** City Manager (*report not available at time of agenda publication*)
7. **Community Input & Announcements** *Members of the public may provide information to council and make announcements of interest to the community.*

8. **Public comment on agenda items** *Time for members of the public to provide information to Council regarding items on the agenda. Members of the public may also speak when the issue comes up on the regular agenda by signing up with the City Clerk.*
9. **Public hearing** *Members of the public may testify about any item set for public hearing.*
 - a. [Ordinance 2020-16: Ordinance Creating Budget Amendment #3 to the Fiscal Year 2021 Budget, Creating an Appropriation for Costs Associated with the City Response to the COVID-19 Pandemic](#)
10. **Consent agenda** *Approval of non-controversial and routine items, accomplished without debate and with a single motion and vote. Council members may request an item be moved to the regular agenda for discussion purposes.*
 - a. [Resolution 2021-02: Establishing taxicab rates for calendar year 2021](#)
11. **Regular agenda** *Persons wishing to speak on regular agenda items must sign up with the City Clerk.*
 - a. [Resolution 2021-03: Adopting policy for public comment at City Council meetings](#)
 - b. [Ordinance 2020-16 \(2nd Reading\): Ordinance Creating Budget Amendment #3 to the Fiscal Year 2021 Budget, Creating an Appropriation for Costs Associated with the City Response to the COVID-19 Pandemic](#)
 - c. [Ordinance 2021-01 \(1st Reading\): Creating Budget Amendment #4 to the Fiscal Year 2021 Budget, appropriating \\$25,000 for facilities maintenance in the Ports Fund, \\$97,000 for professional services in the Electric Fund, \\$57,187 for fire department equipment in the General Fund, and \\$122,280 for the Tsunami Siren Upgrade Capital Project, and recognizing \\$122,280 of State Capital Grant Revenue](#)
 - d. [Ordinance 2021-03 \(1st Reading\): Amending Unalaska Municipal Code Title 18](#)
 - e. Resolution 2021-04: Continuing measures to protect public health (*proposed resolution not available at time of agenda publication*)
12. **Council Directives to City Manager**
13. **Community Input & Announcements** *Members of the public may provide information to council; and make announcements of interest to the community.*
14. **Adjournment**

Regular Meeting
Tuesday, December 22, 2020
6:00 p.m.



Unalaska City Hall
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43 Raven Way

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

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UNALASKA CITY COUNCIL

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Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager
Marjie Veeder, City Clerk

MINUTES

1. Call to order

Mayor Tutiakoff called the regular meeting of the Unalaska City Council to order on Tuesday, December 22, 2020 at 6:00 pm.

2. Roll call

Present in chambers:

Vincent Tutiakoff, Sr., Mayor
Thomas D. Bell
Shari Coleman
David Gregory

Present Via Telephone or Zoom:

Darin Nicholson
Alejandro Tungul

Absent:

Dennis Robinson

3. Pledge of allegiance – Council Member Gregory led the Pledge of Allegiance.

4. Adoption of agenda

Gregory made a motion to adopt agenda; Coleman seconded.

Roll Call Vote: Gregory – yes; Coleman – yes; Tungul – yes; Nicholson – yes; Bell – yes
Motion passed 5-0

5. Approve minutes of previous meeting: December 15, 2020

Gregory made a motion to approve the December 15, 2020 meeting minutes; Coleman seconded.

Roll Call Vote: Tungul – yes; Gregory -yes; Bell – yes; Nicholson – yes; Coleman – yes
Motion passed 5-0

6. Community Input & Announcements

- Roger Blakeley – Curbside pick-up at the Library will begin on December 28th.
- City Clerk and Deputy City Clerk read emails submitted by Vy Be, Tim and Apinya Moyer into record.

7. Public comment on agenda items

Deputy City Clerk read public comment emails from Julie Guitard, Daneen Looby and Christina Chamberlain into the record.

8. Regular agenda

- a. Resolution 2020-78: Providing relief to certain restaurants and bars for December 2020 in the amount of \$30,000 each

Gregory made a motion to adopt Resolution 2020-78; Bell seconded

Interim Finance Director Jim Sharpe provided information and answered Council questions.

Council discussion

Roll Call Vote: Tungul – yes; Gregory – yes; Bell – yes; Coleman – yes; Nicholson – yes
Motion passed 5-0

9. Council Directives to City Manager – None

10. Community Input & Announcements

- Council Member Gregory thanked Ballyhoo Lions Club for their Pie It Forward, Operation Santa Claus event, and Alaska Ship Supply for their donations.
- Santa Claus will be riding around town on a firetruck on the 24th at 6:00 pm.
- First shipment of Covid-19 vaccines has arrived today and will be administered according to guidelines of the State.

11. Adjournment

Mayor Tutiakoff, Sr. adjourned the meeting at 6:44 pm

Marjie Veeder, CMC
City Clerk

EPM

Special Meeting
Wednesday, December 30, 2020
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

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

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

UNALASKA CITY COUNCIL

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Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager
Marjie Veeder, City Clerk

MINUTES

1. Call to order

Mayor Tutiakoff, Sr., called the special meeting of the Unalaska City Council to order on Wednesday, December 30, 2020 at 6:06 pm in the Unalaska City Council chambers.

2. Roll call

Present in chambers:

Vincent Tutiakoff, Sr., Mayor
Thomas D. Bell
Shari Coleman
David Gregory

Present Via Telephone or Zoom:

Darin Nicholson
Dennis Robinson
Alejandro Tungul

Absent:

None

3. Pledge of allegiance – Mayor Tutiakoff, Sr. led the Pledge of Allegiance.

4. Adoption of agenda

Coleman made a motion to adopt the agenda; Gregory seconded

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

Motion passed 6-0

5. Resolution 2020-79: Continued Measures to Protect Public Health

Coleman made a motion to adopt Resolution 2020-79; Gregory seconded.

Coleman made a motion to amend Resolution 2020-79 to add section 3-D:

For individuals arriving on a vessel, time spent at sea is credited to the 14-day quarantine period. The time at sea is counted from the time of departure from the last port of call, provided that no one has embarked or disembarked since that time. Vessel captains shall maintain a ship's log or equivalent record demonstrating compliance with State Health Orders, when applicable, and detailing all activities for which they seek credit for time at sea.

For vessels that have been at sea over 14 days and no one has disembarked or boarded the vessel, no additional quarantine is required unless individuals are showing symptoms of COVID-19, including, but not limited to fever, chills, or respiratory symptoms. Vessels at sea for less

than 14 days, where no one has disembarked or boarded the vessel, may complete their quarantine in port as long as quarantine is not broken for the remainder of the 14 days.

A positive COVID-19 test result from any crew member will negate any previously acquired at-sea credit, and all crew will be required to quarantine again if returning to Unalaska.

Robinson seconded

Council discussion

Roll Call Vote on motion to amend: Nicholson – yes; Gregory – yes; Coleman – yes; Tungul – yes; Bell – yes; Robinson – yes
Motion passed 6-0

Gregory made a motion to amend Resolution 2020-79 to include a *section about the hospitality industry, to limit them to 50% capacity and to maintain 6 feet social distancing*

Robinson seconded

Council discussion

Roll Call Vote on motion to amend to include section 5-G: Tungul – yes; Robinson – yes; Nicholson – yes; Gregory – yes; Bell – no; Coleman – yes
Motion passed 5-0

Deputy City Clerk read an email submitted for Public Comment by Greg Peters.

City Manager and Melanee Tiura answered Council questions

Roll Call Vote on main motion as amended: Tungul – yes; Gregory – yes; Bell – yes; Coleman – yes; Nicholson – yes; Robinson – yes
Motion passed 6-0

6. **Adjournment**

Mayor Tutiakoff, Sr. adjourned the meeting at 6:59 pm.

