

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2024-29

A RESOLUTION OF THE UNALASKA CITY COUNCIL APPROVING A 10-YEAR LEASE FROM THE OUNALASHKA CORPORATION FOR THE UNALASKA FISHERMEN'S MEMORIAL

WHEREAS, the City of Unalaska recognizes the longstanding importance of fishermen to its culture and economy; and

WHEREAS, the City of Unalaska acknowledges, appreciates and supports the Rusting Man Foundation's initiative to establish a memorial in Unalaska to commemorate fishermen lost at sea; and

WHEREAS, the City of Unalaska has provided financial support for the project; and

WHEREAS, the City Council discussed possible locations for the memorial in June 2023; and

WHEREAS, the site overlooking the Carl E. Moses Boat Harbor was preferred for the memorial; and

WHEREAS, the Ounalashka Corporation has offered a 10-year lease of the proposed site for the memorial at a cost of one dollar per year; and

WHEREAS, the proposed site would be a respectful, accessible and pleasant location for the memorial; and

WHEREAS, the City Council desires to proceed with construction of the memorial at this location.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to negotiate a lease with the Ounalashka Corporation for the site overlooking the Carl E. Moses Boat Harbor.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on June 25, 2024.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Estkarlen Magdaong
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Cameron Dean, Planning Director
Through: William Homka, City Manager
Date: June 25, 2024
Re: Resolution 2024-29: Fishermen's Memorial

SUMMARY: The Ounalashka Corporation has made the originally preferred location for the Fishermen's Memorial by the Rusting Man Foundation available for lease.

PREVIOUS COUNCIL ACTION: Staff presented site options for the Fishermen's Memorial in a work session on June 13, 2023.

Resolution 2022-45: Approved a total of \$250,000 to support construction of the memorial.

Resolution 2024-19: Adopted the FY25-34 CMMP, which included \$100,000 FY25 funding for the project.

BACKGROUND: Last year, Council reviewed various site options for the memorial. Following that meeting Staff negotiated with OC to secure a location and additionally considered City property like Memorial Park. While many suggested sites were evaluated, all had various drawbacks and OC did not approve any other leases proposed on its property.

OC ultimately approved the original location preferred by Rusting Man Foundation uphill from the Carl E. Moses boat harbor, and Staff proceeded to develop site plans and a lease for that location.

Were this site not available, Memorial Park would be the most likely available location.

DISCUSSION: The attached term sheet lists the details of the proposed lease for approximately 10,000 sq. ft. of the gravel area uphill from the Carl E. Moses boat harbor. OC is offering a ten (10) year lease at one dollar (\$1) per year. Resolution 2024-29 would authorize the City Manager to negotiate the land lease with OC.

Rusting Man Foundation intends to construct the memorial and maintain it for the following year, after which the City will take over and continue to maintain it. The City Attorney is currently drafting the agreement with RMF.

Apart from the memorial itself, RMF will assist with providing benches and a trash can that fits the memorial's aesthetic. The City is responsible for providing electric service and safety improvements, which were funded in the FY25-34 CMMP.

The attached site plan has been developed in consultation with Rusting Man Foundation and will be included with the lease with OC. It is a draft and details may still change:

Parking: A total of five (5) unpaved parking spaces will be included within the leased area. The parking is arranged such that drivers leaving the memorial will be able to turn straight onto the road rather than backing into it, minimizing disruption to passing traffic. Beams or another barrier will prevent drivers from pulling past the designated parking area. The parking spots will be large enough to accommodate the 15-person vans that UVB uses for tours.

Electric: Public Works and Utilities are determining the most cost-effective way to provide electricity for the memorial, which will incorporate lights and a VHF radio, and to power security cameras. One option is extending electric service from a transformer at the bottom of the hill, requiring a utility easement from OC that is depicted on the attached site plan. However, the memorial's power needs are modest, and Staff is evaluating whether a small solar system with a battery backup on the site would be sufficient. The City already uses a similar setup at Icy Lake and it would likely result in significant project savings over a utility extension.

Safety Improvements: The City will install a barrier for visitor safety along the steep hillside to the south and is working with RMF to design one that does not detract from the memorial. One option being considered is rocks connected by donated anchor chain.

ALTERNATIVES: City Council may reject the proposed lease from OC and direct Staff to consider other locations.

FINANCIAL IMPLICATIONS: The lease as drafted will cost the City \$1 annually for the next decade. Required improvements were already budgeted as part of the FY25-34 CMMP with \$100,000 from the General Fund in FY25. Should OC choose to not allow the City to renew the lease once it expires, the City would be responsible for removing the memorial.

