

**City of Kodiak Regular Council Meeting Agenda for March 28, 2013**  
**7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)**

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<b>I. Call to Order/Roll Call</b>	
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<b>III. Persons to Be Heard</b>	
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b. Proclamation: Declaring March 28 as Choose Respect Day .....	14
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<b>IV. Unfinished Business</b>	
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<b>IX. Audience Comments</b> (limited to 3 minutes) (486-3231)	
<b>X. Adjournment</b>	

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**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, FEBRUARY 28, 2013  
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Randall C. Bishop, Charles E. Davidson, Terry J. Haines, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniaziowski, City Clerk Debra L. Marlar, and Temporary Acting Deputy Clerk Catherine Perkins were also present.

After the Pledge of Allegiance, Salvation Army Sergeant Major Dave Blacketer gave the invocation.

**II. PREVIOUS MINUTES**

Councilmember Whiddon **MOVED** to approve the minutes of the January 24, 2013, regular meeting as presented.

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

**III. PERSONS TO BE HEARD**

**a. Public Comments**

**Kevin Arndt** asked the Council for the opportunity to present a proposal for the drying and incineration of sludge as an alternative means of biosolids disposal.

**Todd Hiner** spoke in favor of incineration of biosolids and Kevin Arndt's proposal. He requested the proposed motion later on the agenda be amended to strike composting as an option of biosolids disposal. He reviewed portions of City Charter and Code regarding contract bidding and award requirements and urged that bidding and contracting is done in an open and public manner. He spoke against human compost.

**Judi Kidder** spoke in favor of Kevin Arndt's biosolids incineration proposal. She voiced she is in favor of creating Class B compost at the landfill and spoke against creating Class A compost that would be used outside of the landfill.

**Dave Allen Van Mun**, via telephone, spoke in favor of Kevin Arndt's proposal to incinerate biosolids.

**Sandra West** spoke in favor of the proposed pedestrian pathway from Pier II to Deadman's curve and urged the City to sign the DOT agreement to accept the grant funds for the project.

**Marilynn Guilmet** thanked the Council for the decision to pursue composting at the landfill and not at the Middle Bay site. She asked that a Councilmember propose an amendment to the

composting motion later on the agenda to allow the City Manger to explore all alternatives for a long term solution for biosolids management.

**Renee Darrenkamp**, via telephone, spoke against funding the pedestrian path from Pier II to Deadman's Curve.

#### IV. UNFINISHED BUSINESS

**a. Second Reading and Public Hearing, Ordinance No. 1304, Establishing Supplemental Appropriation No.1 to the Budget for the Fiscal Year Commencing on the First Day of July 2012 and Ending on the Thirtieth Day of June 2013**

Mayor Branson read Ordinance No. 1304 by title. Supplemental Appropriation No. 1 to the FY2013 budget is in the amount of \$42,487,704. It is customary for the City Council to approve at least one supplemental budget annually to authorize the adjustments of current revenues and expenses. These adjustments are for the operating funds as well as additions to project funds for grant revenues received and additional expenditures needed that were not known at the time the original budget was adopted. This is the first budget amendment to the FY2013 budget.

Councilmember Davidson MOVED to adopt Ordinance No. 1304.

Mayor Branson closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

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

**b. Second Reading and Public Hearing, Ordinance No. 1305, Amending Kodiak City Code 14.04.010, 14.24.010 and 14.24.020; Enacting Kodiak City Code 14.04.080 and 14.24.030; and Repealing and Reenacting Kodiak City Code 14.24.040; Regarding the Adoption of Building and Other Codes and Related Matters**

Mayor Branson read Ordinance No. 1305 by title. The State of Alaska adopted new building codes on November 16, 2012, and as a deferred jurisdiction, the City of Kodiak is required to adopt codes that meet or exceed the State's adopted codes. The Joint Building Code Review Committee met numerous times to discuss, review, and develop the proposed code changes. The Kodiak Island Borough Assembly is also in the process of adopting the same amendments by ordinance.

Councilmember Haines MOVED to adopt Ordinance No. 1305.

Mayor Branson closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

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



**V. NEW BUSINESS****a. First Reading, Ordinance No. 1306, Enacting Kodiak City Code 10.36.022, Notice to Owners and Lienholders, Kodiak City Code 10.36.024, Hearing, and Kodiak City Code 10.36.026, Disposal of Abandoned Vehicles, to Establish a Procedure for the Disposal of Abandoned Vehicles**

Mayor Branson read Ordinance No. 1306 by title. At the direction of the City Council, the Police Department has sought to find a cost effective and operationally efficient strategy to address junk and motor vehicles abandoned on public property. These efforts cannot begin until the existing City code is amended. Ordinance No. 1306 will enact these requirements and enable the Police Department to implement a cost-effective and operationally efficient strategy to address junk and abandoned motor vehicles.

Councilmember Bishop MOVED to pass Ordinance No. 1306 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

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

**b. Resolution No. 2013–03, Rescinding Resolution No. 2011–30 and Adopting a Revised Travel Policy for the Mayor and Councilmembers**

The Council adopted a travel policy via Resolution No. 2011–30 in September 2011, which established policies and procedures for requesting and approving travel for the Mayor and Councilmembers. The Council reviewed the policy at its January 2013 planning work session and requested revisions. The revisions will allow more than three Councilmembers to travel to an event when approved by the Mayor and will clarify the travel reservation process. The revision will also eliminate the existing requirement for the Council to meet and voice a consensus at least 21 days prior to a travel event, which will provide a more flexible schedule for the Council to discuss upcoming travel.

Councilmember Whiddon MOVED to adopt Resolution No. 2013–03.

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

**c. Resolution No. 2013–04, Approving the City Council’s Budget Goals for FY2014**

The Council reviewed a list of current and proposed budget goals at their annual planning meeting in January. They selected goals that will be used to develop the FY2014 budget. The goals are similar to FY2013’s, but include new goals that articulate Council’s policy direction. The goals will be used by staff in the development of the FY2014 City budget.

Councilmember Walker MOVED to adopt Resolution 2013–04.

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

**d. Authorization of Amendment to the City Clerk's Employment Agreement**

The City Clerk is one of two fulltime City employees who is hired by contract and works directly for the Council. During the Clerk's annual performance and contract review in November, the Council expressed a desire to amend the Clerk's salary, effective November 5, 2012. The Clerk's contract was previously amended in 2002, at which time the Clerk was placed on Schedule II (General Salary Structure) of the City's Personnel Rules and Regulations (PRR). The Council removed the Clerk from the PRR Salary Structure with the adoption of Ordinance No. 1268(SUB) at the January 24, 2013, regular meeting.

Councilmember Haines MOVED to amend Section 3 of the City Clerk's employment agreement by replacing the existing language with the following: "City agrees to pay Clerk a salary at the annual rate of \$98,294, effective November 5, 2012," and to amend Section 5 of the City Clerk's employment agreement by replacing the existing language with the following: "The City Council shall conduct a review of the Clerk's job performance annually according to the provisions established for regular City employees by the Personnel Rules and Regulations. Each such review shall be the basis for determining the Clerk's salary, effective as of the most recent anniversary of the commencement of the contract terms."

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

**e. Direction to the City Manager to Pursue a Biosolids Management Plan at the Kodiak Island Borough Landfill**

The City Council held a special work session February 18, 2013, to discuss biosolids management due to community concerns about the location of a composting facility at Middle Bay. The meeting covered the history of the issues surrounding the management and disposal of biosolids generated at the Wastewater Treatment Plant going back to the late 1990s. The presentations focused on the history of decisions made, the alternative management options explored, the Kodiak Island Borough's (KIB) inability to continue to accept biosolids at the landfill, and the series of decisions made as a result of KIB's decision. The City Manager requested direction from the Council on what short- and long-term options to take in order to reach a final decision on the best and most affordable biosolids management method.

Councilmember Whiddon MOVED to direct the City Manager to work with the Kodiak Island Borough to develop a long-term biosolids management solution by composting at the Kodiak Island Borough Landfill and to discontinue composting efforts at Middle Bay.

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

**f. Authorization of Professional Services Contract for Dam Safety Inspections, Project No. 7034/05-03**

State of Alaska Department of Natural Resources (ADNR) regulations require that Hazard Class I or II dams have periodic safety inspections performed by a qualified engineer. All Hazard Class I and II dams must be inspected every three years.

Councilmember Walker MOVED to authorize a professional services contract with Golder Associates in the amount of \$41,241, with funds coming from the Water Improvement Fund, Periodic Safety Inspection account, Project No. 7034/05-03, and authorize the City Manager to execute the agreement on behalf of the City.

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

**g. Authorization of Trident Basin Development Quarry, Borrow Material Permit No. 13-4**

The Trident Basin Float Plane facility is growing and continues to need additional area for facility parking and staging adjacent to the Andrew Air facility. It has been the City's goal to eventually provide the area needed, but it has also been understood that significant rock removal would be required and would likely take years to develop a usable pad area. Anderson Construction has held the Trident Quarry Permit since 2005 but has not actively mined the quarry in recent years. Seeing the lack of activity, Golden Alaska Excavating LLC, another local grading contractor, approached the City about the possibility of taking over the permit from Anderson. City staff met with Mike Anderson to discuss releasing the permit and allowing Golden Excavating to take over the Trident Basin Quarry. Anderson maintains a second quarry permit at the boatyard area and agreed to release the Trident Basin Quarry permit to allow Golden Excavating to move forward.

Councilmember Bishop MOVED to authorize Borrow Material Permit No. 13-4 with Golden Alaska Excavating LLC for the Trident Basin Quarry.

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

**h. Authorization of Bid Award for Aleutian Homes Water and Sewer, Phase V, Project No. 7026/10-03**

Aleutian Homes Water and Sewer Replacement Phase V, Segment A is a continuation of the grade of utilities, pavement, and sidewalks in the Aleutian Home Area. The total Phase V project was reduced in size due to limited funding. The project includes a portion of Thorsheim Street north of the Oak Street intersection to just north of the Fir Avenue intersection. Bids for the project were received on February 14, and Brechan Enterprises Inc. was the low bidder.

Councilmember Haines MOVED to authorize the bid award for construction of the Aleutian Homes Water and Sewer Phase V Segment A to the lowest bidder, Brechan Enterprises Inc., in the amount of \$1,539,580, with funds coming from the Water Capital Improvement Fund, Aleutian Homes Water and Sewer Replacement Project, Project No. 7026/10-03.

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

**i. Authorization of Amendment to Monashka Pumphouse Feasibility Study, Project No. 7029/11-05**

Monashka Reservoir and Pumphouse are the primary sources of water for the City of Kodiak's public water system. The plans for the pumphouse indicate that construction began sometime in 1972. In October 2011 Council approved the Monashka Pump House Upgrade Feasibility Study. The purpose was to evaluate the building and its operational components and determine if the existing building could be upgraded to last another 40-plus years and what it would take to upgrade electrical and pumping systems. The initial work was completed in March 2011. This work recommended further investigation into the building structure itself before a final recommendation could be made. This work was completed in early December 2012. The final investigation found serious deficiencies within the building structure that make it highly unlikely to be refurbished.

Councilmember Whiddon MOVED to authorize an amendment to the Monashka Pumphouse Feasibility Study, Project No. 7029/11-05 to CH2MHill in a lump sum contract amount of \$140,000, with funds coming from Water Capital Improvement Fund, Project No. 7029/1105.

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

**j. Authorization of a Professional Services Contract for Oil Spill Cleanup on City Property**

On January 22, 2013, Kodiak Fire Department (KFD) was called about a fuel spill and fuel odor behind 1213 Selief Lane. KFD responded and found a source of fuel in a drainage area behind 1213 Selief Lane on City property. They placed oil absorbent pads and did some preliminary investigation into possible sources. KFD reported the spill to the Alaska Dept. of Environmental Conservation that same day. Since the fuel is on City property and the source has not been located, the City is required to respond to prevent further spreading of the oil into the drainage system. The City contacted NORTECH, a local environmental cleanup company, for support in handling the containment and cleanup.

Councilmember Haines MOVED to authorize the City Manager to execute a professional services agreement with NORTECH for oil spill cleanup on City property in an amount not to exceed \$25,000, with funds coming from the Public Works operational budget.

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

**k. Appointment to the Salmon/Herring Vessels Seat on the Kodiak Fisheries Advisory Committee and Declaring the ADF&G Advisory Committee Seat Vacant**

In 2007, the City and Borough formed a joint Kodiak Fisheries Advisory Committee (KFAC) to provide recommendations to both the City Council and Borough Assembly on fisheries issues and to provide a forum in which to discuss Kodiak's many fisheries and marine-related resource issues. In 2011, the committee was restructured to reduce the committee to eleven seats and allow for a meeting quorum of six members. Oliver Holm, who was previously appointed to the

ADF&G Committee seat, has requested appointment to the Salmon/Herring Vessels seat. At its February 7, 2013, meeting the Borough Assembly approved the vacation of the KFAC ADF&G seat and confirmed Mr. Holm's appointment to the Salmon/Herring Vessels seat. Since KFAC is a joint committee, the City Council needs take the same action if it desires to grant Mr. Holm's request.

Councilmember Davidson MOVED to declare the ADF&G Advisory Committee Seat vacant and appoint Oliver Holm to the Salmon/Herring Vessels Seat on the Kodiak Fisheries Advisory Committee.

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

#### **I. Appointment to the Parks and Recreation Advisory Board**

One alternate seat remains open on the Parks and Recreation Advisory Board. Amy Fogle has submitted an application for re-appointment to the board. Ms. Fogle previously held a position that expired in December 2012. Appointments to the board are made by the Mayor and confirmed by the Council.

Mayor Branson appointed Amy Fogle to an alternate seat on the Parks and Recreation Advisory Board for a term ending December 31, 2013.

Councilmember Davidson MOVED to confirm the Mayoral advisory board appointment to the Parks and Recreation Advisory Board as stated.

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

## **VI. STAFF REPORTS**

### **a. City Manager**

City Manager Kniazowski congratulated Finance Director Mary Munk and staff for once again receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). She said there are positions open in the Parks and Recreation department and clarified for the public that any City director position is a professional, upper management position, and the Parks and Recreation Director position continues to be advertised. In response to rumors, she said she has no intention of cutting the Parks budget or reducing staff. She thanked the current Parks and Recreation staff for their hard work. She also spoke about snow removal on the new track, stating the City has adopted a policy of no snow removal on the track for the first year to figure out the best and safest way to remove the snow without damaging the track and voiding the warranty. She said the old method of snow removal cannot be used on the new surface, and City Engineer Glenn Melvin has been doing research to find the best way to remove snow. She reported on her recent trips to the Alaska Municipal League (AML) Winter Meeting and Southwest Alaska Municipal Conference (SWAMC). She also gave updates on the

Class B composting project, the recent swim meet, and the new library. She reminded the public that Saturday, March 2 was the tax-free day in the City.

**b. City Clerk**

City Clerk Marlar informed the public of the next scheduled Council work sessions and regular meeting. She expressed appreciation to the Mayor and Council for their continued support.

**VII. MAYOR'S COMMENTS**

Mayor Branson congratulated Finance Director Mary Munk and her staff for the GFOA award and the Kodiak Arts Council for celebrating 50 years in the community. She gave an update on her trip to AML and said the Council will be going to Juneau in March to lobby for City projects. She said she was excited to see the library project moving forward, as well as the Pier III project. She said the Council will work with staff on the budget and will seek public input as well. She encouraged the community to take advantage of tax-free day.

**VIII. COUNCIL COMMENTS**

Councilmember Walker gave an update on his trip to SWAMC. He said he enjoyed networking with other communities and spoke about some of the resolutions that were voted on while he was there. He encouraged local businesses and community members to attend SWAMC in the future.

Councilmember Haines congratulated Mary Munk for the budget award. He expressed appreciation to the Clerk and other staff. He praised the Port and Harbors Advisory Board for their work. He thanked Amy Fogle for her commitment to the Parks and Recreation Advisory Board. He noted Baranof Park will continue to be developed as a community park. He encouraged the community to participate in tax-free day.

Councilmember Davidson thanked Mary Munk and staff for their hard work. He thanked Mr. Arndt for his incineration idea, stating he wished Mr. Arndt had proposed this option earlier in the process. He thanked all the advisory board members for their work.

Councilmember Whiddon congratulated Mary Munk on receiving the budget award and thanked staff for making finances easier to understand. He said it was a privilege to not only serve on the Council and help lead the community, but also work with qualified and professional staff. He said the shipyard needs work and financial analysis to help it become an economic generator for our community.

Councilmember Saravia congratulated Mary Munk for receiving the Distinguished Budget Presentation Award for the eleventh year in a row, and he also thanked the City Clerk for her hard work. He commented on the fishing season and thanked the public for their comments and input. He thanked Mr. Arndt for coming forward with his incineration idea and stated he wished Mr. Arndt had come forward earlier in the process.

Councilmember Bishop congratulated Mary Munk and staff on receiving the budget award. He reported on his experience at SWAMC and encouraged the community to take part in tax-free Saturday.

**IX. AUDIENCE COMMENTS**

**Sandra West** thanked the City Council and Manager and noted Kodiak is a great town.

**Judy Kidder** made additional comments about composting and again spoke in favor of incineration.

**X. ADJOURNMENT**

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 9:15 p.m.

CITY OF KODIAK

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MAYOR

ATTEST:

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CITY CLERK

Minutes Approved:

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## **PERSONS TO BE HEARD**

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## MEMORANDUM TO COUNCIL

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**Date:** March 28, 2013

**Agenda Item: III. a. Proclamation: Women's History Month**

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**SUMMARY:** This proclamation recognizes the contributions of women to the growth and strength of our Nation and urges residents to increase their knowledge and appreciation of the valuable role women play in our lives.

**NOTES/ATTACHMENTS:**

Attachment A: Proclamation Declaring Women's History Month

## Proclamation Declaring Women's History Month

WHEREAS, American women of every race, class, age, and ethnic background helped found the Nation in countless recorded and unrecorded ways; and

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, women played and continue to play a critical economic, cultural, and social role in every sphere of life by constituting a significant portion of the labor force working in and outside the home; and

WHEREAS, women of every race, class, age, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the Abolitionist movement, the Emancipation movement, the Industrial movement, and the Civil rights movement; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued in the body of American history.

NOW, THEREFORE, I, Pat Branson, do hereby proclaim the month of March 2013 as

### Women's History Month

in Kodiak and urge residents to increase their knowledge and appreciation of the valuable role women play in our lives.

Dated this 28 day of March 2013.

City of Kodiak

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Pat Branson, Mayor

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## MEMORANDUM TO COUNCIL

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**Date:** March 28, 2013

**Agenda Item: III. b. Proclamation: Declaring March 28 as Choose Respect Day**

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**SUMMARY:** “Choose Respect” is a statewide initiative that challenges all Alaskans to end the epidemic of domestic violence and sexual assault and pass on a legacy of respect and honor to our children.

