

**City of Kodiak Regular Council Meeting Agenda for December 14, 2017**  
**7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)**

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<b>I. Call to Order/Roll Call</b>	
Invocation/Pledge of Allegiance	
<b>II. Previous Minutes</b>	
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<b>III. Persons to Be Heard</b>	
a. Public Comments (limited to 3 minutes) (486-3231)	
<b>IV. Unfinished Business</b>	
a. Second Reading and Public Hearing, Ordinance No. 1370, Amending Chapter 5.04 of the Kodiak City Code to Add a New Section 5.04.080 Pertaining to Procedures for Issuing Permits for Retail Sales of Seafood Directly From Vessels at City Port and Harbor Facilities .....	10
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e. Non-objection to Transfer of Safeway Inc. Liquor Licenses 174 and 2509 .....	54
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g. Election of Deputy Mayor .....	90
<b>VI. Staff Reports</b>	
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b. City Clerk	
<b>VII. Mayor’s Comments</b>	
<b>VIII. Council Comments</b>	
<b>IX. Audience Comments (limited to 3 minutes) (486-3231)</b>	
<b>X. Adjournment</b>	

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**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, NOVEMBER 9, 2017  
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Gabriel T. Saravia, Richard H. Walker and John B. Whiddon were present and constituted a quorum. City Manager Mike Tvenge and City Clerk Debra Marlars were also present.

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

**II. PREVIOUS MINUTES**

Councilmember Whiddon MOVED to approve the minutes of the October 26, 2017, regular meeting as presented.

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

**III. PERSONS TO BE HEARD**

**a. Public Comments**

**Jonathan Strong** said he lives in Service District 1 and spends most of his time in the City. He spoke in support of annexation to allow proper representation of taxation issues.

**Lawrence Anderson**, Senior Citizens of Kodiak, Inc., provided an FY2018 report. He provided an overview of meal delivery, transportation, adult day services, lifeline services, respite, and informational assistance on Medicare, social security and housing assistance. He said the center is the only senior center to receive three national accreditations in Alaska. He thanked the Mayor and Council for their work and said he was proud to be a resident of Kodiak.

**Jesse Glaman**, Manager of Big Rays, via telephone, said businesses have been affected by budget shortfalls by the federal and state cuts. He encouraged the Council to look harder at their budget to make cuts and be more efficient. He does not support the increased tax cap.

**Alexandra Turner** spoke in opposition to increasing the sales tax. She said she believes the budget deficit could be met without raising taxes and advocates for shopping local.

**Sarah Harrington**, Executive Director of the Kodiak Historical Society and Baranov Museum, spoke in favor of Ordinance No. 1371. She said they would like to work on a facility upgrade and the approval of the ordinance and the lease will allow the Kodiak Historical Society to work on the redesign project.

**Tyler Randolph**, via telephone, shared his ideas for minimizing the tax gap, which included a 10 percent departmental cut, review of salaries and benefits, elimination of the tourism fund, and turning the library over to the Kodiak Public Library Association.

**Patrick O Donnell** said he does not support raising the tax cap. He stated the Harbor fees have increased and commented there is a reduction in the cod and pollock fisheries. He stated a higher number of the trawl fleet has moved from Kodiak due to cost. He expressed his concern regarding other potential tax increases by the state and suggested a fuel exemption if the tax cap was raised.

**Darius Kasprzak** spoke in support of Ordinance No. 1370 regarding selling seafood from vessels at the Kodiak Harbor and said he supports a tax exemption for marine fuel, if the sales tax cap passes.

#### **IV. UNFINISHED BUSINESS**

##### **a. Authorization of Service Agreement With Johnson Controls, Inc., for Annual Inspection and Preventative Maintenance of the Kodiak Police Station Building Control Systems**

This authorization would award a multi-year service agreement to Johnson Controls, Inc. to provide preventative maintenance and correction of minor deficiencies encountered during routine inspections of the fire, security, and mechanical systems utilized within the Kodiak Police Station. The vote on this motion was postponed at the June 8, 2017, meeting. Since that time, staff has worked with a local vendor who is more cost efficient and trained to provide the needed service.

Councilmember Davidson MOVED to postpone indefinitely the pending service agreement with Johnson Controls.

