

City of Kodiak Regular Council Meeting Agenda for April 11, 2019
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

- I. Call to Order/Roll Call**
Invocation/Pledge of Allegiance

- II. Previous Minutes**
Approval of the March 14, 2019, Special Meeting and March 28, 2019, Regular Council Meeting Minutes 1

- III. Persons to Be Heard**
 - a. Public Comments (limited to 3 minutes) (486-3231)

- IV. Unfinished Business**
None

- V. New Business**
 - a. Authorization to Cancel the May 21 Work Session and May 23 Regular Meeting and Reschedule the Work Session to May 28 and Authorize a Special Meeting for May 30, 2019.....8

- VI. Staff Reports**
 - a. City Manager
 - b. City Clerk

- VII. Mayor’s Comments**

- VIII. Council Comments**

- IX. Audience Comments** (limited to 3 minutes) (486-3231)

- X. Adjournment**

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**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF KODIAK
HELD TUESDAY, MARCH 26, 2019
IN THE KODIAK PUBLIC LIBRARY ALASKANA ROOM**

I. MEETING CALLED TO ORDER

Mayor Pat Branson called the meeting to order at 6:32 p.m. Councilmembers Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Terry J. Haines, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Mike Tvenge, City Clerk Debra Marlar, and Fire Chief Jim Mullican were also present.

II. Public Comments on Agenda Item Only

None

III. Executive Session

a. Discuss Property Purchase for Fire Station

Councilmember Davidson moved to enter into executive session to discuss purchasing property for the fire station of which the immediate knowledge would have an adverse effect upon the finances of the City.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Haines, Walker, and Whiddon in favor. The motion passed.

The Council entered into Executive Session with the City Manager, City Clerk, and Fire Chief at 6:36 p.m.

The Mayor reconvened the Special Meeting at 7:38 p.m.

IV. Adjournment

Councilmember Whiddon moved to adjourn the meeting.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Haines, Walker, and Whiddon in favor. The motion passed.

The Mayor Branson adjourned the meeting at 7:38 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

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**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, MARCH 28, 2019
IN THE BOROUGH ASSEMBLY CHAMBERS**

I. MEETING CALLED TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Laura B. Arboleda, Randall C. Bishop, Terry J. Haines, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. Councilmember Charles E. Davidson was absent. City Manager Mike Tvenge, City Clerk Debra Marlara, and Assistant Clerk Annika Woods were also present.

Salvation Army Major Dave Davis gave the invocation and the Pledge of Allegiance was recited.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the March 14, 2019, regular meeting as presented.

The roll call vote was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

III. PERSONS TO BE HEARD

a. Proclamation: Week of the Young Child

Councilmember Arboleda read the proclamation, which encourages all citizens to work to make a good investment in early childhood education.

Cassie Keplinger accepted the proclamation and gave an overview of the services the Kodiak Early Childhood Coalition provides to Kodiak families with young children.

b. Proclamation: Choose Respect

Mayor Branson read this proclamation, which encourages all citizens to stand up against sexual assault, domestic violence, and child sexual abuse.

Beth Davis accepted the proclamation on behalf of the Kodiak Women's Resource and Crisis Center.

c. Public Hearing: Marijuana Retail Store Application No. 20113 for High Rise LLC

The City received notice from the State of Alaska on February 28, 2019, of a new application from High Rise, LLC for a retail marijuana store license at 104 Center Ave., Suite 102. As part of the license application review process established by Ordinance No. 1378, this hearing allows the public to comment before the Council considers the application later in the agenda.

Mayor Branson closed the regular meeting and opened the public hearing 7:39 p.m.

Jack Schactler, owner of High Rise LLC, stated the marijuana retail store will be locally owned, located downtown, and will create jobs. He said he will be available after the meeting for anyone who wanted to ask questions regarding the store.

There being no further comments, Mayor Branson closed the public hearing and reopened the regular meeting at 7:41 pm.

d. Public Comments

Justin Thran stated the City is in debt and opposed the City Manager's proposed raise.