**NOTES/ATTACHMENTS:**

Attachment A: Proclamation Declaring March 28 as “Choose Respect” Day in Kodiak

## PROCLAMATION

### Declaring March 28 as “Choose Respect” Day in Kodiak

WHEREAS, the epidemic of domestic violence, sexual assault, and child sexual abuse impacts Alaskan adults and children, tears apart communities, and weakens families; and

WHEREAS, every community throughout Alaska suffers from the epidemic of sexual assault and domestic violence, and awareness, education, support systems, and open dialogue are pivotal first steps to eliminating these crimes from our community; and

WHEREAS, over half of all women in Alaska are reported to have experienced intimate partner or sexual violence at some point in their lives; and

WHEREAS, Alaska’s rate of forcible rape remains one of the highest in the nation; and

WHEREAS, the lives of survivors of sexual assault and domestic violence are often emotionally-riddled by fear, shame, and despair; and

WHEREAS, the future of Alaska rests in the hands of our children, and we must protect and educate them at an early age, and teach our boys that being a real man means to respect others, using strength to protect rather than to control; and

WHEREAS, “Choose Respect” is a statewide initiative that challenges all Alaskans to end this epidemic of violence and pass on a legacy of respect and honor to our children.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim that Kodiak is a city that does

### “Choose Respect”

and ask Kodiak residents to join with me in standing up against domestic violence, sexual assault, and child sexual abuse. Together, we can end the suffering and bring a renewed sense of hope, security, and opportunity to all Alaskans.

Dated this 28 day of March 2013.

City of Kodiak


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Pat Branson, Mayor

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniaziowski, City Manager   
**Date:** March 28, 2013

**Agenda Item:** III. c. **Public Hearing on Resolution 2013-05, Amending Sections 7, 12, and 13 of the Schedule of Fees and Charges**

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**SUMMARY:** The City sets its fees and charges for various services by a resolution of the Council. It is important to review and adjust the fee schedule on a regular basis to ensure the City is receiving adequate revenues with which to provide services. The City Council identified the importance of an annual review and update of the schedule of fees and charges by including this as a budget goal since FY2011. Staff completed the review and submitted a list of proposed changes to fees pertaining to the Fire, Parks and Recreation, and Police departments. The changes, proposed to take effect on April 1, 2013, are summarized below with attached detail and backup from the departments.

The Council has requested a public hearing prior to amending fees. The proposed fees for specific services are summarized below.

**Section 7, Fire:** The Fire Department is recommending increases to three ambulance-related fees charged by the City and the addition of new classifications and fees for advanced life support level 2 and a stand-by rate for ambulances at local sporting events. The Finance Director and Fire Chief found that City ambulance fees fall below medical insurance industry standards and well below what Medicaid and Medicare pay for such services on a routine basis. The new fee proposed for ambulance stand-by at sporting events is calculated to offset the cost required to bring additional Fire Department employees in on overtime when an ambulance is standing by for a sporting event. See the attached staff memo for an overview of the proposed fee schedule changes and Resolution No. 2013-05 for specific comparisons between proposed and existing fees

**Section 12, Parks and Recreation:** The Manager has working with the Parks and Recreation Department employees to review the existing fee structure, which has not been updated for a long time. The review found that the Department was charging different amounts for activities than what is listed in the fee schedule. Some event fees and sponsor fees varied widely, and registration fees were being collected for events not identified in the fee schedule. Staff reviewed all fees and events and is submitting a list of 32 fees that should be changed to reflect current practices. The fee increases listed in the resolution reflect actual charges and do not represent proposed increases. These changes should not discourage or disenfranchise anyone wanting to participate in Parks and Recreation programs or use Parks and

Recreation facilities. Resolution No. 2013–05 contains the comparisons between current and proposed fee changes.

Section 13, Police: The Police Department recommends the addition of a new fee of \$50 to offset the cost KPD incurs when they process applications and issue certifications to applicants for some firearms by processing the Bureau of Alcohol, Tobacco, and Firearms (BATF) Form 4. The Department has been charging an application fee of \$50, but the fee has not been listed in the fee schedule. See the attached KPD memo and BATF application form for additional information on the fee.

Staff does not expect to generate more revenues by implementing the proposed changes to the Parks and Recreation or Police fees. These changes are meant to align current practices and charges for activities and services with the fee schedule.

**ATTACHMENTS:**

Attachment A: Resolution No. 2013–05

Attachment B: KFD and KPD Departmental memos and back-up

**CITY OF KODIAK  
RESOLUTION NUMBER 2013-05**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AMENDING  
SECTIONS 7, 12, AND 13 OF THE SCHEDULE OF FEES AND CHARGES**

WHEREAS, at the February 28, 2013, regular meeting the Kodiak City Council approved its budget goals for FY2014, including annually reviewing and updating the Schedule of Fees and Charges; and

WHEREAS, the Schedule of Fees and Charges was reviewed, and it was decided to bring forth amendments to the ship yard fees separately from other City fees; and

WHEREAS, the suggested fee amendments herein reflect the City's cost to provide services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that Sections 7, 12, and 13 of the City's Schedule of Fees and Charges are hereby amended as follows:

**Section 7 Fire Department**

7.1	Ambulance, per transport	
7.1.1	Basic life support .....	<del>350.00</del> 500.00
7.1.2	Advanced life support 1 .....	<del>400.00</del> 600.00
<u>7.1.3</u>	<u>Advanced life support 2 .....</u>	<u>800.00</u>
<del>7.1.34</del>	<del>plus, per mile return trip .....</del>	<del>5.00 + actual cost of supplies</del> 11.00
<u>7.2</u>	<u>Ambulance Standby for Sporting Events .....</u>	<u>120.00/per hr</u>
<del>7.23</del>	<del>Property Salvage, by request of property owner, per hour .....</del>	<del>25.00</del>
<del>7.43</del>	<del>Responses</del>	
<del>7.34.1</del>	<del>Fire Department response in unprotected areas, per hour per company (per mutual aid request) .....</del>	<del>250.00</del>
<del>7.34.2</del>	<del>Rescue response, per hour, per company .....</del>	<del>250.00 + actual cost of supplies</del>
<del>7.34.3</del>	<del>Hazardous Material/petroleum product spill response, per hour per company .....</del>	<del>250.00 + actual cost of supplies</del>
<del>7.34.4</del>	<del>Malicious False Alarms, when responsible individual is identified .... <i>Does not include system malfunction and "good intent" calls.</i></del>	<del>250.00</del>

**Section 12 Parks and Recreations**

*(Note: For activities not listed, the Parks & Recreation Department will establish the activity/program fee.)*

12.1	City League Basketball	
12.1.1	<del>Eight-minute quarters</del> Sponsorship for A,B,C Divisions .....	<del>710</del> 340.00
12.1.2	<del>Twenty-minute halves</del> Sponsorship for Open Division .....	<del>930</del> 440.00
12.1.3	<del>Youth teams, per player</del> Individual registration fee	<del>30.00</del>
<u>12.1.3.1</u>	<u>A,B,C Divisions .....</u>	<u>55.00</u>



12.1.3.2	Open Division .....	70.00
12.1.3.3	Student .....	35.00
12.1.4	Combined Fees	
12.1.4.1	A,B,C Divisions.....	800.00
12.1.4.2	Open Division .....	1,000.00
12.1.4.3	Student .....	450.00
12.1.5	Youth Dribblers	
12.1.5.1	Registration fee .....	20.00
12.1.5.2	Late registration fee.....	25.00
12.1.6	Summer Solstice 3-on-3 basketball .....	5.00/per team
12.2	City League Volleyball	
12.2.1	<del>Team sponsor fee</del> Player fee, A Division .....	<del>140.00</del> 30.00
12.2.2	Player fee, <del>adult</del> B Division .....	<del>15.00</del> 25.00
12.2.3	Player fee, <del>youth</del> C Division (youth/women).....	<del>5.00</del> 15.00
12.3	Hockey, youth	
12.3.1	Registration fee .....	30.00
12.3.2	Late registration fee.....	40.00
12.34	Ice Rink	
12.34.1	<del>Ice</del> Facility rental, per hour .....	100.00
12.34.2	Lessons (5), early registration .....	20.00
12.34.3	Lessons (5), <del>late</del> registration .....	25.00
12.34.4	Clinics (5 sessions).....	20.00
<del>12.3.5</del>	<del>Zamboni signage, per year.....</del>	<del>750.00</del>
12.34.65	Dasher board signage, per year .....	350.00
12.45	Racquetball	
12.45.1	Adults .....	2.00/per hr.
12.45.2	Youth, 18 years of age or less.....	1.00/per hr.
12.45.3	Monthly pass.....	20.00
12.56	Road Races	
12.56.1	July 4th 10K.....	5.00
12.56.2	Pillar Mountain Race.....	15.00
12.56.3	Marathon.....	15.00
12.6.4	<u>Pasagshak Bike Race.....</u>	<u>25.00</u>
12.56.45	Triathlon, youth .....	10.00
12.5.56.6	Triathlon, adult.....	15.00
12.5.66.7	Ultra-marathon.....	20.00
12.67	Swimming Pool and High School Gym	
12.67.1	Adults .....	2.00
12.67.2	<del>Students, 6-18 years</del> Ages 4-18 .....	1.00
<del>12.6.3</del>	<del>Preschool, 2-5 years.....</del>	<del>1.00</del>
12.6.47.3	Infant- <del>2</del> 3 years .....	Free
12.6.57.4	Senior citizens .....	1.00
12.6.67.5	Monthly pool pass, adult.....	20.00
12.6.77.6	Monthly pool pass, youth (18 years of age or less).....	10.00
12.6.87.7	Red Cross water safety class .....	75.00
12.6.97.8	Red Cross lifeguard class.....	75.00
12.6.107.9	Youth swim lessons, 8 lessons.....	25.00
12.6.117.10	Open gym, per person, per session .....	<del>2.00</del>
12.7.10.1	<u>Adult.....</u>	<u>2.00</u>
12.7.10.2	<u>Youth.....</u>	<u>1.00</u>
12.6.127.11	Indoor soccer, per player, per session .....	<del>2.00</del>
12.7.11.1	<u>Adult.....</u>	<u>2.00</u>
12.7.11.2	<u>Youth.....</u>	<u>1.00</u>

<u>12.78</u>	Teen Center Auditorium	
<u>12.78.1</u>	Private/commercial, per hour.....	25.00
<u>12.78.2</u>	Nonprofit, per hour.....	15.00
<u>12.89</u>	Teen Dances, per person.....	2.00 to 5.00
<u>12.910</u>	Youth <del>Summer</del> -Programs, per 2-week session	
<u>12.10.1</u>	<u>Morning programs</u>	
<u>12.910.1.1</u>	One in family.....	<del>30.00</del> <u>20.00</u>
<u>12.910.1.2</u>	Two <u>or more</u> in same family.....	45.00
<u>12.910.32</u>	<del>Three or more in same family</del> <u>Youth soccer league</u>	<del>60.00</del>
<u>12.10.2.1</u>	<u>Registration fee.....</u>	<u>20.00</u>
<u>12.10.2.2</u>	<u>Late Registration fee.....</u>	<u>25.00</u>

**Section 13 Police**

13.1	Evidence Reproduction	
13.1.1	Reproduction of video media.....	10.00
13.1.2	Reproduction of audio media.....	10.00
13.1.3	Photographic reprints, 35mm .....	actual cost + 10%
13.1.4	Photo copies, per page.....	1.00
13.2	Excessive police services (per KCC 8.98.020) .....	150.00
13.3	Protective Custody	
13.3.1	First detention .....	150.00
13.3.2	Each succeeding detention .....	plus 50.00 per incident
13.3.3	Ambulance usage .....	see Sec. 7.1
13.3.4	Medical charges.....	actual cost
<u>13.4</u>	<u>Law Enforcement Certification Fee, BATF Form 4 Applications .....</u>	<u>50.00</u>

BE IT FURTHER RESOLVED that this resolution shall supersede previous resolutions amending Sections 7, 12, and 13 of the Schedules of Fees and Charges.

BE IT FURTHER RESOLVED that the changes to Sections 7, 12, and 13 of the Schedule of Fees and Charges herein shall be effected April 1, 2013.

BE IT FURTHER RESOLVED that the City Clerk is authorized to make the required changes to the Schedule of Fees and Charges.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Adopted:

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**MEMORANDUM**

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**To:** Aimée Kniaziowski, City Manager  
**From:** Rome Kamai, Fire Chief & Mary Munk, Finance Director  
**Date:** March 28, 2013  
**Re:** **Agenda Item V.a., Attachment B, Recommended Changes to the Schedule of Fees and Charges for Ambulance Service**

**SUMMARY:** Currently the Fire Department fee schedule reflects charges approved by Resolution 06-05. The Department has determined that the Schedule of Fees and Charges for Ambulance Services should be re-categorized and increased to be consistent with medical insurance industry standards.

The current Fire Department Fees Schedule has four fee categories: (a) Basic Life Support at \$350. Per patient transport (b) Advanced Life Support at \$400. Per patient transport (c) Mileage at \$5 per mile from scene to hospital (d) Actual cost of supplies.

The re-categorization includes: (a) Basic Life Support- Emergency at \$500. (b) Advanced Life Support ALS – 1 Emergency at \$600 (c) Advanced Life Support ALS- 2 at \$800 (c) increase Mileage at \$11 per mile from scene to hospital. (d) remove the separate charge for actual supplies used.

An additional need is to provide a cost for local sporting teams to request and pay for an ambulance to standby during scheduled games in the event a member of the team(s) is hurt, or injured during the course of play. The cost for this STANDBY service is \$120 per hour.

**PREVIOUS COUNCIL ACTION:** The Fire Department began full time ambulance service in 1973 as approved by Resolution 4-73. Under this resolution ambulance calls within the City of Kodiak fetched \$25. Per transport, and calls outside of the City of Kodiak limits fetched \$35 per transport.

In 1984, Resolution 01-84 rescinded Resolution 4-73, increasing ambulance fees to: \$100 for transports within 15 miles of the Fire Station. Ambulance calls beyond 15 mile of the Fire Station fetched \$100 plus \$2 per mile (out and back to the fifteen road mile point).

In 1992, Resolution 03-92 failed to increase rates.

In 1999, Resolution 99-5 rescinded Resolution 01-84 and amended the fee schedule to state all ambulance transports will be charged at \$285 each, plus \$5 per mile, from point of pick up to point of discharge.

In 2002, Resolution 02-04 rescinded Resolution 99-5 by adding the ambulance user will be charged "actual cost of supplies."

In 2006, Resolution 06-5 rescinded Resolution 02-04 and added the following categories and charges: (a) Basic Life Support at \$350. Per patient transport (b) Advanced Life Support at \$400. Per patient transport (c) Mileage at \$5 per mile from scene to hospital (d) Actual cost of supplies.

Resolution 2013-05 requests an increase to the fees identified above and to add two new ambulance related fees.

**DISCUSSION:** The Finance Department is in the process of requesting that Council authorize the City Manager to enter into a professional service agreement with a company to provide for ambulance billing and payment process. Through this process, it was determined that the coding used for fees and charges for ambulance service do not meet current medical insurance industry standards. Additionally the fees and charges are well below the current standards being approved for payment, for example by Medicare and Medicaid. The adoption of this resolution amending the schedule of fees and charges for ambulance service precedes staff's proposal to outsource ambulance billing. Revenue projections for FY 2013 under the current billing system are estimated at \$40,000. It is strongly anticipated that outsourcing the ambulance billings and payment service to a professional company will increase revenue. For example, given the proposed fee re-categorization and fee increase of a Basic Life Support Emergency transport at \$500, and on average the department responding to 600 BLS –E calls per year, and assuming a 25% return only - equates to \$75,000 return.

The Fire Department responds to approximately 800 ambulance calls per year. This service is provided inside the City of Kodiak, and to the Kodiak road system which includes Kodiak Island Borough Service Districts, communities, state and federal installations. The Fire Department's operating budget is supported by the General Fund. The City does not currently receive any financial support other than the General Fund to provide the ambulance service outside of the City of Kodiak. The Department currently budgets (a) \$20,000 for ambulance consumable replacement, or items used in the treatment of patients that cannot be reused (b) \$4,000 to fuel 3 – ambulance units, (c) \$7,500 to maintain 3 – ambulance units. This equates to a linear operating cost of approximately \$ 31,500. As mentioned, the projected annual revenue given the current billing and payment practice is \$40,000.

The Fire Department maintains and Advanced Life Support ambulance certification through the State of Alaska Department of Health & Social Services Division of Public Health, Section of Emergency Programs. Nine out of the thirteen department staff members are certified to the Emergency Medical Technician – 2/3 (Intermediate) or Advanced Life Support levels. As the cost of ambulance supplies increase, and the need to maintain personnel ALS certifications continue, as well as the replacement of ambulances that age out, as well as equipment designed for advanced life saving and advanced medical equipment (i.e., cardiac defibrillators per an established schedule), it is recommended that other

alternative means be identified to increase revenues, allowing for the sustainability of current services provided.

**STAFF RECOMMENDATION:** Staff recommends Council approve the ambulance related fees as proposed by the Finance and Fire Departments by adopting Resolution 2013-05.

**ATTACHMENTS:**

- Excel Spreadsheet showing ambulance transport fees statewide
- Kodiak Fire Department advanced life support ambulance certification
- Fess Schedule amendment Section 7 Fire Department
- Alaska Medicare & Medicaid 2013 allowable fees schedule

Client Name	BLS-NE (non-res)		BLS-E (non-res)		ALS1-E (non-res)		ALS2 (non-res)		SCT (non-res)		Mileage (non-res)		Non-TX (non-res)		Supplies	Use Coll	Agency?	Balance	Bill Res?	Effective Date
	A0428	A0429	A0427	A0433	A0434	A0425	A0998	A0428	A0429	A0427	A0433	A0434	A0425	A0998						
Bear Creek-Kenai, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11									N	N	Y	Y	1/1/2012	
Central Emergency Svcs-Kenai, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11									N	Y	Y	Y	1/1/2012	
Cordova, AK		\$ 500													N	N	Y	Y	10/1/2012	
Craig, AK	\$ 375	\$ 475	\$ 675	\$ 775	\$ 675	\$ 7	\$ 175								Y	N	Y	Y	6/1/2011	
Delta Medical Transport	\$ 700	\$ 750	\$ 800	\$ 850	\$ 900	\$ 13									N	N	Y	Y	8/1/2011	
Dillingham, AK		\$ 300	\$ 400			\$ 8									N	N	Y	Y		
Kachemak-Kenai, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11									N	Y	Y	Y	1/1/2012	
Kenai, AK	\$ 350	\$ 550	\$ 650	\$ 800		\$ 11									N	N	Y	Y	12/1/2010	
Ketchikan, AK	400 (600)	500 (600)	700 (800)	900 (1100)											N	Y	Y	Y	11/1/2008	
Ketchikan Gateway-N/S Tongass	\$ 562	\$ 562	\$ 668	\$ 966		\$ 9									N	Y	Y	Y		
Nikiski-Kenai, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11									N	Y	Y	Y	1/1/2012	
North Pole, AK		400 (800)	400 (800)	400 (800)		\$ 11									N	Y	N	N	1/1/2012	
City of Kodiak, Alaska	\$	\$ 500	\$ 600	\$ 800		\$ 11									N					



# STATE OF ALASKA

DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF PUBLIC HEALTH  
SECTION OF EMERGENCY PROGRAMS



THIS CERTIFIES THAT

## *Kodiak Fire Department*

MEETS THE REQUIREMENTS ESTABLISHED PURSUANT TO ALASKA STATUTE 18.08.080 AND DELINEATED IN TITLE 7, CHAPTER 26 OF THE ALASKA ADMINISTRATIVE CODE AND IS HEREBY CERTIFIED AT THE LEVEL STATED BELOW AND IS AUTHORIZED TO FUNCTION IN ACCORDANCE WITH THE SCOPE OF PRACTICE PERMISSIBLE FOR THAT LEVEL OF CERTIFICATION.