Marjie Veeder, CMC
City Clerk

EPM

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2020-16

ORDINANCE CREATING BUDGET AMENDMENT #3 TO THE FISCAL YEAR 2021 BUDGET, CREATING AN APPROPRIATION FOR COSTS ASSOCIATED WITH THE CITY RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the City of Unalaska, with Resolution 2020-16 declared a local emergency authorizing the City Manager to take necessary actions to reduce the impact and spread of the coronavirus known as COVID-19 throughout the City of Unalaska; and

WHEREAS, the use of CARES Act funds will expire on December 30, 2020 and no additional Federal or State relief has been provided to the City Unalaska; and

WHEREAS, the City of Unalaska, with Resolution 2020-71 extended the declaration of a local emergency through June 30, 2021; and

WHEREAS, it is expected that the need for City of Unalaska to continue their response and prevention efforts beyond December 30, 2020.

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

- Section 1. Classification: This is a non-code ordinance.
 Section 2. Effective Date: This ordinance becomes effective upon adoption.
 Section 3. Content: The City of Unalaska FY21 Budget is amended as follows:

A. That the following sums of money are hereby accepted and the following sums of money are hereby authorized for expenditure.

B. The following are the changes by account line item:

Amendment #3 to Ordinance #2020-10			
	Current	Requested	Revised
I. OPERATING BUDGETS			
A. General Fund			
Sources:			
Appropriated Fund Balance	\$ -	\$ 1,000,000	\$ 1,000,000
Uses:			
Response Personnel Expenditures	\$ -	\$ 51,188	\$ 51,188
Response Operating Expenditures	\$ -	\$ 208,998	\$ 208,998
City Closure Personnel Expenditures	\$ -	\$ 739,814	\$ 739,814
	\$ -	\$ 1,000,000	\$ 1,000,000

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 12, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

City of Unalaska
Summary of Budget Amendment and Schedule of Proposed Accounts
Budget Amendment 3 to the FY21 Budget

- 1) General Fund - Operating Budget
 Add \$51,188 to COVID-19 Emergency Response Personnel Expenditures
 Add \$739,814 to COVID-19 City Closure Personnel Expenditures
 Add \$208,998 to COVID-19 Response Operating Expenditures
 Add \$1,000,000 to Appropriated Fund Balance

	Org	Object	Project	Current	Requested	Revised
1) <u>General Fund - Operating Budget</u>						
Sources:						
Appropriated Fund Balance	01010049	49900		\$ -	\$ 1,000,000	\$ 1,000,000
Uses:						
<i>Response Personnel</i>						
Salaries and Wages	01020051	51100	EM002	\$ -	\$ 26,406	\$ 26,406
Temporary Employees	01020051	51200	EM002	\$ -	\$ 12,438	\$ 12,438
Overtime	01020051	51300	EM002	\$ -	\$ 1,000	\$ 1,000
Health Insurance Benefit	01020051	52100	EM002	\$ -	\$ 2,000	\$ 2,000
FICA/Medicare Employer Match	01020051	52200	EM002	\$ -	\$ 2,787	\$ 2,787
PERS Employer Benefit	01020051	52300	EM002	\$ -	\$ 5,811	\$ 5,811
Unemployment Ins Benefit	01020051	52400	EM002	\$ -	\$ 126	\$ 126
Workers Compensation Ins	01020051	52500	EM002	\$ -	\$ 600	\$ 600
Other Employee Benefits	01020051	52900	EM002	\$ -	\$ 20	\$ 20
				\$ -	\$ 51,188.00	\$ 51,188
<i>City Closure Personnel</i>						
Salaries and Wages	01020051	51100	EM004	\$ -	\$ 489,555	\$ 489,555
Health Insurance Benefit	01020051	52100	EM004	\$ -	\$ 100,000	\$ 100,000
FICA/Medicare Employer Match	01020051	52200	EM004	\$ -	\$ 37,452	\$ 37,452
PERS Employer Benefit	01020051	52300	EM004	\$ -	\$ 103,200	\$ 103,200
Unemployment Ins Benefit	01020051	52400	EM004	\$ -	\$ 4,107	\$ 4,107
Workers Compensation Ins	01020051	52500	EM004	\$ -	\$ 5,000	\$ 5,000
Other Employee Benefits	01020051	52900	EM004	\$ -	\$ 500	\$ 500
				\$ -	\$ 739,814.00	\$ 739,814
<i>Response Operating</i>						
Buildings/Land Rental	01020052	54410	EM002	\$ -	\$ 17,000	\$ 17,000
Electricity	01020052	56220	EM002	\$ -	\$ 2,000	\$ 2,000
General Supplies	01020052	56100	EM002	\$ -	\$ 129,348	\$ 129,348
Heating Oil	01020052	56240	EM002	\$ -	\$ 600	\$ 600
Legal	01020052	53230	EM002	\$ -	\$ 10,000	\$ 10,000
Network / Internet	01020052	55320	EM002	\$ -	\$ 19,000	\$ 19,000
Other Professional	01020052	53300	EM002	\$ -	\$ 30,000	\$ 30,000
Solid Waste	01020052	54210	EM002	\$ -	\$ 250	\$ 250
Telephone / Fax / TV	01020052	55310	EM002	\$ -	\$ 400	\$ 400
Water / Sewerage	01020052	54110	EM002	\$ -	\$ 400	\$ 400
				\$ -	\$ 208,998.00	\$ 208,998

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: January 12, 2021
Re: Ordinance 2020-16: Creating Budget Amendment #3 to the Fiscal Year 2021 Budget, Creating an Appropriation for Costs Associated with the City Response to the COVID-19 Pandemic

SUMMARY: This amendment to the City's budget will appropriate funds to cover ongoing costs of the City's COVID-19 response as a result of the exhaustion of the CARES Act funding.

PREVIOUS COUNCIL ACTION: Council adopted the Fiscal Year 2021 budget on June 9, 2020 with Ordinance 2019-10. There have been two prior amendments to the FY21 budget.

On March 18, 2020 council adopted Resolution 2020-16, declaring a local emergency and authorizing the city manager to take necessary actions to reduce the impact and spread of the coronavirus known as COVID-19 throughout the City of Unalaska. This expired on November 15, 2020 when the State's original emergency declaration expired.

On May 26, 2020 Council approved Resolution 2020-37 receiving the CARES Act grant award.

On November 10, 2020 Council approved Resolution 2020-71, and extended the local declaration of emergency and authorizing the city manager to take necessary action to reduce the impact and spread of COVID-19 through June 30, 2021.

This ordinance was originally crafted the Budget Amendment as an Emergency Ordinance for the December 15 Council Meeting. At that meeting, Council changed this to Regular Ordinance, and set the second reading and public hearing for January 12, 2021.

BACKGROUND: On March 11, 2020, the World Health Organization declared a pandemic related to COVID-19. State and local emergencies were then declared. On March 12, 2020, the City of Unalaska stood up the Emergency Operations Center (EOC) to provide a framework for coordinated communications, preparedness and response.

Federal funding became available through the State of Alaska in the form of CARES Act. Originally, the use of the CARES Act grant monies was set to expire on December 30, 2020 and the City planned to fully exhaust funds by that date. While an extension to December 31, 2021 was recently approved, the City expects to exhaust their unspent funds early in 2021. There is a possibility that additional federal and/or state relief will be provided to the City at some point in the future; however, it is likely that there will be a gap between the time the new funding is approved and when the City receives it. Furthermore, until that funding and related guidance is received, the City is unable to determine what costs will be covered by the funding.

DISCUSSION: This budget amendment will appropriate funds to enable the City to continue to provide response and prevention measures to the City and its employees. Based on costs

associated with the items listed above, this request is for \$1,000,000 to be distributed between personnel and operating costs. Staff has identified areas that fall into this category as:

- Personnel costs associated with emergency hires to aid in response efforts or permanent employees' time spent working outside their regular job duties aiding in response efforts.
- Personnel costs associated with employee's staying home and hunkering down; while these costs are already budgeted within each department, it is staff's goal to track these costs for potential reimbursement, if additional aid is received.
- Costs associated with leasing and maintaining the isolation sites.
- Legal costs associated with ongoing COVID-19 related topics.
- Additional cleaning costs of City owned and leased buildings.
- Ongoing supplies to reduce the spread of COVID-19.

Staff also recommends that the costs associated with this request be accounted for using a non-departmental organization within the City's accounting system. Therefore, it will not impact any specific departmental budget.