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

##### **b. Second Reading and Public Hearing, Ordinance No. 1367, Amending Kodiak City Code 3.08.120, "Maximum Taxable Sale," to Increase the Maximum Amount of a Sale Service or Rental that is Subject to City Sales Tax to \$3,000**

Mayor Branson read Ordinance No. 1367 by title. Since May 2016 City staff has provided updates regarding the City's fiscal outlook. The State of Alaska budget has been experiencing a shortfall over the past three fiscal years that has impacted funding provided to the City of Kodiak. The City revenues are generated through sales tax, property tax, City charges for services, and intergovernmental revenues. Due to continual decreases in City intergovernmental revenues, City staff has presented data to the City Council and Mayor throughout eighteen work sessions to consider the implications to the City. These discussions culminated into the direction from Council to move forward with three ordinances:

- Increase minimum taxable sale from \$750 to \$3,000
- Hold the maximum taxable sale on real property commercial and real property residential rentals to \$750
- Eliminate the 2% discount allowed to early sales tax filers

Councilmember Bishop MOVED to adopt Ordinance No. 1367.

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

**Alexandra Turner** spoke in opposition to amending the sales tax cap. She stated a small business group has formed and urged the Council to reconsider adopting the ordinance.

**Joe Dinnocenzo**, via telephone, spoke in opposition to the ordinance and asked the Council to reconsider.

**Jamey Spencer**, owner of Kodiak Rentals, spoke in opposition of Ordinance No. 1367. He stated the tax cap increase would crush local businesses.

**Sarah Harrington** thanked the Council for careful consideration of taxation. She stated she feels lucky to live in a wonderful and vibrant community. She said she represents the average shopper and most individuals do not purchase transactions of \$3000 regularly and would be minimally impacted by this ordinance. She supports the ordinance and appreciated everyone's comments.

**Ben Ardinger**, via telephone, spoke against the Ordinance No. 1367. He urged the Council to consider other options.

**Chris Lynch** said she would continue to advocate for downtown businesses and emphasized that businesses create revenue for the City. She commented about the first Economic Development Committee meeting and said the discussion was headed in a positive direction.

**Kevin Arndt** spoke in opposition to the increase tax cap of \$3000.

Mayor Branson closed the public hearing after public testimony and re-opened the regular meeting.

Councilmember Walker said the Council has worked on this issue for a long time; he does not agree with the amount of the \$3000 sales tax cap and favors the idea of a five-year progressive tax plan; therefore, he will vote against the ordinance.

Councilmember Davidson, stated not one person on the Council looks forward to seeing this ordinance pass. He further stated there is a decrease in federal and state funding, increase in online purchasing, and other factors that are influencing this decision. He said that not raising the cap is an injustice to Kodiak's economic future. He apologized that this has caused grief, but he does not believe it will have as much impact as expressed in the comments. He stated that the Council has cut the budget 23 percent over the last three years.

Councilmember Whiddon said this has been the most difficult decision he has faced in the last eight years, and he has spent many hours with business owners and individuals discussing taxation issues. He referenced an article in the paper regarding the state fiscal cliff and said the situation is very real for Kodiak. He commented that the Fire department has been short staffed, and they have worked 48 hours shifts; KPD is short staffed by standards; and Public Works projects are in need of repair. He stated it is important to have an environment where business can survive

and flourish, and the Economic Development Committee is working toward long-term plans. He reaffirmed that 65 percent of the revenues are from sales tax, state funding cuts have impacted the City, and the City's general fund cannot sustain the current costs.

Councilmember Saravia thanked everyone that provided a public opinion and reiterated this has been an 18-month discussion. He reminded the public that running for public office is an option every year and urged residents to get involved and find solutions. He commented that one recommendation and option discussed was to entirely eliminate the sales tax cap, and he felt the Council compromised by increasing the cap to \$3000. He said he believes the Council was elected to make tough decisions and realizes it is difficult to please everyone; he commented that the ordinance can be rescinded in the future if different opinions are expressed. He said he has lived in Kodiak for 35 years and he loves the community.

Councilmember Arboleda said this was a very tough decision and a tough issue to speak about. She commented that she originally wanted to vote against the ordinance; however, she believes this is the right course of action and hopes the community continues to work together moving forward.