**ADVANCED LIFE SUPPORT**  
Emergency Medical Services Outside Hospitals

*Mary Carlson*

DATE OF ISSUE November 23, 2012

SECTION CHIEF

DATE OF EXPIRATION December 31, 2014

CERTIFICATION NUMBER 6200

EMS UNIT MANAGER



## Transportation/Accommodation Fee Schedule

Procedure Code	Description	Allowed Amount	Service Auth. Required
<b>Prematernal Home: Lodging and Meals</b>			
A0180 HD	NON-EMERGENCY TRANSPORTATION: ANCILLARY: LODGING--RECIPIENT (AK Medicaid Note: Prematernal home, recipient)	\$87.00	X
A0200 HD	NON-EMERGENCY TRANSPORTATION: ANCILLARY: LODGING--ESCORT (AK Medicaid Note: Prematernal home, escort)	\$43.50	X
<b>Transportation: Taxis</b>			
A0100	NON-EMERGENCY TRANSPORTATION: TAXI - INTRACITY (AK Medicaid Note: Includes all taxi services)	Billed Charges	X
A0100 TK	A0100 (ESCORT) (AK Medicaid Note: Includes all taxi services)	Billed Charges*	X
<b>Transportation: Ground Ambulance</b>			
#A0425	GROUND MILEAGE, PER STATUTE MILE	\$6.42 per patient-loaded mile (urban miles 1-50)  \$9.63 per patient-loaded mile (rural miles 1-50)*  \$8.03 per patient-loaded mile (rural miles greater than 50)*	
A0426	AMBULANCE SERVICE, ADVANCED LIFE SUPPORT, NONEMERGENCY TRANSPORT, LEVEL 1 (ALS 1)	\$280.76 Urban \$344.21 Rural	
A0427	AMBULANCE SERVICE, ADVANCED LIFE SUPPORT, EMERGENCY TRANSPORT, LEVEL 1 (ALS 1-EMERGENCY)	\$444.54 Urban \$545.01 Rural	
#A0428	AMBULANCE SERVICE, BASIC LIFE SUPPORT, NON-EMERGENCY TRANSPORT, (BLS)	\$233.97 (all inclusive) Urban \$286.85 (all inclusive) Rural	
A0429	AMBULANCE SERVICE, BASIC LIFE SUPPORT, EMERGENCY TRANSPORT (BLS-EMERGENCY)	\$374.35 Urban \$458.95 Rural	
A0433	AMBULANCE SERVICE, ADVANCED LIFE SUPPORT, EMERGENCY TRANSPORT, LEVEL 2	\$629.80 (all inclusive) Urban \$635.98 (all inclusive) Rural	

# TN modifier (Rural/Outside Providers Customary Service Area) can be used with this code. Using the TN modifier will allow you to receive additional reimbursement.

\* Rural means an area that is not delineated as an urbanized area by the Bureau of the Census. The point of patient pick up will determine if urban or rural rates apply.

Effective on or after 07/01/2012 dates of service; coverage and rates are subject to change

Updated 08/12

(1) CONTRACTOR/ CARRIER	(2) LOCAL.	(3) HCPCS	(4) BASE RATE	(5) RVU	(6) GPCI	(7)(a) URBAN BASE RATE / URBAN MILEAGE	(7)(b) RURAL BASE RATE / RURAL MILEAGE	(7c) RURAL BASE RATE / LOWEST QUARTILE	(8) RURAL GROUND MILES 1-17*
Alaska									
02102	01	A0425	6.95	1.00	n/a	\$7.09	\$7.16	n/a	\$10.74
02102	01	A0426	216.19	1.20	1.067	\$277.03	\$279.74	\$342.96	n/a
02102	01	A0427	216.19	1.90	1.067	\$438.63	\$442.93	\$543.03	n/a
02102	01	A0428	216.19	1.00	1.067	\$230.86	\$233.12	\$285.80	n/a
02102	01	A0429	216.19	1.60	1.067	\$369.37	\$372.99	\$457.29	n/a
02102	01	A0430	2933.78	1.00	1.067	\$3,032.06	\$4,548.09	n/a	\$4,548.09
02102	01	A0431	3410.96	1.00	1.067	\$3,525.23	\$5,287.84	n/a	\$5,287.84
02102	01	A0432	216.19	1.75	1.067	\$404.00	\$407.96	\$500.16	n/a
02102	01	A0433	216.19	2.75	1.067	\$634.85	\$641.08	\$785.96	n/a
02102	01	A0434	216.19	3.25	1.067	\$750.28	\$757.64	\$928.86	n/a
02102	01	A0435	8.32	1.00	n/a	\$8.32	\$12.48	n/a	\$12.48
02102	01	A0436	22.21	1.00	n/a	\$22.21	\$33.32	n/a	\$33.32



City of Kodiak  
**KODIAK POLICE DEPARTMENT**  
Office of the Chief of Police



Memorandum

To: City Manager Aimee Kniazowski  
From: Chief of Police TC Kamai  
Date: January 3, 2013  
Subject: Law Enforcement Certification Fee for BATF Form 4 Applications

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On June 6, 1934, the 72<sup>nd</sup> Congress enacted the National Firearms Act (NFA), which imposed a statutory excise tax on the manufacture and transfer of certain firearms and the registration of those firearms. The purpose of the NFA was to regulate so called “gangster weapons” which were considered to be machine guns, short barreled rifles, short barreled shotguns, silencers and suppressors.

Under the rules of the NFA, any person seeking to transfer a firearm tax must complete an application using Bureau of Alcohol, Tobacco and Firearms (BATF) Form 4. As a part of the application, Form 4 must be submitted to the Chief Law Enforcement Official (CLEO) in the community the applicant resides in for review and certification.

The CLEO is certifying that they have no information indicating that the applicant will use the firearm or device described in their application for other than lawful purposes. The CLEO is also certifying that the possession of the firearm or device does not constitute a violation of State or local law.

In order to objectively evaluate the applicant and to certify them we must conduct a background check. A background check is the process of looking up and compiling law enforcement and criminal justice records pertaining to the applicant.

When we began this program we realized that there would be a cost to us for certifying an applicant. A \$50 fee was established at the onset of our CLEO certification program as a cost recovery method. This fee was never listed in the City Fee Schedule, however. The NFA does not prohibit the CLEO for charging a fee for this certification.

I recommend that the City Fee Schedule be amended to include a BATF Form 4 Application Fee of \$50.

Please let me know if you have any questions.

# APPLICATION FOR TAX PAID TRANSFER AND REGISTRATION OF FIREARM (BATF FORM 4)



## GENERAL INFORMATION AND INSTRUCTIONS

Kodiak Police Department  
2160 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-8000

**1. Authority**

As provided by 26 U.S.C. §5811 and § 5812, any person seeking to transfer a firearm tax must complete an application on BATF Form 4 for each firearm. The transferor must furnish all information called for on the application form. This form must then be submitted to the Chief Law Enforcement Official (CLEO) in the community the applicant resides in for review.

**2. Law Enforcement Certification**

The CLEO is required to review the application and “sign-off” in section 17 Law Enforcement Certification. The BATF has delegated authority to the CLEO to determine if:

- 1) there is any information indicating that the transferee will use the firearm or device described in the application for other than lawful purposes; and 2) if receipt or possession of the firearm or device described in the application would place the transferee in violation of State or local law.

**3. BATF Form 4 Application**

It is your responsibility to obtain BATF Form 4. The Kodiak Police Department does not provide this application. Your application must be legible and completely filled out at the time of submittal for law enforcement certification. Incomplete, or illegible applications will be rejected.

**4. Fees**

Submit \$50 with your application for law enforcement certification. This non-refundable fee must be in cash or personal check. Make all checks payable to the City of Kodiak. We do not accept money orders or credit cards.

**5. Local Permit**

There is no local permit. By submitting your BATF Form 4 application to the Kodiak Police Department for review, you are fulfilling the federal requirement that you obtain local law enforcement certification. You must still submit your application to the BATF National Firearms (NFA) Branch for final approval.

**6. Persons Prohibited From Receiving A Firearm**

An application may be disapproved if the transferee is a person prohibited from receiving a firearm by 18 U.S.C. § 922(g), which provides that it shall be unlawful for any person:

- (1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance;
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien, is illegally or unlawfully in the United States or except, as provided in 18 U.S.C. § 922(y)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in 8 U.S.C. 1101(a)(26));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that:

- (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

- (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other

conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

- (C) (I) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (II) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (D) who has been convicted in any court of a crime of domestic violence; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

More examples of circumstances that might disqualify a person from being eligible to possess a weapon would be: 1) Any felony conviction including a conviction that was later set aside under Alaska Statute 12.55.085; or 2) Any conviction for a crime involving domestic violence as defined by Alaska Statute 18.66.990.

**7. Application Process**

The **original** BATF Form 4 Application must be submitted **in person** to the Kodiak Police Department between the hours of 8:00 am and 4:00 pm on weekdays. You must have valid photo ID at the time you submit your application otherwise it won't be accepted. You must also attach your non-refundable \$50 application fee. Any failure to submit a completed application will result in the rejection of your application.

**8. Application Approval**

If you receive law enforcement certification your application will be returned to you as soon as possible. A copy of your application will remain on file with the Office of the Chief of Police for a period of time comensurate with the City of Kodiak Records Retention Period. All documents, forms and reports generated during the law enforcement certification process shall remain the property of the Kodiak Police Department.

**9. Application Denial**

If your application is denied, the unsigned/unapproved application will be returned to you along with an explanation about why it was not approved. Application denials are based on: 1) information that the applicant may use the firearm or device for anything other than a lawful purpose; and/or 2) during the law enforcement certification process, information was discovered which indicates that the receipt or possession of a firearm or device described in item #4 of the application would place the applicant in violation of State or local law. An appeal of a denial decision must be registered with the National Firearms Act (NFA) Branch of the BATF and not with the Kodiak Police Department.

**10. Residency Requirements**

To be considered a resident of the City of Kodiak you must maintain and occupy a residence located within the corporate jurisdiction of the City of Kodiak.

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniazowski, City Manager *AK*  
Debra Marlar, City Clerk *DM*

**Date:** March 28, 2013

**Agenda Item:** **III. d. Public Hearing on Resolution No. 2013–06, Rescinding Resolution No. 08–16 and Amending the Tariff of Rates and Charges for Taxicab Services**

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**SUMMARY:** Last year, the City sales tax was increased from 6% to 7%. Kodiak City Code (KCC) 3.08.090(e) states a business providing for-hire passenger vehicle transportation services may, in lieu of adding the tax as a separate item, include the tax in the charge for the transportation. The current taxicab tariff states that fares include 6% City sales tax. The recommended amendment would clarify that sales tax will be collected at the sales tax rate set by KCC 3.08.010, Levy of sales tax, which is currently 7%.

KCC 5.40.150, Approval of tariffs, requires that a public hearing be held prior to amendment of the taxicab tariff.

Resolution No. 2013–06 is tentatively scheduled for Council action on the April 11, 2013, regular meeting agenda.

Taxicab permit holders may also propose taxicab tariff changes in response to the sales tax increase. Bonnie McDonald, who holds five taxicab permits, has submitted information for the Council's consideration that requests a flat 7% tax based on annual gross taxicab revenues. In her letter to the Council, Ms. McDonald points out that fraud exists in the collection and submission of taxicab sales tax. Ms. McDonald requested and was provided with City sales tax information since 2009. Her letter documents the overall reduction in taxicab sales tax revenues since 2009 and proposes the Council support a flat tax, which would be paid equally by all permit holders. Technically, this request pertains to amending the City sales tax code Chapter 3.08. If the Council desires to pursue Ms. McDonald's request, staff will consult with the City Attorney to determine if this tax structure is legal and if KCC Chapter 3.08 may be amended to incorporate a flat taxicab tax.

**ATTACHMENTS:**

- A. Resolution No. 2013–06
- B. Resolution No. 08–16
- C. Ms. McDonald's March 13, 2013, letter



**CITY OF KODIAK  
RESOLUTION NUMBER 2013-06**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK RESCINDING RESOLUTION NO. 08-16 AND AMENDING THE TAXICAB TARIFF**

WHEREAS, the City sales tax rate was increased from 6% to 7% effective October 1, 2012; and

WHEREAS, the Taxicab Tariff adopted by Resolution No. 08-16 stipulates that taxi fares include 6% City sales tax; and

WHEREAS, the City Council has determined it to be in the best public interest to amend the Tariff of Rates and Charges for Taxicab Services so that the City's approved sales tax rate applies equally to all who are required to collect and submit sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that Resolution No. 08-16 is hereby rescinded.

BE IT FURTHER RESOLVED that all taxicabs permitted by the City of Kodiak will operate in accordance with the tariff attached hereto and incorporated by reference; said tariff to be effective July 1, 2013.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Adopted:

**CITY OF KODIAK  
TAXICAB TARIFF**  
[Fares include City Sales Tax]

**METERED FARES**

The taxicab tariff is \$4.85 per meter flag drop,  
plus \$3.00 per mile @ \$.60 per 1/5 mile

**NON-METERED FARES**

Anton Larsen Bay.....	\$58.50
Jump starts between Deadman's Curve and Antone Way .....	\$21.00
Between the Rendezvous (Bells Flats) and Deadman's Curve and between Antone Way and the end of the road at Monashka Bay ...	\$32.00
All other areas will be the metered fare, plus.....	\$15.50

**CHARTER RATES**

Based on completed round trip  
\$55.50 per hour, plus \$4.20 per 5 minutes after the first hour

**OTHER CHARGES**

Deliveries ..... fare, plus \$4.85

Requested waits are metered at \$.60 per 36 seconds

**RESOLUTION 2013-06 ADOPTED: April 9, 2013      EFFECTIVE DATE: July 1, 2013**

Legislation:

Res. 39-85,	6/27/85
Res. 26-87,	8/27/87
Res. 40-89,	12/14/89
Res. 34-93,	9/23/93
Res. 42-93,	10/28/93
Res. 03-5,	5/8/03
Res. 04-4,	1/22/04
Res. 08-16,	7/24/08
Res. 2013-06,	7/1/13

Issued by the City of Kodiak, 710 Mill Bay Road, Room 216, Kodiak, Alaska 99615

**CITY OF KODIAK  
RESOLUTION NUMBER 08-16**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK RESCINDING RESOLUTION NO. 04-4 AND AMENDING THE TARIFF OF RATES AND CHARGES FOR TAXICAB SERVICES**

WHEREAS, taxicab permit holders and drivers have requested increases to fares contained in the Taxicab Tariff; and

WHEREAS, the City Council has determined it to be in the best public interest to amend the Tariff of Rates and Charges for Taxicab Services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that Resolution No. 04-4 is hereby rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Kodiak, Alaska, that all taxicab dispatch companies operating within the City of Kodiak will operate in accordance with the tariff attached hereto and incorporated by reference; said tariff to be effective August 1, 2008.

CITY OF KODIAK

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

Adopted: July 24, 2008

**CITY OF KODIAK  
TAXICAB TARIFF**  
[Fares include 6% City Sales Tax]

**METERED FARES**

The taxicab tariff is \$4.85 per meter flag drop,  
plus \$3.00 per mile @ \$.60 per 1/5 mile

**NON-METERED FARES**

Anton Larsen Bay .....	<b>\$58.50</b>
Jump starts between Deadman's Curve and Antone Way .....	<b>\$21.00</b>
Between The Rendezvous (Bells Flats) and Deadman's Curve and between Antone Way and the end of road at Monashka Bay .....	<b>\$32.00</b>
All other areas will be the metered fare plus .....	<b>\$15.50</b>

**CHARTER RATES**

Based on completed round trip  
\$55.50 per hour, plus \$4.20 per 5 minutes after first hour

**OTHER CHARGES**

Deliveries..... fare plus **\$4.85**

Requested waits are metered at **\$.60** per 36 seconds

**RESOLUTION 08-16 ADOPTED: July 24, 2008**

**EFFECTIVE DATE: August 1, 2008**

**Legislation:**

Res. 39-85, 6/27/85  
Res. 26-87, 8/27/87  
Res. 40-89, 12/14/89  
Res. 34-93, 9/23/93  
Res. 42-93, 10/28/93  
Res. 03-5, 5/8/03  
Res. 04-4, 1/22/04  
Res. 08-16, 7/24/08

Issued by the City of Kodiak, 710 Mill Bay Road, Room 220, Kodiak, Alaska 99615

March 13, 2013

City Mayor  
City Council  
City Manager  
City Clerk

RE: Taxi sales tax

NO ONE wants the taxi meter to go up. Not the permit owners, drivers and absolutely not our passengers. Below is my proposal for a simple and fair solution but first I will also delineate some of the problems that led to this proposal.

After the City allowed independents (which I have no issue with) this has become increasingly worse since the 2<sup>nd</sup> quarter of 2012 as delineated below. We now have 8 permits with A & B Dispatch, 5 with Kodiak Island Taxi and 10 independents for a total of 23 active permits.

Problems:

1. Some cab operators are charging per head.
2. Some cab operators are charging a flat fee.
3. Some cab operators are restarting the meter if the passenger thinks it is too much.
4. Always the gypsy cabs.

These problems are unenforceable. My knowledge is second hand, the individuals that have told me will not come forward as they will lose their "cheap trips", so there is nothing I or any of you can do to stop these drivers from charging an illegal fare.

Sales tax generated by taxis equals approximately .006% (\$59,891) for 2011 and .005% (\$48,452) for 2012.

	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr	Total
2009	10,439	10,959	17,447	15,989	54,834
2010	16,236	18,000	19,232	15,562	69,031
2011	15,509	13,874	16,820	13,687	59,891
2012	14,455	12,374	12,327	9,296	48,452

2010 seems to be an anomaly, however you can readily see the drop particularly in the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2012. The 4<sup>th</sup> quarter of 2012 was very slow and the weather very mild. Also for 2013 the 1<sup>st</sup> quarter so far has been mild weather and slow, and we have no major cruise ships this summer.

Page 2 of 2

My proposal:

Take the 3 years 2009, 2011 and 2012 and from the average total of \$163,177 add 1% to reach 7% sales tax bringing it to \$164,809. With no major cruise ships in 2013 lets say \$160,000 for practical purposes.

\$160,000 divided by 3 years for an annual average of \$53,333.

\$53,333 divided by 23 active permits equals \$2,319 per year per active permit.

\$2,319 divided by 4 equals \$580 per active permit per quarter.

This flat taxi sales tax of 7% is simple, fair and requires no audits. If a permit holder can prove they only drive part time (there are only two) then cut it in half. If a permit is activated or suspended they are charged for the whole month.

Your current sales tax system and City Code 5.40 for taxi cabs is unenforceable.

Please do not hesitate to contact me prior to the work session or meeting with any questions.

Thanking you in advance for your time and energies,



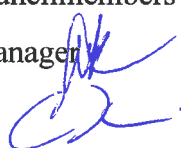
Bonnie McDonald  
Owner  
Kodiak Island Taxi  
Fridays Taxi  
512-7012 between 5am and 6 PM

# **UNFINISHED BUSINESS**

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniazowski, City Manager   
**Thru:** Chief of Police T.C. Kamai  
**Date:** March 28, 2013

**Agenda Item:** IV. a. **Second Reading and Public Hearing, Ordinance No. 1306, Enacting Kodiak City Code 10.36.022, Notice to Owners and Lienholders, Kodiak City Code 10.36.024, Hearing, and Kodiak City Code 10.36.026, Disposal of Abandoned Vehicles, to Establish a Procedure for the Disposal of Abandoned Vehicles**

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**SUMMARY:** At the direction of the City Council, the Police Department has sought to find a cost effective and operationally efficient strategy to address junk and motor vehicles abandoned on public property. These efforts cannot begin until the existing City Code is amended. Ordinance No. 1306 will enact the requirements and enable the Police Department to implement a cost effective and operationally efficient strategy to address junk and abandoned motor vehicles. Staff recommends adoption of Ordinance No. 1306 after the second reading and public hearing.

