

City of Kodiak Regular Council Meeting Agenda for April 23, 2015
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

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

- II. Previous Minutes**
Approval of Minutes of the April 9, 2015, Regular Council Meeting.....1

- III. Persons to Be Heard**
 - a. Proclamation: Library Week.....10
 - b. Public Comments (limited to 3 minutes) (486-3231)

- IV. Unfinished Business**
 - a. None

- V. New Business**
 - a. Resolution No. 2015–14, Authorizing the Issuance of a Permit to the Kodiak Garden Club for Use of Public Property for its Annual Plant Sale14
 - b. Resolution No. 2015–15, Authorizing the Issuance of a Permit to the Filipino-American Association of Kodiak for the Use of Public Property for a Dance to Fund the Filipino-American Basketball Team’s Travel Expenses18
 - c. Authorization of ABC Board Restaurant Designation Permit and Transfer of Ownership From Kodiak Harbor Convention Center to Island Hotels, LLC 22

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

- VII. Mayor’s Comments**

- VIII. Council Comments**

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

- X. Adjournment**

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<p>DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, APRIL 9, 2015
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, and John B. Whiddon were present and constituted a quorum. Councilmember Richard H. Walker was absent. City Clerk Debra L. Marlar, Public Works Director Mark Kozak, Parks and Recreation Director Corey Gronn, interim Finance Director Karl Swanson, Engineer Glenn Melvin, and Deputy Clerk Michelle Shuravloff-Nelson 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 March 17 and March 19, 2015, special meetings as presented.

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

III. PERSONS TO BE HEARD

a. Proclamation: Week of the Young Child

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

Velma Vining, Child Development Services program, USCG and Patricia Studley, KANA ILP accepted the proclamation. Ms. Vining thanked Mayor Branson for acknowledging the week of the young child and announced the annual fair on April 11 at the Kodiak Baptist Mission and another event on April 15 at the Kodiak Public Library. She encouraged the public to get involved in these activities.

b. Proclamation: Month of the Military Child

Councilmember Whiddon read the proclamation, which encourages all citizens to show appreciation and understanding to the military children in our communities, and recognize their commitment, courage, sacrifice, and continued resilience.

The Noe family accepted the proclamation. Mr. Noe said Kodiak has been great to his family, and they have enjoyed living in the community.

c. Proclamation: Child Abuse Prevention

Councilmember Saravia read the proclamation, which urges all citizens to increase their participation in efforts to prevent child abuse, thereby strengthening the communities in which we live.

Lauren Humphrey, KWRCC accepted the proclamation.

d. Proclamation: Sexual Assault Awareness Month

Councilmember Davidson read the proclamation, which encourages all Alaskans to support local activities and programs that assist victims of sexual assault and to learn more about the pervasiveness of sexual assault in Alaska, so we may eliminate this terrible crime.

Lauren Humphrey, KWRCC accepted the proclamation. She thanked the Mayor and Council for their support. She shared there will be a Run for Respect 5K on April 18 at 10 a.m.

e. Presentation of GFOA Award to the Finance Department

The award of this certificate represents one of the highest levels of achievement in governmental financial reporting for the Finance Department and the City.

Karl Swanson, interim Finance Director accepted the award.

f. Public Comments

Jonathan Strong with the Senior Citizens of Kodiak said Kodiak Area Transit System has been a coordinated system for 15 different local nonprofits. He shared they have received survey results on public transportation and he provided a handout. He shared that people getting to work, shopping, and medical appointments demonstrated some of the highest need for transportation. He read some of the comments by citizens and businesses that responded to the survey. He thanked the Mayor and Council for their support of the transit system.

Capri Pruitt distributed Girl Scout cookies and thanked the Mayor and Council for their support.

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

a. Resolution No. 2015–10, Authorizing the Issuance of a Permit to the Kodiak Chamber of Commerce for Use of Public Property in Conjunction With the Kodiak Crab Festival

Mayor Branson read Resolution No. 2015–10 by title. The Kodiak Chamber of Commerce is the local organization that manages the annual Kodiak Crab Festival, one of Kodiak’s premiere events. It promotes Kodiak, gives a boost to the local economy, and provides fundraising oppor-

tunities for many local organizations and non-profits. This year the festival will run from May 21 through May 25, 2015. As in past years, Council must authorize a permit for the activities associated with Kodiak Crab Festival by adoption of a resolution.

Councilmember Haines MOVED to adopt Resolution No. 2015–10.

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

b. Resolution No. 2015–11, Authorizing the Issuance of a Permit to Kodiak Little League for the Use of Public Property for Its Baseball Camp Fundraiser and to Sell Concessions During Games

Mayor Branson read Resolution No. 2015–11 by title. The Kodiak Little League (KLL), a local non-profit organization, has requested the use the Baranof Park baseball field to sponsor a baseball camp for youth on June 1 through June 6, 2015. The camp will raise funds and teach participants the techniques and fundamentals of baseball. Also, KLL has requested permission to sell concessions at its games at East Addition and Baranof Park from April 15 through July 15.