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

**c. Second Reading and Public Hearing, Ordinance No. 1368, Amending Kodiak City Code 3.08.040, "General Exemptions" and Kodiak City Code 3.08.120, "Maximum Taxable Sale," to Exempt Real Property Rentals Exceeding One Month and \$750.00 From City of Kodiak Sales Tax**

Mayor Branson read Ordinance No. 1368 by title. Ordinance No. 1368 is meant to protect rental property from escalating sales taxes with the intent to continue the City Council's vision of maintaining affordable housing in our community. The sales tax cap for property rentals is set at \$750.

Councilmember Whiddon MOVED to adopt Ordinance No. 1368.

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

**Kevin Ardnt** commended the Council for the rental exemptions. He said he supports Ordinance No. 1368.

Mayor Branson closed the public hearing after public testimony and re-opened the regular meeting.

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

**V. NEW BUSINESS**

**a. First Reading, Ordinance No. 1370, Amending Chapter 5.04 of the Kodiak City Code to Add a New Section 5.04.080 Pertaining to Procedures for Issuing Permits for Retail Sales of Seafood Directly From Vessels at City Port and Harbor Facilities**

Mayor Branson read Ordinance No. 1370 by title. The ordinance amends Chapter 5.04 of the Kodiak City Code by adding a new section 5.04.080 pertaining to procedures for issuing permits for retail sales of seafood directly from vessels at City Port and Harbor Facilities.

Councilmember Bishop MOVED to pass Ordinance No. 1370 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

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

**b. First Reading, Ordinance No. 1371, Authorizing a Contract With the Kodiak Historical Society to Operate the Baranov Museum Through June 30, 2020**

Mayor Branson read Ordinance No. 1371 by title. The City has provided funding to the Kodiak Historical Society to help cover operating costs of the Baranov Museum for many years. In 2014 KHS requested that the City enter into a multi-year operating agreement or contract with them for the services provided at the Baranov Museum. The current contract expires June 30, 2018. The Historical Society is planning an exhibit redesign project that benefits by continued support from the City.

Councilmember Arboleda MOVED to pass Ordinance No. 1371 in the first reading and advance to second reading and public at the next regular or special meeting.

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

**c. Resolution No. 2017– 26, Authorizing the Borrowing From the Alaska Clean Water Fund of an Aggregate Amount Not to Exceed Six Hundred Thousand Dollars (\$600,000) to Pay Part of the Cost of Phase I of an Upgrade to the City of Kodiak Wastewater Treatment Plant Condition and Process Assessment**

Mayor Branson read Resolution No. 2017–26 by title. The last Wastewater Treatment Plant (WWTP) upgrade was completed in 1999. Generally, wastewater treatment plants are evaluated and upgraded approximately every 20 years. The City has developed a concept plan using four phases to complete the project.

Councilmember Walker MOVED to adopt Resolution No. 2017–26.

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

**d. Resolution No. 2017–27, Adopting a FY2019 State Capital Improvement Program List**

Council and staff reviewed a draft of the City’s FY2019 state CIP request resolution during the October 24 work session. Based on Council discussion, staff prepared the attached resolution re-

questing two projects that impact life, safety, and support for the Community Assistance Program.

Councilmember Bishop MOVED to adopt Resolution No. 2017–27.

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

**e. Resolution 2017–28, Adopting the Federal Fiscal Year 2018 Federal Capital Needs and Issues List**

Each year the City identifies capital improvement projects important to the maintenance and/or improvement of the City’s infrastructure as well as issues that are important to the City or greater community. Council reviewed the draft outlining the proposed federal requests and issues at the October 24, 2017, work session. Staff worked closely with the City’s federal lobbyists Brad Gilman and Sebastian O’Kelly to articulate the list of projects and issues, which they will promote this year in Washington, D.C.

Councilmember Davidson MOVED to adopt Resolution No. 2017–28.

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

**VI. STAFF REPORTS**

**a. City Manager**

Manager Tvenge said the bypass repairs to Lift Station No. 3 are complete. The Waste Water Treatment Plant (WWTP) employees repaired a pump and reinstalled a pump to have a secondary one working. He clarified this has been a need for years and the high volume pump used in the bypass and the work completed by Brechan Construction has made this feasible. He said the centrifuge system at the WWTP is more than 50 percent complete and scheduled to be tested on December 12. He said staff would train with the factory representative when they are in Kodiak. He said all City departments have had a busy week and he thanked them for their dedication and accountability.