**PREVIOUS COUNCIL ACTION:** The City Council passed Ordinance No. 1306 in the first reading at the February 28, 2013, regular meeting. Prior to that, the Council last addressed junk and abandoned motor vehicles during FY2013 budget discussions. At that time Council reduced funds designated for impounding and disposal of junk and motor vehicles abandoned on public property by \$20,000.

**BACKGROUND:** Existing City ordinances define what junk and abandoned motor vehicles are and discusses where the proceeds from the sale of abandoned vehicles should be directed, but it provides no authority for the City to dispose of these vehicles. As a consequence, the City must rely on existing state law for the disposal of junk and abandoned vehicles. Staff holds the opinion that state law is complex, inefficient, and costly to the City.

**DISCUSSION:** A reduction in FY2013 operational costs designated for junk and abandoned motor vehicle disposal resulted in the Police Department reexamining its strategy to address the overwhelming number of junk and vehicles abandoned on public property.

During this process, staff identified a cost effective and operationally efficient method to address junk and abandoned motor vehicles. This fall staff sought to implement this new strategy. In doing so, staff learned that the proposed method was contrary to what was allowable under state law. Staff has worked



with the City Attorney to develop an ordinance that would provide staff a cost effective and operationally efficient method for disposing of abandoned motor vehicles.

**ALTERNATIVES:**

1. Alternative No 1: Adopt Ordinance No. 1306, which would enact Kodiak City Code 10.36.022, Notice to Owners and Lienholders, Kodiak City Code 10.36.024, Hearing, and Kodiak City Code 10.36.026, Disposal of Abandoned Vehicles, Establishing a Procedure for the Disposal of Abandoned Vehicles. This is staff's recommendation.
2. Alternative No 2: Fail to adopt Ordinance No. 1306. The elements needed to authorize a local solution to the disposal of junk and abandoned vehicles would not be in place. Staff would continue to rely on state law. Staff does not recommend this alternative.

**FINANCIAL IMPLICATIONS:** There are no anticipated costs beyond what the City already invests in junk and abandoned vehicle disposal.

**LEGAL:** After consultation with staff, the City Attorney wrote Ordinance No. 1306.

**STAFF RECOMMENDATION:** Staff recommends Council adopt Ordinance No. 1306 in the second reading after the public hearing.

**CITY MANAGER'S COMMENTS:** As pointed out in the memo, our current code language lacks the legal elements needed for KPD to dispose of junk and abandoned vehicles in a cost-effective way. If adopted, Ordinance No. 1306 will make the needed changes. I want to recognize Chief Kamai's efforts to identify a solution that allows KPD to continue to provide this service City residents have come to expect. Therefore, I support staff's recommendation that Council adopt Ordinance No. 1306.

**ATTACHMENTS:**

Attachment A: Ordinance No. 1306

**PROPOSED MOTION:**

Move to adopt Ordinance No. 1306.

**CITY OF KODIAK  
ORDINANCE NUMBER 1306**

**AN ORDINANCE ENACTING KODIAK CITY CODE 10.36.022, NOTICE TO OWNERS AND LIEN HOLDERS, KODIAK CITY CODE 10.36.024, HEARING, AND KODIAK CITY CODE 10.36.026, DISPOSAL OF ABANDONED VEHICLES, TO ESTABLISH A PROCEDURE FOR THE DISPOSAL OF ABANDONED VEHICLES**

BE IT ORDAINED by the Council of the City of Kodiak, Alaska, that:

**Section 1:** Kodiak City Code 10.36.022, Notice to owners and lien holders, is hereby enacted to read as follows:

**10.36.022 Notice to owners and lien holders.** AS 28.11.040 is hereby amended to read as follows:

(a) The city shall give written notice to the vehicle owner of record and to lien holders of record that the city considers the vehicle to be abandoned. The city shall give the notice by:

(1) Posting on the vehicle; and

(2) By personal delivery or by registered or certified mail, return receipt requested, or if the vehicle is not registered in the state or the city cannot determine the name and address of the owner or lien holder, by publication once a week for four consecutive weeks in a newspaper of general circulation in the city.

(b) The notice shall include:

(1) A description of the vehicle and its location;

(2) The name and address of the registered owner and the vehicle identification number of the vehicle;

(3) The reasons why the city considers the vehicle to be abandoned; and

(4) A statement that unless within fifteen days after the date of the notice, either: (i) the vehicle is removed and stored in a lawful manner, or (ii) a person with an interest in the vehicle requests a hearing under Section 10.36.024, the city may without further notice impound and dispose of the vehicle by sale, destruction or other disposition authorized by law.

**Section 2:** Kodiak City Code 10.36.024, Hearing, is hereby enacted to read as follows:

**10.36.024 Hearing.** (a) A person claiming an interest in a vehicle that is the subject of a notice under Section 10.36.022 may obtain a hearing on whether the vehicle is subject to disposal under this chapter by requesting the hearing in writing at the office of the city manager within 15 days after the date of the notice.

(b) A hearing officer, who shall be the city manager or a person designated by the city manager, shall conduct the hearing within three business days after the city receives a timely request for a hearing under subsection (a) of this section. The issue at the hearing shall be limited to whether the vehicle is subject to disposal under this chapter.

(c) The hearing shall be conducted in an informal manner and shall not be subject to the technical rules of evidence. Any person claiming an interest in the vehicle may appear, present evidence, and cross-examine witnesses. The hearing shall be recorded.

(d) Within three business days after the conclusion of the hearing, the hearing officer shall prepare a written decision whether the vehicle is subject to disposal under this chapter, stating the reasons for the decision. The city shall mail or deliver a copy of the decision to each person who appeared at the hearing and claimed an interest in the vehicle.

(e) Any person aggrieved by the hearing officer's decision under subsection (d) of this section to dispose of a vehicle may appeal the decision to the superior court within 30 days after the date the decision was mailed or delivered to the parties. Unless the court orders otherwise, the city may impound a vehicle under this section immediately after issuing a decision approving its disposal, but may not dispose of the vehicle until either the court affirms the decision, or the time for appeal expires without an appeal having been filed.

**Section 3:** Kodiak City Code 10.36.026, Disposal of abandoned vehicles, is hereby enacted to read as follows:

**10.36.026. Disposal of abandoned vehicles.** AS 28.11.070 is amended to read as follows:

(a) Upon satisfaction of the notice and hearing requirements prescribed in this chapter, the city may dispose of an abandoned vehicle by removing it to a scrap processing yard or auto wrecker for disposal, or by public auction not less than 20 days after notice of the auction is published in a newspaper of general circulation in the city. The notice of auction must describe the vehicle and specify the place, date and time at which it will be sold.

(b) The proceeds of any sale of an abandoned vehicle shall be applied first to reimburse the city for costs of disposing of the vehicle, including towing, storing and selling the vehicle, and second to satisfy any fine or penalty that has been imposed for the unlawful abandonment of the vehicle. Any part of the proceeds remaining thereafter shall be made available to the former owner of the vehicle if claimed within 30 days from the date of sale, and if not so claimed shall become the property of the city.

**Section 4:** This ordinance shall be effective upon the date that is one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

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MAYOR

ATTEST:

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CITY CLERK

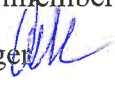
First Reading: February 28, 2013  
Second Reading:  
Effective Date:

# **NEW BUSINESS**

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniaziowski, City Manager   
**Date:** March 28, 2013

**Agenda Item:** V. a. **Resolution 2013-05, Amending Sections 7, 12, and 13 of the Schedule of Fees and Charges**

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**SUMMARY:** The City sets its fees and charges for various services by a resolution of the Council. It is important to review and adjust the fee schedule on a regular basis to ensure the City is receiving adequate revenues with which to provide services. The City Council identified the importance of an annual review and update of the schedule of fees and charges by including this as a budget goal since FY2011. Staff completed the review and submitted a list of proposed changes to fees pertaining to the Fire, Parks and Recreation, and Police departments. The changes, proposed to take effect on April 1, 2013, are summarized below with attached detail and backup from the departments. Staff recommends Council adopt Resolution No. 2013-05, which reflects the recommended changes.

**PREVIOUS COUNCIL ACTION:** The Council updates the City's Schedule of Fees, Charges, and Tariffs on a routine basis by resolution. The most recent changes were adopted by Resolution 2011-36 effective July 1, 2012, to reflect the annual increase to water and sewer fees.

**DISCUSSION:** Staff has been reviewing the fee schedule over the past several months. Three City departments: the Fire Department, the Parks and Recreation Department, and the Police Department have submitted recommendations to increase, add, or to list fees which have been collected but not identified in the Schedule of Fees and Charges. The proposed fees for specific services are summarized below.

Section 7, Fire: The Fire Department is recommending increases to three ambulance-related fees charged by the City and the addition of new classifications and fees for advanced life support level 2 and a stand-by rate for ambulances at local sporting events. The Finance Director and Fire Chief found that City ambulance fees fall below medical insurance industry standards and well below what Medicaid and Medicare pay for such services on a routine basis. The new fee proposed for ambulance stand-by at sporting events is calculated to offset the cost required to bring additional Fire Department employees in on overtime when an ambulance is standing by for a sporting event. See the attached staff memo for an overview of the proposed fee schedule changes and Resolution No. 2013-05 for specific comparisons between proposed and existing fees

Section 12, Parks and Recreation: The Manager has working with the Parks and Recreation Department

MARCH 28, 2013  
Agenda Item V. a. Memo, Page 1 of 3

employees to review the existing fee structure, which has not been updated for a long time. The review found that the Department was charging different amounts for activities than what is listed in the fee schedule. Some event fees and sponsor fees varied widely, and registration fees were being collected for events not identified in the fee schedule. Staff reviewed all fees and events and is submitting a list of 32 fees that should be changed to reflect current practices. The fee increases listed in the resolution reflect actual charges and do not represent proposed increases. These changes should not discourage or disenfranchise anyone wanting to participate in Parks and Recreation programs or use Parks and Recreation facilities. Resolution No. 2013–05 contains the comparisons between current and proposed fee changes.

Section 13, Police: The Police Department recommends the addition of a new fee of \$50 to offset the cost KPD incurs when they process applications and issue certifications to applicants for some firearms by processing the Bureau of Alcohol, Tobacco, and Firearms (BATF) Form 4. The Department has been charging an application fee of \$50, but the fee has not been listed in the fee schedule. See the attached KPD memo and BATF application form for additional information on the fee.

**ALTERNATIVES:** Council can adopt, amend, or choose to not approve Resolution No. 2013–05. Staff recommends Council adopt the resolution with the recommended fee changes, because the increases and new fees are needed, the other changes reflect current practices, and regular review and updates of fees charged are identified in Council’s budget goals.

**FINANCIAL IMPLICATIONS:** The increases in ambulance fees should generate additional revenues, because the new fees will meet current insurance billing standards. Although staff cannot project the increase, it will be much more than the current budgeted amount of \$40,000/yr. By billing to insurance standards and using a qualified billing service that is certified and qualified, staff believes the revenues will definitely increase.

Staff does not expect to generate more revenues by implementing the proposed changes to the Parks and Recreation or Police fees. These changes are meant to align current practices and charges for activities and services with the fee schedule.

**LEGAL:** N/A

**STAFF RECOMMENDATION:** Staff recommends Council adopt Resolution No. 2013–05 as presented, effective April 1, 2013.

**CITY MANAGER’S COMMENTS:** It is important to revise and update the City’s Schedule of Fees, Charges, and Tariffs on a regular basis to ensure the City is receiving acceptable revenues for the services provided. This set of updates reflect changes in ambulance-related billing and payment standards and brings fees currently collected at KPD and Parks and Recreation in line with the

appropriate sections in the Schedule of Fees and Charges. This change is also consistent with Council's FY12 and FY13 budget goals, and I recommend Council adopt Resolution 2013-05.

**ATTACHMENTS:**

Attachment A: Resolution No. 2013-05

Attachment B: KFD and KPD Departmental memos and back-up

**PROPOSED MOTION:**

Move to adopt Resolution No. 2013-05.



**CITY OF KODIAK  
RESOLUTION NUMBER 2013-05**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AMENDING  
SECTIONS 7, 12, AND 13 OF THE SCHEDULE OF FEES AND CHARGES**

WHEREAS, at the February 28, 2013, regular meeting the Kodiak City Council approved its budget goals for FY2014, including annually reviewing and updating the Schedule of Fees and Charges; and

WHEREAS, the Schedule of Fees and Charges was reviewed, and it was decided to bring forth amendments to the ship yard fees separately from other City fees; and

WHEREAS, the suggested fee amendments herein reflect the City's cost to provide services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that Sections 7, 12, and 13 of the City's Schedule of Fees and Charges are hereby amended as follows:

**Section 7 Fire Department**

7.1	Ambulance, per transport	
7.1.1	Basic life support .....	<del>350.00</del> 500.00
7.1.2	Advanced life support <u>1</u> .....	<del>400.00</del> 600.00
<u>7.1.3</u>	<u>Advanced life support 2</u> .....	800.00
7.1. <del>34</del>	plus, per mile return trip .....	5.00 + actual cost of supplies11.00
<u>7.2</u>	<u>Ambulance Standby for Sporting Events</u> .....	<u>120.00/per hr</u>
<del>7.23</del>	Property Salvage, by request of property owner, per hour .....	25.00
<del>7.43</del>	Responses	
7. <del>34</del> .1	Fire Department response in unprotected areas, per hour per company (per mutual aid request) .....	250.00
7. <del>34</del> .2	Rescue response, per hour, per company .....	250.00 + actual cost of supplies
7. <del>34</del> .3	Hazardous Material/petroleum product spill response, per hour per company .....	250.00 + actual cost of supplies
7. <del>34</del> .4	Malicious False Alarms, when responsible individual is identified .... <i>Does not include system malfunction and "good intent" calls.</i>	250.00

**Section 12 Parks and Recreations**

*(Note: For activities not listed, the Parks & Recreation Department will establish the activity/program fee.)*

12.1	City League Basketball	
12.1.1	<del>Eight-minute quarters</del> Sponsorship for A,B,C Divisions .....	<del>710</del> 340.00
12.1.2	<del>Twenty-minute halves</del> Sponsorship for Open Division .....	<del>930</del> 440.00
12.1.3	<del>Youth teams, per player</del> Individual registration fee	30.00
<u>12.1.3.1</u>	<u>A,B,C Divisions</u> .....	<u>55.00</u>

12.1.3.2	<u>Open Division</u> .....	70.00
12.1.3.3	<u>Student</u> .....	35.00
12.1.4	<u>Combined Fees</u>	
12.1.4.1	<u>A,B,C Divisions</u> .....	800.00
12.1.4.2	<u>Open Division</u> .....	1,000.00
12.1.4.3	<u>Student</u> .....	450.00
12.1.5	<u>Youth Dribblers</u>	
12.1.5.1	<u>Registration fee</u> .....	20.00
12.1.5.2	<u>Late registration fee</u> .....	25.00
12.1.6	<u>Summer Solstice 3-on-3 basketball</u> .....	5.00/per team
12.2	<u>City League Volleyball</u>	
12.2.1	<del>Team sponsor fee</del> <u>Player fee, A Division</u> .....	<del>110.00</del> 30.00
12.2.2	<u>Player fee, adult</u> <u>B Division</u> .....	<del>15.00</del> 25.00
12.2.3	<u>Player fee, youth</u> <u>C Division (youth/women)</u> .....	<del>5.00</del> 15.00
12.3	<u>Hockey, youth</u>	
12.3.1	<u>Registration fee</u> .....	30.00
12.3.2	<u>Late registration fee</u> .....	40.00
12.34	<u>Ice Rink</u>	
12.34.1	<del>Ice Facility</del> <u>rental, per hour</u> .....	100.00
12.34.2	<u>Lessons (5), early registration</u> .....	20.00
12.34.3	<u>Lessons (5), late registration</u> .....	25.00
12.34.4	<u>Clinics (5 sessions)</u> .....	20.00
12.3.5	<del>Zamboni signage, per year</del> .....	<del>750.00</del>
12.34.65	<u>Dasher board signage, per year</u> .....	350.00
12.45	<u>Racquetball</u>	
12.45.1	<u>Adults</u> .....	2.00/per hr.
12.45.2	<u>Youth, 18 years of age or less</u> .....	1.00/per hr.
12.45.3	<u>Monthly pass</u> .....	20.00
12.56	<u>Road Races</u>	
12.56.1	<u>July 4th 10K</u> .....	5.00
12.56.2	<u>Pillar Mountain Race</u> .....	15.00
12.56.3	<u>Marathon</u> .....	15.00
12.6.4	<u>Pasagshak Bike Race</u> .....	25.00
12.56.45	<u>Triathlon, youth</u> .....	10.00
12.5-56.6	<u>Triathlon, adult</u> .....	15.00
12.5-66.7	<u>Ultra-marathon</u> .....	20.00
12.67	<u>Swimming Pool and High School Gym</u>	
12.67.1	<u>Adults</u> .....	2.00
12.67.2	<del>Students, 6-18 years</del> <u>Ages 4-18</u> .....	1.00
12.6.3	<del>Preschool, 2-5 years</del> .....	<del>1.00</del>
12.6-47.3	<u>Infant-2-3 years</u> .....	Free
12.6-57.4	<u>Senior citizens</u> .....	1.00
12.6-67.5	<u>Monthly pool pass, adult</u> .....	20.00
12.6-77.6	<u>Monthly pool pass, youth (18 years of age or less)</u> .....	10.00
12.6-87.7	<u>Red Cross water safety class</u> .....	75.00
12.6-97.8	<u>Red Cross lifeguard class</u> .....	75.00
12.6-107.9	<u>Youth swim lessons, 8 lessons</u> .....	25.00
12.6-117.10	<u>Open gym, per person, per session</u> .....	<del>2.00</del>
12.7.10.1	<u>Adult</u> .....	2.00
12.7.10.2	<u>Youth</u> .....	1.00
12.6-127.11	<u>Indoor soccer, per player, per session</u> .....	<del>2.00</del>
12.7.11.1	<u>Adult</u> .....	2.00
12.7.11.2	<u>Youth</u> .....	1.00

<u>12.78</u>	Teen Center Auditorium	
<u>12.78.1</u>	Private/commercial, per hour.....	25.00
<u>12.78.2</u>	Nonprofit, per hour.....	15.00
<u>12.89</u>	Teen Dances, per person.....	2.00 to 5.00
<u>12.910</u>	Youth <del>Summer</del> Programs, per 2-week session	
<u>12.10.1</u>	<u>Morning programs</u>	
<u>12.910.1.1</u>	One in family.....	<del>30.00</del> <u>20.00</u>
<u>12.910.1.2</u>	Two <u>or more</u> in same family.....	45.00
<u>12.910.32</u>	<del>Three or more in same family</del> Youth soccer league	<del>60.00</del>
<u>12.10.2.1</u>	<u>Registration fee.....</u>	<u>20.00</u>
<u>12.10.2.2</u>	<u>Late Registration fee.....</u>	<u>25.00</u>
 <b>Section 13 Police</b>		
13.1	Evidence Reproduction	
13.1.1	Reproduction of video media.....	10.00
13.1.2	Reproduction of audio media.....	10.00
13.1.3	Photographic reprints, 35mm .....	actual cost + 10%
13.1.4	Photo copies, per page.....	1.00
13.2	Excessive police services (per KCC 8.98.020) .....	150.00
13.3	Protective Custody	
13.3.1	First detention .....	150.00
13.3.2	Each succeeding detention .....	plus 50.00 per incident
13.3.3	Ambulance usage.....	see Sec. 7.1
13.3.4	Medical charges.....	actual cost
<u>13.4</u>	<u>Law Enforcement Certification Fee, BATF Form 4 Applications .....</u>	<u>50.00</u>

BE IT FURTHER RESOLVED that this resolution shall supersede previous resolutions amending Sections 7, 12, and 13 of the Schedules of Fees and Charges.

