

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, August 9, 2016
Kodiak Public Library Multi-Purpose Room
7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Madsen Bear Presentation.....1
3. Presentation on Kodiak Pedestrian Pathway Planning and Design and Near Island Development Plan Update (DOWL).....3
4. Discussion About Terminating the Building Inspection Program MOA.....5
5. Discussion About Initiating City Business Licenses PowerPoint
6. Further Direction From the City Council About Postponed Harbor Rates Resolution13
..... PowerPoint
7. Discussion About the Borough's Initiative Ordinance to Consolidate Borough and City Government.....19
8. Report to Council on Communication Site Leases
9. Elected Officials Training/Travel Requests
10. August 11, 2016, Agenda Packet Review

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
1390 Buskin River Road
Kodiak, Alaska 99615
(907) 487-2600
(907) 487-2144 FAX

IN REPLY REFER TO:

City Manager's Office
Attn: Mike Tvenge, Deputy City Manager
Kodiak, AK 99615

Re: Proposed Closure of Center Street

Dear Mr. Tvenge,

The Kodiak National Wildlife Refuge will be celebrating its 75th Anniversary on August 20, 2016. As part of this celebration we are planning a community party in Sargent Park, adjacent to our Visitor Center in Downtown Kodiak.

We'll be offering information booths, games for kids and adults, presentations by community members and Refuge staff, and a free picnic. No fees will be charged and everything will be free to the public.

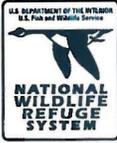
If all goes as planned, we also hope to have a formal dedication ceremony of the new bronze bear statue that will stand at the southeast corner of our property. The construction of this artwork has truly been a community endeavor, and recognizing the community at this time only seems appropriate.

In order to allow people to move freely and safely between Sargent Park and our Visitor Center, we are requesting a temporary closure of the block of Center Street identified on the accompanying map. To facilitate set-up and take-down of booths and tents, we are requesting that the block be closed from 10 AM to 8 PM.

Please consider this proposed closure and let me know if you need any additional information.

Sincerely,

Hansel Klausner
Visitor Services Manager
Kodiak National Wildlife Refuge



U.S. Fish & Wildlife Service

Center Street

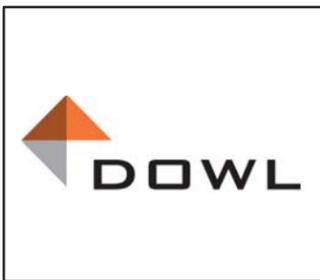


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, GEBCO, Swiretopo, and the GIS User Community

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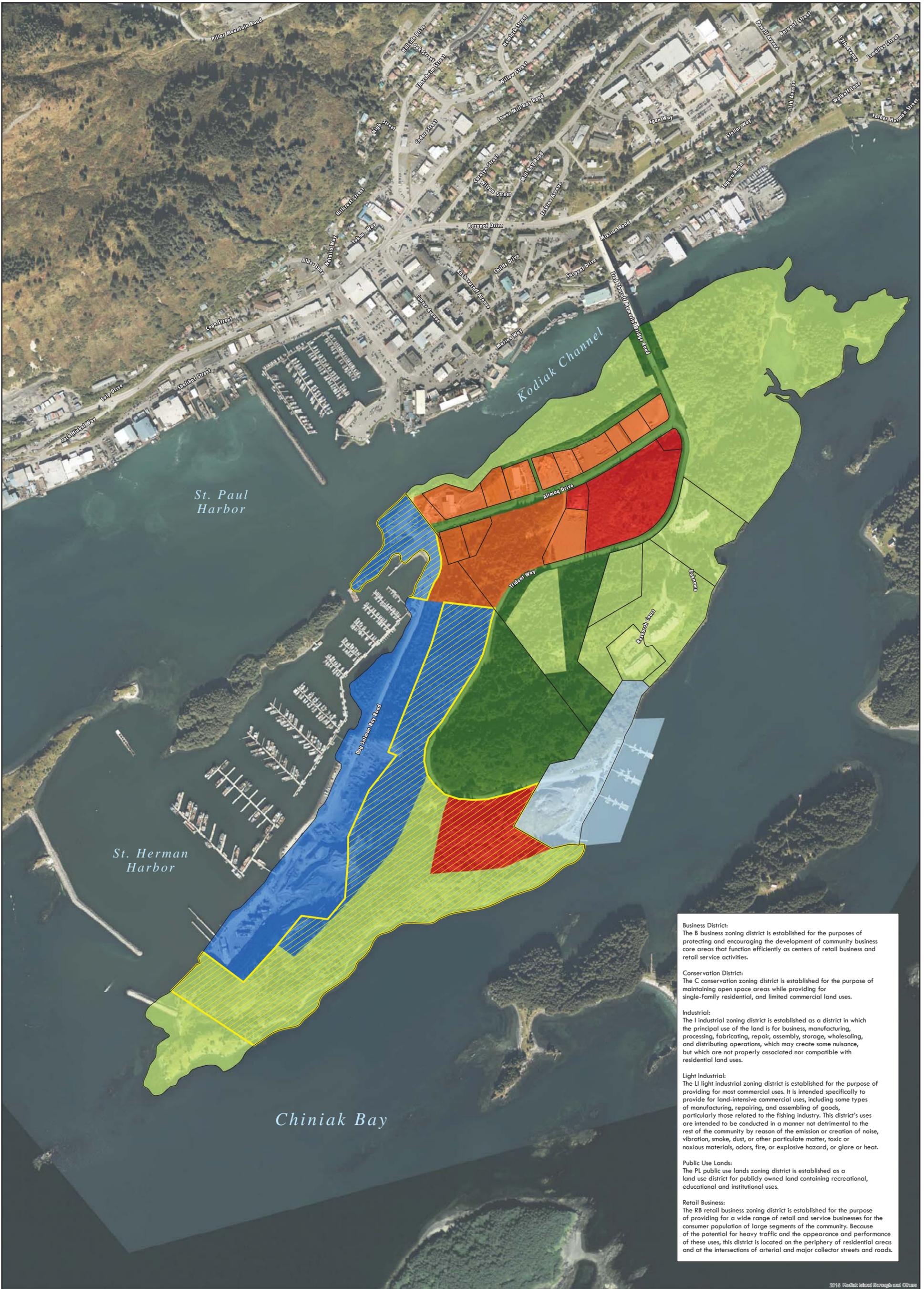