**b. City Clerk**

Clerk Marljar provided an overview of the upcoming work session and regular meeting scheduled for the Council and she included the dates and times for the Fisheries Work Group, Economic Development committee, and planning session in December.

**VII. MAYOR’S COMMENTS**

Mayor Branson invited her colleagues to take a tour of the City’s Fire Station. She said the Fire Station should be at the top of the CIP list. She said the Council has had some difficult decisions and the discussions will continue; she said they would look at exemptions, alcohol and tobacco taxes, and review operational efficiencies. She commented that the City has been fortunate they



have received grants for capital projects over the years. She commented that the City would need to review the feasibility of business licenses. She said the Economic Development Committee met for the first time and it was very positive. She said Councilmember Saravia brought back a good book from NLC on economic development in other communities. She shared that the Legislature is in its fourth special session, and they are only now getting reports on the financial situation. She said the State needs a fiscal plan. She said the Mayors would stand up at the Alaska Municipal League and be vocal requesting that legislators do their jobs. She commended Veterans and noted there are many Veterans in Ouzinkie.

## **VIII. COUNCIL COMMENTS**

Councilmember Walker said they all have worked hard over the last 18 months. He said he had to disagree with the tax cap increase and stated he respects his colleagues and emphasized everyone takes these tough decisions very seriously. He said the Council would continue to look at the budget, including exemptions. He asked for the public's continued support.

Councilmember Davidson commented that to continue with the quality of living in Kodiak, the change in the tax cap had to be implemented. He reaffirmed that City projects continually need to be done. He regrets it has caused grief to those who have expressed opposition to the taxation ordinance. He wished everyone a Happy Thanksgiving.

Councilmember Arboleda wished everyone a Happy Thanksgiving and gave a salute to the Veterans. She expressed Kodiak is a wonderful community to live in and helping one another is important.

Councilmember Whiddon agreed with Mayor Branson's comments and referenced the article from the Juneau Empire. He asked legislators to do their jobs and stated that in a small community the elected officials have to make financial decisions. He expressed his support for local activities such as Shop the Rock in Kodiak. He saluted the Veterans in the country.

Councilmember Saravia expressed his appreciation to all Veterans who have served. He stated that Juneau legislators need to do their jobs. He said the Council showed today that it does its job to maintain the quality of life. He commented about the extensive services that the Fire department provides on the road system. He shared his philosophy of his role as an elected official.

Councilmember Bishop encouraged everyone to remain positive during difficult discussions. He spoke about the Economic Development Committee meetings held recently, noting the discussions were positive. He thanked City department heads and stated they do their best to run efficiently. He thanked all Veterans and active duty military and wished everyone a Happy Thanksgiving.

## **IX. AUDIENCE COMMENTS**

None

## **X. EXECUTIVE SESSION**

### **a. City Clerk's Annual Evaluation**

Annually, the City Council reviews the performance of the City Clerk. In accordance with the Open Meetings Act, the City Clerk does not object to the evaluation being done in executive session.

Councilmember Arboleda MOVED to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct the City Clerk's annual performance evaluation.

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

Council entered into executive session at 9:03 p.m.

Mayor Branson reconvened the regular meeting at 9:26 p.m.

#### **b. City Manager's Six-Month Evaluation**

Initially, at six months then annually thereafter, the City Council reviews the performance of the City Manager. In accordance with the Open Meetings Act, the City Manager does not object to the evaluation being done in executive session.

Councilmember Davidson MOVED to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct the City Manager's six-month performance evaluation.

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

Council entered into executive session at 9:27 p.m.

The Mayor reconvened the regular meeting at 10:27 p.m.

## **XI. ADJOURNMENT**

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 10: 28 p.m.

CITY OF KODIAK

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MAYOR

ATTEST:

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CITY CLERK

Minutes Approved:

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Mike Tvenge, City Manager   
**Thru:** Matt Van Daele, Deputy City Manager  
**Date:** December 14, 2017

**Agenda Item: IV. a. Second Reading and Public Hearing, Ordinance No. 1370, Amending Chapter 5.04 of the Kodiak City Code to Add a New Section 5.04.080 Pertaining to Procedures for Issuing Permits for Retail Sales of Seafood Directly From Vessels at City Port and Harbor Facilities**

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**SUMMARY:** The ordinance amends Chapter 5.04 of the Kodiak City Code by adding a new section 5.04.080 pertaining to procedures for issuing permits for retail sales of seafood directly from vessels at City Port and Harbor Facilities.

