

Introduced by: Interim City Manager Moyer
Date: September 23, 2014
Public Hearing: October 14, 2014
Action: Postponed Indefinitely
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #14-26

AN ORDINANCE APPROVING THE DISPOSAL OF CITY PROPERTY IN THE FORM OF A LEASE AGREEMENT WITH ALASKA VILLAGE ELECTRIC COOPERATIVE FOR THE TEMPORARY PLACEMENT OF A TOWER AND WIND MEASURING DEVICES FOR THE PURPOSE OF EVALUATING THE SITE FOR PERMANENT WIND TURBINE INSTALLATION

WHEREAS, the City may enter into agreements and lease land pursuant to BMC 04.08.010;

WHEREAS, the Alaska Village Electric Cooperative (AVEC) became the one regulated electric utility serving Bethel on or about May 9, 2014;

WHEREAS, AVEC has a history of developing successful wind energy projects in Yukon-Kuskokwim Delta villages;

WHEREAS, the City of Bethel has a Designated Legislative Grant for wind energy development with a balance of \$78,870 that can be spent to assist AVEC with the wind data collection effort described herein;

WHEREAS, the land proposed for the erection of the pole tower and wind measuring devices represents the most favorable City land for future placement of wind turbines and required ties to the electrical grid;

WHEREAS, the land to be leased is in the "general use" category and permitted for the use described herein;

WHEREAS, Bethel City Council agrees that the lease of land described herein is a disposal of an interest in real property to a publically regulated electric utility whose interest is to serve the people of Bethel and member village communities by providing the least expensive electricity possible;

WHEREAS, given AVEC's intention to collect wind data at the site on which it is interested in installing permanent wind turbines that could generate electricity for Bethel residents, Bethel City Council finds that it is in the best

Introduced by: Interim City Manager Moyer
Date: September 23, 2014
Public Hearing: October 14, 2014
Action: Postponed Indefinitely
Vote: 7-0

interest of the public and appropriate for the lease to be less than fair market value (one dollar) and entered into without competitive bidding.

NOW, THEREFORE BE IT ORDAINED, the City, in consideration of the rents, covenants, and agreements mentioned herein, does hereby authorize AVEC to install a temporary wind data collection tower on the property.

1. Premises. The City agrees to allow AVEC exclusive use of the certain area in the Townsite of Bethel, State of Alaska, Fourth Judicial District, Bethel Recording District commonly known as: land east of the Recycling Center, and more fully described as:

Undesignated remaining area of the Bethel Lagoon Parcel, Plat 93-32, Latitude 60 degrees, 48 minutes, 26 seconds North, Longitude 161 degrees, 45 minutes, 58 seconds West.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

SECTION 2. Authorization. Pursuant to Bethel Municipal Code 04.08.030 B., Disposal to Entity Providing Necessary Public Service, the City Manager is authorized to:

Execute the Lease Agreement between the City of Bethel and the Alaska Village Electric Cooperative subject to the terms and conditions in the Lease.

A. Term. The term of this lease shall be from October 14, 2014, through and including October 13, 2016 unless terminated earlier in accordance with this Lease. This Lease is revocable at the will of the City or AVEC upon not less than one hundred twenty (120) days advanced written notice to City or AVEC. If the lessee wishes to renew the Lease, the lessee shall make written application to the City Clerk for renewal of the Lease at least one hundred and eighty (180) days prior to expiration. The renewal request shall contain all terms proposed for the renewal of the Lease.

B. Use. It is understood and agreed that the premises described shall be utilized by AVEC solely for the purpose of erecting a pole tower with wind measuring devices for the collection of wind data at the site.

Introduced by: Interim City Manager Moyer
Date: September 23, 2014
Public Hearing: October 14, 2014
Action: Postponed Indefinitely
Vote: 7-0

SECTION 3. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

SECTION 4. Expiration Date. Provided under the terms of Section 2, A.