LEGEND			
	Conservation District		Existing Trail
	General Commercial		Seaplane Base & Support Services
	General Commercial Tourism Related		Water Dependent Marine Industrial
	Institutional		Water Related Marine Industrial
	Public Use Lands		Vegetated Buffer
			Trail (Under Construction)
			Proposed Trail, Trail Linkages
			Possible Coastal Trail
			Gate On Trail (Seasonal Closure)

**PROPOSED
LAND USE PLAN**

**NEAR ISLAND
KODIAK, ALASKA**

AUGUST 2016



Business District:
The B business zoning district is established for the purposes of protecting and encouraging the development of community business core areas that function efficiently as centers of retail business and retail service activities.

Conservation District:
The C conservation zoning district is established for the purpose of maintaining open space areas while providing for single-family residential, and limited commercial land uses.

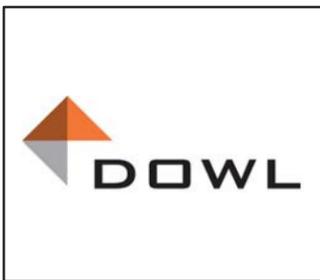
Industrial:
The I industrial zoning district is established as a district in which the principal use of the land is for business, manufacturing, processing, fabricating, repair, assembly, storage, wholesaling, and distributing operations, which may create some nuisance, but which are not properly associated nor compatible with residential land uses.

Light Industrial:
The LI light industrial zoning district is established for the purpose of providing for most commercial uses. It is intended specifically to provide for land-intensive commercial uses, including some types of manufacturing, repairing, and assembling of goods, particularly those related to the fishing industry. This district's uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire, or explosive hazard, or glare or heat.

Public Use Lands:
The PL public use lands zoning district is established as a land use district for publicly owned land containing recreational, educational and institutional uses.

Retail Business:
The RB retail business zoning district is established for the purpose of providing for a wide range of retail and service businesses for the consumer population of large segments of the community. Because of the potential for heavy traffic and the appearance and performance of these uses, this district is located on the periphery of residential areas and at the intersections of arterial and major collector streets and roads.

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LEGEND

Business District	Light Industrial	Parcels
Conservation District	Public Use Lands	Areas of Proposed Rezone
Industrial	Retail Business	

0 350 700 Feet

PROPOSED ZONING MAP

NEAR ISLAND KODIAK, ALASKA

AUGUST 2016

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MEMORANDUM OF AGREEMENT
between the
KODIAK ISLAND BOROUGH and the CITY OF KODIAK

BUILDING INSPECTION PROGRAM

On April 15, 1988, the Kodiak Island Borough and the City of Kodiak established a single program for the inspection of buildings within the jurisdiction of both governments. In the past there has been one building inspector/official for each local government. This memorandum of agreement (MOA) reestablishes the parameters of the single building inspection program that serves the residents of both jurisdictions, and replaces the original Building Inspection MOA of 1988.

Objectives

1. To provide for a single building inspection program for the City of Kodiak and the Kodiak Island Borough.
2. To ensure a consistent application of building regulations in the City of Kodiak and the Kodiak Island Borough.
3. To reduce the total cost of building inspection services in the Kodiak Island Borough and the City of Kodiak.
4. To provide an economical, efficient, and effective building inspection program for residents of the Kodiak Island Borough and the City of Kodiak.

Points of Agreement

1. The Kodiak Island Borough (hereinafter "Borough") hereby contracts with the City of Kodiak (hereinafter "City") for building inspection services. Personnel aspects of the program are the responsibility of the City, and the building official and assistant building official shall be employees of the City.
 - A. This service will include the following:
 - (1) a full-time building official;
 - (2) a full-time assistant building official;
 - (3) a half-time administrative assistant;
 - (4) all other necessary and typical functions associated with an operational building inspection program;
 - (5) administration and enforcement of Borough Code Title 15, Buildings and Construction, including issuing permits, checking plans, performing field inspections, maintaining records of each permit, and maintaining statistical records;

- (6) records will be kept on each building permit and will include at a minimum, the following applicable information: building permit applications, approved plans and specifications; the as-built site plan; compaction report on engineered fills; and inspection reports on all inspections performed; and
 - (7) issuance of a certificate of occupancy and/or final inspection report when construction, for which a permit was issued, is completed. The borough assessor shall be provided with a copy of all certificates of occupancy and/or final inspection reports on a monthly basis.
 - B. The Borough will supply the office space for the building inspection program.
 - C. The City will supply the vehicle for the building inspection program.
 - D. The building inspection office will be tied into both the Borough and the City telephone and remote communication systems, and the Borough AS/400 computer for access to property record files. Building inspection program staff will implement the HTE Building Permit software application once it has been installed and training has been provided by the Borough.
 - E. Monthly and annual reports of building permit activities will be submitted on forms agreed to by the Borough and the City.
2. In all cases, the building official will be responsible for ensuring that all structures are in compliance with adopted codes. The Kodiak Island Borough or the City of Kodiak may, on a case-by-case basis, request from the building official approval to use alternative personnel for ensuring that public construction projects meet adopted codes. The building official may deny approval for the use of alternative personnel based on the lack of appropriate qualifications of the personnel. All code compliance inspection reports or similar records generated for public construction projects shall become part of the building file maintained in the building inspection program office.

If approval is granted by the building official for the use of alternative personnel, a permit fee will not be charged for the portion of the project inspected by the alternative personnel; however, the value of any portion of a public construction project inspected by alternative personnel will be included in the project owner's portion of the permit value calculations for building inspection program operations. If building inspection program staff perform code compliance inspections for a public construction project, then the project will be charged the applicable building permit, electrical permit, or plumbing permit fees, and the project or portion of the project inspected will not be included in the permit value calculations for building inspection program operations.

The cost of the building inspection program will be split between the City and the Borough based on the dollar value of the permits issued inside the City (City responsibility) and outside the City (Borough responsibility). Payments by the Borough shall be made promptly upon billings submitted by the City.