**PREVIOUS COUNCIL ACTION:**

- Chapter 5.04 was last amended in fall of 2004 by Ordinance 1177 to allow the placement of vending machines on City property.
- Last summer (2016), the Council was presented with a “Public Sentiment Petition” containing 67 signatures of Kodiak residents expressing their desire for “[a] *revision to City ordinances which prohibit commercial fishermen from selling directly off their vessels to dockside consumers.*”
- Draft code language was subsequently discussed at the September 26, 2017, work session, and the Council directed staff to work with the PHAB, and then provide these recommendations to our legal counsel.
- Staff met with the PHAB on October 10th, and after minor changes were incorporated, PHAB voted unanimously to advance the draft language to the City Council with a recommendation to adopt the ordinance.
- Subsequently, staff provided this revised language to our legal counsel, and their recommendation was provided to the Council at our work session on October 24, 2017.
- Council passed Ordinance No. 1370 in the first reading and advanced to second reading and public hearing at the next regular or special meeting on November 9, 2017.

**DEPUTY CITY MANAGER COMMENTS:** Kodiak is one of the top ports in the Nation for seafood harvest, but we are one of the few locations in Alaska that does not allow “*retail sales of fresh seafood to the ultimate consumer by the actual harvester.*” There is broad public support for allowing these types of sales, adoption of this Ordinance would conceivably assist with both Downtown Revitalization as

well as Archipelago-wide economic development, and therefore Staff is fully supportive of this proposed code change and ordinance.

**CITY MANAGER COMMENTS:** There are several communities in Alaska that provide an opportunity for food producers to sell their products locally. Kodiak has adopted this “buy local” niche with local bazaars and craft fairs, such as the Beartown Market and the future startup of the Kodiak Harvest Co-op. Seafood sales would be a welcome expansion to the “buy local” movement and I believe it will add value to our downtown economy. Again, staff supports this ordinance.

**ATTACHMENTS:**

Attachment A: Ordinance No. 1370

**PROPOSED MOTION:**

Move to adopt Ordinance No. 1370.

**CITY OF KODIAK  
ORDINANCE NUMBER 1370**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING  
CHAPTER 5.04 OF THE KODIAK CITY CODE TO ADD A NEW SECTION 5.04.080  
PERTAINING TO PROCEDURES FOR ISSUING PERMITS FOR RETAIL SALES OF  
SEAFOOD DIRECTLY FROM VESSELS AT CITY PORT AND HARBOR FACILITIES**

WHEREAS, the Kodiak City Code Section 5.04.010 prohibits selling goods in or upon a city street, alley, sidewalk, parking lot, park, or other public place except where specifically permitted; and

WHEREAS, the City of Kodiak operates port and harbor facilities which are a “public place” as that term is used in Section 5.04.010; and

WHEREAS, the City of Kodiak wishes to allow commercial harvesters of seafood the opportunity to obtain a permit to sell seafood directly from a vessel moored at city port and harbor facilities; and

WHEREAS, it is in the best interest of the City to vest administrative duties associated with the issuance of such permits with the Harbormaster.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Kodiak City Code Chapter 5.04 is hereby amended by adoption of a new Section 5.04.080 to read as follows:

**5.04.080 - Permits for the retail sale of seafood by harvesters to consumers**

(a) The harbormaster may issue permits allowing retail sales of seafood to the ultimate consumer by the actual harvester from the harvester’s vessel at City port and harbor facilities.

(b) An application under this section shall be submitted to the Harbormaster on a form prepared by the city accompanied by any required fees established by resolution or motion of the city council. The application shall contain the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The business name to be used and the nature of the business;
- (3) Description and license number (as applicable) of the vessel proposed to be

used in the business;

- (4) The location where the applicant would prefer to conduct the business;
- (5) The specific type or types of seafood proposed to be sold;
- (6) Copies of requisite State and/or Federal permits and/or licenses required for such activity; and,
- (7) An acknowledgement by the applicant agreeing to be bound by all of the terms, conditions, and provisions set forth in this section, and such additional terms and conditions as may be set forth in the permit.