LEGAL: The City Attorney will review the lease with OC and agreements with Rusting Man Foundation.

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to adopt Resolution 2024-29

CITY MANAGER COMMENTS:

ATTACHMENTS:

OC Lease Term Sheet

Draft Site Plan



Lease Term Sheet

<u>Landlord:</u>	Ounalashka Corporation ("OC")
<u>Tenant:</u>	City of Unalaska ("City")
<u>Lease Term:</u>	Ten (10) years
<u>Lease Term Options:</u>	None
<u>Initial Base Rent:</u>	\$1.00/year
<u>Additional Rent:</u>	N/A
<u>Rent Adjustments:</u>	N/A
<u>Premises Description:</u>	Approximately 10,000 sq. ft. located within a portion of Tract C1 of Little South America Subdivision No. 2 (Plat 2010-10).
<u>Utilities and Services:</u>	The City shall pay for all utilities and services required, including any hookups which are necessary for its use of the Premises.
<u>Security Deposit:</u>	N/A
<u>Premises Condition:</u>	OC shall deliver the Premises in its present "AS IS" condition.
<u>Drainage/Discharge of Surface/Wastewater:</u>	The City shall not drain or discharge any surface water from the Premises onto any adjacent lands or tidelands.
<u>Use of Premises:</u>	Only for the installation of the Fishermen Memorial donated by the Rusting Man Foundation to the City. The City shall be required to install any safety features, including barricades along the slope edge.
<u>Improvements Ownership:</u>	All Improvements constructed by the City will be owned by the City. The City shall remove the Improvements at the end of the Lease Term.
<u>Permanent Improvements:</u>	No Permanent Improvements may be installed on the Premises.

<u>Ground/Fill Work:</u>	The City shall be required to use materials from a location/quarry designated by OC for any groundwork or fill work required.
<u>Survey/Plat:</u>	The City will be required to provide a metes and bounds survey of the Premises, which shall include a parking plan.
<u>Permits:</u>	The City shall obtain and maintain at its expense and throughout the Lease Term, all licenses, permits, approvals, consents, and certificates from local, state, and federal authorities.
<u>Taxes/ Assessments:</u>	The City shall be responsible for any taxes or assessments.
<u>Assignment/Subletting:</u>	The City may not sublease or assign the agreement.
<u>Insurance:</u>	The City shall maintain Liability Insurance with single limits coverage of at least Three Million Dollars; Property Insurance; and Employer's Liability/Workers' Compensation Insurance and name OC as an additional insured.
<u>Maintenance/Repairs:</u>	The City agrees to maintain, at its cost, the Premises and any improvements in good condition and repairs.
<u>Inspections:</u>	OC may inspect the Premises at any time, with 24-hours' notice.
<u>Default:</u>	Non-monetary default – The City will be given thirty (30) days written notice and opportunity to cure.
<u>Holding Over:</u>	The City may not hold over on the Premises.

This term sheet is **not contractually binding** on the parties and is only an expression of the basic terms and conditions to be incorporated in a formal written agreement. This term sheet does obligate either party to negotiate in good faith or to proceed to the completion of a formal written agreement. The parties shall not be contractually bound unless and until a formal written agreement is executed by the parties, which must be in form and content satisfactory to each party and its counsel in their sole discretion. Neither party may rely on this letter as creating any legal obligation of any kind.

Furthermore, the Premises shall be leased in **AS IS, WHERE IS** condition. It is Tenant's sole responsibility to investigate and determine the condition of the Premises.

Please **initial** to signify review and acceptance of this term sheet subject to the above paragraph.