3. The Community Development Department will work with the building inspection program office to ensure adherence to this MOA is implemented. This MOA is not intended to replace current day-to-day communications between staff, which are encouraged to continue. All policy issues,

whether City, Borough, or joint, will be referred to the Borough Mayor and City Manager for joint resolution.

- A. The MOA for zoning compliance is incorporated, in total, in this MOA and is labeled Appendix A.
 - B. The MOA for the building fire safety inspection program for the Kodiak road system is incorporated, in total, in this MOA and is labeled Appendix B.
4. The Borough and the City shall review and revise their respective Building Codes and strive to maintain identical regulations that include, but are not limited to, the following:
- A. ~~ICBO Uniform Building Codes~~;
 - B. National Electrical Code;
 - C. Uniform Plumbing Code;
 - D. Driveway permits;
 - E. Ordinances providing for fire safety review and approval of plans and specifications, and the enforcement of state fire statutes and regulations; and
 - F. Building Valuations and Fee Schedules.
5. The Borough shall adopt an ordinance that shall require the identification of lot corners in the field prior to commencement of construction.
6. Insurance
- A. The City shall provide liability insurance. Upon request the City shall provide the Borough with evidence of the insurance coverage in force at any time. If the Borough should conclude that the insurance coverage obtained by the City is inadequate to protect its interest, the Borough shall give the City written notice of its concerns and shall request that the insurance coverage maintained by the City be broadened or increased in certain particulars. If the City fails to agree to the Borough's request and obtain the broadened, increased coverage within thirty (30) days after receipt of the request, then the Borough may either obtain such additional insurance coverage as it has requested and deduct the proven cost thereof from any payments otherwise due to the City or terminate this agreement in accordance with Section 9.
 - B. Any liability insurance policy obtained by either the City or the Borough shall contain a waiver of all subrogation claims against the other party.
 - C. The Borough agrees to indemnify and hold the City harmless from any and all uninsured claims or damages arising out of actions or omissions of the staff of the building inspection

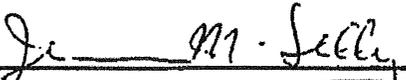
program which are associated primarily with implementation of this agreement with respect to property lying outside of the City and the City agrees to indemnify and hold harmless the Borough from any and all uninsured claims or damages arising out of actions or omissions of the staff of the building inspection program which are associated primarily with implementation of this agreement with respect to property lying within the City.

7. The Borough and the City shall separately assume any legal costs associated with building inspection program enforcement within their respective jurisdictions.
8. It is the responsibility of the building inspection program staff to initiate Borough and City building and related code updates. All Borough and City code revisions that may affect the building inspection program shall be provided to the building official for review and comment.
9. This agreement may be terminated by either party upon ninety (90) days advance written notice to the other party.

DATED this 16th day of May, 1997.

KODIAK ISLAND BOROUGH

CITY OF KODIAK



Jerome M. Selby, Mayor



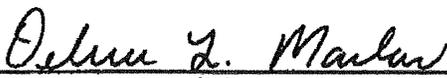
William D. Jones, City Manager

Attest:

Attest:



Judith A. Nielsen
Acting Borough Clerk



Ostrum Z. Mauler
Deputy City Clerk



ZONING COMPLIANCE PROGRAM

Appendix A of the Building Inspection Program MOA

On March 1, 1984, the Kodiak Island Borough(Borough) and the City of Kodiak (City) established a coordinated procedure for the enforcement of zoning regulations within the city limits. This Appendix replaces the original Zoning Compliance MOA of 1984, and provides a procedure for the inspection of zoning requirements through the building inspection program.

Objectives

1. To provide zoning compliance inspections in conjunction with building inspections.
2. To ensure a coordinated and consistent zoning compliance inspection program.
3. To provide a specific and acceptable process that defines the responsibilities of the Kodiak Island Borough and the City of Kodiak for implementing zoning compliance inspections as a function of the building inspection program.

Points of Agreement

1. No building permit will be issued without written zoning authorization from the Borough, except as may be otherwise provided for in the Borough Code.
2. Written zoning authorization by the Borough will be on a form provided by the Borough and printed in a format mutually agreed to by the City and the Borough. The format shall include at a minimum the following information:
 - A. property corner markers with identification or other acceptable markers must be in place and available for verification of setback distances; and
 - B. applicant acknowledgment that the information provided on the authorization is correct, and that the applicant agrees to comply with all ordinances and laws regulating zoning compliance.
3. The written zoning authorization will be specific in its identification of regulations that require compliance, including any approvals or conditions specified by the Borough Planning and Zoning Commission.
4. While conducting site inspections as part of the building permit process, it will be the responsibility of the building inspection program staff to note all violations of the written zoning authorization and to inform both the applicant and the Borough Community Development Department of any violations including, but not limited to, the following:
 - a. setback requirements;

- b. height restrictions;
 - c. off-street parking requirements and development standards; and
 - d. permitted uses.
5. In cases of confusion or conflict between the applicant and the building inspection program staff over either the written zoning authorization or the imposition of specific zoning regulations, the issue will be brought to the Community Development Department for resolution.
 6. In cases when there are violations of both the zoning and building codes, the Community Development Department and building inspection program staffs shall engage in joint enforcement action to the greatest extent possible. This includes, but is not limited to, joint signatures on violation letters and joint site inspections.

BUILDING FIRE SAFETY INSPECTION PROGRAM

Appendix B of the Building Inspection Program

The Kodiak Island Borough and the City of Kodiak wish to establish a coordinated building fire safety inspection program throughout each respective jurisdiction.

Objective

To enforce State fire safety laws as established in AS 18.70 and AS 18.72 and all regulations adopted pursuant to these statutes through a local building fire safety program.

Points of Agreement

1. It will be the responsibility of the City of Kodiak Fire Department to administer and enforce the requirements of the building fire safety program on the contiguous Kodiak road system.
2. Inspections requested by the Borough will be scheduled in as timely a manner as possible by the City Fire Department.
3. The Borough shall be financially responsible for the building fire safety inspection program outside the boundaries of the City.