(c) A permit issued under KCC 5.04.080 shall be subject to the following terms and conditions:

- (1) The applicant shall obtain and prominently display on the vessel all other licenses and permits necessary to the conduct of the business;
- (2) The applicant shall conduct sales of seafood only at specific locations and/or times designated in the permit by the harbormaster;
- (3) The applicant shall allow inspection of the vessel from which the business is conducted by the harbormaster or designee(s) at all reasonable hours;
- (4) The applicant shall maintain the area in the immediate vicinity of the business in a neat and clean condition and shall remove all accumulated waste, litter, and debris daily upon closing of sales;
- (5) The applicant shall not allow any hazards or disruptions to pedestrian or vehicular traffic due to the operation of the business;
- (6) Unless otherwise authorized by the Harbormaster, signs or advertising may only be displayed on the vessel;
- (7) All product processing, handling, and packaging shall take place on the vessel;
- (8) Seafood waste shall not be discarded in the harbor or in harbor trash receptacle;
- (9) Business conducted under this permit is not considered casual and isolated sales, and the applicant must remain in compliance with sales and property tax laws in order to retain their permit;

(10) The applicant must remain in compliance with Chapter 18.28, Port and Harbor facilities.

(d) If the applicant fails to comply with any condition or provision of this section, the Harbormaster may, after not less than two hours' notice and an opportunity to be heard, revoke the permit.

(e) If the applicant fails to leave the immediate vicinity in a clean condition as required by this section, the City may, after reasonable verbal notice, perform such work and the applicant shall be liable for all costs so incurred. Items and/or materials removed by the City may be discarded in the dump or otherwise disposed of as abandoned property having no value.

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

CITY OF KODIAK

By: \_\_\_\_\_  
MAYOR

ATTEST:

By: \_\_\_\_\_  
CITY CLERK

First Reading: November 9, 2017

Second Reading:

Effective Date:



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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Mike Tvenge, City Manager *MT*  
**Date:** December 14, 2017

**Agenda Item: IV. b. Second Reading and Public Hearing, Ordinance No. 1371, Authorizing a Contract With the Kodiak Historical Society to Operate the Baranov Museum Through June 30, 2020**

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**SUMMARY:** The City has provided funding to the Kodiak Historical Society to help cover operating costs of the Baranov Museum for many years. In 2014, KHS requested that the City enter into a multi-year operating agreement or contract with them for the services provided at the Baranov Museum. The current contract expires June 30, 2018. The Historical Society is planning an exhibit redesign project that benefits by support from the City. Ordinance No. 1371 will authorize a new two-year agreement from July 1, 2018, through June 30, 2020. Based on City Charter requirements and legal advice, the contract approval is made by Council through the ordinance process. Most of the terms in the new contract are the same as the existing contract, but the annual funding level will be set in the FY2019 and FY2020 budgets. Staff recommends Council adopt Ordinance No. 1371.

### **PREVIOUS COUNCIL ACTION:**

- Council has funded the Kodiak Historical Society to help cover operating costs of the Baranov Museum for many years through a line item in the Parks and Recreation portion of the City's operating budget.
- On March 25, 2014, work session, KHS made a formal presentation to Council requesting a two-year agreement.
- On May 10, 2014, Council supported a two-year agreement for FY2015-2016.
- On May 26, 2016, Council authorized Ordinance No. 1348, which authorized a museum services contract through June 30, 2018.
- On November 9, 2017, Council passed Ordinance No. 1371 in the first reading and advanced to second reading and public hearing at the next regular or special meeting.

### **ALTERNATIVES:**

- 1) Council may adopt Ordinance No. 1371 after public hearing, which is staff's recommendation to ensure continued community access to the museum and its programs and to provide the long-term support the museum needs to move forward with its redesign project.
- 2) Council may amend, fail, or postpone Ordinance No. 1371, which is not recommended, because the Museum needs the City's support to move forward with its redesign project.

**FINANCIAL IMPLICATIONS:** The existing contract includes \$92,700 annually, plus \$2,000 for fire suppression costs. The new contract does not contain a specific amount; it states an amount approved by Council in the annual budget.

**LEGAL:** The City Attorney was consulted about the agreement and process and he prepared the original Ordinance 1348. He said the agreement requires approval through the adoption of an ordinance, per City Charter §V-17 Contracts and Sales, because it is similar to a lease and deals with the disposal of interest in real property belonging to the City.