Councilmember Bishop MOVED to Resolution No. 2015–11.

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

c. Resolution No. 2015–12, Authorizing the Issuance of a Permit to Kodiak High School Soccer Team to Sell Concessions and to Collect Gate Fees During Home Games

Mayor Branson read Resolution No. 2015–12 by title. The high school soccer coach, Eric Waltenbaugh, requested the use the Baranof Park turf field to sell concessions and collect gate fees as a fundraiser for the high school soccer program from April 9 through May 31, with home games held on April 10, 11, 24, and 25. The soccer team is a high school club sport that is completely self-funded. The team raises money to cover the cost of travel and other costs associated with the sport.

Councilmember Davidson MOVED to adopt Resolution No. 2015–12.

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

d. Resolution No. 2015–13, Appropriating Funds for Additional Construction Expenses Related the Biosolids Management Project No. 08-06/7517

Mayor Branson read Resolution No. 2015–13 by title. The City has been working on a solution for long term disposal of biosolids for multiple years. Council authorized the borrowing of up to \$3 million from the Alaska Clean Water Fund (ACWF) loan program for construction of the Compost Facility project with Resolution No. 2015–05. The project was advertised and bids were opened on March 31, 2015. The lowest bid is over the available funds in the current budget.

In order to award the project, funding needs to be increased to include an ACWF loan of up to \$3 million.

Councilmember Haines MOVED to adopt Resolution No. 2015-13.

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

e. Authorization of a Professional Services Contract for Alaska Pollution Discharge Elimination System and Mixing Zone Permitting for the Wastewater Treatment Plant, Project No. 15-07

The Alaska Pollution Discharge Elimination System (APDES) permit the City currently operates under is an extension of the permit that expired in August 2004. Staff submitted the request for permit reissuance in February 2004 and received notice the permit application was accepted as complete and on time. The EPA provided direction that the City was to continue to operate under the expired permit requirements. The Alaska Department of Environmental Conservation (ADEC) would notify the City when they were ready to begin work on reissuing the City's APDES permit for the Wastewater Treatment Plant (WWTP). CH2MHill worked on the City's previous mixing zone application in 1999. Staff requested a proposal from them because of the complex technical support required to resubmit the permit application, as the mixing zone is being reduced in size and to assist in submitting the APDES permit.

Councilmember Haines MOVED to authorize a professional services contract with CH2MHill for assistance with Phase I of the City's Alaska Pollution Discharge Elimination System and mixing zone permitting for the Wastewater Treatment Plant for a lump sum amount of \$50,000, with funds coming from the Sewer Utility Fund, Wastewater professional services account and authorize the City Manager to execute the documents on behalf of the City.

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

f. Authorization of Bid Award for Construction of the Composting Facility, Project No. 08-06/7517

The City has been working on a solution for long term disposal of biosolids for multiple years. Since 2008, the City has completed a composting pilot project, entered into a public/private partnership for the composting of biosolids, completed a design of a Class A, EQ Composting Facility, and bid the project. In addition, staff has worked with the Kodiak Island Borough to obtain property on which to build this facility and applied for and received a State of Alaska Sewage Solid Treatment Permit. Three bids were received and opened on March 31.

Councilmember Whiddon MOVED to authorize the bid award for construction of the composting facility, Project No. 08-06/7517, to Brechan Construction, LLC in the amount of \$3,390,350 with funds coming from the Sewer Capital Improvement Fund, Biosolids Management, Project No. 08-06/ 7517 and authorize the City Manager to execute the documents on behalf of the City.

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

g. Authorization of a Professional Services Contract for Construction Management Services for the Composting Facility, Project No. 08-06/75

The City has been working on a solution for long term disposal of biosolids for multiple years. Since 2008, the City completed a composting pilot project, entered into a public/private partnership for the composting of biosolids, completed the design of a Class A, Excellent Quality (EQ) composting facility, and bid the project. In addition, staff and Council worked with the Kodiak Island Borough to acquire property on which to build this facility and applied for and received a State of Alaska Sewage Solid Treatment Permit.

Councilmember Davidson MOVED to authorize a professional services contract with CH2MHill in the amount of \$394,000 for construction management services for the compost facility, with funds coming from the Sewer Capital Improvement Fund, Biosolids Management, Project No. 08-06/7517 and authorize the City Manager to execute the documents on behalf of the City.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski was absent and will provide a comprehensive report at the next meeting.

b. City Clerk

City Clerk Marljar informed the public of the next scheduled Council strategic planning meeting, work session, and regular meeting.