Kent Cross opposed building the new fire station on the East Edition location, because it would be in a residential area and there are steep hills near the access roads. He spoke in support of the aggressive plan for Near Island development for potential economic opportunity for the City. He stated that the recreational trails would be left untouched even with maximum development.

Larry VanDaele spoke in opposition to the City Manager's proposed pay raise. He gave an overview of the hiring process of the Commissioner for the Alaska Department of Fish and Game.

Jeremiah Gardner opposed the City Manager's proposed pay raise due to a perceived declining tax base. He stated that he hoped the Council and Kodiak residents will come together to find a solution to City budgetary issues.

Cejie Benoit requested the City Council not approve Ordinance No. 1384, not authorize a raise for the City Manager, repair the tsunami sirens, and make the City Manager's credentials public.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1384, Repealing and Re-enacting Chapter 2.36 of the Kodiak City Code Pertaining to Management of Records and Amending Chapters 13.04, 13.16, 18.28, and 18.36

Mayor Branson read Ordinance No. 1384 by title. Over the last five years a substantial increase in public records requests has occurred. The Clerk's office has worked several months with the City Attorney who prepared the ordinance. The focus of the revisions was to assure that the ordinance covered applicable state law for records and provided a balance between public access and an individual's right to privacy.

Councilmember Arboleda MOVED adopt Ordinance No. 1384.

Mayor Branson closed the regular meeting and opened the public hearing.

There being no public comments, Mayor Branson closed the public hearing and re-opened the regular meeting.

Councilmember Whiddon clarified inaccurate comments stated under Public Comments. He said

the City attorney initially suggested the waiting period for police bodycam footage be thirty days. The Council declined the suggestion and kept the waiting period at ten days, which is in compliance with state law. He also specified the personnel records that will be made available to the public with the passing of Ordinance No. 1384.

The roll call vote was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

V. NEW BUSINESS

a. Resolution No. 2019–07, Accepting a Department of Public Safety Crime Prevention and Response and Equipment Grant for Radios for the Kodiak Police Department

Mayor Branson read Resolution No. 2019–07 by title. On February 27, 2019, the Kodiak Police Department submitted two funding requests to the Department of Public Safety (DPS) Crime Prevention and Response and Equipment Funding for \$126,350. On March 6, 2019, the Kodiak Police Department received notification that one of the funding requests was approved. The approved request would authorize the City to be reimbursed for purchasing 20 portable radios and accessories in the amount of \$100,000. Guidelines from DPS require the radios to be ordered by June 30, 2019, and staff would submit itemized receipts for reimbursement by December 31, 2019.

Councilmember Walker MOVED adopt Resolution No. 2019–07.

The roll call vote was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

b. Consideration of Marijuana Retail Store Application No. 20113 for High Rise LLC

The City received notice from the State of Alaska on February 28, 2019, of a new application from High Rise, LLC for a retail marijuana store license at 104 Center Ave., Suite 102. Alaska voters approved Ballot Measure 2 on November 4, 2014, which provided for general legalization of marijuana. Alaska Administrative Code 306 stipulates the conditions under which licenses for marijuana establishments will be issued. AS 17.38.210 provides that a local government may designate a local regulatory authority that is responsible for processing applications submitted to operate a marijuana establishment within the boundaries of the local government. Ordinance No. 1365 established the Kodiak City Council as the City’s Local Regulatory Authority on Marijuana.

Councilmember Bishop MOVED to direct the City Clerk to issue a letter of non-objection with conditions that prohibit the sale of edible marijuana products to the Marijuana Control Board for Marijuana Retail Store Application No. 20113 for High Rise LLC.

The roll call vote was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

c. Authorization of Amendment to City Manager’s Employment Agreement

The City Manager is hired by contract and works directly for the City Council. The Manager's contract contains a provision that the Council and Manager meet annually to discuss goals and objectives of both the past 12 month performance period as well as the upcoming 12 month performance period. This meeting was held March 14, 2019, at which time the Manager's contract was discussed and a consensus voiced to amend it.