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**CITY OF KODIAK
RESOLUTION NUMBER 2016–20(SUB)**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AMENDING SECTION 9, HARBOR FEES, OF THE SCHEDULE OF FEES, CHARGES, AND TARIFFS AND AUTHORIZING IMPLEMENTATION OF A FIVE-YEAR RATE STRUCTURE

WHEREAS, existing harbor fees are insufficient to fund harbor facilities replacement and maintenance costs; and

WHEREAS, Northern Economics conducted a rate study and cash flow analysis for moorage rates and other boat harbor services recommending an 18.5 percent increase the first year and annual inflation-based adjustments based on the Producer Price Index (PPI) for the subsequent four years, which have averaged approximately 2.8 percent per year; and

WHEREAS, the Port and Harbors Advisory Board endorsed the five-year harbor rate structure proposed by Northern Economics to increase the revenues needed for maintenance of harbor facilities; and

WHEREAS, the Council of the City of Kodiak desires to distribute the recommended increases equally over five years at 6 percent per year to minimize the impact to users; and

WHEREAS, the Council of the City of Kodiak desires to amend harbor fees in Section 9 of the City's Schedule of Fees, Charges, and Tariffs to sufficiently fund facilities replacement and maintenance costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that Section 9 of the City's Schedule of Fees, Charges, and Tariffs herein are amended for FY2017 through FY2021 as follows:

Harbor Fee Schedule

July 1, 2016, through June 30, 2021

Section 9	Harbor	Current Rates	7/1/16	7/1/17	7/1/18	7/1/19	7/1/20
			FY16	FY17	FY18	FY19	FY20
	A day is defined as a calendar day, midnight to midnight or portion thereof.						
9.1	Disposal						
9.1.1	Drums, each 55 gallon	20.00	21.20	22.40	23.60	24.80	26.00
9.1.2	Containment boom, per foot, per day, plus labor	0.50	0.53	0.56	0.59	0.62	0.65
9.1.3	Sorbent pads and boom	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%
9.1.4	Petroleum products and bilge waste, per gallon						
9.1.4.1	Used oil	1.00	1.06	1.12	1.18	1.24	1.30
9.1.4.2.	Oily bilge water, vessels under 400 gross tons	2.25	2.40	2.52	2.66	2.79	2.93
9.1.4.3.	Oily bilge water, vessels over 400 gross tons	4.25	4.50	4.76	5.02	5.27	5.53
9.1.4.4.	Testing and other necessary services	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%
9.2	Dry Storage <i>No charge for fishing gear storage for the first three (3) days. Minimum charge is \$10.00 or per square foot fee, whichever is greater.</i>						
9.2.1	Daily, per square foot	0.03	0.04	0.04	0.04	0.04	0.04
9.2.2	Weekly, per square foot	0.12	0.13	0.14	0.14	0.15	0.16
9.2.3.	Monthly, per square foot	0.40	0.45	0.46	0.47	0.50	0.52
9.2.4	Annual, per square foot	1.20	1.30	1.34	1.42	1.49	1.56
9.2.5	Impounded vessels: cost of labor, equipment, and storage	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%
9.3	Electric Service, temporary, per day						
9.3.1	120-volt single-phase or actual KWH cost, whichever is greater	15.00	16.00	16.80	17.70	18.60	19.50
9.3.2	208-volt single-phase or actual KWH cost, whichever is greater	35.00	37.00	39.20	41.30	43.40	45.50
9.3.3	208-volt three-phase or actual KWH cost, whichever is greater	40.00	42.50	44.80	47.20	49.60	52.00
9.3.4	Electric cord rental, per day						
	30-amp 120-volt twist lock cords	5.00	5.50	5.60	5.90	6.20	6.50
9.3.5	Electric plug rental, per day						
	30-amp twist lock GFI to 20-amp straight blade	5.00	5.50	5.60	5.90	6.20	6.50

	Current Rates	7/1/16	7/1/17	7/1/18	7/1/19	7/1/20
208 single phase to 30-amp twist lock.....	10.00	10.75	11.20	11.80	12.40	13.00
208 three phase to 208 single phase	15.00	16.00	16.80	17.70	18.60	19.50
9.4 Tidal Grid, per foot, per tide.....	2.00	2.12	2.24	2.36	2.48	2.60
9.5 Services and equipment rental						
9.5.1 Backhoe/loader, with operator, per 1/2 hour.....	75.00	80.00	84.00	88.50	93.00	97.50
9.5.2 Fork Lift						
9.5.2.1 4-ton, with operator, per 1/2 hour	75.00	80.00	84.00	88.50	93.00	97.50
9.5.3 Labor and Materials						
9.5.3.1 City employees, straight time, per hour	65.00	69.00	72.80	76.70	80.60	84.50
9.5.3.2 City employees, overtime, per hour.....	90.00	95.00	100.80	106.20	111.60	117.00
9.5.3.3 Non-City labor and miscellaneous materials.....	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%	cost + 10%
9.5.4 Pumps						
9.5.4.1 Dewatering, electric, per day	30.00	32.00	33.60	35.40	37.20	39.00
9.5.4.2 Dewatering, electric, per week	120.00	127.00	134.40	141.60	148.80	156.00
9.5.4.3 Dewatering, electric, per month.....	300.00	318.00	336.00	354.00	372.00	390.00
9.5.4.4 Dewatering gasoline, per day.....	50.00	53.00	56.00	59.00	62.00	65.00
9.5.4.5 Sewage, vessel or RV pump-out, per use	10.00	10.75	11.20	11.80	12.40	13.00
9.5.5 Tanker, used oil, with operator, per hour	130.00	138.00	145.60	153.40	161.20	169.00
9.5.6 Vessel, with operator, per hour.....	115.00	122.00	128.80	135.70	142.60	149.50
9.6 Dockage for commercial fishing vessels at piers and docks (all other vessels charged per port tariff)						
9.6.1 • Vessels 80' and under.....	1.50	1.60	1.68	1.77	1.86	1.95
9.6.2 • Vessels 81' and over.....	1.75	1.90	1.96	2.07	2.17	2.28
9.7 Moorage, exclusive, annual						
• Excludes Dock 1, Oscar's Dock, Piers 1, 2, & 3						
• Dockage fees shall be equal to the vessel's daily moorage rate, or the per foot rate, whichever is greater. Vessels with exclusive moorage, and vessels which have paid their annual daily moorage ceiling, receive the first day free. Dockage fees do not apply to the moorage ceiling.						
• Moorage is calculated depending upon vessel length: Length x rate per linear foot.						
• Length = length of vessel, including all fixed protruberances or length of slip, whichever is greater.						
• Vessels moored at posted restricted areas in excess of the allotted time shall incur a moorage charge at double the daily rate, until the vessel has departed.						
• 20% surcharge for vessels wider than 80% of the slip water space						
• 50% surcharge for vessels wider than 100% of the slip water space						
9.7.1 0 to 20 feet.....	30.00	31.80	33.60	35.40	37.20	39.00