VII. MAYOR'S COMMENTS

Mayor Branson reported on her attendance at the MTAB meeting in Juneau earlier in the week, which occurred the same time as the work session; she thanked Deputy Mayor Haines for chairing. She said a number of individuals participated in a Business Retention and Expansion training and said action steps were developed with the Chamber of Commerce and a community Economic Summit will be planned and a vision has been set. She thanked Manager Kniazowski for putting the training together. She congratulated and thanked the Finance department for obtaining the GFOA award. She said the legislative meetings in Juneau went well; the Manager and a few Councilmembers met with Governor Walker, Lieutenant Governor Mallot and staff, Department of Fish and Game Commissioner Cotten, Director of Office Management and Budget Pat Pitney, and the Commissioner of Corrections regarding the jail services and funding. She said they also met with Senator Gary Stevens and Representative Louise Stutes. She said she met with Senator Micciche regarding the ferry cuts, on which he worked with DOT, and there is a cut of \$25 million. She was informed by Commissioner Luiken that the Governor added funds back to the Marine Highway budget and the Senate made cuts. She said some southeast reporters dis-

seminated information regarding the effect this will have on tourism. She shared the cuts in service also mean a cut in revenue with the reduced ferry schedules. She said the Kennecott will be filling in for the Tustumena this winter, and she commended Deputy Commissioner Neussl for helping to maintain the Kodiak services. She was told that Pier 1 will be completed by June 2016.

VIII. COUNCIL COMMENTS

Councilmember Bishop congratulated interim Finance Director Swanson, and thanked Engineer Melvin and Director Gronn for the Parks and Recreation services. He said he attended the BRE training and indicated the work in the community for the next generation starts now and has to be done.

Councilmember Haines expressed appreciation for staff support during the Mayor's absence. He said he is proud the City Council represents many ideas. He said the Council and Assembly members met in Juneau together for the community of Kodiak, which was a positive endeavor. He said the two municipal governments working together for composting is a reflection of community collaboration.

Councilmember Saravia thanked interim Finance Director Swanson and also thanked Director Gronn for the Parks and Recreation services.

Councilmember Davidson said the Mayor gave a good and thorough overview of the trip to Juneau. He shared some thoughts on jail funding and stated Kodiak should be able to maintain funding due to high utilization of the jail. He spoke of the importance of networking during conferences to collaborate with other entities. He thanked staff for moving the composting facility forward.

Councilmember Whiddon congratulated interim Finance Director Karl Swanson for the GFOA award. He spoke about the trip to Juneau and the budgetary shortfall occurring statewide. He said there will be ongoing discussion on revenue and referenced the Governor's transition team that will work on a plan. He said he was pleased with the Governor's staff. He gave an update on the Fisheries Work Group meeting and shared there will be a community forum on May 12 to discuss Gulf Trawl Bycatch measures at the Convention Center. He referenced that as a follow up to the Business Retention and Expansion training, a few individuals will continue to discuss economic needs and plan to meet on May 6.

IX. AUDIENCE COMMENTS

None

X. ADJOURNMENT

Councilmember Haines MOVED to adjourn the meeting.

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

The meeting adjourned at 8:26 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

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PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: April 23, 2015

Agenda Item: III. a. Proclamation: Declaring Library Week

SUMMARY: This proclamation encourages all residents to visit the library to take advantage of the range of library resources available at Kodiak Public Library and discover the unlimited possibilities at your library.

ATTACHMENTS:

Attachment A: Proclamation: Declaring Library Week

PROCLAMATION

Declaring Library Week

WHEREAS, libraries create potential and possibilities within their communities, campuses and schools; and

WHEREAS; libraries level the playing field for all who seek information and access to technologies; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities; and

WHEREAS, libraries and librarians open up a world of possibilities through innovative science, math and art programming, Makerspaces, job-seeking resources and diverse collections; and

WHEREAS, librarians and library staff offer technology training and access to downloadable content like e-books; and

WHEREAS, libraries support democracy and effect social change through their commitment to provide equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status; and

WHEREAS, last week libraries, librarians, library staff, volunteers and supporters across America celebrated National Library Week, and it is important to also celebrate Library Week in Kodiak.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, Alaska, do hereby proclaim April 19-25, 2015, as

Library Week

in Kodiak and encourage all residents to visit the library this week to take advantage of the range of library resources available at Kodiak Public Library and discover the unlimited possibilities at your library.

Dated this 23rd day of April 2015.

City of Kodiak

Pat Branson, Mayor

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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Through: Corey Gronn, Parks and Recreation Director

Date: April 23, 2015

Agenda Item: V. a. **Resolution No. 2015–14, Authorizing the Issuance of a Permit to the Kodiak Garden Club for Use of Public Property for its Annual Plant Sale**

SUMMARY: Resolution No. 2015–14 authorizes the issuance of a permit to the Kodiak Garden Club to use the covered area of the Baranof Park ice rink to hold its annual plant sale on June 6, 2015. Staff recommends Council adopt Resolution No. 2015–14.

PREVIOUS COUNCIL ACTION: Each year Council issues permits to non-profit organizations to allow them to conduct fundraising activities that benefit the community on City property.

DISCUSSION: The Kodiak Garden Club makes locally grown plants available to Kodiak gardeners through a plant sale each June. Besides the plants that are sold, the Garden Club provides educational materials to the public, including information on ways to identify and control invasive species, and they answer questions about gardening in Kodiak. The proceeds from the sale augment the small annual grant the club receives from the City to plant flowers and greenery at City facilities like the Baranof Museum, the Harbor, and the small grassy area at the “Y” intersection. Funds from this sale also help support a small grant program to the schools for related projects.