Councilmember Haines MOVED to amend the City Manager's Employment Agreement by rescinding Employment Agreement No. 229001 and authorizing Employment Agreement No. 242084.

Councilmember Haines MOVED to amend employment agreement number 242084 by striking the language in section 3A and inserting the following: Employee's base salary on May 1, 2017, was \$141,000 (\$67.79). Employee's salary changed to \$148,054.40 (\$71.18) on July 31, 2017, via Resolution No. 2017-20, which granted a 5% cost of living increase to all City employees. Employee's anniversary date was May 1, 2018; however, his evaluation was delayed. Council performed the evaluation on March 14, 2019, and voiced a consensus to increase Employee's salary by 2.5% (3,701.36) effective on Employee's anniversary date of May 1, 2018.

Councilmember Whiddon addressed the amendment, stating that the Kodiak Daily Mirror issued inaccurate information regarding the agenda item. Manager Tvenge will not receive a \$15,000 raise, he will receive a \$3,700 raise, 2.5% of his pay. The council added this information in an amendment in an attempt to clarify this for the public.

The roll call vote on the secondary amendment was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

The roll call vote on the primary amendment was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

VI. STAFF REPORTS

a. City Manager

Manager Tvenge noted the two ton crane was installed in St. Paul Harbor on Oscar's dock last summer. Online training is a requirement before anyone may use the crane. Recently, the Kodiak Public Library held an event for online training and seven people took the safety course. This brings a total of certified crane users to 26 and 21 others have signed up for the course.

He shared that the City Council and staff will research additional Fire Hall location options and response criteria in determining the proper location or locations for emergency response. BBFM engineering will conduct a structural evaluation of the existing fire hall next month due to concern over the earthquake damage the building has received to assure the safety of staff and equipment. The Fire and EMS department is averaging nearly 1,200 responses per year, along the entire Kodiak road system.

He stated the Public Works Department is still seeking volunteers to assist with the Pillar Mountain clean up this Saturday from 10 am to 2 pm. Volunteers are welcome to meet at the gate and

will have access to the rock pit where crews will hand out bags to cleanup volunteers. There will only be foot traffic beyond the rock pit. He noted two dump truck loads of trash were removed the previous week.

He stated the City has issued the 4th quarter funding in support of the Kodiak Historical Society, Kodiak Humane Society, Discover Kodiak, and the Kodiak Chamber of Commerce. The Chamber litter cleanup and Kodiak Garden Club receive their support in the first quarter. He noted \$352, 635 of support has been provided to these six hard working organizations.

He shared the Parks and Recreation Department will conduct summer hiring for the upcoming season at the swimming pool, parks maintenance, and summer recreation activities. Interested parties are encouraged to contact the Parks department at 486-8665.

He stated the last City tsunami siren has been repaired and reinstalled on Mission Road. He thanked Kodiak Electric Association for their community support by assisting with the reinstallation.

d. City Clerk

City Clerk Marlar thanked City Manager Mike Tvenge for his leadership and hard work; she stated that her office and the rest of the City staff supports and appreciates him. She also thanked Deputy Clerk Michelle Shuravloff-Nelson for her work on the records ordinance. She announced the dates of the upcoming April meetings.

VII. MAYOR'S COMMENTS

Mayor Branson reminded everyone that Clerk Marlar's last meeting will be April 25. She applauded Chief Putney for earning the grant to fund the new police radios. She encouraged the public to attend the Town Hall. She stated that notes will be taken as well as a recording, which will be sent to Governor Dunleavy. She thanked Manager Tvenge for his hard work and leadership. She stated that the City Council plans to discuss their budget at the budget work session at the end of the month.

