



Sponsor: Mayor Lee Burger  
Adoption: February 7, 2023  
Vote: \_J\_ veas, .B'Nays, Absent

CITY OF THORNE BAY  
RESOLUTION 23-02-07-02

A RESOLUTION OF THE CITY COUNCIL, FOR THE CITY OF THORNE BAY, DECLARING THE ELIGIBILITY OF THE ORGANIZED VILLAGE OF KASAAN (OVK} DEPARTMENT OF TRANSPORTATION (OVKDOT) TO SUBMIT AN APPLICATION TO THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (AKDOT&PF} FOR THE COMMUNITY TRANSPORTATION PROGRAM (CTP} FOR THE KASAAN TO GOOSE CREEK ROAD PROJECT MP 0.0 TO MP 5.4 IN THE CITY OF THORNE BAY AND AUTHORIZING OVKDOT TO CONSTRUCT THE PROJECT AND SUPPORTING THE APPLICATION AND THE PROJECT IN THE SPIRIT OF SISTER COMMUNITY PARTNERSHIP FOR A REGIONALLY SIGNIFICANT PROJECT.

WHEREAS, the City Council is the governing body of Thorne Bay, Alaska; and

WHEREAS, the City of Thorne Bay (TNB) has maintenance responsibility for around 12 miles of the Kasaan Road and has been seeking every funding opportunity to make improvements to this road in close partnership with the Organized Village of Kasaan (OVK); and

WHEREAS, the OVK has final plans, specifications and estimates and permits for the reconstruction of the entire 17.3 miles of the road including the section operated and maintained by TNB and both agencies are always seeking funding to construct the project or parts of it at least; and

WHEREAS, TNB has entered into a Memorandum of Agreement with OVK for the maintenance of the 12 miles TNB is responsible for and has done so for many years now because OVK has a robust DOT with the equipment and expertise to perform this work more effectively and efficiently than TNB does and the MOA provides for reimbursement from TNB to OVK for the work performed on their behalf on a monthly and annual basis; and

WHEREAS, TNB fully supports all of OVK's applications for funding for the Kasaan Road and OVK supports TNB's applications for funding for the Kasaan Road in a close partnership for the maintenance and construction of the road to the benefit of the Tribal members, the City of Kasaan and the City of TNB; and

WHEREAS, the Kasaan Road is the sole road access to the rest of the world for half of the residents of TNB; and

WHEREAS, Federal Highway Administration transportation funds are available under a Community Transportation Program, administered by AKDOT &PF, for the purpose of creating and promoting the planning, development and construction of transportation projects in Alaska; and

WHEREAS, OVK has received a request from the ADOT&PF to nominate projects for inclusion in the Alaska Community Transportation Program funds as outlined in AKDOT & PF's application packet for the 2022 CTP; and

WHEREAS, OVK is participating as an eligible project sponsor in the AKDOT&PF Community Transportation Program; and

WHEREAS, OVK acknowledges availability of matching funds of no less than 10.03% and understands that the current overall project cost estimate being submitted with this application is \$14,754,919 and TNB wishes to provide some of the matching funds in partnership with OVK; and

, WHEREAS, OVK's Tribal Transportation Improvement Program lists this project as Illustrative in its FHWA approved program which is used to implement its transportation priorities and shows its further commitment to supporting this application for funding a portion of its number one priority transportation project and its intent to submit this application to AKDOT&PF and is a publicly vetted and publicly supported planning document; and

**WHEREAS**, if this application is successful and results in a project funding award, OVK intends to seek AKDOT&PF approval per 23 USC 202(a)(9) to transfer the approved funds from the State to OVK to be delivered under the OVK DOT Tribal Transportation Program thus providing OVK the direct control and responsibility for the delivery of the project within the funding amounts so provided and oversight will be through the FHWA Tribal Transportation Program and TNB fully supports this approach and authorizes the OVKDOT and/or their contractors control over their sections of the road for all project related purposes and for construction of the road as needed and to the extent they legally have the authority to do so ; and

**WHEREAS**, after the appropriate public input and due consideration, TNB fully supports OVK's application being submitted to the AKDOT&PF for the Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4.

***NOW THEREFORE BE IT RESOLVED***, by the TNB City Council:

Section 1. That TNB does hereby authorize the OVKDOT and/or their contractors to have full access to the Kasaan Road under their jurisdiction and control for the purposes of construction of the project being submitted to the AKDOT&PF for the 2022 Community Transportation Program funds on behalf of the citizens of the City of Thorne Bay as well as fully supporting the execution of all future project agreements and other project documentation.

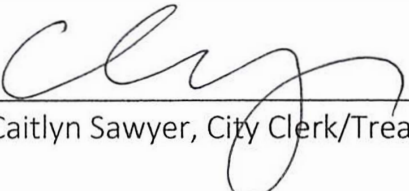
Section 2. That TNB hereby assures the AKDOT&PF and OVK that it will provide up to \$150,000 in TNB funding to contribute to the OVK matching funds of \$1,479,919 for the Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4 and these funds are available.

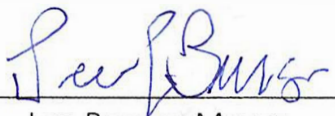
Section 3. That TNB hereby assures the AKDOT&PF that TNB will commit to the on-going maintenance and operations responsibilities, in partnership with OVK, using Memorandums of Agreement, as has been done for years, to provide sufficient resources and funding for the Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4 maintenance and will continue to do so for the useful life of the project.

**Section 4.** That TNB supports the project entitled Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4 and agrees, subject to available STIP funding and programming by AKDOT&PF, to support OVK in delivering the project whether it be by a Memorandum of Agreement with the State of Alaska DOT&PF, in accordance with 17 AAC 05.175(1), for the design, construction, transfer, or maintenance of STIP project or per 23 USC 202(a)(9) where the transfer of the approved funds goes from the State to OVK to be delivered under the OVK DOT Tribal Transportation Program for the Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4.

PASSED AND APPROVED February 7, 2023

ATTEST:

  
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Caitlyn Sawyer, City Clerk/Treasurer

  
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Lee Burger, Mayor