This year, the Garden Club has requested to use the covered area at the ice rink at Baranof Park to stage their sale. This spot works well as an indoor/outdoor space which accommodates unpredictable weather. The sale is planned for Saturday, June 6, 2015. The Garden Club is requesting permission to use the facility from 8 a.m. until the sale, which starts at 10 a.m., is over. The Garden Club ensures they will coordinate their activities with the Parks and Recreation Director and will provide clean up after the event. The resolution authorizes the use of the ice rink facility at Baranof Park for the plant sale from 8 a.m. through completion and cleanup, on June 6, 2015.

ALTERNATIVES:

- 1) Adopt Resolution No. 2015–14, which is staff’s recommendation.
- 2) Do not adopt Resolution No. 2015–14, which would require the Garden Club to find another suitable location for this fundraiser.

STAFF RECOMMENDATION: Staff recommends Council adopt Resolution No. 2015–14.

CITY MANAGER’S COMMENTS: The City and its residents both benefit from this annual plant sale. The Garden Club is an active and responsible non-profit that works to educate and beautify our community. The way the Garden Club uses the proceeds from the sale benefits the community. I support the request and recommend that Council adopts Resolution No. 2015–14.

ATTACHMENTS:

Attachment A: Resolution No. 2015–14

Attachment B: Letter of request from the Kodiak Garden Club, dated March 9, 2015

PROPOSED MOTION:

Move to adopt Resolution No. 2015–14.

**CITY OF KODIAK
RESOLUTION NUMBER 2015-14**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING THE ISSUANCE OF A PERMIT TO THE KODIAK GARDEN CLUB FOR USE OF PUBLIC PROPERTY IN FOR ITS ANNUAL PLANT SALE

WHEREAS, for many years the Kodiak Garden Club has shared locally grown plants with Kodiak gardeners through a plant sale in June; and

WHEREAS, during the plant sale educational materials are distributed and questions answered about gardening in Kodiak, including methods to get rid of invasive weeds; and

WHEREAS, funds from the plant sale are used to make small grants to school groups working on growing projects; and

WHEREAS, funds from the sale are also used to supplement the small grant the Garden Club receives from the city for plantings throughout the city; and

WHEREAS, the Garden Club has requested use of the covered area at Baranof Park on Saturday, June 6, 2015, to stage the sale.

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 Garden Club as provided in section 5.04.050(b) and (d) of the City Code for use of public property for 2015 plant sale on the condition that the Garden Club 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 Director.

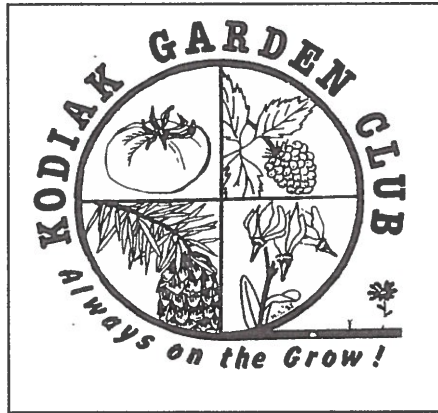
CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:



Kodiak Garden Club
 PO Box 8792
 Kodiak, Alaska 99615
 March 9, 2015



Dear Mayor Branson, and City Council Members:


For many years, the Kodiak Garden Club has shared locally grown plants with Kodiak gardeners through a plant sale in early June. During the sale, educational materials are distributed and questions answered about gardening in Kodiak. In addition, Blythe Brown of the Kodiak Soil and Water Conservation District distributes information about invasive weeds and other plants to attendees. Funds from this sale are used to make small grants for school groups working on growing projects and to supplement the small grant Garden Club receives from the city for work at Baranof Museum, the harbor area (especially the memorial area), and other areas around the city from year to year. This year the Garden Club would like to use the covered area at Baranof Park to stage the sale. This spot works very well as an indoor/outdoor space which adapts to Kodiak’s unpredictable weather. The sale is planned for Saturday, June 6, starting at 10:00. However, we usually begin setting up about 8 am on that morning and so would need access to the space at that time. Garden Club members are very conscientious about clean up after the event and use tarps to protect the special flooring in the rink area. Questions about this request may be directed to Patty Holmes, 486-3074.

Thank you for your consideration of Kodiak Garden Club’s request to use the covered area at Baranof Park for the Kodiak Garden Club Annual Plant Sale on June 6.

Sincerely,

Patricia Holmes
 Patricia Holmes, President
 Kodiak Garden Club

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Aimée Kniazowski, City Manager 
Thru: Corey Gronn, Parks and Recreation Director
Date: April 23, 2015

Agenda Item: V. b. Resolution No. 2015–15, Authorizing Issuance of a Permit to the Filipino-American Association of Kodiak for the Use of Public Property for a Dance to Fund the Filipino-American Basketball Team’s Travel Expenses

SUMMARY: The Filipino-American basketball program is taking a basketball trip to Wasilla May 15 through May 20 and is trying to raise money for this trip. They request the use of the Teen Center for a dance fundraiser on May 8. The Filipino-American Association of Kodiak (Fil-Am) is hosting the teen dance on May 8, 2015, from 7-11:30 p.m. The purpose of dance is to raise funds for the basketball team to travel to this competition. Fil-Am proposes to charge an entry fee of \$3 per participant or \$5 per couple.