**STAFF RECOMMENDATION:** Staff recommends Council adopt Ordinance No. 1371. The two-year agreement ending on June 30, 2020, would permit the Kodiak Historical Society to provide museum services and collections to the community through the Baranov Museum with terms to be determined by Council for each of the two years, with funds coming from the General Fund, Parks and Recreation, Museum account.

**CITY MANAGER'S COMMENTS:** Contracting with the Kodiak Historical Society for services which include the operations of the Baranov Museum has benefitted the Community for several years. The KHS attached letter requests another two-year agreement with the City. If Council agrees to the terms of the contract, and wishes to continue the partnership, staff recommends adopting Ordinance No. 1371.

**ATTACHMENTS:**

Attachment A: Ordinance No. 1371

Attachment B: July 1, 2018-June 30, 2020, Contract Between the Historical Society of Kodiak and the City of Kodiak

Attachment C: Historical Society Request Letter

Attachment D: Ordinance No. 1348

**PROPOSED MOTION:**

Move to adopt Ordinance No. 1371.

**CITY OF KODIAK  
ORDINANCE NUMBER 1371**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK  
AUTHORIZING A CONTRACT WITH THE KODIAK HISTORICAL SOCIETY TO  
OPERATE THE BARANOV MUSEUM THROUGH JUNE 30, 2020**

WHEREAS, the City owns real property located at 101 E. Marine Way, Kodiak, Alaska, and the building located thereon known as the Baranov Museum (“Museum”); and

WHEREAS, the Kodiak Historical Society currently operates a historical museum at the Museum, consisting of a collection of artifacts, exhibits, photographs, documents and other items owned by the Kodiak Historical Society (“Collection”); and

WHEREAS, because of the Kodiak Historical Society’s experience operating the Museum and its ownership of the Collection, the Kodiak Historical Society is the only source for such services, and it is in the best interest of City and its residents that City contract with the Kodiak Historical Society for such services on a sole source basis under Kodiak City Code 3.12.070(d) and;

WHEREAS, the Kodiak Historical Society has an existing contract to operate the Museum through June 30, 2018; and

WHEREAS, the Kodiak Historical Society is planning an exhibit redesign project that requires commitment from the City beyond the current June 30, 2018, contract expiration.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

**Section 1:** Notwithstanding anything to the contrary in Kodiak City Code Chapter 18.20, the Council of the City of Kodiak hereby authorizes the Contract for Museum Services with the Kodiak Historical Society for a term commencing July 1, 2018, and ending June 30, 2020, for the operation of the Museum.

**Section 2:** The form and content of the Contract for Museum Services hereby are in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver the Contract for Museum Services to the Kodiak Historical Society behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as she shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said document now before this meeting, and from and after the execution and delivery of said document, the City Manager hereby is authorized, empowered and directed to do all acts and things and to execute all

documents as may be necessary to carry out and comply with the provisions of the Contract for Museum Services as executed.

**Section 3:** The Contract for Museum Services authorized by this ordinance is subject to the requirements of City Charter Section V-17. Therefore, if one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

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

First Reading: November 9, 2017  
Second Reading:  
Effective Date:

**CITY OF KODIAK  
CONTRACT NO. 234354  
MUSEUM SERVICES**

**CONTRACT FOR MUSEUM SERVICES** dated as of July 1, ~~2016~~2018, by and between the City of Kodiak, an Alaska municipal corporation (“City”), whose address is 710 Mill Bay Road, Kodiak Alaska, and the Kodiak Historical Society, an Alaska nonprofit corporation (“Contractor”), whose address is 101 E. Marine Way, Kodiak Alaska.

WHEREAS, City owns real property located at 101 E. Marine Way, Kodiak, Alaska, and the building located thereon known as the Baranov Museum (“Museum”); and

WHEREAS, Contractor currently operates a historical museum at the Museum, consisting of a collection of artifacts, exhibits, photographs, documents and other items owned by Contractor (“Collection”); and

WHEREAS, because of Contractor’s experience operating the Museum and its ownership of the Collection, Contractor is the only source for the services that it is to provide under this Contract, and it is in the best interest of City and its residents that City contract with Contractor for such services on a sole source basis under Kodiak City Code 3.12.070(d).

NOW, THEREFORE, for and in consideration of the premises, and the terms, covenants, conditions, and provisions contained herein, it is the parties agree as follows:

**ARTICLE I**

**Provision of Services, Term, Compensation**

**Section 1.1. Agreement to Provide Services.** Contractor shall operate the Museum and provide museum services for the City as described in Article II.