BE IT FURTHER RESOLVED that the changes to Sections 7, 12, and 13 of the Schedule of Fees and Charges herein shall be effected April 1, 2013.

BE IT FURTHER RESOLVED that the City Clerk is authorized to make the required changes to the Schedule of Fees and Charges.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Adopted:

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**MEMORANDUM**

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**To:** Aimée Kniazowski, City Manager  
**From:** Rome Kamai, Fire Chief & Mary Munk, Finance Director  
**Date:** March 28, 2013  
**Re:** **Agenda Item V.a., Attachment B, Recommended Changes to the Schedule of Fees and Charges for Ambulance Service**

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**SUMMARY:** Currently the Fire Department fee schedule reflects charges approved by Resolution 06-05. The Department has determined that the Schedule of Fees and Charges for Ambulance Services should be re-categorized and increased to be consistent with medical insurance industry standards.

The current Fire Department Fees Schedule has four fee categories: (a) Basic Life Support at \$350. Per patient transport (b) Advanced Life Support at \$400. Per patient transport (c) Mileage at \$5 per mile from scene to hospital (d) Actual cost of supplies.

The re-categorization includes: (a) Basic Life Support- Emergency at \$500. (b) Advanced Life Support ALS – 1 Emergency at \$600 (c) Advanced Life Support ALS- 2 at \$800 (c) increase Mileage at \$11 per mile from scene to hospital. (d) remove the separate charge for actual supplies used.

An additional need is to provide a cost for local sporting teams to request and pay for an ambulance to standby during scheduled games in the event a member of the team(s) is hurt, or injured during the course of play. The cost for this STANDBY service is \$120 per hour.

**PREVIOUS COUNCIL ACTION:** The Fire Department began full time ambulance service in 1973 as approved by Resolution 4-73. Under this resolution ambulance calls within the City of Kodiak fetched \$25. Per transport, and calls outside of the City of Kodiak limits fetched \$35 per transport.

In 1984, Resolution 01-84 rescinded Resolution 4-73, increasing ambulance fees to: \$100 for transports within 15 miles of the Fire Station. Ambulance calls beyond 15 mile of the Fire Station fetched \$100 plus \$2 per mile (out and back to the fifteen road mile point).

In 1992, Resolution 03-92 failed to increase rates.

In 1999, Resolution 99-5 rescinded Resolution 01-84 and amended the fee schedule to state all ambulance transports will be charged at \$285 each, plus \$5 per mile, from point of pick up to point of discharge.

In 2002, Resolution 02-04 rescinded Resolution 99-5 by adding the ambulance user will be charged “actual cost of supplies.”

In 2006, Resolution 06-5 rescinded Resolution 02-04 and added the following categories and charges: (a) Basic Life Support at \$350. Per patient transport (b) Advanced Life Support at \$400. Per patient transport (c) Mileage at \$5 per mile from scene to hospital (d) Actual cost of supplies.

Resolution 2013-05 requests an increase to the fees identified above and to add two new ambulance related fees.

**DISCUSSION:** The Finance Department is in the process of requesting that Council authorize the City Manager to enter into a professional service agreement with a company to provide for ambulance billing and payment process. Through this process, it was determined that the coding used for fees and charges for ambulance service do not meet current medical insurance industry standards. Additionally the fees and charges are well below the current standards being approved for payment, for example by Medicare and Medicaid. The adoption of this resolution amending the schedule of fees and charges for ambulance service precedes staff’s proposal to outsource ambulance billing. Revenue projections for FY 2013 under the current billing system are estimated at \$40,000. It is strongly anticipated that outsourcing the ambulance billings and payment service to a professional company will increase revenue. For example, given the proposed fee re-categorization and fee increase of a Basic Life Support Emergency transport at \$500, and on average the department responding to 600 BLS –E calls per year, and assuming a 25% return only - equates to \$75,000 return.

The Fire Department responds to approximately 800 ambulance calls per year. This service is provided inside the City of Kodiak, and to the Kodiak road system which includes Kodiak Island Borough Service Districts, communities, state and federal installations. The Fire Department’s operating budget is supported by the General Fund. The City does not currently receive any financial support other than the General Fund to provide the ambulance service outside of the City of Kodiak. The Department currently budgets (a) \$20,000 for ambulance consumable replacement, or items used in the treatment of patients that cannot be reused (b) \$4,000 to fuel 3 – ambulance units, (c) \$7,500 to maintain 3 – ambulance units. This equates to a linear operating cost of approximately \$ 31,500. As mentioned, the projected annual revenue given the current billing and payment practice is \$40,000.

The Fire Department maintains and Advanced Life Support ambulance certification through the State of Alaska Department of Health & Social Services Division of Public Health, Section of Emergency Programs. Nine out of the thirteen department staff members are certified to the Emergency Medical Technician – 2/3 (Intermediate) or Advanced Life Support levels. As the cost of ambulance supplies increase, and the need to maintain personnel ALS certifications continue, as well as the replacement of ambulances that age out, as well as equipment designed for advanced life saving and advanced medical equipment (i.e., cardiac defibrillators per an established schedule), it is recommended that other

alternative means be identified to increase revenues, allowing for the sustainability of current services provided.

**STAFF RECOMMENDATION:** Staff recommends Council approve the ambulance related fees as proposed by the Finance and Fire Departments by adopting Resolution 2013-05.

**ATTACHMENTS:**

- Excel Spreadsheet showing ambulance transport fees statewide
- Kodiak Fire Department advanced life support ambulance certification
- Fess Schedule amendment Section 7 Fire Department
- Alaska Medicare & Medicaid 2013 allowable fees schedule

Client Name	BLS-NE (non-res) A0428	BLS-E (non-res) A0429	ALS1-E (non-res) A0427	ALS2 (non-res) A0433	SCT (non-res) A0434	Mileage (non-res) A0425	Non-TX (non-res) A0998	Supplies	Use Coll	Agency?	Balance	Bill Res?	Effective Date
Bear Creek-Kenai, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11		N	N	N	Y	Y	1/1/2012
Central Emergency Svcs-Kenai, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11		N	Y	Y	Y	Y	1/1/2012
Cordova, AK	\$ 375	\$ 475	\$ 675	\$ 775	\$ 675	\$ 7	\$ 175	Y	N	N	Y	Y	10/1/2012
Craig, AK	\$ 700	\$ 750	\$ 800	\$ 850	\$ 900	\$ 13		N	N	N	Y	Y	6/1/2011
Delta Medical Transport	\$ 300	\$ 300	\$ 400			\$ 8		N	N	N	Y	Y	8/1/2011
Dillingham, AK	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11		N	Y	Y	Y	Y	1/1/2012
Kachemak-Kenai, AK	\$ 350	\$ 550	\$ 650	\$ 800		\$ 11		N	N	N	Y	Y	12/1/2010
Kenai, AK	400 (600)	500 (600)	700 (800)	900 (1100)				N	Y	Y	Y	Y	11/1/2008
Ketchikan, AK	\$ 562	\$ 562	\$ 668	\$ 966		\$ 9		N	N	Y	Y	Y	
Ketchikan Gateway-N/S Tongass	\$ 300	\$ 500	\$ 600	\$ 800		\$ 11		N	N	Y	Y	Y	1/1/2012
Nikiski-Kenai, AK	\$ 400 (800)	400 (800)	400 (800)	400 (800)		\$ 11		N	Y	Y	N	N	1/1/2012
North Pole, AK													
City of Kodiak, Alaska	\$	\$ 500	\$ 600	\$ 800	\$ 11			N					



# STATE OF ALASKA

DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF PUBLIC HEALTH  
SECTION OF EMERGENCY PROGRAMS



THIS CERTIFIES THAT

## *Kodiak Fire Department*

MEETS THE REQUIREMENTS ESTABLISHED PURSUANT TO ALASKA STATUTE 18.08.080 AND DELINEATED IN TITLE 7, CHAPTER 26 OF THE ALASKA ADMINISTRATIVE CODE AND IS HEREBY CERTIFIED AT THE LEVEL STATED BELOW AND IS AUTHORIZED TO FUNCTION IN ACCORDANCE WITH THE SCOPE OF PRACTICE PERMISSIBLE FOR THAT LEVEL OF CERTIFICATION.

**ADVANCED LIFE SUPPORT**  
Emergency Medical Services Outside Hospitals

*Mary Carlson*

DATE OF ISSUE November 23, 2012

SECTION CHIEF

DATE OF EXPIRATION December 31, 2014

*[Signature]*

CERTIFICATION NUMBER 6200

EMS UNIT MANAGER



## Transportation/Accommodation Fee Schedule

Procedure Code	Description	Allowed Amount	Service Auth. Required
<b>Prematernal Home: Lodging and Meals</b>			
A0180 HD	NON-EMERGENCY TRANSPORTATION, ANCILLARY LODGING—RECIPIENT (AK Medicaid Note: Prematernal home, recipient)	\$87.00	X
A0200 HD	NON-EMERGENCY TRANSPORTATION, ANCILLARY LODGING—ESCORT (AK Medicaid Note: Prematernal home, escort)	\$43.50	X
<b>Transportation: Taxis</b>			
A0100	NON-EMERGENCY TRANSPORTATION TAXI - INTRACITY (AK Medicaid Note: Includes all taxi services)	Billed Charges	X
A0100 TK	A0100 (ESCORT) (AK Medicaid Note: Includes all taxi services)	Billed Charges*	X
<b>Transportation: Ground Ambulance</b>			
A0425	GROUND MILEAGE, PER STATUTE MILE	\$6.42 per patient-loaded mile (urban miles 1-50) \$9.63 per patient-loaded mile (rural miles 1-50)* \$8.03 per patient-loaded mile (rural miles greater than 50)*	
A0426	AMBULANCE SERVICE, ADVANCED LIFE SUPPORT, NONEMERGENCY TRANSPORT, LEVEL 1 (ALS 1)	\$280.76 Urban \$344.21 Rural	
A0427	AMBULANCE SERVICE, ADVANCED LIFE SUPPORT, EMERGENCY TRANSPORT, LEVEL 1 (ALS 1-EMERGENCY)	\$444.54 Urban \$545.01 Rural	
A0428	AMBULANCE SERVICE, BASIC LIFE SUPPORT, NON-EMERGENCY TRANSPORT, (BLS)	\$233.97 (all inclusive) Urban \$286.85 (all inclusive) Rural	
A0429	AMBULANCE SERVICE, BASIC LIFE SUPPORT, EMERGENCY TRANSPORT (BLS-EMERGENCY)	\$374.35 Urban \$458.95 Rural	
A0433	AMBULANCE SERVICE, ADVANCED LIFE SUPPORT, EMERGENCY TRANSPORT, LEVEL 2	\$629.80 (all inclusive) Urban \$635.98 (all inclusive) Rural	

# TN modifier (Rural/Outside Providers Customary Service Area) can be used with this code. Using the TN modifier will allow you to receive additional reimbursement

\* Rural means an area that is not delineated as an urbanized area by the Bureau of the Census. The point of patient pick up will determine if urban or rural rates apply

Effective on or after 07/01/2012 dates of service; coverage and rates are subject to change

Updated 08/12

(1) CONTRACTOR/ CARRIER	(2) LOCAL	(3) HPCPS	(4) BASE RATE	(5) RVU	(6) GPCI	(7)(a) URBAN BASE RATE / URBAN MILEAGE	(7)(b) RURAL BASE RATE / RURAL MILEAGE	(7c) RURAL BASE RATE / LOWEST QUARTILE	(8) RURAL GROUND MILES 1-17*
Alaska									
02102	01	A0425	6.95	1.00	n/a	\$7.09	\$7.16	n/a	\$10.74
02102	01	A0426	216.19	1.20	1.067	\$277.03	\$279.74	\$342.96	n/a
02102	01	A0427	216.19	1.90	1.067	\$430.63	\$442.93	\$543.03	n/a
02102	01	A0428	216.19	1.00	1.067	\$290.86	\$293.12	\$285.80	n/a
02102	01	A0429	216.19	1.60	1.067	\$369.37	\$372.99	\$457.59	n/a
02102	01	A0430	2933.78	1.00	1.067	\$3,032.06	\$4,548.09	n/a	\$4,548.09
02102	01	A0431	3410.96	1.00	1.067	\$3,525.23	\$5,287.84	n/a	\$5,287.84
02102	01	A0432	216.19	1.75	1.067	\$404.00	\$407.96	\$500.16	n/a
02102	01	A0433	216.19	2.75	1.067	\$634.65	\$641.08	\$785.96	n/a
02102	01	A0434	216.19	3.25	1.067	\$750.28	\$757.64	\$928.86	n/a
02102	01	A0435	8.32	1.00	n/a	\$8.32	\$12.48	n/a	\$12.48
02102	01	A0436	22.21	1.00	n/a	\$22.21	\$33.32	n/a	\$33.32



City of Kodiak  
**KODIAK POLICE DEPARTMENT**  
Office of the Chief of Police



Memorandum

**To:** City Manager Aimee Kniazowski  
**From:** Chief of Police TC Kamai  
**Date:** January 3, 2013  
**Subject:** Law Enforcement Certification Fee for BATF Form 4 Applications

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On June 6, 1934, the 72<sup>nd</sup> Congress enacted the National Firearms Act (NFA), which imposed a statutory excise tax on the manufacture and transfer of certain firearms and the registration of those firearms. The purpose of the NFA was to regulate so called "gangster weapons" which were considered to be machine guns, short barreled rifles, short barreled shotguns, silencers and suppressors.

Under the rules of the NFA, any person seeking to transfer a firearm tax must complete an application using Bureau of Alcohol, Tobacco and Firearms (BATF) Form 4. As a part of the application, Form 4 must be submitted to the Chief Law Enforcement Official (CLEO) in the community the applicant resides in for review and certification.

The CLEO is certifying that they have no information indicating that the applicant will use the firearm or device described in their application for other than lawful purposes. The CLEO is also certifying that the possession of the firearm or device does not constitute a violation of State or local law.

In order to objectively evaluate the applicant and to certify them we must conduct a background check. A background check is the process of looking up and compiling law enforcement and criminal justice records pertaining to the applicant.

When we began this program we realized that there would be a cost to us for certifying an applicant. A \$50 fee was established at the onset of our CLEO certification program as a cost recovery method. This fee was never listed in the City Fee Schedule, however. The NFA does not prohibit the CLEO for charging a fee for this certification.

I recommend that the City Fee Schedule be amended to include a BATF Form 4 Application Fee of \$50.

Please let me know if you have any questions.

**APPLICATION FOR TAX PAID TRANSFER  
AND REGISTRATION OF FIREARM  
(BATF FORM 4)**



**GENERAL INFORMATION AND INSTRUCTIONS**

**Kodiak Police Department  
2160 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-8000**

**1. Authority**

As provided by 26 U.S.C. §5811 and § 5812, any person seeking to transfer a firearm tax must complete an application on BATF Form 4 for each firearm. The transferor must furnish all information called for on the application form. This form must then be submitted to the Chief Law Enforcement Official (CLEO) in the community the applicant resides in for review.

**2. Law Enforcement Certification**

The CLEO is required to review the application and “sign-off” in section 17 Law Enforcement Certification. The BATF has delegated authority to the CLEO to determine if:

- 1) there is any information indicating that the transferee will use the firearm or device described in the application for other than lawful purposes; and 2) if receipt or possession of the firearm or device described in the application would place the transferee in violation of State or local law.

**3. BATF Form 4 Application**

It is your responsibility to obtain BATF Form 4. The Kodiak Police Department does not provide this application. Your application must be legible and completely filled out at the time of submittal for law enforcement certification. Incomplete, or illegible applications will be rejected.

**4. Fees**

Submit \$50 with your application for law enforcement certification. This non-refundable fee must be in cash or personal check. Make all checks payable to the City of Kodiak. We do not accept money orders or credit cards.

**5. Local Permit**

There is no local permit. By submitting your BATF Form 4 application to the Kodiak Police Department for review, you are fulfilling the federal requirement that you obtain local law enforcement certification. You must still submit your application to the BATF National Firearms (NFA) Branch for final approval.

**6. Persons Prohibited From Receiving A Firearm**

An application may be disapproved if the transferee is a person prohibited from receiving a firearm by 18 U.S.C. § 922(g), which provides that it shall be unlawful for any person:

- (1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance;
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien, is illegally or unlawfully in the United States or except, as provided in 18 U.S.C. § 922(y)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in 8 U.S.C. 1101(a)(26));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that:
  - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other

conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

- (C) (I) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (II) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (D) who has been convicted in any court of a crime of domestic violence; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

More examples of circumstances that might disqualify a person from being eligible to possess a weapon would be: 1) Any felony conviction including a conviction that was later set aside under Alaska Statute 12.55.085; or 2) Any conviction for a crime involving domestic violence as defined by Alaska Statute 18.66.990.

**7. Application Process**

The original BATF Form 4 Application must be submitted in person to the Kodiak Police Department between the hours of 8:00 am and 4:00 pm on weekdays. You must have valid photo ID at the time you submit your application otherwise it won't be accepted. You must also attach your non-refundable \$50 application fee. Any failure to submit a completed application will result in the rejection of your application.

**8. Application Approval**

If you receive law enforcement certification your application will be returned to you as soon as possible. A copy of your application will remain on file with the Office of the Chief of Police for a period of time commensurate with the City of Kodiak Records Retention Period. All documents, forms and reports generated during the law enforcement certification process shall remain the property of the Kodiak Police Department.

**9. Application Denial**

If your application is denied, the unsigned/unapproved application will be returned to you along with an explanation about why it was not approved. Application denials are based on: 1) information that the applicant may use the firearm or device for anything other than a lawful purpose; and/or 2) during the law enforcement certification process, information was discovered which indicates that the receipt or possession of a firearm or device described in item #4 of the application would place the applicant in violation of State or local law. An appeal of a denial decision must be registered with the National Firearms Act (NFA) Branch of the BATF and not with the Kodiak Police Department.

**10. Residency Requirements**

To be considered a resident of the City of Kodiak you must maintain and occupy a residence located within the corporate jurisdiction of the City of Kodiak.



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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Aimée Kniaziowski, City Manager

**Date:** March 28, 2013

**Agenda Item:** V. b. **Resolution No. 2013–07, Authorizing the Issuance of a Permit to the Kodiak College Sociology Class for the Use of the Teen Center for a Dance to Raise Awareness of Food Insecurity and Hunger in Kodiak**

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**SUMMARY:** The students of the Sociology class at Kodiak College are requesting permission to host a dance at the Teen Center on April 6, 2013, to promote awareness of hunger and food insecurity in Kodiak. Staff recommends Council authorize issuance of a permit to the Sociology class to use the Teen Center by adopting Resolution No. 2013–07.

**PREVIOUS COUNCIL ACTION:** The City Council routinely issues permits to non-profit and other community and athletic groups to allow fundraising activities that benefit the community on public property.