		Current Rates	7/1/16	7/1/17	7/1/18	7/1/19	7/1/20
9.7.2	21 to 30 feet.....	30.00	31.80	33.60	35.40	37.20	39.00
9.7.3	31 to 40 feet.....	30.00	31.80	33.60	35.40	37.20	39.00
9.7.4	41 to 60 feet.....	41.00	43.46	45.92	48.38	50.84	53.30
9.7.5	61 to 80 feet.....	61.00	64.66	68.32	71.98	75.64	79.30
9.7.6	81 to 100 feet.....	71.50	75.79	80.08	84.37	88.66	92.95
9.7.7	101 to 120 feet.....	82.00	86.92	91.84	96.76	101.68	106.60
9.7.8	121 to 150 feet.....	89.00	94.34	99.68	105.02	110.36	115.70
9.7.9	151 feet +	100.00	106.00	112.00	118.00	124.00	130.00
9.8	Moorage, open/daily..... <ul style="list-style-type: none"> Daily moorage shall stop accruing when an amount equal to 100% of the annual exclusive moorage has been reached. Vessels moored at posted restricted areas in excess of the allotted time shall incur a moorage charge at double the daily rate, until the vessel has departed. Vessels under 21' receive one free day per month at designated areas only, on first-come, first-served basis. 	1/60 of the annual exclusive moorage rate	1/60 of the annual exclusive moorage rate	1/60 of the annual exclusive moorage rate	1/60 of the annual exclusive moorage rate	1/60 of the annual exclusive moorage rate	1/60 of the annual exclusive moorage rate
9.9	Parking						
9.9.1	Trailers at designated long-term parking areas						
9.9.1.1	Daily	5.00	5.50	5.60	5.90	6.20	6.50
9.9.1.2	Monthly	75.00	80.00	84.00	88.50	93.00	97.50
9.9.2	Permit parking for harbor customers in designated 30-day lots adjacent to the harbors, per day	1.00	1.00	1.00	1.00	1.00	1.00
	<ul style="list-style-type: none"> Permits available to vessel slip holders and paid up transient vehicles only. Except that permits may be sold to the general public in the 30-day lot north of Ramp 1, St. Herman Harbor. 						
9.10	Gravel ramp use at SHH and SPH						
9.10.1	Aircraft, per launch or retrieval	75.00	80.00	84.00	88.50	93.00	97.50
9.10.2	Vessels under 76 feet in length, per foot, per tide.....	1.00	1.06	1.12	1.18	1.24	1.30
9.10.3	Vessels 76 feet and longer, per foot, per tide	1.50	1.60	1.68	1.77	1.86	1.95
9.10.4	Annual usage fee (must be paid in advance).....	2,000.00	2,120.00	2,240.00	2,360.00	2,480.00	2,600.00
9.11	Waiting list, per year.....	25.00	26.50	28.00	29.50	31.00	32.50
9.12	Launch ramp (exclusive slip holders and personal pleasure boats of persons sixty-five years of age or older are exempt)						
9.12.1	Daily.....	10.00	10.00	10.00	10.00	10.00	10.00
9.12.2	Annual	100.00	106.00	112.00	118.00	124.00	130.00
9.13	Slip transfer fee, per vessel.....	15.00	16.00	16.80	17.70	18.60	19.50
9.14	Account sent to collections	100.00	106.00	112.00	118.00	124.00	130.00
9.15	Sewage disposal at Pier II, per day (dockage charged separately)	75.00	80.00	84.00	88.50	93.00	97.50

BE IT FURTHER RESOLVED that amendments to the Schedule of Fees, Charges, and Tariffs herein shall be increased 6 percent on July 1, 2016, 2017, 2018, 2019, and 2020, unless subsequently amended by the City Council.

BE IT FURTHER RESOLVED that this resolution shall supersede previous resolutions amending these sections of Section 9 of the Schedule of Fees, Charges, and Tariffs.

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

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Postponed: June 23, 2016
Adopted:

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SUBSTITUTED VERSION
VERSION 2

Introduced by: Assembly Member Crow
Requested by: Assembly Member Crow
Drafted by: Borough Clerk/Assembly Member Crow
Introduced on: July 21, 2016
Public hearing:
Adopted on:

KODIAK ISLAND BOROUGH
ORDINANCE NO. FY 2017-02

**A ORDINANCE OF THE KODIAK ISLAND BOROUGH ASSEMBLY
AUTHORIZING THE SUBMISSION OF AN ADVISORY QUESTION
TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE
OCTOBER 4, 2016 REGULAR BOROUGH ELECTION TO
DETERMINE WHETHER THE PUBLIC SUPPORTS THE IDEA OF
CONSOLIDATING THE KODIAK ISLAND BOROUGH AND THE
CITY OF KODIAK INTO A SINGLE UNIT OF GOVERNMENT**

WHEREAS, one of the priorities stated in the adopted Strategic Plan Resolution No. FY2016-32 of the Assembly is to explore the potential impacts of consolidation; and

WHEREAS, one of the policies adopted January 2008 KIB Comprehensive Plan Update is to consider consolidation of local governmental functions of agencies, including among the City of Kodiak and Kodiak Island Borough; and

WHEREAS, it would be of the best interest of the residents of the community to explore the potential impacts of consolidation; and

WHEREAS, consolidating the Kodiak Island Borough and the City of Kodiak into a single unit of home rule government may result in a more efficient single unit of government; and

WHEREAS, the proposed question below is designed to allow the electorate to advise the Assembly as to whether they support the idea of consolidating the Kodiak Island Borough and the City of Kodiak into a single unit of government; and

WHEREAS, the proposed question **does not place any requirements** on the Assembly, but rather an advisory from the electorate; and

NOW, THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that the Borough Clerk shall submit a non-binding advisory question to the qualified voters at the October 4, 2016, regular Borough Election

ADVISORY QUESTION NO. 1

Advisory Vote On The Idea Of Consolidating Governments

Should the Kodiak Island Borough pursue the idea of consolidating the Kodiak Island Borough and the City of Kodiak into a single unit of government?