While the CARES Act funding will cover a portion of expenses in 2021, based on the current state of COVID-19's impact on the City of Unalaska, there is no way to avoid the fact that the City will continue to incur expenses. If and when additional relief funds are available, any eligible costs will be paid for from that new funding source.

Even though the City has been in this state of Emergency since March 2020, the scope, magnitude and duration of the coronavirus pandemic's effects in Unalaska continue to remain unknown at this time, so it is not possible to ascertain what the total cost of the City's response will be. Additionally, given the relative uncertainty regarding the timing and amount of relief funds, there may be an additional need to come before Council requesting additional funds related to the City's response to COVID-19.

While the appropriation of these funds will technically come from the City's reserves, the full amount of the reserves appropriated for this request were made available through movement of Public Safety personnel costs from the General Fund to the CARES Act for the time period March 1, 2020 to June 30, 2020.

As an example, CARES Act guidance specifically stated that all public safety personnel costs were eligible costs. Therefore, the costs from March through June 30, 2020 were moved from the Public Safety and Fire budgets to the CARES Act budget. By doing so, those General Fund departments experienced relief in the amount of \$1,238,494, which ultimately went into the General Funds reserves on June 30, 2020.

Additional budgetary relief was provided by the CARES Act through its coverage of personnel costs related to the following:

- City closure from mid-March through the end of May
- Response related personnel costs, not public safety related
- Personnel costs associated with Federally mandated leave programs

The total of those three items is approximately \$1,800,000 and is spread throughout the City's governmental and business-type activities. Therefore, it would be extremely difficult to identify what specific budgets received budgetary relief through the use of CARES Act funds.

ALTERNATIVES:

Option 1: Not approve the ordinance, which would reduce the City's ability to respond to further needs throughout the City related to the COVID-19 pandemic and potentially limit the amount of health services available on island.

Option 2: Amend and approve an ordinance that includes different amounts or allocations

Option 3: Approve the ordinance as presented

FINANCIAL IMPLICATIONS: A non-departmental budget in the amount of \$1,000,000 would be created specifically for the purpose of providing continued COVID-19 related relief to the community and City employee's. The personnel funds associated with this budget amendment, totaling \$791,002, will allow for us to better track personnel related costs, and does not necessarily result in an increase to the City's overall spending for the fiscal year. However, the additional funds allow for limited emergency hires if needed as part of our response efforts. The operational funds associated with this budget amendment, totaling \$208,998, are additional costs but are offset by last year's CARES Act relief, as described above.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends adopting Ordinance 2020-16.

PROPOSED MOTION: I move to approve Ordinance 2020-16 creating an amendment to the fiscal year 2021 budget, creating an appropriation for costs associated with the City continued response to the COVID-19 pandemic.

CITY MANAGER'S COMMENTS: I support staff's recommendation. I also thank our team for their dedication in responding to this emergency and continued efforts to do so in a responsible and transparent manor.

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-02

A RESOLUTION OF THE UNALASKA CITY COUNCIL ESTABLISHING TAXICAB RATES FOR CALENDAR YEAR 2021

WHEREAS, Unalaska Code of Ordinances § 9.12.065 requires all licensed taxicabs operating within the city to have installed an instrument (meter) by which charges for hire of such taxicabs are calculated; and

WHEREAS, Unalaska Code of Ordinances requires that the meter shall calculate the fare and be calibrated in accordance with the fare standards set by the City Council at its first regular meeting in January each year; and

WHEREAS, the taxi rates for calendar year 2021 will not change from the rates for calendar year 2020.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council establishes the taxicab rates for 2021, which include the 3% sales tax, as follows:

- \$2.65 per flag drop;
- \$0.30 per 1/10 mile;
- \$5.30 for each additional fare over two;
- \$1.06 per minute waiting time;
- \$80.00 per hour charter.

BE IT FURTHER RESOLVED that said rates include a Senior Citizen Discount of \$1.00 off any metered rate between \$5.00 and \$10.00, and \$2.00 off any metered rate over \$10.00.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 12, 2021.

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: January 12, 2021
Re: Resolution 2021-02, Establishing taxicab rates for the calendar year 2021 as required by the Unalaska Code of Ordinances

SUMMARY: Unalaska Code of Ordinances (UCO) § 9.12.065(A)(3) requires that the City Council set taxicab rates at the first regular meeting in January each year. Resolution 2021-02 sets the rates for calendar year 2021 at the same level as the rates for 2020. Staff recommends adoption of this resolution.

PREVIOUS COUNCIL ACTION: Council has adopted taxicab rates annually since 1993. Through Resolution 2006-01, Council increased rates by \$0.03 per minute for waiting time and added \$80.00 per hour for charters. Rates have not changed since 2006.

BACKGROUND: The taxicab ordinance was adopted in 1993 and revised in 2003 and 2005. In 2005, several changes were made, but UCO § 9.12.065(A)(3) has not changed through the years of revision. The ordinance requires the City Council to set the rates each year. At the time of the 1993 adoption, the Taxi Owner's Association was active and provided input on this issue.

During a meeting held at Public Safety in November 2017, taxi drivers and taxi permit holders expressed no interest in changing the rates. There was no response to the Clerk's written request to the permit holders to comment on rates before council set the rates for calendar years 2018, 2019 and 2020. There was no public comment at the council meetings in 2018, 2019 or 2020.

On December 17, 2020, the City Clerk mailed letters to all taxi permit holders inviting them to submit comments about the rates for 2021 and encouraging them to attend tonight's council meeting. Copy attached. No responses were received before the writing of this memo.

ALTERNATIVES: Adopt rates as recommended, raise the rates, or lower the rates.

FINANCIAL IMPLICATIONS: If rates are changed, it is expected that a corresponding increase or decrease would be seen in sales tax revenue to the City. Also if rates are changed, meters would have to be reprogrammed at the expense of taxi owners.

STAFF RECOMMENDATION: Staff recommends the adoption of Resolution 2021-02.

PROPOSED MOTION: I move to adopt Resolution 2021-02.

CITY MANAGER'S COMMENTS: I support Staff's Recommendation.

CITY OF UNALASKA
Office of the City Clerk
43 Raven Way - P.O. Box 610
Unalaska, Alaska 99685
TEL (907) 581-1251 FAX (907) 581-1417



December 17, 2020

Taxi Permit Holders:

Each year the Unalaska City Council sets the rates taxicabs may charge. As a permit holder, you are encouraged to provide comments or suggestions to the City Council regarding the rates.

If you would like to submit comments before the meeting, I need to receive them no later than 5pm on Wednesday, January 6, 2021.

You are also encouraged to attend the meeting, which will be on Tuesday, January 12, 2021 at 6:00 p.m. in Council Chambers at City Hall. You can also participate by telephone. This is your opportunity to provide input to the City Council as they prepare to set the taxi rates for 2021.

Unless we hear from you, the rate adopted will most likely be the same as last year, which is (all rates include City sales tax):

- \$2.65 per flag drop
- \$0.30 per 1/10 mile
- \$5.30 for each additional fare over two
- \$1.06 per minute waiting time
- \$80.00 per hour charter
- Senior Citizen Discount of \$1.00 off any metered rate between \$5.00 and \$10.00, and \$2.00 off any metered rate over \$10.00.

If you have any questions, please give me a call at 581-1251 or email me at mveeder@ci.unalaska.ak.us.

Sincerely,

CITY OF UNALASKA



Marjie Veeder
City Clerk

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-03

A RESOLUTION OF THE UNALASKA CITY COUNCIL ADOPTING A POLICY FOR PUBLIC COMMENT AT CITY COUNCIL MEETINGS

WHEREAS, public comment is an essential part of local government meetings; and

WHEREAS, the purpose of public comment is for members of the public to inform the City Council about their views; and

WEREHAS, guidelines for public comment are necessary for fairness and consistency; and

WHEREAS, because the format of City Council meetings has evolved to include participation via telephone and online platforms, additional guidelines are necessary to manage public comment for these participants in an orderly fashion.