**DISCUSSION:** The students in the Sociology class at Kodiak College are studying social problems in Kodiak. The students believe that food insecurities relate directly to the social problems and wish to raise awareness of this issue. They would like permission to host a dance at the Teen Center on April 6. They plan to charge admission of three cans of food per person that would be donated to the local food banks after the dance. Staff supports this request and recommends Council authorize the issuance of a permit for them to use the Teen Center for this dance, and a waiver of any rental fees normally collected, by adopting the attached resolution.

**ALTERNATIVES:**

1. Adopt Resolution No. 2013–07 authorizing the Kodiak College Sociology class to hold a dance at the Teen Center to raise awareness of food insecurities in Kodiak, which is staff's recommendation.
2. Do not adopt the resolution. This is not recommended, because the City Council supports use of City facilities for activities that benefit the community.

**STAFF RECOMMENDATION:** Staff recommends Council adopt Resolution No. 2013–07.



**CITY MANAGER’S COMMENTS:** This is a worthy cause and I support the students’ efforts and attempts to raise awareness of hunger in Kodiak. I recommend Council authorize the dance by approving Resolution No. 2013–07.

**ATTACHMENTS:**

Attachment A: Resolution No. 2013–07

Attachment B: Request for Teen Center use by the Kodiak College Sociology class

**PROPOSED MOTION:**

Move to adopt Resolution No. 2013–07.

**CITY OF KODIAK  
RESOLUTION NUMBER 2013-07**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING THE ISSUANCE OF A PERMIT TO THE KODIAK COLLEGE SOCIOLOGY CLASS FOR THE USE OF THE TEEN CENTER FOR A DANCE TO RAISE AWARENESS OF FOOD INSECURITY AND HUNGER IN KODIAK**

WHEREAS, the Kodiak College Sociology class is studying social problems in Kodiak; and

WHEREAS, the class has identified food insecurity as one cause of social problems in Kodiak; and

WHEREAS, the class plans to sponsor a canned food drive with donations going to the local food banks; and

WHEREAS, the Sociology class requests permission to sponsor a dance at the Teen Center on April 6, 2013, to raise awareness of food insecurity and hunger in Kodiak; and

WHEREAS, the class plans to require attendees to provide three cans of food per person as an admission fee; and

WHEREAS, the food gathered at the dance will be donated to the local food banks; and

WHEREAS, Kodiak City Code Section 5.04.060 requires a permit for community festivities and activities that benefit the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that a permit be issued, with the permit fee waived, to the Kodiak College Sociology class for the use of public property for its dance at the Teen Center on April 6, 2013, on the condition that the class agrees to comply with the stipulations set forth in this section and section 5.04.060 of the City Code.

BE IT FURTHER RESOLVED that event sponsors shall coordinate the event with the Kodiak Parks and Recreation Teen Center staff.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Adopted:

**Kniazowski, Aimee**

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**From:** Kniazowski, Aimee  
**Sent:** Wednesday, March 06, 2013 1:54 PM  
**To:** 'lucy de santiago'  
**Cc:** Marlar, Debra; Pagsolingan, Christopher S.  
**Subject:** RE: Request of Approval (Teen Center)

Lucy,

We will schedule the for Council action at their March 28 regular meeting. They will authorize this use by adopting a resolution. I will use your e-mail as your official request. A reminder that there is no parking allowed in the parking lot adjacent to the Teen Center & Post Office. This is USPS property and attendees must park in the City lot behind the Library or on the street. You may want to plan to come to the meeting on 3/28 in case Council has questions.

Thanks,

**Aimée Kniazowski**

City Manager

City of Kodiak

710 Mill Bay Road

Kodiak, AK 99615

Phone (907) 486-8640 Fax (907) 486-8600

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**From:** lucy de santiago [<mailto:lucybee9@hotmail.com>]

**Sent:** Thursday, February 28, 2013 9:53 PM

**To:** Kniazowski, Aimee

**Subject:** Request of Approval (Teen Center)

To Aimée Kniazowski,

We are students from the Kodiak College and we are currently in a Sociology class discussing social problems found in Kodiak. The main problem that we found in Kodiak is food insecurities.

Since this is an ongoing problem that barely gets touched on, our class has decided to do a canned food drive. This food drive will help our local food banks due to their excessive need for cans and help. Recently we have discovered that Kodiak only receives 2 pallets per month and we have a little over 1000 people to feed. So our class has taken on a challenge to help promote awareness and help the problem of food insecurities in Kodiak. Therefore we are requesting, upon permission to sponsor a dance, at the Teen Center. By doing this we will have students come to the dance and we would have an admission of 3 cans per person. All these cans will be delivered straight to our local food banks.

The date that we wanted to host this was on the 8<sup>th</sup> of April. We will provide 8 chaperones, which have already been chosen all eligible from the requirements you have given us.

Also, we will provide the DJ, clean up, and set up.

Thank you for your time. We appreciate all the things you do for our community and hope to hear from you soon.

Sincerely,

Kodiak College (Sociology class)

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Aimée Kniaziowski, City Manager 

**Date:** March 28, 2013

**Agenda Item:** V. c. **Resolution 2013-08, Expressing Support for Renaming the State Airport in Kodiak After Benny Benson in Observance of His Centenary**

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**SUMMARY:** Kodiak's state legislative delegation has requested both local governments to weigh in on local resident Jay Barrett's request to rename the Kodiak state airport in honor of John Ben "Benny" Benson, Jr., the designer of the Alaska state flag. The Kodiak Island Borough reviewed the request at their March 7 meeting and adopted a resolution in support of the renaming effort. Staff is bringing the same request to Council for consideration and approval as reflected in the attached request and resolution.

**PREVIOUS COUNCIL ACTION:** None. The City has its own naming policy, but this applies only to City owned facilities.

**DISCUSSION:** Jay Barrett made a formal request to Kodiak's state legislative delegation to consider naming the Kodiak state airport after Benny Benson in honor of Benson's many accomplishments in time for his 100th birthday. Mr. Barrett and the Kodiak legislators asked both the Assembly and Council to indicate their support for the request to more easily enable the State Legislature to approve the change. The Borough Assembly agreed with this request and adopted a resolution in support of the renaming at their March 7 meeting. Staff is bringing forward the request for City support at this, the first regular meeting in March.

**ALTERNATIVES:** Council may adopt Resolution No. 2013-08 supporting the renaming of the Kodiak state airport to the Benny Benson Kodiak State Airport, or may decide not to take action on this proposal at this time.

**ATTACHMENTS:**

Attachment A: Resolution 2013-08

Attachment B: E-mail from Jay Barrett to City and Borough mayors requesting support for the renaming effort, dated January 24, 2013

Attachment C: Letter from Jay Barrett, dated January 23, 2013, requesting consideration to rename the Kodiak airport in honor of Benny Benson

**PROPOSED MOTION:**

Move to adopt Resolution No. 2013-08.

**CITY OF KODIAK  
RESOLUTION NUMBER 2013-08**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK  
EXPRESSING SUPPORT FOR RENAMING THE STATE AIRPORT IN KODIAK  
AFTER BENNY BENSON IN OBSERVANCE OF HIS CENTENARY**

WHEREAS, Mr. John Ben Benson Jr. (Benny Benson) was born in Chignik, Alaska on October 12, 1913; and

WHEREAS, Benny Benson, at the age of 13, designed the Alaska flag for the territory of Alaska choosing the Big Dipper (Ursa Major) and the North Star for his symbols. He described his choices: "The blue field is for the Alaska sky and the forget-me-not, an Alaska Flower. The North Star is for the future state of Alaska, the most northerly of the union. The dipper is for the Great Bear symbolizing strength." His sentiments are echoed in the State song; and

WHEREAS, Benny moved to Seattle in 1936 and enrolled in the Hemphill Diesel Engineering School for diesel engine repair. He moved to Kodiak in the 1950s, and Kodiak is where he resided and spent most of his adult life working in the aviation industry; and

WHEREAS, it is most appropriate to honor Benny Benson on the 100th anniversary of his birth by renaming the Kodiak State Airport to Benny Benson Kodiak State Airport.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Kodiak, Alaska encourages the State of Alaska, which has the power and authority to rename State properties, to rename the Kodiak State Airport to the Benny Benson Kodiak State Airport.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Adopted:

Nova Javier

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**From:** Jay Barrett <jay.barrett@kmxt.org>  
**Sent:** Thursday, January 24, 2013 9:41 AM  
**To:** Pat Branson; Nova Javier; Marlar, Debra  
**Cc:** Jay Barrett  
**Subject:** Seeking Support for Legislation  
**Attachments:** Benny Benson Kodiak State Airport proposal.pdf

Dear Mayor Jerome Selby and Mayor Pat Branson:

I have a pet project that I've been working on, and now that the legislature is in session, I'm trying to put the different parts of it in motion. This year is the centenary of Benny Benson's birth, and since he spent much of his life in Kodiak and worked in the aviation industry, I thought this occasion was the perfect time to give our state airport a name, in his honor: "Benny Benson Kodiak State Airport."

I've sent a letter to Sen. Gary Stevens and Rep. Alan Austerman requesting they introduce and usher through legislation that would make the change. I've attached a copy of it to this e-mail for your reference.

I'm writing you, as our mayors, to solicit a letter or proclamation of support from the borough assembly and city council, respectively. Sen.

Stevens said community support for such a name change is critical when legislators consider naming state facilities. I will also be seeking letters of support from the Pioneers of Alaska Kodiak Igloo, the Kodiak Historical Society and others, as well.

I hope I can count on your support for this effort so we can rename the airport before Benny Benson's birthday in October. Let me know if you have any questions or if I can assist in any way. I would be happy to write a draft proclamation for your consideration.

Sincerely,

Jay Barrett  
Kodiak  
486-3181 work  
654-7974 cell

cc: Nova Javier and Debra Marlar

The Honorable  
Rep. Alan Austetman and Sen. Gary Stevens  
January 23, 2013

Dear Rep. Austerman and Sen. Stevens:

I am writing to you today to enlist your support for a pet project of mine, the (re) naming of Kodiak State Airport, to honor one of the great Alaskans of all time. I speak of course of John Ben "Benny" Benson, Jr., the designer of the Alaska Flag, whose 100th birthday we will celebrate on October 12, 2013.

My goal is to see Kodiak State Airport (re) named the Benny Benson Kodiak State Airport in time for his centenary.

Mr. Benson spent a significant portion of his life in Kodiak, worked in the aviation industry as a mechanic, and is well-remembered and admired here and statewide by many. As you know, he has been recognized previously in Kodiak with the naming of a street and a building at Kodiak College. I believe there is still reason to honor Mr. Benson for his important contribution to the State of Alaska, and think (re) naming the airport would be fitting.

As the informal and admittedly self-appointed chair of the ad hoc "Benny Benson Kodiak State Airport Committee," I have floated this idea to various groups and individuals, and it has received a universally positive reception. Executives of such organizations as the Kodiak Historical Society and Pioneers of Alaska Kodiak Igloo have warmly supported the idea and encouraged its pursuit, as have members of the Kodiak City Council and Kodiak Island Borough Assembly. I plan to seek resolutions of support from these organizations and others.

Naming public works to honor important citizens has a long history in America, Alaska and Kodiak. For instance, already many airports in our state are named for prominent Alaskans and others. A sampling includes:

Anchorage: Ted Stevens Anchorage International Airport, and Merrill Field; Barrow: Wiley Post-Will Rogers Memorial Airport; Cordova: Merle K. (Mudhole) Smith Airport; Galena: Edward G. Pitka Sr. Airport; Kotzebue: Ralph Wien Memorial Airport; Kiana: Bob Baker Memorial Airport; Marshall: Don Hunter Sr. Airport; Noorvik: Robert (Bob) Curtis Memorial Airport; and Tanana: Ralph M. Calhoun Memorial Airport. The Ahkiok State Airport here on Kodiak Island is being proposed for renaming the "Jim Andie and Robin Starrett Memorial Runway," (through SB 31, introduced by Sen. Stevens).

Adding Benny Benson to that list also would go a long way in recognizing the contributions Alaskan Natives have made to our state.

Also, I don't believe changing the name of Kodiak's state airport would disrupt how it is currently referred to, or on letterhead, or in giving directions, and will allow for an easy transition to the new name.

And so gentlemen, I ask that you join my quest in (re) naming the state airport here in Kodiak, the "Benny Benson Kodiak State Airport."

Please do not hesitate to contact me if you have any questions or if I can help further this cause in any way.

Sincerely,

Jay Barrett  
620 Egan Way  
Kodiak, Alaska  
907-654-7974

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Debra Marlar, City Clerk *DM*  
**Date:** March 28, 2013

**Agenda Item:** V. d. Confirmation of Deputy Clerk Appointment

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**SUMMARY:** The Deputy Clerk position has been vacant since the end of November. After advertising the position, both locally and statewide, the Clerk made a conditional offer of employment to Michelle Shuravloff-Nelson. Ms. Shuravloff-Nelson's education and previous experience make her well qualified for the Deputy Clerk position. Kodiak City Code 2.08.080 stipulates the City Clerk appoints the Deputy Clerk subject to confirmation by the City Council. The City Clerk recommends the Council confirm the appointment of Michelle Shuravloff-Nelson as Deputy Clerk.

**PREVIOUS COUNCIL ACTION:** The Council adopted Ordinance No. 1268(SUB) in January 2013. This ordinance amended City Code 2.08.080 so that the Deputy Clerk is confirmed by the City Council,

**DISCUSSION:** In the absence of the City Clerk, the Deputy Clerk works directly for the City Council. The Deputy Clerk position has been vacant since the end of November 2012. The Clerk advertised the position in accordance with the City's Personnel Rules and Regulations, reviewed applications, interviewed and made a conditional offer of employment to Michelle Shuravloff-Nelson, subject to confirmation by the City Council.

**ALTERNATIVES:**

1. Confirm the Deputy Clerk appointment, which is the Clerk's recommendation.
2. Do not confirm the Deputy Clerk appointment, which is not recommended, because the applicant is qualified and the position needs to be filled as soon as possible.

**FINANCIAL IMPLICATIONS:** Funds are included in the budget for the Deputy Clerk position.

**LEGAL:** The City Attorney reviewed Ordinance No. 1268(SUB), which amended the City Code to include the requirement of Council confirmation of the Deputy Clerk appointment.

**PROPOSED MOTION:**

Move to confirm the Clerk's appointment of Michelle Shuravloff-Nelson as Deputy Clerk.

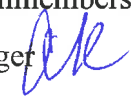



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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniaziowski, City Manager   
**Thru:** Mary Munk, Finance Director   
**Date:** March 28, 2013

**Agenda Item:** V.e. Authorization of a Professional Services Contract for Audit Services

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**SUMMARY:** Each year the City Council retains a qualified professional audit firm to perform an annual audit of the City's financial records and accounting practices. The City Charter and the City Code require the Council to accept the comprehensive annual financial report. The City's contract for these services expired when the FY2012 audit was completed. Staff issued a request for proposals (RFP) for professional audit services on January 7, 2013. Two proposals were received and rated. Staff recommends Council authorize a professional services contract with Mikunda Cottrell & Co. to perform the City's audit for a three-year term, with an option to extend for two additional years.

**PREVIOUS COUNCIL ACTION:** The City Council approved a three-year contract with Altman Rogers for fiscal years 2000, 2001, and 2002. Council authorized additional contracts with Mikunda Cottrell & Co. from 2003-2012.

**DISCUSSION:** Article V, Section 21 of the City Charter requires an annual audit of the accounting and financial records of the City by independent certified public accountants. This charter section requires the auditor to examine all funds of the City in accordance with generally accepted auditing standards and the standards set forth in the Government Accountability Office's Government Auditing Standards. In addition, the auditor must conduct the compliance examinations required by the Single Audit Act Amendments of 1996, the related U.S. Office of Management and Budget's Circular A-133, and the State of Alaska Audit Guide and Compliance Supplement for State Single Audits. The standards governing Single Audit engagements require the independent auditor to report not only on the fair presentation of financial statements, but also on the audited government's internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of grants.

The City has contracted with Mikunda Cottrell & Co. since 2003, with the most recent contract expiring upon completion of the FY2012 comprehensive annual financial report. An RFP was issued on January 7, 2013, requesting proposals for the fiscal years 2013, 2014, and 2015, with an option to extend for an additional two years.

Mikunda Cottrell & Co. and Altman Rogers submitted proposals for the fiscal years 2013, 2014, and 2015, with an option to extend for an additional two years. The proposals were reviewed by a three-member audit committee consisting of the Finance Director, the Senior Accountant, and the General Accountant. The review consisted of three elements: mandatory elements, technical quality, and price. The audit committee used a point formula during the review process to score the proposals. Each member scored each technical proposal by the criteria described in Attachment A. The individual scores were totaled to arrive at a composite technical score for each firm. Both firms met the mandatory elements and had acceptable technical scores for the process to progress to the price. The price was considered and additional points were added to the technical score based on the price bid. The maximum score for price was assigned to the firm offering the lowest total all-inclusive maximum price. An appropriate fractional score was assigned to the other proposal.

Altman Rogers received the total 50 points for the lowest price bid. Mikunda Cottrell & Co. received a fractional score of 45 points with a price that was 18% higher than Altman Rogers; however, their total hours for the project were 334 hours compared to 312 hours for Altman Rogers, or 22 hours more than Altman Rogers. The total points for Mikunda Cottrell & Co. were 285 and Altman Roger's total points were 272 out of a total possible of 300 each. The audit committee is recommending Mikunda Cottrell & Co. based on the total highest points of 285.

**ALTERNATIVES:** N/A

**FINANCIAL IMPLICATIONS:** Compliance with Kodiak City Code Section 3.24.020 is required. The City Charter and the City Code require the Council to accept the comprehensive annual financial report. In order to comply with this code a qualified professional audit firm must perform the audit.

**LEGAL:** N/A

**STAFF RECOMMENDATION:** Staff recommends Council authorize the City Manager to enter into a professional services contract on behalf of the City with Mikunda Cottrell & Co. at a fee of \$46,120 for fiscal year 2013, \$48,426 for fiscal year 2014, and \$50,363 for fiscal year 2015, plus out of pocket expenses, with the option to extend for an additional two years with funds coming from the Finance Department's operating budget professional services line item.

**CITY MANAGER'S COMMENTS:** The annual audit is a financial requirement of the City. Mary and her staff followed the standard City procedure for issuance of an RFP and evaluation of proposals. I support their recommendation that the contract for auditing services be awarded to Mikunda Cottrell & Co.

**ATTACHMENTS:**

Attachment A: Audit Committee Recommendation

**PROPOSED MOTION:**

Move to authorize a professional services contract with Mikunda Cottrell & Co. at a fee of \$46,120 for fiscal year 2013, \$48,426 for fiscal year 2014, and \$50,363 for fiscal year 2015, plus out of pocket expenses, with funds coming from the Finance Department's operating budget, professional services line item and authorize the City Manager to execute the agreement on behalf of the City.

**City of Kodiak  
Request for Proposals (RFP)  
For  
Professional Auditing Services  
Audit Committee Recommendation**

The City of Kodiak requested proposals from qualified certified public accountants to audit its financial statements for fiscal years ending June 30, 2013, 2014, and 2015. with an option to audit the City's financial statements for each of the two subsequent fiscal years. The request for proposal was issued January 7, 2013. The deadline for submittal was from February 19, 2013, with the selection of a firm by March 28<sup>th</sup> and a contract signed by April 30, 2013. There were two firms that submitted proposals. Mikunda Cottrell & Co. and Altman Rogers.

