

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2014-56**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING  
INSTALLATION OF UTILITIES ON SECOND AVENUE EAST**

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WHEREAS, according to Dillingham Municipal Code 12.08.010 an encroachment is considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public rights of way or other property dedicated to a public use; and

WHEREAS, City staff were notified by Nushagak Cooperatives that a citizen constructed his house too close to high voltage lines in violation of his approved land use permit as well as the electrical easement; and

WHEREAS, the City issued a Stop Work Order to remove the risk of harm to life and property and directed the citizen to work with the local utility to arrive at a safe resolution to the problem; and

WHEREAS, due to the time of year (moose season) and for health and safety reasons, the City issued a short term encroachment permit to allow Nushagak to reroute its utility lines and temporarily lifted the Stop Work Order; and

WHEREAS, the citizen paid Nushagak to reroute its utility lines and amended his land use permit to more accurately reflect his construction project and the SWO was lifted; and

WHEREAS, the new alignment of utilities removes the risk to residents in the area; and

WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use, for longer than one year; and

WHEREAS, the Planning Commission recommends that the City Council approve a long term encroachment permit to allow the new utility poles to remain in Second Avenue East in perpetuity;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves Long Term Encroachment Permit 2014-09 for utilities installed in Second Avenue East with the following conditions:

1. That a new encroachment permit be obtained before the utilities are moved from this new location;

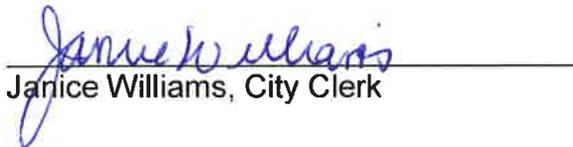
2. That Nushagak Cooperatives restore any roads impacted by the project to not less than their original condition and compaction after completing the utility installations; and
3. That one form of location information be provided after the installation, whether an as-built or GPS coordinates.

PASSED AND ADOPTED by the Dillingham City Council October 2, 2014.

  
Alice Ruby, Mayor

ATTEST:

[SEAL]

  
Janice Williams, City Clerk

**Subject:**

An ordinance authorizing a Long Term Encroachment Permit to Nushagak Cooperatives for the installation of utilities on Second Avenue East

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	Public Works Director	<i>Paula In Francis</i>	9/24/14
X	Planning Director	<i>Jody Sutz</i>	9/22/14
X	City Clerk	<i>Annelle Williams</i>	9/22/14

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- Map of proposed pole locations
- Survey of Heyano Kivolok Easement

**Summary Statement:**

This resolution is to allow utility pole installation on Second Avenue East. Second Avenue East is unconstructed. The poles are approximately where they were placed on the attached map. The realignment of the utility lines removes a hazard to life and property created when the owner of the property at 133 B Street constructed a second story on his house in violation of both required utility line separation distances (7200 volt primary line) and his land use permit.

The City issued a Stop Work Order and directed the homeowner to reach an agreement with Nushagak Cooperatives to remedy the hazardous situation. Nushagak and the homeowner reached an agreement to move the utility poles, the homeowner paid to have the utility lines and poles rerouted. A temporary encroachment permit to work in the street was issued by Acting City Manager Carol Shade.

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**Summary Statement continued:**

Unfortunately the homeowner did not stop work during the period of the SWO and was fined the limit of \$300 for that. The SWO was lifted once the poles were moved and the land use permit was revised.

The Council is being asked to permit the utilities to remain in perpetuity as required by Title 5. This is being requested after the fact due to the emergency situation -- attorney advice that vacating the house was very involved legally; and, the electricity could not be turned off due to the impact to other homeowners on the line; and this occurred during moose season when it is difficult to pull people together for meetings.