NOW THEREFORE BE IT RESOLVED that the attached Policy for Public Comment at Meetings of the Unalaska City Council is hereby adopted.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 12, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

**UNALASKA CITY COUNCIL
POLICY FOR PUBLIC COMMENT
AT MEETINGS OF THE CITY COUNCIL**

Adopted by Resolution 2021-02 on January 12, 2021

PURPOSE: The purpose of this policy is to provide guidelines for public comment at meetings of Unalaska City Council.

SCOPE: This policy applies to all Regular Meetings, Special Meetings and Work Sessions of the Unalaska City Council.

BACKGROUND: City Council meetings are designed for the Council to discuss and make decisions on various issues before the Council. A meeting of the City Council is held in public; it is not a “public meeting” in the sense of a public forum. The public does not participate in the decision-making process. Rather, the public provides input to the City Council, and Council takes the input into consideration in making decisions.

For Regular Meetings, Unalaska Code of Ordinances provides numerous opportunities for public comments and participation.

- a) Community Input & Announcements - § 2.20.020(A)(9) & (14): This is a time for members of the public to provide general information to council and to make announcements of interest to the community. This opportunity occurs twice, once early in the meeting and a second time immediately before the meeting adjourns. Advance notice or sign-up is not required, unless the speaker participates in the meeting by telephone or online.
- b) Public Testimony on Agenda Items - § 2.20.020(A)(10): This is a time for members of the public to provide information to Council regarding items listed on the agenda if the speaker does not wish to wait until the specific item comes up on the agenda. Advance notice or sign-up is not required, unless the speaker participates in the meeting by telephone or online.
- c) Public Hearing - § 2.20.020(A)(11): When an item requires public hearing by statute or ordinance, the presiding officer will open the public hearing for members of the public to provide comment. Advance notice or sign-up is not required, unless the speaker participates in the meeting by telephone or online.
- d) Public Comment during Council Discussion - § 2.20.020(B): This is an opportunity for public comments on agenda items in proximity to the Council’s discussion of the item. Members of the public must sign up in advance with the City Clerk in order to provide comment during this time.

Opportunities for public comment at special meetings will be provided in accordance with the agenda for that special meeting, which shall include public comment during council discussion.

Public comment during work sessions is allowed at the discretion of the presiding officer and members of the audience wishing to comment may raise their hand.

STATEMENT OF POLICY: The purpose of public comment is for citizens to provide information and inform the City Council about their opinions. The Mayor and City Council value community input and encourage participation in public comment opportunities at meetings of the City Council.

Public comment opportunities are not a time for members of the public to ask questions of, or engage in dialogue with the Mayor, City Council Members or City Staff. Community members are

encouraged to contact City Staff during normal business hours, or to contact the Mayor and City Council members directly.

These guidelines apply to all types of public comment opportunities described above.

1) Speakers are limited to three (3) minutes each, may not give their time to another person, and may speak about a single topic or agenda item only once during a meeting.

2) PUBLIC COMMENT IN PERSON

- a) Wait to be recognized by the presiding officer
- b) Use the microphone provided
- c) State your name
- d) Address all comments to the Mayor and City Council as a body, not to individual Council Members, the City Manager or others
- e) Comply with the 3-minute time limit
- f) If you wish to speak when an item appears on the regular agenda during council discussion, § 2.20.020(B), sign up in advance with the City Clerk

3) PUBLIC COMMENT BY TELEPHONE CONFERENCE OR ONLINE PLATFORMS

- a) In order to promote an orderly meeting, all persons participating by telephone conference or online platforms must sign up with the City Clerk at least one hour in advance of the start of the meeting, providing the speaker's name and telephone number or online identifier. By necessity, this requirement applies to all opportunities for public comment for persons participating by telephone or online.
- b) At the appointed time, the speaker will be allowed to un-mute
- c) Wait to be recognized by the presiding officer
- d) State your name
- e) Address all comments to the Mayor and City Council as a body, not to individual Council Members, the City Manager or others
- f) Comply with the 3-minute time limit

4) WRITTEN COMMENT

- a) Written comment shall be submitted to the City Clerk's Department no later than one hour prior to the start of the meeting, to be read into the record by the City Clerk or presiding officer's designee
- b) Written comment is accepted by e-mail, regular mail, fax or hand delivery
- c) The name of the person providing written comment must be included
- d) Because written comment will be read during the meeting, it must comply with 3-minute time limit

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, City Clerk
Through: Erin Reinders, City Manager
Date: January 12, 2021
Re: Resolution 2021-03: Adopting a policy for public comment at Council meetings

SUMMARY: Guidelines for public comment are recommended to preserve fairness and consistency for members of the public wishing to provide public comment. Additionally, with participation in Council meetings by telephone and online platforms increasingly common, further guidelines are necessary to manage public comment in an orderly fashion without undue disruption. The proposed public comment policy is consistent with our Code of Ordinances and has been developed with the assistance of the City Attorney. Staff recommends approval.

PREVIOUS COUNCIL ACTION: Unalaska Code of Ordinances at § 2.20.020 provides numerous opportunities for public comments and participation at Regular Council Meetings: two opportunities for Community Input & Announcements, one near the beginning of the meeting and one near the end of the meeting; a separate time for Public Comment on Agenda Items; a separate time for items requiring public hearing by statute; and a period of public comment during council's discussion of each regular agenda item, provided the speaker has first notified the City Clerk of their intention to provide comment.

The presiding officer has at times set time limits for public comment.

Previous written policies about public comment at Council Meetings were not found.

DISCUSSION: A policy providing guidelines for public comment is recommended so that both Council and members of the public know what to expect and to provide a framework for fairness and consistency. Participation in council meetings by telephone and online platforms emphasizes the need for such a policy to better manage public comment without unduly disrupting the meetings and allowing everyone to be heard who wishes to speak.

ALTERNATIVES: Council may choose to (a) adopt the policy as presented; (b) make amendments to the policy; (c) choose to appoint a committee to perform further study and make recommendations to council; or (d) choose not adopt a policy about public comment at council meetings.

FINANCIAL IMPLICATIONS: Not applicable.

LEGAL: The City Attorney assisted in preparing the proposed policy.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 2021-03.

PROPOSED MOTION: I move to adopt Resolution 2021-03.

CITY MANAGER COMMENTS: I support adoption of Resolution 2021-03.

CITY OF UNALASKA
UNALASKA, ALASKA
ORDINANCE 2021-01

CREATING BUDGET AMENDMENT #4 TO THE FISCAL YEAR 2021 BUDGET, APPROPRIATING \$25,000 FOR FACILITIES MAINTENANCE IN THE PORTS FUND, \$97,000 FOR PROFESSIONAL SERVICES IN THE ELECTRIC FUND, \$57,871 FOR FIRE DEPARTMENT EQUIPMENT IN THE GENERAL FUND, AND \$122,280 FOR THE TSUNAMI SIREN UPGRADE CAPITAL PROJECT, AND RECOGNIZING \$122,280 OF STATE CAPITAL GRANT REVENUE

BE IT ENACTED BY THE UNALASKA CITY COUNCIL:

- Section 1. Classification: This is a non-code ordinance.
 Section 2. Effective Date: This Ordinance becomes effective upon adoption.
 Section 3. Content: The City of Unalaska FY21 Budget is amended as follows:

A. That the following sums of money are hereby accepted and the following sums of money are hereby authorized for expenditure.