PREVIOUS COUNCIL ACTION: Council issues permits to non-profit agencies periodically for fundraising on City property and does so by resolution. Student sports teams have held similar activities at the Teen Center. The most recent permit for such an activity was in 2012 for a fundraising dance for the high school basketball team.

DISCUSSION: The Filipino-American basketball team is a group of 11 middle school students who have been playing as a team for the past 18 months. The team has participated in City League Basketball and was C-Division champions. This will be the team’s first off-island tournament they have been able to attend. In preparation for the tournament the team practices twice a week.

The Fil-Am Association requested permission to use the Teen Center to hold a fundraising dance to help the team raise travel money. The attached letter from Filipino-American sports coordinator Daisy Braga provides more details about the team and fundraiser.

ALTERNATIVES:

- 1) Adopt Resolution No. 2015–15, which staff supports, because it provides support for community youth and is consistent with past Council practice.
- 2) Do not adopt Resolution No. 2015–15, which is not recommended.

FINANCIAL IMPLICATIONS: The City will not generate any fees for this event and will not incur any expense.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council adopt Resolution No. 2015–15 to allow the Fil-Am team’s use of the City’s Teen Center to host a fundraising dance.

CITY MANAGER’S COMMENTS: I support this request and ask Council to support it as well by adopting the resolution.

ATTACHMENTS:

Attachment A: Resolution No. 2015–15

Attachment B: Request letter from Daisy Braga, Fil-Am sports coordinator

PROPOSED MOTION:

Move to adopt Resolution No. 2015–15.

**CITY OF KODIAK
RESOLUTION NUMBER 2015-15**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING THE ISSUANCE OF A PERMIT TO THE FILIPINO-AMERICAN ASSOCIATION OF KODIAK FOR THE USE OF PUBLIC PROPERTY FOR A DANCE TO FUND THE FILIPINO-AMERICAN BASKETBALL TEAM'S TRAVEL EXPENSES

WHEREAS, the Filipino-American Basketball team (Team) is affiliated with the Filipino-American Association; and

WHEREAS, the Team represents the Filipino-American Association at a basketball tournament in Wasilla, Alaska, May 15 through May 20, 2015; and

WHEREAS, the Team is sponsoring a dance to help raise money to cover expenses while at the Wasilla event; and

WHEREAS, the Team has requested the use of the Teen Center to sponsor dances on May 8 from 7 p.m. through 11:30 p.m.; and

WHEREAS, the Team will supply chaperones, provide a DJ for music, ensure the facility is cleaned afterwards, and will charge a fee for attendees; and

WHEREAS, Kodiak City Code Section 5.04.010 prohibits business activities on City property, and Kodiak City Code Section 5.04.060 requires a permit for community festivities.

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 Boys' Summer Basketball Program as provided in section 5.04.050(b) and (d) of the City Code for use of public property for its fundraising dance at the Teen Center on May 8, 2015, on the condition that the Team 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 Director.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

Filipino-American Youth Basketball Association
Daisy Braga
115 Birch Ave.
Kodiak, AK 99615

May 30th, 2015

City Council
710 Mill Bay Rd. RM #216
Kodiak, AK 99615

Dear Mayor Branson, and City Council Members:

For several years, the Filipino-American Association has helped youths in the community. About 10 years ago the association would run a basketball league for the youth and have them travel to Anchorage and play in a tournament. Last year we started this league again, the league has taught student-athletes to balance school and extracurricular activities, teach them responsibilities, and most importantly it gave them an alternative option for after school rather than turning to drugs or alcohol. We are looking to joining a tournament in May 2015 and would like to fundraise by hosting a dance at The Teen Center. The funds from this dance would help us get to Wasilla and participate in the upcoming tournament in May 2015. The Filipino-American Association has used The Teen Center for several events such as; The Fil-Am Coronation night hosted every May, the passport renewal for Filipinos in August, and other several association get-togethers. The Teen Center would be an excellent space for us to provide a dance for teens, because it is a place for teens to hang out, it could be well supervised with chaperones in different corners, and it has equipment we can use for a dance (Dj system/speakers, tables, and chairs). We've previously spoke with The Teen Center Management, Landon Durand, and he is allowing us to hold a dance on Friday, May 8th 2015 prior to our leaving. We would host the first part of the dance for middle school aged kids from 7:00—9:00 P.M. and the second part of the dance for high school aged kids from 9:15—11:30 P.M. The association will supply their own chaperones/DJ that will supervise children during the event and clean up after the event. We would like at least an hour to set up prior to event starting at 7:00 P.M. Questions about this request may be directed to Daisy Braga, 512-3201.

Thank you for your consideration of Kodiak's Filipino-American Youth Basketball Association's request to use The Teen Center to fundraise for our upcoming basketball tournament in May 2015.