The evaluation process consisted of the following:

- 1) **Mandatory Elements**
  - a) Audit firm must be an independent entity.
  - b) Audit firm must be licensed to practice in Alaska.
  - c) Audit firm must not have any conflicts of interest with regard to any other work performed by the firm for the City of Kodiak.
  - d) Audit firm must submit a copy of its last external quality control review and have a record of quality audit work.
  - e) Audit firm adhered to the instructions in RFP on preparing and submitting the proposal.
  
- 2) **Technical Quality (Total Score = 50 points)**
  - a) Audit firm's qualifications, past experience and performance on comparable government engagements.
  - b) Audit firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
  - c) Adequacy of proposed staffing plan for various segments of the engagement.
  - d) Audit approach.
  - e) Report formats.
  
- 3) **Price (Total Score = 50 points)**

The three member audit committee consisting of the Finance Director, Senior Accountant and the General Accountant reviewed the proposals and scored them. The total scores were 285 for Mikunda Cottrell & Co and 272 for Altman Rogers out of a total possible of 300. Mikunda Cottrell & Co. scored the highest and is the committee's recommendation. Although Altman Rogers has the lowest cost the overall proposal from Mikunda Cottrell & Co. scored higher.

The audit committee recommends that the City of Kodiak contract with Mikunda, Cottrell & Co., Inc. to audit the City's financial statements for the fiscal years ending June 30, 2013, 2014 and 2015.

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniaziowski, City Manager *AK*  
**Thru:** Mary Munk, Finance Director, & Rome Kamai, Fire Chief *RM*  
**Date:** March 28, 2013

**Agenda Item: V. f. Authorization of Professional Services Contract for Ambulance Billing Services**

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**SUMMARY:** Currently, the Finance Department is responsible for billing ambulance transports provided by the City's Fire Department. Due to the complexity and specificity of ambulance billing, the Finance Department desires to contract this service out to a professional company. Staff researched options for this and has identified Systems Design West LLC as the recommended provider of ambulance billing and payment processing for a fee of \$22 per transport. The Fire Department provides approximately 800 ambulance transports per year, with current projected revenues of \$40,000. Staff believes the increased efficiency in billing through this professional services agreement will yield a much higher return. Staff recommends Council authorize a professional services contract with Systems Design West LLC, as described in this memo.

**PREVIOUS COUNCIL ACTION:** The Fire Department began full-time ambulance service in 1973, as approved by Resolution No. 4-73. Ambulance fees are established by resolution on a periodic basis, along with other fees charged by the City.

**DISCUSSION:** The City began billing for ambulance services around 1991 and contracted with the local hospital to do the billing for the City for a flat fee. In 1997 the billing was returned to the City and was done in-house within the Finance Department. From 2001 to 2003 the billing was done through a contract with an individual for a percent of the revenue collected. In 2004 the billing was returned to the City and was once again done in-house by the Finance Department and has remained that way to present.

The city uses a stand-alone billing software application, Trittech, with a \$2,500 annual maintenance fee, plus the cost of billing supplies and necessary coding materials. All Finance staff dealing with any aspect of the billing undergoes HIPAA (Health Insurance Portability and Accountability Act, including protected health information) training through the Fire Department. One Finance employee is responsible for the billing process at approximately ten hours a week, with additional overtime hours.

There are several factors that have led the Finance Department to request that the ambulance billing be outsourced. The importance of accuracy, accountability, and compliance with billing rules and

regulations is a priority within the Finance Department. The Department focuses on governmental accounting and is not trained in medical billing or coding, is not trained in Medicare and Medicaid regulations, is faced with complying with ever expanding HIPAA regulations, and does not have dedicated staffing to perform these duties. The number of ambulance runs continues to increase every year, and the Finance Department can no longer keep up with the billing process. By outsourcing the ambulance billing, all provider enrollments with payers will be completed timely and accurately, professional coding will enhance reimbursement, and electronic clearinghouse and payments will be maintained to increase the revenues billed and collected. Despite the increase in ambulance runs, revenue has declined due to the limited staff time and expertise in billing. Billing revenues have fluctuated over the past five years, trending downwards from \$34,964 in 2008 to \$23,293 in 2011. Staff increased efforts in FY2013 and revenues as of January 2013 were \$24,758. With increased staff time requiring overtime pay, the increase in revenues is marginal and below what the City should be recovering. It has become increasingly difficult to maintain the ambulance billing process with the increase in billing rules and regulations.

System Design West LLC works exclusively with fire and rescue organizations to provide ambulance billing. In the 22 years since the company began business, they have added 90 public sector organizations and employ 40 full-time billing professionals. They do billing for 12 Alaska municipalities and are well versed in Alaska regulations and the statewide ambulance data system.

**ALTERNATIVES:**

1. Authorize the professional services contract with Systems Design West LLC to provide ambulance billing and payment processing at a fee of \$22 per transport, which is staff's recommendation. This will allow for improved and timely billing and collection processes and increase revenues to the City for ambulance services.
2. Do not authorize the contract, which will require Finance staff to continue billing for this service. This is not recommended for the reasons outlined in this memo.

**FINANCIAL IMPLICATIONS:** By approving the professional services contract, the City will pay Systems Design approximately \$22 per call to provide ambulance billings and payment processing, which equates to approximately \$17,600 per year based on an average of 800 transports. The funds will come from the Finance Department operating budget. The cost of this agreement will be offset by the projected increase in ambulance service revenues.

**LEGAL:** N/A

**STAFF RECOMMENDATION:** Staff recommends Council authorize a professional services agreement with Systems Design West LLC to provide ambulance billing and payment processing at a fee of \$22 per transport, with funds coming from the Finance Department's operating budget, professional services line item.

**CITY MANAGER'S COMMENTS:** In-house ambulance billing has always been problematic. As noted earlier, billing was outsourced twice in the past and later returned to the Finance Department. The changing regulations and procedures and the appropriate medical coding requirements, along with stringent HIPAA requirements, make this process more difficult to handle internally. Mary Munk and Rome Kamai researched options and have come forward with this recommendation, which I support and recommend that Council approve as well.

**ATTACHMENTS:**

Attachment A: Proposal for Ambulance billing contract memorandum


Attachment B: Professional Services Agreement between City of Kodiak and Systems Design West, LLC

**PROPOSED MOTION:**

Move to approve a professional services agreement with Systems Design West LLC to provide ambulance billing and payment processing at a fee of \$22.00 per transport, with funds coming from the Finance Department's operating budget, professional services line item and authorize the City Manager to execute the agreement on behalf of the City.



# Memorandum

**To:** Aimee Kniaziowski, City Manager  
**CC:** Mary Munk, Finance Director  
**From:** Rome Kamai, Fire Chief   
**Date:** 2/4/13  
**Re:** proposal for Ambulance billing contract

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Aimee:

I have been working with Mary on a proposed Ambulance billing contract with a company called Systems Designs West. She and I are at the point of presenting the idea to you in a meeting. Because you typically require a memorandum for such purposes- I submit this one to you.

The potential contractor will provide all inclusive billing and collecting of revenue based on the call volume of the patients that the fire department transport. They will charge the City approximately \$22 per patient transport to provide such services. On average the department generates 800 patient transports. This equates to approximately \$19,800 in fees paid to the contractor.

On average the department generates approximately \$40,000 in EMS revenue per year.

However it has been determined that the fire department lags State wide in what and how it charges for ems patient transports. The department implemented an internal rate study that also comprised of studying the rates of other fire based EMS transport services State wide. The conclusion was that there is a need to change what and how we charge for EMS patient transports.

The current fee schedule has two patient transport categories: Basic Life Support (BLS) and Advanced Life Support (ALS).

- BLS type calls are those where the procedure level is basic in nature, and doesn't require invasive techniques such as Intravenous canulation or an IV. BLS patient transports fetch about \$350 per call plus \$5 per transport mile and the cost of supplies.
- ALS type calls are those where the procedure level is advanced in nature, and does require invasive techniques such as Intravenous canulation or an IV, and or the use of medications. ALS patient transports fetch about \$400 per call plus \$5 per transport mile and the cost of supplies.

The department's internal study has determined that contemporary billing standards consistent with how Medicare / Medicaid pay should have at least three categories: BLS Emergency, ALS-1 Emergency, and ALS - 2.

The study also suggests that charging for supplies is no longer a standard billing practice based on how Medicare / Medicaid pay out.

In order to move forward with contracting out Ambulance billing one of several things need to happen is to provide the contractor with a current and approved fee schedule they will use to bill patient transports on the City's behalf.

I would like to propose the following changes to the fee schedule be implemented via the standard linear process of CM thru Council approval by Resolution:

**Current Fee Schedule:**

**Section 7**

**7.1 Ambulance, per transport**

7.1.1 basic life support.....350.

7.1.2 advanced life support.....450.

7.1.3 plus, per mile return trip.....5. + actual cost of supplies

**Proposed Fee Schedule:**

**Section 7**

**7.1 Ambulance, per transport**

**7.1.1 Basic Life Support Emergency.....500.**

**7.1.2 Advanced Life Support 1 Emergency ALS – 1 Emergency.....600.**

**7.1.3 Advanced Life Support ALS - 2.....800.**

**7.1.4 mileage, per mile for patient transport only.....11.**

Given the current billing model and the proposed fee schedule increases – revenues would increase by 35 %.

Considering the proposed Ambulance billing contract would be managed by a professional company I would anticipate a greater return.

There are many other aspects that need to be considered but the fee schedule is probably the back bone of them all.

Mary and I would like to schedule a meeting with you to discuss this proposal and lay the ground plan out for implementation.

Thank you.

## PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("AGREEMENT") is made and entered into upon the date it is signed by and between, the City of Kodiak ("City") P.O. Box 1397 Kodiak, Alaska 99615, and Systems Design West, LLC a Washington limited liability company having their principal place of business located at 19265 Powder Hill Place NE Poulsbo, Washington 98370 hereinafter referred to as the ("Consultant") Collectively the City and the Consultant shall be known as the "PARTIES".

### RECITALS:

(a) WHEREAS, the City and the Consultant desire to enter into a "Professional Services Agreement",

(b) NOW, THEREFORE, in consideration for the mutual obligations contained herein the City and the Consultant, each intending to be legally bound by this agreement, hereby mutually covenant and agree as follows:

1. SCOPE OF SERVICES. The Consultant shall provide to the City specific services related to the billing and payment processing of EMS patient transport services that are provided to the general public by the City. The following Scope of Services shall be incorporated into this contract as general services performed by the City and the Consultant under this agreement.

1.1 The City, with assistance from Consultant, shall apply for Provider Status or updated Status with Medicare, Medicaid, and all public and private insurances which will be billed as a part of this Scope of Services. The City shall assist the Consultant to obtain the necessary certifications, numbers and documentation needed for Consultant to provide the services identified in sections 1.2 and 1.3 below. The City agrees to furnish and assist the Consultant with the following:

(a) The City agrees to provide a complete and legible "PCR" (Patient Care Report) to the Consultant including patient name, address and pertinent billing and insurance information from the field, including a copy of the patient signature for authorization of benefits and responsibility for payment, authorizing billing of Medicare, Medicaid and any insurance the patient is a subscriber to. The original patient signature must be maintained by the City and made available to the Consultant and/or insurance payers upon request. Each batch of PCRs sent to the Consultant for billing shall be accompanied by a Batch Log, wherein each transport is itemized and identified as to level of service and total amount billed by the City. The amounts to be billed will be determined by the City in the form of a resolution or ordinance to be incorporated into this agreement as an attachment exhibit.

(b) The City agrees to furnish the Consultant with hospital ER forms (face/admit sheets) with demographic and insurance information attached to the PCR. Copies of any payments made directly to the City will be forwarded to the Consultant for accounting purposes in a timely manner. The City agrees to generate any refund checks due to overpayments identified by the Consultant directly to the payer to which the refund is due, based on detailed information provided by the Consultant. The City shall provide

additional information as may be required by insurance companies or other agencies in order to facilitate the Consultant's obligations to the City.

(c) The City agrees to furnish to the Consultant to be made part of this agreement as an attachment: resolutions pertaining to this Scope of Services; specific write off policies; collections procedures; rates and fees to be charged by the City and administered by Consultant as part of the Scope of Services performed under this agreement.

1.2 Upon receipt of the PCRs and Batch Log from the City, the Consultant shall: set up a patient account in Consultant's proprietary software application and create a patient record; perform all billing operations including follow up statements and any necessary rebilling of EMS patient transport services provided by the City to the subscriber's medical insurances, Medicare, Medicaid and any and all known secondary insurance providers; produce and forward CMS 1500 forms and/or electronic medical claims per payer's rules and regulations within the legal boundaries of all federal and state laws; produce and mail an initial invoice and subsequent statements to all private patient accounts on behalf of the City; file any applicable appeals to insurance payers and/or Medicare and Medicaid on behalf of the patient if necessary to pursue the claim.

1.3 The Consultant shall: receive at its facilities all payments (except those directly deposited into the City's account by insurances and Medicare/Medicaid via EFT) Explanations of Benefits and Electronic Remittance Advices; account for all payments; deposit all funds directly into the City's "deposit only" account; forward deposit information to the City within 24 hours of such deposit; initiate and forward refund information and adjustments made on behalf of the patient's account to the City. The Consultant shall provide to the City a minimum of four (4) standard reports each month including: a) Aged Accounts Receivable b) Month End Summary c) Annual Collection Statistics d) Transaction Journal. These reports will include information related to amounts billed, amounts collected and uncollected, insurance and Medicare/Medicaid allowable and disallowable.

1.4 The Consultant shall provide live customer service to City's patients via toll free phone numbers to answer patient billing questions Monday through Friday from 8:00am through 6:00 pm, Pacific Standard Time (except Federal holidays).

1.5 The Consultant shall provide all labor, materials and equipment necessary to perform the work specified in the above scope of services. The Consultant shall provide to the City at no cost a copy of a proprietary Data Exchange software application to enable the City to Batch & Value reports and transmit them electronically to the Consultant.

2. FEES, EXPENSES, & PAYMENT. For and in consideration of the services provided by the Consultant identified above, the City shall pay to the Consultant an amount not to exceed \$ 22.00 per transport plus actual postage for patient invoices and statements per the Scope of Services performed under this agreement. The City shall remit payment for services rendered under this agreement to the Consultant within 30 days from receipt of Consultant's monthly invoice to the City.

3. PAYMENT OF TAXES. The Consultant shall be liable for any and all federal, state, and local sales, excise taxes and assessments as a result of the payment for services rendered under this agreement.

4. TERM OF AGREEMENT. The Consultant shall commence the work called for in this agreement on the date of the agreement and perform such work uninterrupted and automatically renew upon the anniversary date unless the agreement is terminated by either party. This agreement may be amended upon the anniversary date by the parties upon mutual agreement of terms and conditions with the acknowledgement of an amendment to the Professional Services Agreement to be signed by both parties of the agreement.

5. SCHEDULE OF ATTACHMENT EXHIBITS. The following attachments are acknowledged by the parties and made part of this Agreement.

- # 1: Rates to be charged per transport (to be amended from time to time)
- # 2: EMS Policies to be administered
- # 3: State of Alaska Records Storage Policy
- # 4: Systems Design Liability Insurance policies
- # 5: Business Associate Agreement

6. INDEPENDENT CONSULTANT STATUS. The Consultant performs this Agreement as an independent Consultant, not as an employee of City. Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of City and an independent Consultant.

7. TERMINATION. Either party may terminate this agreement with a minimum of 30 days notice to the other party. The Consultant shall upon termination by either party provide 60 days of follow up service to the outstanding patient accounts including posting payments, making deposits, and two (2) months of follow up reports to the City. Consultant shall deliver and document the return of all documentation in Consultants possession per the attached "Records Storage Agreement". In the event this agreement is terminated by either party and the terms for payment for services include a percent of collections method, City shall pay to Consultant the agreed upon percentage of collected revenues until all accounts created by Consultant are settled.

8. INSURANCE. The Consultant shall maintain statutory minimum Worker's Compensation or Labor and Industry insurance as required by the laws of any state or country in which Services are performed. The Consultant will provide and make as part of this agreement as an attachment, a certificate of liability insurance with a minimum amount of commercial general liability of \$ 1,000,000 per occurrence and an aggregate of \$ 2,000,000 and maintain such insurance for the duration of this agreement. The Consultant shall provide an annual updated Certificate of Insurance to the City upon the policy expiration date. The Consultant shall provide notice to the City in the event the policy is cancelled or terminated for any reason prior to the policy expiration date.

9. END USER SOFTWARE LICENSE & CONFIDENTIAL INFORMATION. The term "CONFIDENTIAL INFORMATION AND SOFTWARE" shall mean: (i) any and all Information and proprietary software which is disclosed or provided by either party ("OWNER OF THE INFORMATION") to the other ("RECIPIENT") verbally, electronically, visually, or in a written or other tangible form which is either identified or should be reasonably understood to be confidential or proprietary; and (ii) Confidential Information may include, but not be limited to, trade secrets, computer programs, software, documentation, formulas, data, inventions, techniques, marketing plans, strategies, forecasts, client lists, employee information, and financial information, confidential information concerning City and Consultant's business or organization, as the parties have conducted it or as they may conduct it in the future. In addition, Confidential Information may include information concerning any of past, current, or possible future products or methods, including information about research, development, engineering, purchasing, manufacturing, accounting, marketing, selling, leasing, and/or software (including third party software).

9.1 TREATMENT OF CONFIDENTIAL INFORMATION. City's Confidential Information shall be treated as strictly confidential by Recipient and shall not be disclosed by Recipient to any third party except to those third parties operating under non-disclosure provisions no less restrictive than in this Section and who have a justified business "need to know". City shall protect the deliverables resulting from Services with the same degree of care. This agreement imposes no obligation upon the Parties with respect to Confidential Information which either party can establish by legally sufficient evidence: (a) was in the possession of, or was rightfully known by the Recipient without an obligation to maintain its confidentiality prior to receipt from City; (b) is or becomes generally known to the public without violation of this Agreement; (c) is obtained by Recipient in good faith from a third party having the right to disclose it without an obligation of confidentiality; (d) is independently developed by Recipient without the participation of individuals who have had access to the Confidential Information; or (e) is required to be disclosed by court order or applicable law, provided notice is promptly given to the City and provided further that diligent efforts are undertaken to limit disclosure.

9.2 CONFIDENTIALITY AND DISCLOSURE OF PATIENT INFORMATION. Use and Disclosure of Protected Health Information. The parties hereto agree that in order for the Consultant to perform its duties as expected by the City, it will be necessary for the Consultant to use and disclose Protected Health Information ("PHI"), as such term is defined at 45 CFR §164.501. The parties of this agreement further acknowledge and make part of this agreement as an attachment to this agreement a "Business Associate Agreement" to be maintained and updated whenever applicable by either party of this agreement.

9.3 PERMITTED AND REQUIRED USES AND DISCLOSURE OF PHI. The Parties hereto agree that the Consultant may use and disclose PHI in order to carry out any Payment function covered under the definition of "Payment" contained in 45 CFR §164.501. The Parties hereto further agree that the Consultant may use or disclose PHI for any use or disclosure that is required by law.

10. INDEMNITY. Each Party ("INDEMNIFYING PARTY") shall indemnify and hold the other Party ("INDEMNIFIED PARTY") harmless against any third party claim, including costs and reasonable attorney's fees, in which the Indemnified Party is named as a result of the negligent or intentional acts or failure to act by the Indemnifying Party, its employees or agents, while performing its obligations hereunder, which

result in death, personal injury, or tangible property damage. This indemnification obligation is contingent upon the Indemnified Party providing the Indemnifying Party with prompt written notice of such claim, information, all reasonable assistance in the defense of such action, and sole authority to defend or settle such claim.