B. The following are the changes by account line item:

Amendment #4 to Ordinance #2020-10

	Current	Requested	Revised
I. OPERATING BUDGETS			
A. General Fund			
Sources:			
Appropriated Fund Balance	\$ 1,000,000	\$ 57,871	\$ 1,057,871
Uses:			
Fire Department Machinery & Equipment	\$ -	\$ 57,871	\$ 57,871
B. Electric Proprietary Fund			
Sources:			
Budgeted Use of Unrestricted Net Assets	\$ 3,683,132	\$ 97,000	\$ 3,780,132
Uses:			
Other Professional Services	\$ 34,149	\$ 97,000	\$ 131,149
C. Ports and Harbors Proprietary Fund			
Sources:			
Budgeted Use of Unrestricted Net Assets	\$ 2,086,149	\$ 25,000	\$ 2,111,149
Uses:			
Repair and Maintenance Services	\$ 4,624	\$ 25,000	\$ 29,624
II. CAPITAL PROJECT BUDGETS			
A. Tsunami Siren Upgrade			
Sources:			
Misc State Capital Grants	\$ -	\$ 122,280	\$ 122,280
Uses:			
Machinery & Equipment	\$ -	\$ 122,280	\$ 122,280

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January ____, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

City of Unalaska
Summary of Budget Amendment and Schedule of Proposed Accounts
Budget Amendment 4 to the FY21 Budget

- 1) General Fund - Operating Budget
 - Add \$57,871 to Fire Department Machinery and Equipment for rescue truck equipmen
 - Add \$57,871 to Appropriated Fund Balance
- 2) Electric Fund - Operating Budget
 - Add \$97,000 to Other Professional Services for Geothermal Project consultants
 - Add \$97,000 to Budgeted Use of Unrestricted Net Assets
- 3) Ports Fund - Operating Budget
 - Add \$25,000 to Repair and Maintenance Services for UMC warehouse roof repair, CEM painting, and a backflow prevention device
 - Add \$25,000 to Budgeted Use of Unrestricted Net Assets
- 4) Capital Project - Tsunami Siren Upgrade
 - Add \$122,280 to Machinery and Equipment for tsunami warning system improvements
 - Add \$122,280 to Misc. State Capital Grants for NOAA pass-through funding awarded by AK Dept. of Homeland Security & Emergency Management

	Org	Object	Project	Current	Requested	Revised
1) <u>General Fund - Operating Budget</u>						
Sources:						
Appropriated Fund Balance	01010049	49900		\$ 1,000,000	\$ 57,871	\$ 1,057,871
Uses:						
Machinery and Equipment	01021553	57400		\$ -	\$ 57,871	\$ 57,871
2) <u>Electric Fund - Operating Budget</u>						
Sources:						
Budgeted Use of Unrestricted Net Assets	50015049	49910		\$ 3,683,132	\$ 97,000	\$ 3,780,132
Uses:						
Other Professional Services	50024052	53300		\$ 34,149	\$ 97,000	\$ 131,149
3) <u>Ports Fund - Operating Budget</u>						
Sources:						
Budgeted Use of Unrestricted Net Assets	54017049	49910		\$ 2,086,149	\$ 25,000	\$ 2,111,149
Uses:						
Repair and Maintenance Services	54022952	54300		\$ 4,624	\$ 25,000	\$ 29,624
4) <u>Capital Project Budgets</u>						
<i>Tsunami Siren Upgrade Project</i>						
Sources:						
Misc State Capital Grants	310A1741	42199	PS20C	\$ -	\$ 122,280	\$ 122,280
Uses:						
Machinery and Equipment	3100A1753	57400	PS20C	\$ -	\$ 122,280	\$ 122,280

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: January 12, 2021
Re: Ordinance 2021-01: Creating Budget Amendment #4 to the Fiscal Year 2021 Budget, appropriating \$25,000 for facilities maintenance in the Ports Fund, \$97,000 for professional services in the Electric Fund, \$57,187 for fire department equipment in the General Fund, and \$122,280 for the Tsunami Siren Upgrade Capital Project, and recognizing \$122,280 of State Capital Grant Revenue

SUMMARY: This amendment to the City's budget will appropriate \$25,000 from Ports Proprietary Fund Unrestricted Net Assets to the Facilities Maintenance Operations Division of Ports & Harbors to fund Facilities Maintenance Operating Expenses, \$97,000 to replace monies used to fund expenditures and Professional Services Agreements associated with the Ounalashka / Chena Power, LLC Geothermal Project Power Purchase Agreement not included in the FY21 budget request; \$57,871 to complete the outfitting of a rescue truck for the Fire Department; \$122,280 to receive State grant funding and cover the costs to complete the Tsunami Siren Upgrade Capital Project.

PREVIOUS COUNCIL ACTION: Council adopted the Fiscal Year 2021 budget on June 9, 2020 with Ordinance 2019-10. There have been three prior amendments to the FY21 budget.

BACKGROUND:

Ports Maintenance: The annual Facilities Maintenance Operating Budgets for the various proprietary funds have historically fluctuated depending on planned work and emergency repair needs that arise. For example, the Ports & Harbors Facilities Maintenance Operating Expenses Budget was funded in FY19 at \$5,201, in FY20 at \$29,055 and in FY21 at \$11,055.

Electric: At the time the Fiscal Year 2021 budget was approved, the Ounalashka / Chena Power, LLC Geothermal Project Power Purchase Agreement (PPA) was in the exploratory phase and additional costs associated with the PPA were not contemplated as part of Electric's operating budget or the CMMP. Costs incurred subsequent to the date the PPA was executed represent 21% of the Electric Utility Administration Operating Expense Budget.

Fire Rescue Truck: As part of the FY 2020 General Fund Budget, \$417,467 was appropriated to the Fire/EMS Department for the purchase and outfitting of a new light rescue truck. The new truck was purchased during FY 2020; however, due to COVID-19 the truck has not yet been completed. Equipment has not yet been added to the truck. Since the appropriation was made as part of the annual budget and not as a capital budget item, the remaining appropriated funds expired on June 30, 2020. This budget amendment would restore \$57,871 of expired appropriated funds to the project so the Fire Department can finish equipping the truck.

Tsunami Sirens: The City staff was contacted early in the spring by the Alaska Department of Homeland Security and Emergency Management regarding the possibility of including Unalaska

in their FY21 budget Tsunami Activities Grant proposal. This Grant is offered by NOAA and is used as a flow through grant to communities in Alaska for tsunami siren upgrade and repairs. The city stated that we were interested in being included and AKDHS&EM added Unalaska to the program. When the grant funding was announced Unalaska was awarded \$122,280.

DISCUSSION:

Ports Maintenance: The FY20 budget spiked up because it included extensive painting at Carl E. Moses Boat Harbor. Painting work at Carl E. Moses Boat Harbor was planned to occur in FY20; however, due to the pandemic the work was not performed. Instead, the painting contract with Anchorage based Native Construction Management was canceled in June 2020 under contract General Condition 14, Termination for Convenience. Monies allocated for painting within the Ports & Harbors Facility Maintenance budget went unused during fiscal year 2020.

The painting contract also included painting work at Amaknak Fire Hall, City Hall, Eagles View Elementary School, Unalaska High School, City 4-Plex, and City 8-Plex, all of which fall under the General Fund. With the summer upon us, the City contracted the painting work with the next low bidder, Terrashield Coatings. Due to an oversight, the Carl E. Moses Boat Harbor painting was not removed from the scope of work and therefore completed although the funding for that work had expired at June 30, 2020.

Payment for all the above-mentioned General Fund painting work has been absorbed by our FY21 General Fund budget therefore no additional funding is requested for those locations. Being a Proprietary Fund location, only painting work at Carl E. Moses requires additional funding of \$16,400.

In addition to the painting cost above, two unexpected repairs were required that totaled \$8,636, bringing the total unbudgeted costs to just over \$25,000. The additional, unexpected repairs were for:

Backflow Prevention Device – \$4,008.

UMC Warehouse Roof – \$4,628.

Electric: Prior to executing the PPA, Mr. Michael Hubbard of The Financial Engineering Company provided rate analyses and other professional services to the Electric Utility and Council, related to the PPA. Once the PPA was executed, the City entered into an Agreement with Electric Power Systems to evaluate the impacts and upgrades necessary for the Electrical Distribution System in order to bring geothermal power online. Finally, the City entered into an Agreement with Thomas A. Lovas of Energy & Resource Economics to provide professional services related to the Project's design and the implementation of the PPA. The three items mentioned, at a combined cost of \$87,815 placed a burden on Electric's operating expense budget to a point where this budget amendment request was necessary. Staff is requesting an additional \$9,185, for a total of \$97,000, in order to reduce the likelihood of an additional funding request should other tasks be added to the existing Agreements or further services of The Financial Engineering Company be requested.

Fire Rescue Truck: The restoration of funds related to the rescue truck build would allow for new equipment to be purchased at the time of build, ensuring the most up to date equipment is used by the Fire Department for technical rescue operations.