Sincerely,



Daisy Braga, Sport's Coordinator
Filipino-American Youth Basketball Association

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager *AK*
Debra Marlar, City Clerk *DM*

Date: April 23, 2015

Agenda Item: V. c. **Authorization of ABC Board Restaurant Designation Permit and Transfer of Ownership From Kodiak Harbor Convention Center to Island Hotels, LLC**

SUMMARY: Kodiak Harbor Convention Center filed an application for a restaurant designation permit and transfer of ownership with the State of Alaska Alcoholic Beverage Control (ABC) Board. The permit is currently held by Kodiak Harbor Convention Center, and the owners of the permit have requested the permit be transferred to Island Hotels, LLC dba Chart Room. State regulations require the ABC Board to forward the restaurant designation application to the City Council for approval before a permit can be issued. State regulations also provide an opportunity for the City Council to protest issuance of a liquor license.

PREVIOUS COUNCIL ACTION: From time to time, the City Council approves state restaurant designation applications for local restaurants. Council last approved a restaurant designation permit application for Aquamarine LLC in April 2014.

DISCUSSION: Island Hotels, LLC filed a Restaurant Designation Application with the Alcoholic Beverage Control Board that would permit persons sixteen to twenty years of age to dine unaccompanied, permit persons under sixteen years of age to dine there if accompanied by anyone twenty-one years of age or older, and would authorize the establishment to employ persons between sixteen and twenty years of age to serve food and bus tables. The restaurant designation permit is presently issued to Kodiak Harbor Convention Center dba Chart Room. Alaska Statutes 04.11.100 and 04.16.049, stipulate that an application for a new restaurant designation must be approved by the local governing body having jurisdiction over the area in which the licensed premises exists; therefore, the ABC Board forwarded the application to the City for Council approval.

ALTERNATIVES: Council may authorize the Restaurant Designation Application or decline to authorize the application.

LEGAL: State Statutes require local governments having jurisdiction in the area to approve restaurant designation applications.

CITY MANAGER’S COMMENTS: State regulations allow the local governing body an opportunity to weigh in on liquor license issuances, restaurant designations, and renewals. City staff has no concerns about this business or application to pass on to Council.

ATTACHMENTS:

Attachment A: Island Hotels, LLC Transfer of Ownership and Restaurant Designation Application

PROPOSED MOTION:

Move to approve the ABC Board Restaurant Designation Application and Transfer of Ownership for Island Hotels, LLC.



THE STATE of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

April 10, 2015

City of Kodiak
Attn: Debra Marlar, City Clerk
VIA Email : clerk@city.kodiak.ak.us
Cc: njavier@kodiakak.us

Island Hotels, LLC. – Beverage Dispensary-Tourism License #600 DBA Chart Room

- checkbox New Application
checkbox checked Transfer of Ownership
checkbox Transfer of Location
checkbox checked Restaurant Designation Permit
checkbox DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,



Jane Sawyer

Business Registration Examiner

907-269-0359

Jane.sawyer@alaska.gov

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: April 10, 2015

Application Type: **NEW** _____ **TRANSFER**
 Ownership
 _____ Location
 _____ Name Change

Governing Body: **City of Kodiak**
 Community Councils: None

License #: 600
 License Type: Beverage Dispensary-Tourism
 D.B.A.: Chart Room
 Licensee/Applicant: Island Hotels, LLC.
 Physical Location: 236 W Rezanof Drive, Kodiak, AK 99615
 Mail Address: 236 W Rezanof Drive, Kodiak, AK 99615
 Telephone #: 907-486-5712
 EIN: 47-2488349

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Susan Johnson	236 W. Rezanof Drive Kodiak, AK 99615	907-486-5712	12/2/2014 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Susan Johnson President	12/10/1974	406 Neva Way Kodiak, AK 99615	907-486-5712	51%
Daniel Gilbert Vice President	3/25/1974	406 Neva Way, Kodiak, AK 99615	907-486-5712	49%

If **transfer** application, current license information:

License #: 600
 Current D.B.A.: Chart Room
 Current Licensee: Kodiak Inn, Inc.
 Current Location: 236 W Rezanof Drive, Kodiak, AK 99615

Additional comments: **Restaurant Designation Permit Application attached.**

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

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Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,