VIII. COUNCIL COMMENTS

Councilmember Haines spoke in support of Manager Tvenge and the City staff. He stated it is the Council's responsibility to oversee the City Manager and the City Clerk, and that it is a job the Council takes seriously. He thanked the public who came forward and made their opinions known. He thanked Clerk Marlar for her service to the City. He stated that he recently attended NLC, and there may be a means to fund certain City projects at a federal level. He thanked the Alaska senators and their staff.

Councilmember Bishop provided knowledge on the marijuana industry. He stated the Council is not an opponent of edibles; however, the City chose a conservative stance initially. The council may reconsider its stance on edibles in the future.

Councilmember Whiddon also complimented Deputy Clerk Shuravloff-Nelson and her attention to detail on the records ordinance. He stated Comfish is a good reminder of spring and how important fishing is to Kodiak community. He reminded everyone about the Fisheries Work Group meeting at the end of next month. He stressed that as a fishing community, it's important to stay active in fisheries related issues. He gave an update on the Pink Salmon Disaster fund. He stated Pebble Mine will be on an upcoming Fisheries Work Group agenda. The last day to give public comment on Pebble Mine is May 31. He added that he takes his role as a City Councilmember seriously and stated it is a privilege to be a Councilmember. He encouraged the public to reach out to the Council and the Manager when they have issues with the City and decisions being made.

Councilmember Arboleda thanked the members of the public who made comments. She thanked the City staff and Manager Tvenge for working behind the scenes to help the City.

Councilmember Walker thanked Chief Putney for locating funds for new radios for the police station. He encouraged the public to be bear aware. He also urged Kodiak citizens to attend the Town Hall on Saturday and take a few minutes to give their opinion on the proposed budget. He thanked Manager Tvenge for everything he does for the City and stated that he works hard to run the City. He noted the Coast Guard base will be the support base for the Arctic missions, and there will be an increase in local jobs because of it. He encouraged the public to keep attending the meetings and to get involved with what occurs in the community.

IX. AUDIENCE COMMENTS

Justin Thran thanked the Council for approving the application for High Rise LLC. He stated a new business opening will create new jobs for the community. He wished the owner, Jack Schactler, best of luck, and he spoke in support of prohibiting sale of edible marijuana products at this time. He said it was unfortunate that the Kodiak Daily Mirror gave inaccurate information.

X. ADJOURNMENT

Councilmember Whiddon MOVED to adjourn the meeting.

The meeting adjourned at 8:41 p.m.

The roll call vote was Councilmembers Arboleda, Bishop, Haines, Walker, and Whiddon in favor. Councilmember Davidson was absent. The motion passed.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

PERSONS TO BE HEARD

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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Mike Tvenge, City Manager *MT*
Date: April 11, 2019

Agenda Item: V. a. Authorization to Cancel the May 21 Work Session and May 23 Regular Meeting and Reschedule the Work Session to May 28 and Authorize a Special Meeting for May 30, 2019

SUMMARY: The Council routinely re-schedules regular meetings to reflect summer meeting schedules or training. The Council voiced a consensus at the March 26, 2019, work session to cancel the May 21 work session and May 23 regular meeting and instead reschedule special meetings on May 28 and 30, 2019. The May 7 work session and May 9 regular meeting will remain unchanged. This revised meeting schedule will allow Clerk staff to attend annual training necessary for Clerk certification.

PREVIOUS COUNCIL ACTION: The City Council cancels regular meetings and schedules special meetings from time to time due to travel and other scheduling conflicts.

LEGAL: The City Charter requires the Council to hold at least one regular meeting a month. Kodiak City Code identifies regular meetings are held on the second and fourth Thursdays of each month. If a regular meeting must be cancelled, a special meeting may be scheduled. The attendance requirements do not apply to special meetings.

CITY MANAGER'S COMMENTS: I recommend the Council reschedule these meetings to allow Clerk staff to attend training.

PROPOSED MOTION:

Move to cancel the May 21 work session and May 23 regular meeting and authorize the work session be rescheduled to May 28 and a special meeting be held May 30, 2019.