Yes
 No

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ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS _____ DAY OF _____ 2016

KODIAK ISLAND BOROUGH

Jerrold Friend, Borough Mayor

ATTEST:

Nova M. Javier, MMC, Borough Clerk

Municipal Consolidation

Introduction

"Municipal consolidation" means the dissolution of two or more municipalities and consolidation of the area within the dissolved municipalities into a single new municipality. Consolidation results in the rights, powers, duties, assets, and liabilities of the dissolved municipalities being taken over by the new consolidated municipality.

State law requires certain standards and procedures be followed for consolidation, which are explained in more detail in the 'Frequently Asked Questions' portion of this document. This chapter provides an overview of basic information about municipal consolidation, however, this is a complex matter that cannot be covered completely in this brief overview. This overview provides information and links to applicable law, additional publications, and staff available to provide assistance.

Frequently Asked Questions

Who can provide information regarding consolidation?

Local Boundary Commission (LBC) staff within the Department of Community and Economic Development are available to provide technical assistance to interested parties.

Who can petition to consolidate?

Municipal governments are consolidated by a petition to the Local Boundary Commission (LBC). Such a petition may be filed by

- a) a city,
- b) a borough,
- c) a regional educational attendance area,
- d) a number of voters of each municipality proposed to be consolidated equal to at least 25 percent of the number of votes cast in each municipality's last regular election,
- e) the state legislature,
- f) the Commissioner of the Department of Commerce, Community, and Economic Development (Commerce),
- g) a party designated by the Local Boundary Commission.

What are the "pros" and "cons" of consolidation?

The advantages and disadvantages of consolidating municipal governments will vary depending on the communities involved and the type of municipalities proposed for consolidation. It is important to carefully explore the pros and cons of consolidation before initiating any petition development effort.

Are there criteria that guide the development of a petition?

Yes, the criteria are found in AS 29.06.130 and 3 AAC 110.240-.250. Those criteria should be carefully reviewed when deciding whether to consolidate. If the prospective petitioner decides to pursue a consolidation, the criteria should also be used to guide the development of the petition. The Local Boundary Commission will use those same criteria to judge the merits of the petition.

Are state grants available to study the feasibility and need for consolidation of municipal governments?

No. State funding is not available for studies of prospective municipal consolidations.

Does the state provide technical assistance to a prospective petitioner who wishes to propose a consolidation?

Yes. The staff of the Local Boundary Commission provides certain assistance to prospective petitioners. Such assistance includes providing petition forms and sample successful proposals, consultation regarding policy issues, guidance regarding technical matters, and direction concerning sources of information needed to complete a petition. While the state can provide some assistance, the burden of preparing a proper petition remains with the petitioners.

If a group opposes a consolidation, does the state assist it as well?

Yes. LBC staff will also provide assistance to any individual or organization that wishes to express views opposing a consolidation proposal. Assistance to opponents might include providing sample responsive briefs filed in opposition to prior petitions, consultation regarding policy issues, guidance regarding technical matters, and direction where fundamental information needed to complete a responsive brief in opposition to a proposal can be obtained.

Can a petition be amended after it is filed?

The petition may be amended by the petitioner. The LBC can also amend or impose conditions on a consolidation proposal following a public hearing. Ideally, however, with careful planning and proper consultation before filing a petition, amendments can be avoided. Amending a petition may, under certain circumstances, cause delays in the consideration of the petition.

How long does it take to consolidate?

It typically takes several months (in some cases a year or more depending on the local effort) to prepare a proper petition. Prospective petitioners are encouraged to work closely with the LBC staff in developing a petition. Once a petition is completed, the petition is filed with the LBC. The process for review of the proposal by the LBC may take one year or longer. If the Commission approves the petition, the state will conduct a local election on the matter. The process for the consolidation election typically involves about three months.

Consolidation of municipal governments is a complex matter and requires a substantial commitment of time and resources.

Before local residents decide to pursue consolidation, they should carefully think about what consolidation will accomplish and the process involved and what the benefits will be.

PROCEDURES FOR CONSOLIDATION AND MERGER

STAGE ONE - FILING THE PETITION

A petition may be initiated by various parties including voters, a city council, a borough assembly or others specified in 3 AAC 110.410.

If initiated by voters, a petition to merge or consolidate a city and borough must be signed by a number of voters within the city equal to at least 25% of the number of votes cast in the city's last regular election. The petition must also be signed by a number of voters within the borough, but outside the city named in the petition. Those signatures must total at least 25% of the number of votes cast in the borough's last regular election from the area outside the city proposed to be merged or consolidated [AS 29.06.100(a) and 3 AAC 110.410(b)].