Jane Sawyer
Business Registration Examiner
jane.sawyer@alaska.gov
907-269-0359

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 269-0350
Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
License Year: <u>2014/2015</u> <u>2015/16</u>	License Type: <u>Beverage Dispensary-Tourism</u>	Statute Reference: <u>Sec. 04.11.400(d)</u>	<u>12569</u> Filing Fee: \$100.00 Rest. Desig. Permit Fee: (\$50.00) \$ <u>50</u> Fingerprint: \$ (\$51.50 per person) TOTAL: <u>150.00</u>
License #: <u>600</u>	Local Governing Body: (City, Borough or Unorganized) <u>Kodiak City</u>	Community Council Name(s) & Mailing Address: <u>Kodiak City Council</u> <u>710 Mill Bay Rd</u> <u>Kodiak, AK 99615</u>	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Island Hotels, LLC</u>	Doing Business As (Business Name): <u>Chart Room</u>	Business Telephone Number: <u>486-5712</u> Fax Number: <u>486-3430</u>	
Mailing Address: <u>236 W. Renzanof Drive</u>	Street Address or Location of Premises: <u>236 W. Renzanof Drive</u> <u>Kodiak, AK 99615</u>	Email Address: <u>info@kodiakinn.com</u>	
City, State, Zip: <u>Kodiak, AK 99615</u>			
Is any shareholder related to the current owner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes" please state the relationship: <u>daughter</u>			
SECTION B - TRANSFER INFORMATION			
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of CURRENT Licensee: <u>236 W. Renzanof Dr.</u> <u>Kodiak Inn, Inc.</u> <u>Kodiak, AK 99615</u> Business Name (dba) BEFORE transfer: <u>Chart Room</u> Street Address or Location BEFORE transfer: <u>236 W. Renzanof Drive</u>	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>N/A</u>	<i>Distance measured under:</i> <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: <u>N/A</u>	<i>Distance measured under:</i> <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

Alcoholic Beverage Control Board
 2400 Viking Drive
 Anchorage, AK 99501

Transfer Liquor License

(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc>

SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Susan Johnson	Kodiak Harbor Comm. Center	Beverage Dispensary	211 Reszanof W	AK (Kodiak)
Daniel Gilbert	Kodiak Harbor Comm. Center	Beverage Dispensary	211 Reszanof W	AK (Kodiak)

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Island Hotels, LLC		Telephone Number: 907-486-5712	Fax Number: 907-486-3430
Corporate Mailing Address: 236 W Reszanof Drive	City: Kodiak	State: AK	Zip Code: 99615
Name, Mailing Address and Telephone Number of Registered Agent: Susan Johnson 236 W. Reszanof Drive Kodiak, AK 99615 907-486-5712		Date of Incorporation OR Certification with DCED: 12/11/14	State of Incorporation: AK
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Susan Johnson	Pres.	51	406 Neva Way, Kodiak, AK 99615 907-486-4018	907-486-5712	12/10/74
Daniel Gilbert	V. Pres.	49	406 Neva Way, Kodiak, AK 99615 907-486-4018	907-486-5712	03/25/74

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NOTE: If you need additional space, please attach a separate sheet.

SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

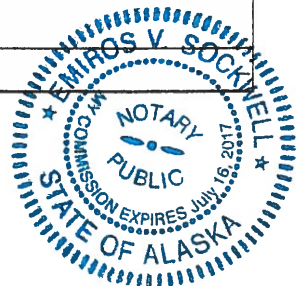
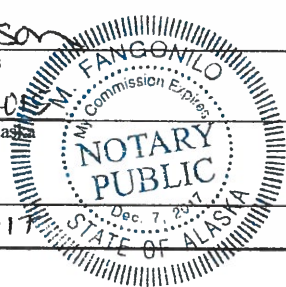
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: <i>Susan Johnson</i> Address: <i>406 Nava Way</i> <i>Kodiak, AK 99615</i> Home Phone: <i>907) 486-4018</i> Work Phone: <i>907) 486-5712</i>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <i>12/10/74</i>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: <i>Daniel Gilbert</i> Address: <i>406 Nava Way</i> <i>Kodiak, AK 99615</i> Home Phone: <i>907) 486-4018</i> Work Phone: <i>907) 486-5712</i>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <i>03/25/74</i>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s) Signature: <i>Judith Johnson</i> Signature: _____ Name & Title (Please Print): <i>Judith Johnson</i> Subscribed and sworn to before me this <i>27th</i> day of <i>March</i> , 20 <i>15</i> Notary Public in and for the State of Alaska <i>[Signature]</i> My commission expires: <i>12/7/2017</i>	Signature of Transferee(s) Signature: <i>Susan Johnson</i> Signature: _____ Name & Title (Please Print): <i>Susan Johnson, Treasurer</i> Subscribed and sworn to before me this <i>8th</i> day of <i>April</i> , 20 <i>15</i> Notary Public in and for the State of Alaska <i>[Signature]</i> My commission expires: <i>02/16/17</i>
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**STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 - 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 600 Type: Beverage Dispensary - Tourism

This application is for designation of premises where: (Please check the appropriate items below)

- 1. Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2. Persons 16 - 20 years of age may dine unaccompanied.
- 3. Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4. Persons between 16 - 20 years of age may be employed. *(See note below)

Licensee's Name: Island Hotels, LLC

Name of Business: Chart Room

Business Address: 236 W Rungas Drive City: Kodiak

1. Hours of operation 10am to 1am Telephone Number: 907-486-5712

2. Have police been called to your premises for any reason? Yes No
(If you answered yes, please explain below).

3. * Duties of employment: bussing, hostess, or dishwasher

4. Are video games available to the public on your premises? Yes No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
 Yes No Friday & Saturday in the lounge

6. How is food served? Table Service Buffet Service Counter Service Other _____

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? Yes No

***** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION *****

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

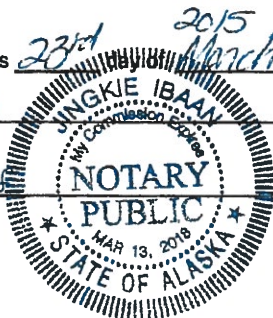
**Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.