Tsunami Sirens: This portion of the budget amendment will accept funding to supplement the full replacement of our tsunami warning system. This new system as a whole will integrate with

our new dispatch hardware and software upgrades to ensure long life. This new system will also create needed redundancy within the warning system to ensure there are no more outages.

ALTERNATIVES:

Ports Maintenance: An alternative to this request would be to have the Operations of the Department of Ports & Harbors absorb the expenses, however, this would reflect inaccurate historical data for both Divisions, and negatively impact their work program.

Electric: There are no true alternatives to funding this request. As of this writing, the available funds in the Operating Expenses Budget of the Electric Utility Administration Division are in the red at (\$7,150.87), with approximately half the fiscal year remaining. As a result, this Division of the Department of Public Utilities will be unable to support its portion of shared Department of Public Works & Department of Public Utilities Administrative and Occupancy expenses for goods and services such as Heating Fuel, Solid Waste, Water and Sewerage, Telephone, Postal Services, Office Supplies, Credit Card Fees, and so on.

Fire Rescue Truck: Council could choose to not restore funding and the Fire Department could attempt to fund the new equipment out of their FY21 Operations fund.

Tsunami Sirens: Council could choose to not accept the grant funding; however, the City has successfully administered similar grants from AKDHS&EM previously and does not anticipate any issues with this award.

FINANCIAL IMPLICATIONS:

Ports Maintenance: Remaining unused funds will stay with Ports & Harbors.

Electric: The amounts requested from the unrestricted revenue of the Electric Proprietary Fund will be added to the existing appropriation for Other Professional Services. The proposed revised line item is set forth below.

FY21 Electric Utility Administration				
SOURCE				
ELECTRIC PROPRIETARY FUND		CURRENT	THIS REQUEST	REVISED BUDGET
BUDGETED USE OF UNRESTRICTED NET ASSETS	5001-5049-49910	\$ 3,683,132	\$ 97,000	\$ 3,780,132
USE				
		CURRENT	THIS REQUEST	REVISED BUDGET
OTHER PROFESSIONAL SERVICES	5002-4052-53300	\$ 34,149	\$ 97,000	\$ 131,149
		\$ 34,149	\$ 97,000	\$ 131,149

Fire Rescue Truck: Appropriate \$57,871 to FY21 Fire Department Machinery and Equipment Budget.

Tsunami Sirens: Additional \$122,280 added to the Tsunami Siren Upgrade Capitol Project Fund.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to schedule Ordinance 2021-01 for public hearing and second reading on January 26, 2021.

CITY MANAGER COMMENTS: I support staff's recommendation.

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2021-03

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA MUNICIPAL CODE TITLE 18

BE IT ENACTED by the City Council of the City of Unalaska:

Section 1: Form. Sections 2-15 of this ordinance are a Code ordinance.

Section 2: Amendment of Section 18.04.020. Section 18.04.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.04.020 STATE REGULATIONS ADOPTED.

To the extent that they are not inconsistent with any provisions of this title, the regulations contained in the Alaska Administrative Code, Title 17, Chapter 80, "Water and Harbors," pertaining to the operation of harbors and harbor facilities, are adopted by reference and made a part of this title with the following changes:

A. All references to "commissioner" shall mean "Port Director".

B. All references to "state harbor facility" shall mean. "Unalaska port facility".

Section 3: Amendment of Section 18.04.030. Section 18.04.030 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck] RESERVED FOR CONSIDERATION OF MINOR OFFENSE ENFORCEMENT MECHANISM.

Section 4: Amendment of Section 18.04.040. Section 18.04.040 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.04.040 DEFINITIONS.

The following terms shall have the following meanings for purposes of this title:

(~~Θ~~ A) "ALASKA TIDELAND SURVEY (ATS)." "Alaska Tideland Survey" or "ATS" means that platted surveyed, monumented and recorded tidal and submerged land areas that reflects a specific horizontal shore side boundary and depth to the approved director's line, established by the Director of Division of Lands, Alaska Department of Natural Resources.

(~~P~~ B) "AUTHORIZED EMERGENCY VESSELS." "Authorized Emergency Vessels" means any authorized vessel of the Port Director, Harbormaster, City of Unalaska, the United States Government and State of Alaska authorized patrol vessels.

(C) "DEPUTY PORT DIRECTOR" means the duly retained Deputy Port Director of the City of Unalaska, Alaska or his or her designated representatives.

(A ~~D~~) "DERELICT." "Derelict" means any vessel moored or otherwise located in the boundaries of the port or at port facilities that is forsaken, abandoned, deserted, or cast away; or that by appearance gives evidence of being forsaken, abandoned, deserted, or cast away, or that is unsound, unseaworthy, and unfit for its trade or occupation, and that by any substantial evidence of neglect may be considered abandoned.

(~~G~~ E) "HARBORMASTER." "Harbormaster" means the duly retained Harbormaster of the City of Unalaska, Alaska, or his or her designated representatives.

(F) "HARBOR OFFICER" means the duly retained Harbor Officer(s) of the City of Unalaska, Alaska.

(~~E~~ G) "LOADING AREAS." "Loading Areas" means those approaches and designated areas of any float or dock that are posted and marked for use by the general public for the purpose of loading and unloading of supplies, equipment and stores.

(~~F~~ H) "~~MOORING FACILITIES RESERVATION FEE.~~" "Mooring Facilities Reservation Fee" is that fee which is charged to a vessel operator, in consideration for being granted a reserved mooring space in the port facilities.

(~~G~~ I) "MOORING FACILITIES USE FEE." "Mooring Facilities Use Fee" is that fee charged to a vessel operator for the use of an open mooring space in the port facilities or a vacant reserved mooring space.

(~~H~~ J) "NUISANCE." "Nuisance" means any condition which creates a danger, health hazard, attractive nuisance, a hazard to foot traffic on city floats and docks, or otherwise impedes the safe negotiation of docks, floats, and other facilities, by foot traffic, including defecation by a pet or other kept animal on a city float, dock or other port facility, or unnecessary and avoidable noise, such as loud music, between the hours of 10:00 p.m. and 7:00 a.m., and that disturbs the quiet enjoyment of users of the port or residents of the City of Unalaska.

(~~I~~ K) "OPEN MOORING SPACE." "Open Mooring Space" means mooring space that has not been set aside and posted as a reserved mooring space and which is available on a "first-come-first-served" basis.

(~~J~~ L) "PORT." "Port" means the International Port of Dutch Harbor, and includes, but is not limited to, all port facilities and waters within the jurisdiction of the City of Unalaska as defined by the city limits of the City of Unalaska.

(~~B~~ M) "PORT DIRECTOR." "Port Director" means the duly appointed Port Director of the City of Unalaska, Unalaska or his or her designated representatives.

(~~D~~ N) "PORT FACILITIES." "Port Facilities" are those improvements and their appurtenant areas within the jurisdiction of, and owned by, the City of Unalaska and that are adapted to the purpose of securing and/or servicing vessels. The term includes, but is not limited to, docks, mooring devices, floats, fingers, stalls, gridirons, and other appurtenances.

(~~K~~ O) "RESERVED MOORING SPACE." "Reserved Mooring Space" means mooring space which has been set aside and posted for long-term mooring with the prior knowledge and approval of the Harbormaster, following payment of the appropriate fee.

(~~N~~ P) "TIDAL AND SUBMERGED LAND." "Tidal and Submerged Land" or Tide and Submerged Land means those lands which are periodically covered by tidal waters between the elevation of

~~mean high and mean low tides that water covered area affected by the influence of the tidal action and those lands that are always submerged beneath the water.~~

(~~L~~ Q) "VESSEL." "Vessel" means watercraft of every kind and descriptions, including but not limited to boats, barges, houseboats, rafts, ships and skiffs.

(~~M~~ R) "VESSEL OPERATOR." "Vessel Operator" means the actual or registered owner, master, managing agent, person in navigational control of, and any other person responsible for the physical operation of the vessel.

Section 5: Amendment of Subsection 18.08.010(A). Subsection 18.08.010(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]

18.08.010 PORT DIRECTOR.

(A) The Port Director shall attempt to enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. ~~In the performance of such enforcement the Port Director shall have all of the powers of a peace officer of the city.~~ The Port Director may delegate enforcement authority to the Deputy Port Director.