Petition submitted to LBC Staff
3 AAC 110.420

Petition returned if deficient
3 AAC 110.440

LBC Staff reviews form & content
3 AAC 110.440

STAGE TWO - PUBLIC REVIEW

Public notice & service of petition is given
3 AAC 110.450
3 AAC 110.460

WITHIN 7+ WEEKS OF INITIAL PUBLIC NOTICE

Individuals may file responsive briefs & comments in favor or opposition
3 AAC 110.480

WITHIN 2 WEEKS OF FILING RESPONSIVE BRIEF

Petitioner may file reply brief
3 AAC 110.490

--Optional--
Petitioner may be directed by LBC Staff to hold public informational sessions
3 AAC 110.510

--Optional--
LBC Staff may conduct public meeting to address proposal
3 AAC 110.520

LBC Staff distributes draft report for public review
3 AAC 110.530

WITHIN 4 WEEKS OF MAILING OF DRAFT REPORT

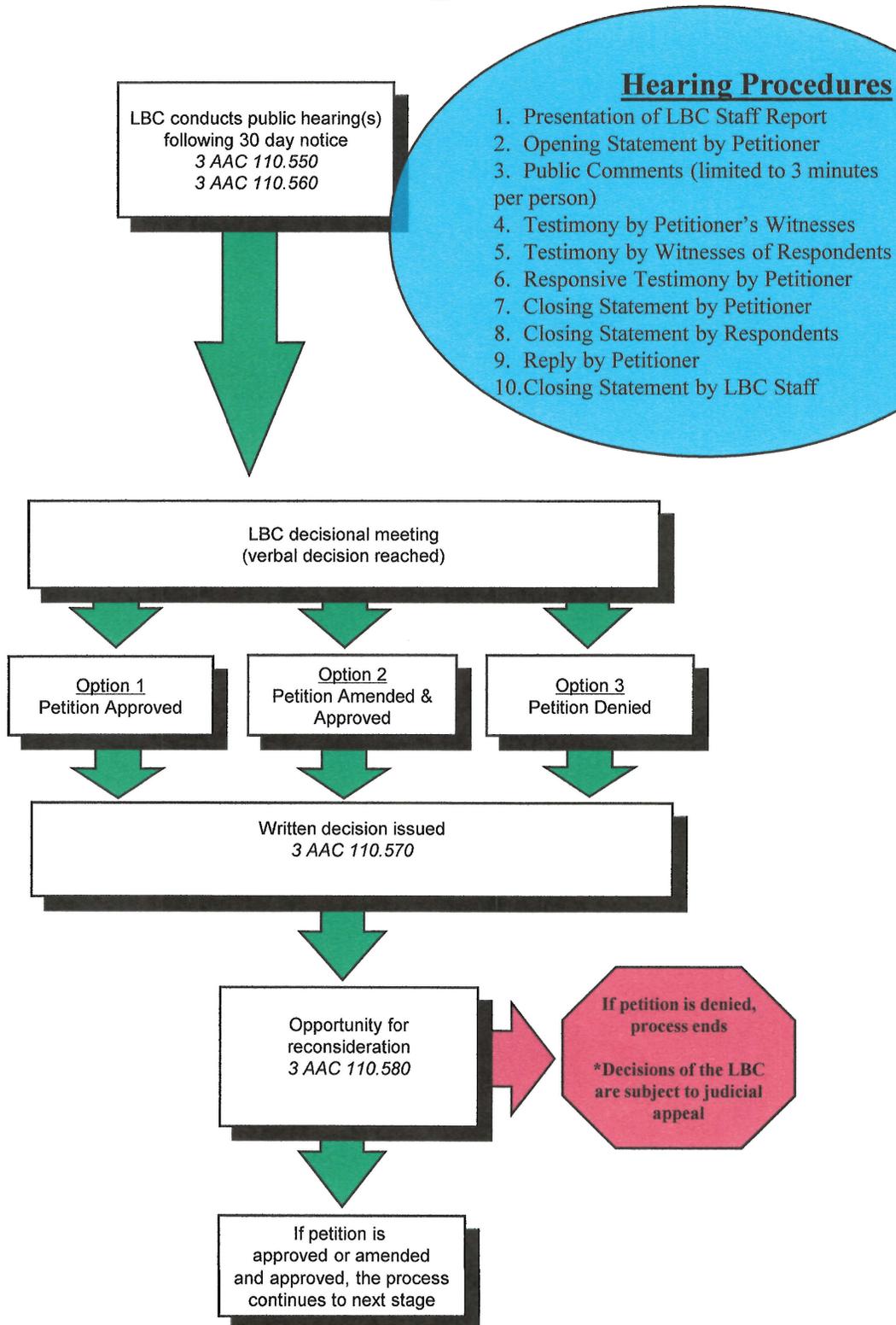
Comments must be submitted on LBC Staff draft report
3 AAC 110.530

LBC Staff distributes final report
3 AAC 110.530

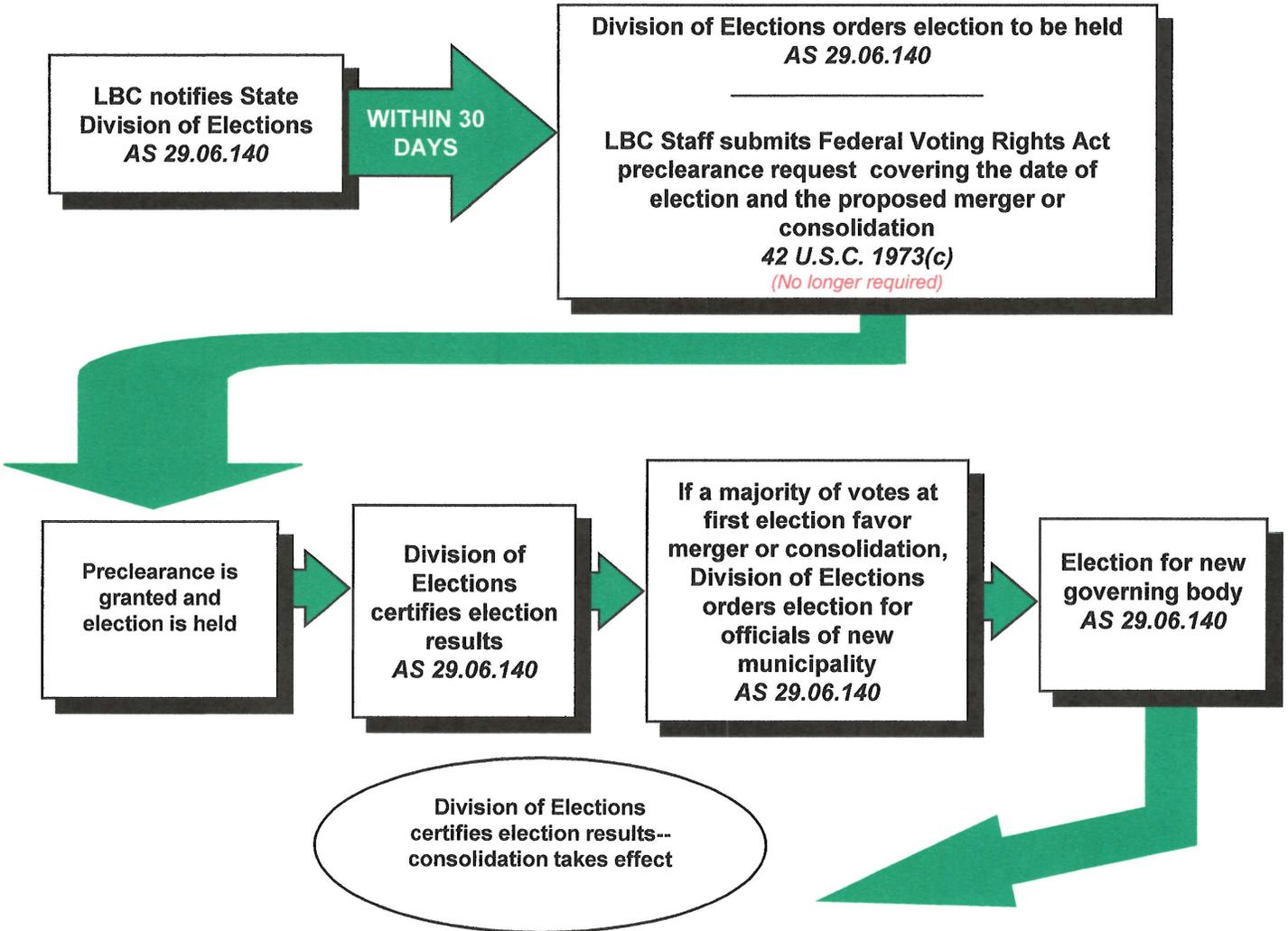
Opportunity for review of final report prior to LBC Hearing