Licensee Signature Susan Johnson

Subscribed and sworn to before me this 23rd day of March 2015

Notary Public in and for Alaska

My Commission expires; 03-13-16



Local Governing Body Approval _____

Date _____

Director, ABC Board _____

Date _____

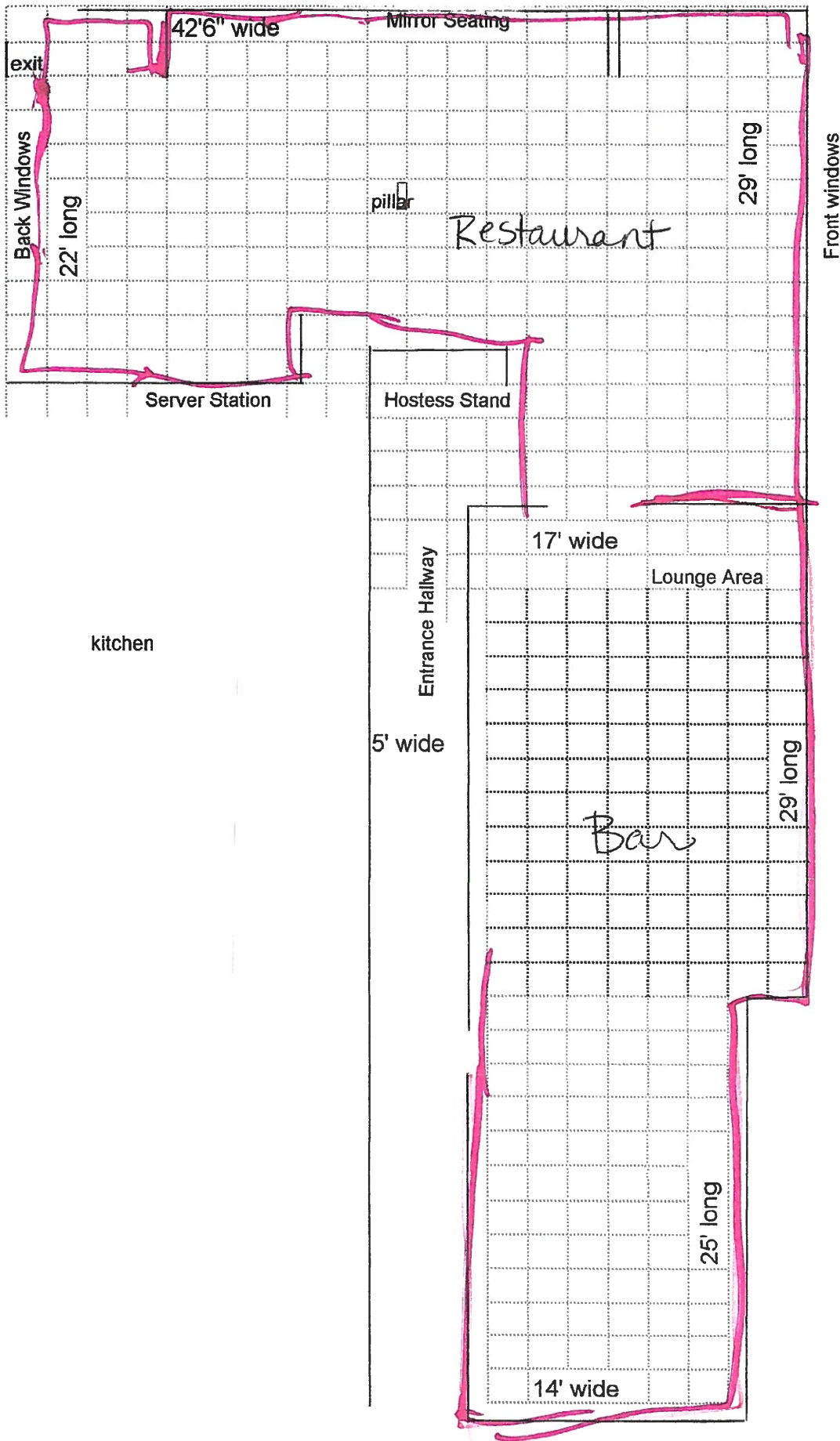


Chart
Room
Restaurant
+ Lounge

EXIT

waitstation

storage

area
BAR
(nothing stored
or set here
unless event
going on)

Reception
desk

Door
Entrance

pillar

pillar

**HARBOR
ROOM**

*below
restaurant*



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Chart Room (#600)

PREMISES LOCATION: Storage Room For Liquor on Premise

Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: X 1 SQ. = 1 FT.

SCALE B:

Length and width of premises in feet: 10'x26'

Outline the area to be designated for sale, service storage and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