Section 6: Amendment of Subsection 18.08.020(A). Subsection 18.08.020(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]

18.08.020 HARBORMASTER.

(A) The Harbormaster shall attempt to enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. ~~In the performance of such enforcement the Harbormaster shall have all of the powers of a peace officer of the city.~~ The Harbormaster may delegate enforcement authority to any Harbor Officer.

Section 7: Amendment of Subsection 18.08.030(A). Subsection 18.08.030(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]

18.08.030 REGISTRATION.

(A) Every vessel operator using the port facilities is required to register ~~his~~ their name, telephone number, post office address, street address, the name and state or federal certificate of number of the vessel, its length, its breadth, and its registered tonnage, if any, and any other information deemed necessary, with the Harbormaster on forms to be provided ~~by him~~ for that purpose. Vessel operators shall immediately notify the Harbormaster in writing of any changes in this information.

Section 8: Amendment of Section 18.08.080. Section 18.08.080 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]:

18.08.080 CITY OWNED TIDELANDS.

(A) The City of Unalaska has received, through patent, selected tidal e and submerged land areas from the State of Alaska. The areas are indicated by Alaska Tideland Surveys (ATS). The continued use of the city owned areas by private companies through the construction of permanent docks, wharfs, fish processing out-fall lines, and seawater in-take lines ~~is accommodated by~~ requires a specific lease agreement with the City of Unalaska as outlined in Title 7.16, UCO.

(B) The utilization of Alaska Tideland Survey areas ~~are~~ is subject to on-site lease compliance checks by the Harbormaster to ~~insure~~ ensure that lease terms are complied with. The field checks may be done in conjunction with the Department of Planning. ~~Citations may be issued if substantial violations are noted and not corrected.~~

Section 9: Amendment of Section 18.12.010. Section 18.12.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.12.010 POLLUTION AND SANITATION.

Every vessel operator using the port or any port facility shall:

(A) Use all reasonable precautions in keeping the vessel in his or her charge in a reasonably clean and sanitary condition;

(B) Refrain from pumping ~~bulges~~ bilges and sanitary holding tanks into the waters of the port, or otherwise allowing any petroleum products, bilge water, raw sewage, or other pollutants to be introduced into the waters of the port;

(C) Refrain from throwing or allowing to be introduced into the waters of the port any garbage, wood, pallets, plastic, or other waste. Materials stored or stacked on a vessel's deck shall be secured in such a way as to ~~insure~~ ensure that the wind cannot blow materials from the vessel into the waters of the port; and

(D) Comply with all applicable state or federal laws and regulations regarding pollution, waste disposal and sanitation. ~~;, which are incorporated herein by reference.~~

Section 10: Amendment of Section 18.12.020. Section 18.12.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.12.020 SAFEGUARDING.

(A) ~~Vessels~~ Vessel operators shall not anchor a vessel in such a way as to endanger other vessels moored or at anchor. Should a conflict arise between anchored vessels, the previously anchored vessel shall have right-of-anchorage, and the subsequently anchored vessel shall have the burden of changing anchorage.

(B) Vessel operators shall ~~insure~~ ensure that each vessel in their charge has sufficient scope and ground tackle to preclude dragging of the anchor in all weather conditions.

(C) Vessel operators, while anchored within the port, shall maintain a radar or visual watch from the bridge of the vessel to ~~insure~~ ensure that each vessel in their charge maintains its position.

(D) Vessel operators shall maintain a radio watch on VHF channel 16 while anchored in the port.

(E) Vessel operators shall obtain permission from the Harbormaster before anchoring in a fairway, and shall move anchorage immediately at the request of the Harbormaster.

(F) Mooring buoys shall be of a sort approved by the U.S. Army Corps of Engineers, and ground tackle for buoys shall be of sufficient size to preclude movement off position in all weather conditions. If a mooring buoy is moved off position, the owner of the buoy shall increase the size and weight of the buoy's anchoring system and move the buoy back into position as soon as possible.

(G) Mooring buoys shall be white in color, with a horizontal blue band midway between the waterline and the top of the buoy. Mooring buoys shall be maintained in such a way, through painting, lighting, or other means to maximize their visibility at night.

(H) Vessel operators shall use all reasonable precautions in keeping each vessel in their charge free from fire hazards of any type or nature.

(I) Vessel operators shall use all reasonable efforts and precautions to keep each vessel in their charge well and securely moored with lines in reasonably fit condition and of a sufficient diameter and number to ~~insure~~ ensure that the vessel will remain securely moored under all weather conditions.

(J) Vessel operators shall ~~insure~~ ensure that each vessel in their charge is sufficiently pumped so as to remain afloat and not be in danger of sinking, and shall otherwise attend to the needs of each vessel.

Section 11: Amendment of Section 18.16.020. Section 18.16.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]:

8.16.020 MOORING FACILITIES ~~RESERVATION~~ FEE.

(A) Vessel operators who have applied for and been granted a reserved mooring space shall be required to pay a mooring facilities ~~reservation~~ fee.

(B) The mooring facilities ~~reservation~~ fee schedule applicable to mooring spaces located within each port facility shall be set out in that facility's operating plan.

(C) Individuals who wish to cancel their reservations to their mooring or stalls, upon notification to the Harbormaster of their intention, shall be allowed a rebate of the fee paid, if and to the extent permitted by that facility's operating plan.

(D) The vessel operator of a vessel that is being occupied, lived on, rented or leased as a place of human habitation or a primary residence shall be charged the regular fee for a reservation of a mooring space plus an additional fee to be set by ordinance per calendar month. This additional fee is payable on a monthly basis in advance on the first day of each calendar month.

The city may waive the additional monthly fee if the vessel operator or occupant notifies the Harbormaster in writing prior to the calendar months in question, stating the dates that the vessel will be vacant, and that the vessel will be occupied for less than 15 days in the calendar month, and that the vessel is no longer used as a primary residence during that period.

Section 12: Amendment of Subsection 18.20.010. Subsection 18.20.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.010 IMPOUNDMENT.

(A) The Harbormaster may take ~~immediate~~ possession and/or impound and remove any vessel within his jurisdiction:

- (1) To abate derelicts and nuisances;
- (2) For failure to comply with the registration provisions of this title;
- (3) That is ~~is~~ obstructing port traffic and the vessel operator is unable, fails or refuses to immediately attend to and remove the vessel such that it no longer obstructs port traffic;
- (4) Whose operator reasonably appears incapable of safely operating the vessel or appears incapable of directing the disposition of the same;
- (5) Whose operator refuses to properly identify ~~himself/herself~~ themselves upon lawful request of the Harbormaster, or refuses or fails to obey an order of the Harbormaster to proceed to or from an area following issuance of a citation or in an emergency;
- (6) Whose operator operates a vessel in a reckless manner under § 18.20.030, in a negligent manner under § 18.12.040, or in another manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other vessels, and the Harbormaster believes such operation would continue unless possession of the vessel be taken;
- (7) That is moored in a reserved mooring space assigned to another after reasonable efforts were made at attempting to contact the vessel operator to move the vessel in question, or who, after receiving notification to move the vessel, refuses to do so;
- (8) That is moored at a loading area or launch ramp area for a period of time longer than permitted;
- (9) That is ~~is~~ in imminent danger of sinking; ~~and or~~
- (10) That constitutes a fire hazard to itself, port facilities or other property.

(B) When taking possession or impounding as authorized by ~~subsection (A) of this section~~, this Chapter the Harbormaster may impound the vessel in place by chaining or otherwise mooring it to a float or other suitable object, or if practical by removing it from the water and placing it in either city or commercial land storage. Vessels not practical to impound by moving, mooring or removing from the water may be impounded by posting a notice of impoundment in the places set out in § 18.20.030.

(C) The Harbormaster may appoint a custodian to maintain and safekeep the vessel while it remains impounded. In the discretion of the Harbormaster, such custodian may be the operator of the vessel.

(D) Upon impoundment of a vessel, it shall be unlawful for any person:

(1) To move, load, unload, rebuild, or enter upon such vessel without written permission from the Harbormaster, other than for necessary maintenance and repair to prevent deterioration of the same or sinking; and

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the Harbormaster pursuant to this section.