*Department of Commerce, Community, and Economic Development serves as staff to the LBC. AS 44.47.050(a)(2).

STAGE THREE - HEARING AND DECISION BY LBC



STAGE FOUR - ELECTION



STAGE FIVE - TRANSITION

The successor government succeeds to all rights, powers, duties, assets, and liabilities of the former governments. The ordinances, resolutions, regulations, procedures, and orders of the former governments remain in force in their respective territories until superceded AS 29.06.150 and AS 29.06.160

Article 6 Standards for Consolidation of Municipalities

Section

240. Standards.

250. Local option.

245. Best interests of state.

255. Legislative review.

3 AAC 110.240. Standards

- (a) Two or more municipalities may consolidate to form a new municipality if, in accordance with AS 29.06.130, the commission determines that the proposed consolidation
- (1) meets the standards in 3 AAC 110.240 - 3 AAC 110.245 and
 - (A) for a proposal to form a consolidated city, meets the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.005 - 3 AAC 110.042, and 3 AAC 110.900 - 3 AAC 110.970; or
 - (B) for a proposal to form a consolidated borough, meets the standards for incorporation of boroughs, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.045 - 3 AAC 110.067, and 3 AAC 110.900 - 3 AAC 110.970; and
 - (2) is in the best interests of the state.
- (b) Separate proceedings are not required for dissolution of the consolidating municipalities. Dissolution occurs automatically at the time of consolidation.
- (c) If a petition for consolidation proposes boundaries that include lands or submerged lands not currently within the boundaries of the consolidating municipalities, the petition for consolidation must also address and comply with the standards and procedures for annexation of those lands or submerged lands to the new municipality.
- (d) Absent a specific and persuasive showing to the contrary, the commission will presume that a petition for consolidation promotes
- (1) maximum local self-government, as determined under 3 AAC 110.981; and
 - (2) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185
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Authority:

Art. X, sec. 1, Ak Const.

Art. X, sec. 7, Ak Const.

AS 29.06.090

Art. X, sec. 3, Ak Const.

Art. X, sec. 12, Ak Const.

AS 44.33.812

3 AAC 110.245. Best interests of state

In determining whether consolidation is in the best interests of the state under AS 29.06.130, the commission may consider relevant factors, including

- (1) the ability of the proposed consolidated municipality to efficiently and effectively provide reasonably necessary facilities and services after consolidation;
- (2) the effect of the proposed consolidation on the long-term stability of the finances of the proposed consolidated municipality, other municipalities, and the state;
- (3) whether the proposed consolidation will promote
 - (A) maximum local self-government, as determined under 3 AAC 110.981; and
 - (B) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska; and
- (4) whether requirements for local government services will be enhanced following consolidation.

History: Eff. 1/9/2008, Register 185

Authority:

Art. X, sec. 1, Ak Const.	Art. X, sec. 7, Ak Const.	AS 29.06.090
Art. X, sec. 3, Ak Const.	Art. X, sec. 12, Ak Const.	AS 44.33.812

3 AAC 110.250. Local option

Municipalities that meet the consolidation standards required under 3 AAC 110.240 - 3 AAC 110.245, and are approved by the commission for local option consolidation, may consolidate if the petition for consolidation was submitted by the number of voters required under AS 29.06.100(a), and if a majority of the voters in the proposed new municipality vote in favor of the consolidation in a subsequent election. The election must be held in accordance with AS 29.06.140.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185
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Authority:

Art. X, sec. 1, Ak Const.	Art. X, sec. 7, Ak Const.	AS 29.06.090
Art. X, sec. 3, Ak Const.	Art. X, sec. 12, Ak Const.	AS 44.33.812

3 AAC 110.255. Legislative review

- (a) Municipalities that meet the consolidation standards required under 3 AAC 110.240 - 3 AAC 110.245, and are approved by the commission for legislative review consolidation, may consolidate 45 days after presentation to the legislature of the commission's final decision on a legislative review petition if the legislature has not disapproved the decision.
- (b) Under AS 29.06.140, the director of elections shall conduct the election of officials of the municipality consolidated through the legislative review process. The date of the election is the effective date of the consolidation.

History: Eff. 1/9/2008, Register 185

Authority:
Art. X, sec. 1, Ak Const. Art. X, sec. 7, Ak Const. AS 29.06.090
Art. X, sec. 3, Ak Const. Art. X, sec. 12, Ak Const. AS 44.33.812