11. SURVIVABILITY. The terms of Section 8 and 9 shall survive termination of this Agreement. If the Parties have executed a separate agreement that contains confidentiality terms prior to or contemporaneously with this Agreement, those separate confidentiality terms shall remain in full force to the extent they do not conflict. The "Business Associate Agreement" has terms incorporated to establish the continuance of covenants for the parties to disclose PHI for the continued operations of "Payment".

12. WARRANTIES AND REPRESENTATIONS. Each party warrants that it has the right and power to enter into this Agreement and an authorized representative has executed this Agreement. Consultant warrants that the Services will be performed in a professional and workmanlike manner in accordance with recognized industry standards. To the extent Services provided by Consultant are advisory; no specific result is assured or guaranteed. Consultant EXPRESSLY DISCLAIMS ALL OTHER REPRESENTATIONS OR WARRANTIES, WHETHER EXPRESSED OR IMPLIED.

13. NOTICE. Any notice, demand, request, consent, approval, or other communication that either party desires or is required to give to the other party related to any of the content of this agreement shall be presented in writing and served personally or sent by prepaid, first class mail to the addresses set forth below. Either party may change its address by notifying the other party of its change of address in writing.

City: City of Kodiak  
P.O. Box 1397  
Kodiak, Alaska 99615

Consultant: Systems Design West, LLC  
19265 Powder Hill PI NE  
Poulsbo, WA 98370

14. NONWAIVER. No modification to this Agreement nor any failure or delay in enforcing any term, exercising any option, or requiring performance shall be binding or construed as a waiver unless agreed to in writing by both parties. No delay or omission of the right to exercise any power by either party shall impair any such right or power, or be construed as a waiver of any default or as acquiescence therein. One or more waivers of any covenant, term or condition of this Agreement by either party shall not be construed by the other party as a waiver of a subsequent breach of the same covenant, term or condition.

15. APPLICABLE LAW. The laws of the State of Washington shall govern the construction, validity, performance and enforcement of this Agreement. Venue as to any action, claim, or proceeding arising out of, or based upon this Agreement, including, but not limited to, any action for declaratory or injunctive relief, shall be the appropriate court in the State of Washington.

16. CONFLICT OF INTEREST. The Consultant covenants, warrants and represents that the Consultant or any employees of Consultant has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the subject matter or the performance of this Agreement. The Consultant further covenants, warrants and represents that in the performance of this Agreement, no person having any such interest shall be employed by the Consultant in the future.

17. ENTIRE AGREEMENT. This Agreement and any schedules, appendices, attachments and exhibits attached hereto sets forth all of the covenants, promises, agreements, conditions and understandings between the parties hereto, and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise expressly provided, no contemporaneous or subsequent agreement, understanding, alteration, amendment, change or addition to this Agreement, or any schedule, appendix, exhibit or attachment thereto shall be binding upon the parties of this Agreement hereto unless reduced to writing and signed by both parties. This Agreement constitutes a final, complete and exclusive statement of the agreement between the parties.

The Parties hereby agree to all of the above terms, conditions, covenants and have executed this Agreement by a duly authorized representative.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013

City of Kodiak  
"City"

By \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013

Systems Design West, LLC  
"Consultant"

By \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_



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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniaziowski, City Manager *AK*  
Debra Marlar, City Clerk *DM*  
**Date:** March 28, 2013

**Agenda Item:** V. g. Appointment to Prince William Sound Regional Citizens Advisory Council

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**SUMMARY:** The City of Kodiak has a dedicated seat for a representative on the Prince William Sound Regional Citizens' Advisory Council. (PWSRCAC). Jane Eisemann, who has served as the City's representative since 2001, has requested re-appointment. Ads were placed in the newspaper notifying the community of the position and inviting interested applicants to apply. Jane Eisemann was the sole applicant.

**PREVIOUS COUNCIL ACTION:** The City of Kodiak has appointed a representative to the PWSRCAC since it was established in the early 1990s. Jane Eisemann was initially appointed January 25, 2001, and has been re-appointed to two-year terms since that time.

**BACKGROUND:** The Prince William Sound Regional Citizens' Advisory Council's mission is to promote environmentally safe operation of the Alyeska Pipeline marine terminal in Valdez and the oil tankers that use it. The City's representative on the PWSRCAC has the opportunity to influence decisions having profound implications for oil transportation safety in Alaska, and the state's oil spill prevention and response capabilities. PWSRCAC is seeking an appointee who understands Kodiak's needs, concerns, and perspectives; has a basic familiarity with oil transportation issues; has a schedule flexible enough to allow for travel; is committed to the PWSRCAC's mission; and seeks opportunities to foster cooperative relationships with citizens, industry, and regulatory agencies.

**DISCUSSION:** The Mayor received a letter from PWSRCAC last month advising that Ms. Eisemann's current seat will expire in May 2013 and requesting the City to select an individual for a two-year term and notify PWSRCAC of the City's selection by April 4, 2013.

**ALTERNATIVES:**

1. Re-appoint Jane Eisemann for another two-year term on the PWSRCAC. This is recommended, because Ms. Eisemann has served the City well and is the sole applicant.
2. Do not make an appointment, which is not recommended

**CITY MANAGER'S COMMENTS:** The City Clerk's Office received one application from Jane Eisemann. I support her reappointment based on her ongoing interest in the work of the PWSRCAC and her 12 years of service as Kodiak's representative on this advisory council.

**ATTACHMENTS:**

Attachment A: Jane Eisemann's letter requesting re-appointment

Attachment B: PWSRCAC letter

**PROPOSED MOTION:**

Move to re-appoint Jane Eisemann to a two-year term as the City of Kodiak representative on the Prince William Sound Regional Citizens' Advisory Council.

MARCH 28, 2013  
Agenda Item V. g Memo Page 2 of 2

February 28<sup>th</sup> 2013

Dear Kodiak City Council Members,

I am submitting this letter as a request to continue my representation for the City of Kodiak on the Prince William Sound Regional Citizens Advisory Council. I have represented the City since 2001 and feel that I have kept the community of Kodiak's interest in the forefront – especially pushing for 'down stream' issues and resolutions when it comes to Preventing Oil Spills and the response if an oil spill occurs.

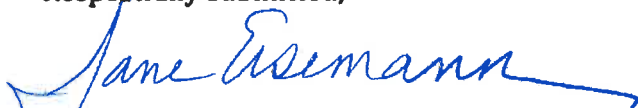
During the past 12 years I have served on the PWSRCAC Executive Board as Treasurer and Member at Large. In addition I am a member of the following committees: Port Operations and Vessel Traffic Systems, Information and Education as well as the Board Governance Committee.

I feel that my knowledge of the issues as well as experiencing the 1989 Exxon Valdez disaster first hand, give me a unique perspective with regards to our PWSRCAC Mission – Promoting the environmentally safe transportation of oil in Prince William Sound.

I realize that I have not been the best at keeping the Kodiak City Council informed as to the PWSRCAC's projects and issues, but I hope you know that when your support was needed to move an important issue forward (example: maintaining the two tug escort system in Prince William Sound), I solicited your input. If you retain me in this position I will see what works best with the council to give a scheduled report: perhaps bi-annually.

I would totally support your decision to replace me with another worthy candidate who you feel would be more appropriate in this position, as well as help that candidate 'get on their feet' with regards to the issues the council is working on.

Respectfully submitted,



Jane Eisemann  
Kodiak High School  
Natural Resources  
Maritime Science and Technology  
KHS FFA Chapter Advisor  
Master Mariner 100 Ton  
KOC Advisory Board



**Regional Citizens' Advisory Council** / "Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523  
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

**MEMBERS** February 12, 2013

Alaska State Chamber of Commerce  
Pat Branson  
City of Kodiak  
PO Box 1397  
Kodiak, AK 99615

Alaska Wilderness Recreation & Tourism Association  
Dear Mayor Branson:

Chugach Alaska Corporation  
The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is writing to advise you that Jane Eisemann's term on our Board of Directors expires at the upcoming May 2-3, 2013, annual meeting in Valdez.

City of Cordova  
City of Homer  
The dedicated seat for the City of Kodiak is its opportunity to influence decisions having profound implications for oil transportation safety in Alaska, and for the state's oil spill prevention and response capabilities. We greatly value your past participation.


City of Kodiak  
City of Seldovia  
City of Seward  
City of Valdez  
City of Kodiak would best be served by a representative who:  
• understands her/his community, its needs, concerns and perspectives;  
• has a rudimentary familiarity with oil transportation issues;  
• has a home and work schedule flexible enough to allow travel;  
• is committed to our mission of promoting environmentally safe operation of the Alyeska terminal and associated tankers; and  
• seeks opportunities to foster cooperative relationships with citizens, industry and regulatory agencies.

City of Whittier  
Community of Chenega Bay  
Community of Tatitlek  
A PWSRCAC director can expect to devote an average of 10 hours a month on PWSRCAC business. The full Board conducts three 2-day meetings in January, May, and September. In addition, annual budget and planning meetings are held, as well as special meetings and opportunities to participate in committees or work groups. PWSRCAC staff provides support to board members whenever possible.

Cordova District Fishermen United  
Kenai Peninsula Borough  
**Please notify us in writing, no later than April 4, 2013, of your selected individual for the City of Kodiak's next two-year term on the PWSRCAC board. Ideally, this individual will then be expected to attend our May 2-3, 2013, meeting for confirmation. If Jane Eisemann will continue to be your representative, we ask that you still notify PWSRCAC in writing.**

Kodiak Island Borough  
If you have further questions about the PWSRCAC or the responsibilities of its directors, please don't hesitate to call. Thank you for your cooperation, and we look forward to the City of Kodiak's continued valuable contribution.

Kodiak Village Mayors Association  
Sincerely,

Oil Spill Region Environmental Coalition  
  
Jennifer Fleming  
Executive Assistant

Port Graham Corporation  
Cc: Jane Eisemann


Prince William Sound Aquaculture Corporation



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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Aimée Kniazowski, City Manager   
**Date:** March 28, 2013

**Agenda Item: V. h. Recommendation of Appointment to the Vacant City Seat on the Planning and Zoning Commission**

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**SUMMARY:** A City-designated seat on the Planning and Zoning (P&Z) Commission became vacant upon the resignation of Brent Watkins, whose seat expires at the end of December 2013. City-designated seats on the P&Z Commission are appointed by the Borough Mayor from a list of recommendations from the City Council. In the past, the Council has recommended one or more applicants for appointment. The Council reviewed P&Z applications at the March 26 work session and needs to submit its list to the Borough for appointment by the Borough Mayor.

**PREVIOUS COUNCIL ACTION:** As specified in AS 29.40.020 the Council has routinely provided a list of recommendations to the Borough Mayor for appointment of City representatives to the P&Z. The most recent Council recommendation was determined by motion at the December 2012 regular meeting.

**DISCUSSION:** AS 29.40.020 stipulates the P&Z be apportioned so that the number of members from home rule or first class cities reflects the proportion of borough population residing in the City. The P&Z Commission consists of seven members, three of whom reside within the City limit. Brent Watkins, who held a City-designated seat, resigned leaving the seat vacant. AS 29.040.020 provides that a P&Z member from a home rule or first class city is appointed by the Borough Mayor from a list of recommendations submitted by the Council. In the past, the City's list has contained one or more recommendations.

**ALTERNATIVES:** N/A

**CITY MANAGER'S COMMENTS:** I suggest the City Council recommend which applicant(s) to include on its list to the Borough Mayor for appointment to the vacant City-designated seat on the P&Z Commission.

**NOTES/ATTACHMENTS:**

- A. P&Z Applications
- B. P&Z Member List

**PROPOSED MOTION:**

Move to recommend \_\_\_\_\_ be listed for appointment to the vacant City-designated seat on the Planning and Zoning Commission.



**KODIAK ISLAND BOROUGH**  
**OFFICE OF THE BOROUGH CLERK**  
 710 Mill Bay Road, Room 101  
 Kodiak, AK 99615  
 Phone: (907) 486-9310 Fax: (907) 486-9391  
 njavier@kodiakak.us

**APPLICATION FOR APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS**

Board/Committee/Commission: Planning & Zoning

Designated seat or group representation (if applicable): City of ~~Kodiak~~ *Seat*

Please be aware that the information given on your application is made available to the public. Staff will require the use of a mailing address, email address, and contact phone number to provide board and meeting information.

Name: John J. Kennedy Daytime Phone: 907-486-6276  
 Residence Address: 1610 Larch Street Evening Phone: 907-486-6276  
 Mailing Address: P.O. Box 3338 Cell Phone: 907-654-4498  
 Email Address: kpsvc@netscape.net Fax Number: 907-6278  
 Length of Residence in Kodiak: \_\_\_\_\_ Registered to vote in Kodiak?  Yes  No

Please provide one of the following: Date of Birth 7/20/1949 Last 4 digits of SSN# \_\_\_\_\_

Employer/Occupation: Horizon Lines/ longshoreman

Organizations you belong to or participate in: ILWU, Alaska Longshore Division

Explain your main reason for applying: Concern 2008 Comp. Plan does not take a broad or comprehensive look at the future needs of the community.

What background, experience, or expertise will you bring to the board/committee/commission membership?

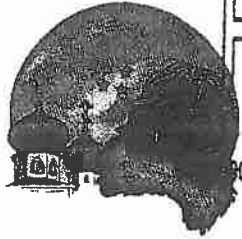
B.A., Pennsylvania State University; thirty-eight year resident of the City of Kodiak; past member Ports & Harbor Advisory Committee; Sec./Treas., ILWU, Alaska Longshore Division; and a trustee Alaska Longshore Division Pension Trust.  
 Are you available for regular meetings? Yes Pursuant to KIBC 2.100.070 (A.6) Other than by expiration of the members term, the assembly shall declare a seat vacant when a member misses three consecutively held regular meetings and is not excused.

Signature of Applicant: [Signature] Date: 3-1-2013

A resume or letter of interest may be attached, but is not required. This application will be kept on file for one year. Please be aware that there may be an application deadline. Application deadlines, if applicable, are available on the Borough website at [www.kodiakak.us](http://www.kodiakak.us) or in the Notice of Vacancy announcements advertised in the Kodiak Daily Mirror.

- STAFF USE ONLY -		
Registered voter of the Borough: Yes ( <input checked="" type="checkbox"/> ) No ( <input type="checkbox"/> )	Appointment Letter: _____	Date Received (date stamp below)
Applicant's Residence: Borough ( <input type="checkbox"/> ) City ( <input checked="" type="checkbox"/> )	Roster: _____	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>  <b>MAR - 1 2013</b> </div>
Date of Appointment: _____	Oath of Office: _____	
Term Expires on: _____	APOC/POFD Statement: Attached ( <input type="checkbox"/> ) On File ( <input type="checkbox"/> )	
<b>BOROUGH CLERK'S OFFICE            KODIAK, ALASKA</b>		





RECEIVED

KODIAK ISLAND BOROUGH  
OFFICE OF THE BOROUGH CLERK  
710 Mill Bay Road, Room 101  
Kodiak, AK 99615  
COMMUNITY DEVELOPMENT DEPARTMENT - 9310 Fax: (907) 486-9391  
njavier@kodiakak.us

APPLICATION FOR APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS

Board/Committee/Commission: PLANNING & ZONING

Designated seat or group representation (if applicable): CITY REP.

Please be aware that the information given on your application is made available to the public. Staff will require the use of a mailing address, email address, and contact phone number to provide board and meeting information.

Name: William Kersh Daytime Phone: (907) 486 4723

Residence Address: 1812 MISSION RD Evening Phone: (715) 475 8336

Mailing Address: KODIAK, AK. 99615 Cell Phone: (715) 475 8336

Email Address: williamusps@yahoo.com Fax Number: \_\_\_\_\_

Length of Residence in Kodiak: 6 YEARS Registered to vote in Kodiak? Yes No

Please provide one of the following: Date of Birth 7/25/68 Last 4 digits of SSN# 2504

Employer/Occupation: US POSTAL SERVICE

Organizations you belong to or participate in: EUKS, LIONS, CGAUX, CIVIL AIR PATROL, LEADS AND COACH FOR VARIOUS YOUTH ACTIVITIES

Explain your main reason for applying: RE-APPLIED: HAVE SERVED (3) PREVIOUS TERMS

What background, experience, or expertise will you bring to the board/committee/commission membership?

KODIAK COMMISSIONER SINCE 2007 AND CURRENTLY POSTMASTER OF KODIAK ISLAND

Are you available for regular meetings? YES. Pursuant to KIBC 2.100.070 (A.6) Other than by expiration of the members term, the assembly shall declare a seat vacant when a member misses three consecutively held regular meetings and is not excused.

Signature of Applicant: [Signature] Date: 8/15/12

A resume or letter of interest may be attached, but is not required. This application will be kept on file for one year. Please be aware that there may be an application deadline. Application deadlines, if applicable, are available on the Borough website at [www.kodiakak.us](http://www.kodiakak.us) or in the Notice of Vacancy announcements advertised in the Kodiak Daily Mirror.

STAFF USE ONLY		
Registered voter of the Borough: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appointment Letter: _____	Date Received: (date stamp below)
Applicant's Residence: Borough <input type="checkbox"/> City <input checked="" type="checkbox"/>	Roster: _____	
Date of Appointment: _____	Oath of Office: _____	
Term Expires on: _____	APOC POFD Statement: Attached <input type="checkbox"/> On File <input type="checkbox"/>	

for reappointment

BOROUGH CLERK'S OFFICE



## KODIAK ISLAND BOROUGH

## PLANNING AND ZONING COMMISSION

NAME	TERM	HOME PHONE	WORK PHONE	CELL PHONE	EMAIL
Kathy Drabek (C) 220 Mill Bay Road Kodiak, AK 99615	2015		486-6181	654-4905	<a href="mailto:kathleendrabek@hotmail.com">kathleendrabek@hotmail.com</a>
Frank Peterson (B) PO Box 8868 Kodiak, AK 99615	2015	486-2582	486-4449	539-0202	<a href="mailto:frank.peterson@hotmail.com">frank.peterson@hotmail.com</a>
Alan Schmitt (C) 3295 Woody Way Loop Kodiak, AK 99615	2014	486-5314		942-0404	<a href="mailto:schmitt@gci.net">schmitt@gci.net</a>
Alan Torres (B) (Chair) 2746 E. Rezanof Dr. Kodiak, AK 99615	2013	486-0217	486-9345		<a href="mailto:arji.torres@yahoo.com">arji.torres@yahoo.com</a>
Rick Vahl (B) 1324 Mountain View Drive Kodiak, AK 99615	2015	486-3344	486-5308	907-947-5489	<a href="mailto:rdvahl@gmail.com">rdvahl@gmail.com</a>
Sonny Vinberg (B) (Vice Chair) PO Box 78 Kodiak, AK 99615	2014		486-2530 x4127	206-790-4502	<a href="mailto:hvinberg@koniag.com">hvinberg@koniag.com</a>
Vacant (C)	2013				

B=Borough Seat  
C=City Seat

This commission is governed by Kodiak Island Borough Code 2.105

**STAFF:**

ACTING CDD DIRECTOR, DUANE DVORAK      486-9363      [ddvorak@kodiakak.us](mailto:ddvorak@kodiakak.us)  
CDD SECRETARY, SHEILA SMITH      486-9363      [ssmith@kodiakak.us](mailto:ssmith@kodiakak.us)

COMMUNITY DEVELOPMENT DEPARTMENT  
710 MILL BAY ROAD  
ROOM 205  
KODIAK, AK 99615

Revision Date: 3/8/2013  
Revised by: JK