Section 13: Amendment of Subsection 18.20.030. Subsection 18.20.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.030 NOTICE OF IMPOUNDMENT.

(A) ~~Immediately upon~~ At least ten (10 days prior to impounding any vessel, the city shall cause to be posted on the vessel and in five public locations throughout the city a notice of such action to be taken by the city. A copy of the notice shall be mailed, by registered or certified mail, to each affected vessel operator at his/~~her~~ their address of record and to all other persons known to have an interest in the vessel, including all ~~lienholders~~ lienholders shown on the records of a state or federal agency. ~~If the vessel is documented under the laws of the United States, notice shall also be sent to the collector of customs of the port of documentation, if such can be reasonably ascertained.~~

(B) The notice required by this section shall contain the name and/or number of the vessel; the name and address, if known, of the vessel's owner and each operator; and the vessel's location. The notice shall further state the grounds upon which the vessel is being impounded, and the proposed disposition of the vessel. The notice shall further state that any person with a property interest in the vessel may request a hearing as provided in this chapter.

Section 14: Amendment of Section 18.20.040. Section 18.20.040 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.040 HEARING AFTER BEFORE IMPOUNDMENT.

(A) Any person with a property interest in an impounded vessel may obtain a prompt hearing before the Port Director before the vessel is impounded to determine whether there is probable cause to impound the vessel by ~~submitted~~ submitting a written request for a hearing at least no later than 10 days prior to public sale of the vessel after receipt of notice of impoundment or after the person has learned such vessel will be impounded whichever comes first.

(B) At the hearing, the Port Director shall review whether ~~proper grounds~~ probable cause exists for impounding the vessel. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of Federal, local or municipal law or regulations, or any agreement entered into pursuant thereto.

rendering the vessel subject to impoundment. Any person with a property interest in the vessel may present evidence, call witnesses, and present argument as to the impoundment, its propriety and/or release of the vessel. The city may also present evidence, call witnesses and present argument in response. If it is determined that probable cause to impound exists the City may proceed to impound and sell or destroy the vessel as provided in UCO 18.20.050.

(C) At any time prior to sale, tThe Port Director ~~shall~~ may release the vessel from impoundment to the owner or operator of the vessel upon such terms and conditions as the Port Director in ~~his/her~~ their discretion finds will abate the nuisance or other cause for impoundment, otherwise remedy the reason for impoundment, and reimburse and compensate the city for expenses owing pursuant to § 18.20.020.

(D) The written decision of the Port Director is a final administrative decision when mailed to each party requesting a hearing, and may be appealed only to the Superior Court. Any appeal must be commenced within thirty (30) days of the date of mailing of the decision.

Section 15: Amendment of Section 18.20.060. Section 18.20.060 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.060 ABATEMENT OF NUISANCES.

(A) Upon the Harbormaster's written determination that a condition described in UCO 18.20.010(A) exists that constitutes a clear and present danger to the public health, safety or general welfare, the nuisance may be summarily abated by the Harbormaster without prior notice. The Harbormaster may take immediate possession and/or impound and remove any nuisance or property creating a nuisance on port facilities property.

(B) All ~~other~~ personal property, including but not limited to machinery, equipment, gear, appliances and furniture, placed or stored on port facilities property without the express permission of the Harbormaster shall be considered to be a hazard and a hindrance to the public use of port facilities. Such property shall be subject to impound if not removed, or written permission from the Harbormaster for such placement or storage is not received, within 24 hours of placement on port facilities property.

(C) Immediately upon impounding any property, the city shall cause to be posted on the property and in five public locations throughout the city a notice of such action. A copy of the notice shall be mailed, by registered or certified mail, to the person who the Harbormaster determines through the exercise of due diligence is the owner of the property and to all other persons known to have an interest in the property

(~~C~~D) Property impounded under this section shall be subject to an impound fee to be set by ordinance, plus all costs of impoundment including labor, and a storage charge to be set by ordinance for each day the property remains in the Harbormaster's possession. All impound charges and fees shall be paid in full and in certified funds, before the Harbormaster may release the impounded property to its owner.

(E) A person with a property interest in impounded property may obtain a prompt hearing before the Port Director by submitting a written request for a hearing no later than 10 days after receipt of notice of impoundment or learning of the impoundment whichever is earlier. If following the

hearing it is determined the property was improperly impounded it shall be released to the property owner.

(~~D~~ E) In the event property impounded under this section remains impounded for 90 days after written notice of impound is issued to the person who the Harbormaster determines through the exercise of due diligence is the owner of the property and impound charges and fees remain unpaid, the Harbormaster may sell the property at public auction to the highest and best bidder. Such sale shall be conducted pursuant to a procedure generally similar to that set forth in § 18.20.060 for sale of impounded vessels. If impounded property is without value, it shall be destroyed and otherwise disposed.

(~~E~~ G) Upon impoundment of property, it shall be unlawful for any person:

(1) To take, move, or access such property without written permission from the Harbormaster ~~pursuant to this section.~~

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the Harbormaster pursuant to this section.

Section 16: Effective Date. This ordinance shall be effective upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January _____, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Peggy McLaughlin, Port Director
Through: Erin Reinders, City Manager
Date: January 12, 2021
Re: Ordinance 2021-03 Amending Title 18

SUMMARY: Ordinance 2021-03 is a code ordinance. By passing this ordinance, City of Unalaska (COU) Code will be amended to align COU Title 18 with Alaska Administrative Code, Title 17, Chapter 80, "Water and Harbors", to address processes for abandoned and derelict vessels, and to correct minor grammar errors. This is the legal foundation for COU Ports and Harbors authorities, operating plans, and the framework for establishing fees and services. It is recommended that Council adopt Ordinance 2021-03.

PREVIOUS COUNCIL ACTION: Council reviewed and amended Title 18 in 1993. In 2016, Council amended Title 18.12.04-09.

BACKGROUND: Most of our COU Code Ordinances refer to the Alaska Administrative Code. Title 18 has not been reviewed thoroughly since 1993. Alaska Administrative Code has had some changes, including processes for Abandoned and Derelict vessels, and our enforcement processes have changed locally. This Title is long overdue for review for consistency with the Alaska Administrative Code.

DISCUSSION: The proposed changes in Title 18 allow for Ports and Harbors to conduct business more efficiently, to consistently align with the Alaska Administrative Code, and to provide consistency between other COU Codes and Title 18.

The simplest changes come in the form of corrections of misspellings, misuse of words, and poor grammar. Additionally, there are changes and additions to align with other titles. As an example, Deputy Director is to be included, and is referenced in Title 2 Administrative Code and succession plans. "Tidal and Submerged Lands" are redefined to be consistent with Title 8 Planning Code definitions.

Alaska Senate Bill 92 passed into law an Abandoned and Derelict vessel program. "An Act relating to abandoned and derelict vessels; relating to the registration of vessels; relating to certificates of title for vessels; relating to the duties of the Department of Administration; relating to the duties of the Department of Natural Resources; establishing the derelict vessel prevention program; establishing the derelict vessel prevention program fund; relating to the authority of certain persons to enforce laws relating to derelict vessels; and providing for an effective date."

A great deal time was spent reviewing the processes outlined in Title 18 for Ports to manage Derelict and Abandoned vessels. The changes provided clarify a fair and efficient process for both vessel owners and Port personnel.

ALTERNATIVES: Council could choose to not adopt these Code changes. The Alaska Administrative Code would still prevail. Council could choose to wait and further review or recommend additions or other changes.

FINANCIAL IMPLICATIONS: There is no immediate direct financial impact by changing Title 18. This code does give Ports and Harbors authority to charge for fees and services, but does not detail those fees and services.

LEGAL: COU City Attorney has been part of drafting and reviewing this Code Ordinance.

STAFF RECOMMENDATION: Staff recommends adopting Ordinance 2021-03.

PROPOSED MOTION: Recommend adopting Ordinance 2021-03 and moving to a Second Reading on January 26, 2021.

CITY MANAGER'S COMMENTS: City Manager recommends approval

ATTACHMENTS: Ordinance 2021-03