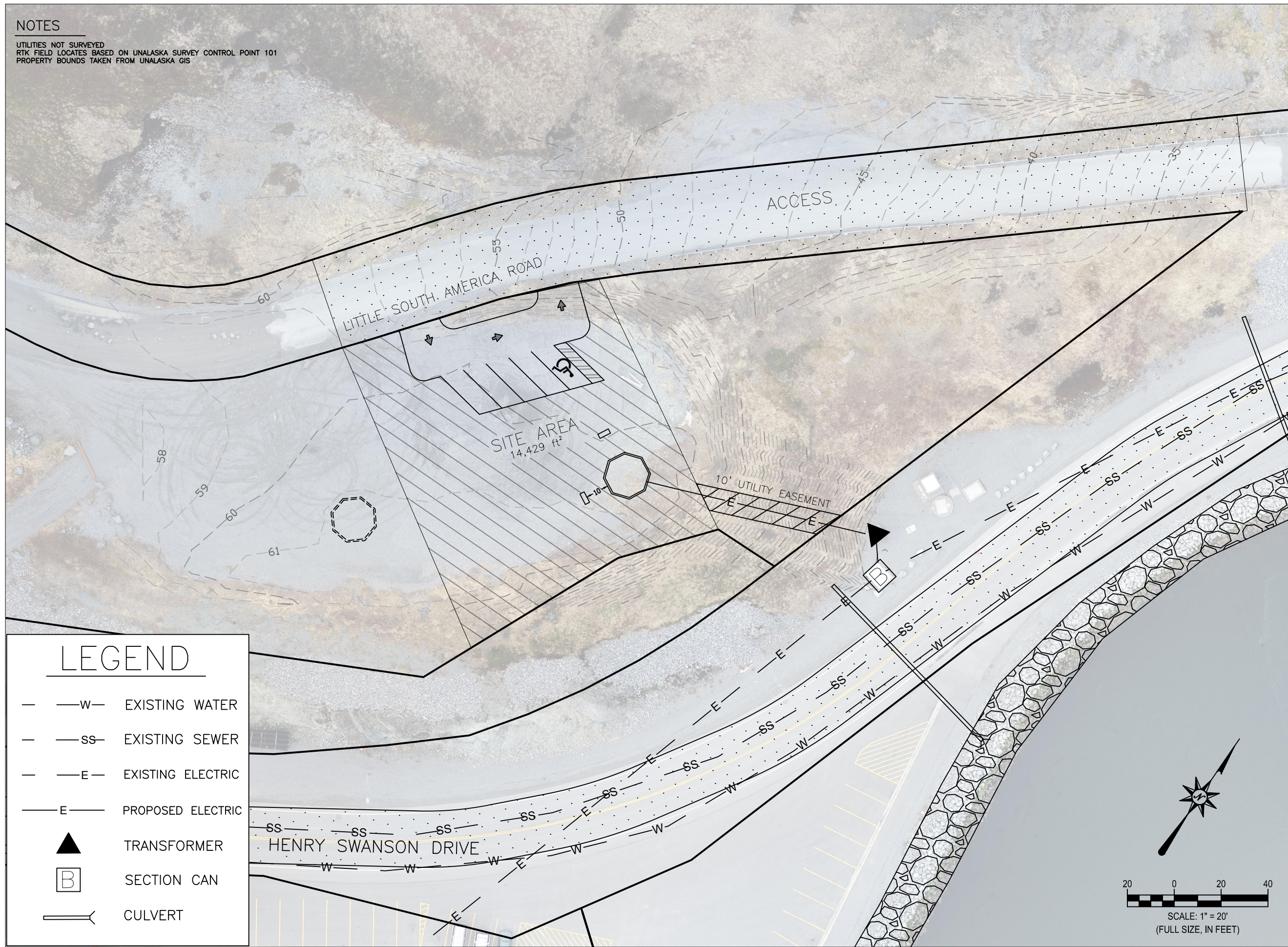
OC: _____

CITY: *[Signature]*
6-3-2024

DRAWING LOCATION: C:\DPW\ENGINEERING\ENGINEERING\INTERM\PROJECTS\FM MEMORIAL\FISHERMEN MEMORIAL SITE PLAN 6.13.2024 REVISED.DWG
 DESIGNED BY: []
 CHECKED BY: []
 DRAFTED BY: []
 DATE: 7/3/2023
 TIME: []
 SCALE: []

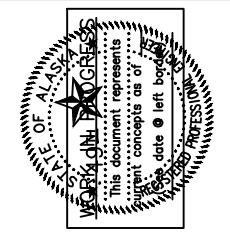
NOTES

UTILITIES NOT SURVEYED
 RTK FIELD LOCATES BASED ON UNALASKA SURVEY CONTROL POINT 101
 PROPERTY BOUNDS TAKEN FROM UNALASKA GIS



LEGEND

- W — EXISTING WATER
- SS — EXISTING SEWER
- E — EXISTING ELECTRIC
- E — PROPOSED ELECTRIC
- ▲ TRANSFORMER
- [B] SECTION CAN
- ┌─┐ CULVERT



NO.	DATE	BY	REVISION



CITY OF UNALASKA
 1035 E BROADWAY AVENUE
 UNALASKA AK, 99685
 (907) 581-1260

DEPARTMENT OF PUBLIC WORKS

FISHERMEN'S MEMORIAL
 CITY OF UNALASKA

CONCEPTUAL SITE PLAN

PROJECT DESIGNATION

SCALE: 1:20
 DESIGNED BY:
 DRAWN BY:
 CHECKED BY:
 DATE: 06/20/2024

SHEET NO. [] TOTAL SHEETS []