**Section 1.2. Term of Contract.** The term of this contract commences July 1, ~~2016~~2018, and expires June 30, ~~2018~~2020, provided that either party may terminate this contract upon thirty (30) days written notice to the other party.

**Section 1.3. Compensation.** City shall pay Contractor the following annual fees for the services that Contractor provides under this contract. The annual fee shall be identified and approved by City Council in the annual budget and be payable to Contractor in advance in equal quarterly installments on the first days of July, October, January and April; provided that the first quarterly installment shall be due on the day following the effective date of City Council approval of this contract.

~~(a) For the period from July 1, 2016, through June 30, 2017: \$92,700, plus an amount not to exceed \$2,000.00 for fire suppression system costs.~~

~~(b) For the period from July 1, 2017 through June 30, 2018: \$92,700, plus an amount not to exceed \$2,000 for fire suppression system costs.~~

## ARTICLE II Scope of Services

**Section 2.1. Scope of Work in General.** Contractor shall provide museum operation services at the Museum, including without limitation collections care, management of Contractor's archives, exhibitions, educational programs, and building stewardship.

**Section 2.2. Specific Museum Management Duties.** Subject only to the limitations set forth in this Contract, Contractor shall have, and hereby agrees to undertake and assume, full and complete control and discretion in the management and operation of the Museum during the term of this contract, including without limitation the following:

(a) Employ, pay, supervise, and discharge all employees as deemed necessary by Contractor for the operation of the Museum;

(b) Adopt and implement all policies relating to the acquisition, accession, loan, care, storage, deaccession, and disposal of the Collection in accordance with the standards defined by the American Alliance of Museums;

(c) Adopt and implement the exhibition, interpretation, display and public access of the Collection in accordance with the standards defined by the American Alliance of Museums;

(d) Adopt and implement the historical, educational and research policies, programs and activities of the Museum;

(e) Properly maintain all Collection inventory records, accession records, condition assessment and conservation records, and exhibition records;

(f) Adopt and implement the budgetary and fiscal policies of the Museum, including the establishment of admission fees and other fees and charges for other program services;

(g) Keep and maintain the financial books and records of the Museum in accordance with generally accepted accounting principles;

(h) Adopt and implement the building and maintenance policies for the Museum;

(i) Adopt and implement the best practices for building stewardship of the Museum;

(j) Adopt and implement policies relating to the ancillary activities and services offered at the Museum; and

(k) Adopt and implement policies relating to the promotion and publicity of the Museum.

In performing its duties under this Section, Contractor shall exercise the same degree of care and skill exercised by nonprofit corporate owners and managers of similar local/regional history museums in the United States and shall comply in all material respects with all laws applicable to the conduct of its business and the use and operation of the Museum.

**Section 2.3 Public Museum.** Contractor shall operate the Museum as a facility open to the general public, subject to such reasonable rules and regulations as Contractor may promulgate in its discretion from time to time regarding matters that include without limitation admission fees; days and hours of operation; the safety of employees and the general public; the safety, protection and security of the Collection; the anonymity of donors who desire anonymity; and, to the extent required by law, the confidentiality of employee records and business records.

**Section 2.4. Collection.** Contractor shall have full responsibility for the maintenance, care, documentation and use of the Collection. The accession and deaccession of Collection items as well as their management, care, documentation and use shall be governed by Contractor's Collection Management Policy and in accordance with standards defined by the American Alliance of Museums. The Collection will be used for exhibitions, research and public programs at the discretion of Contractor in accordance with its mission and in order to provide museum services to the City.

**Section 2.5. Contractor Employment Responsibilities.** All services required under this Contract shall be performed by Contractor or under its supervision. Contractor shall employ at its own expense all personnel required to perform Contractor's services under this Contract in a timely and proper manner. Such personnel shall not be considered contractors or employees of the City, and the City shall have no responsibility or liability whatsoever to any Contractor personnel, or for their acts or omissions.

**Section 2.6. Alterations and Improvements to Museum.** Contractor may make whatever nonstructural alterations or improvements to the Museum that it deems necessary or desirable in the best interests of the Museum. Contractor shall make no structural alterations or additions to the Museum or any associated City property without the written consent of the City. Unless otherwise provided in such written consent, any structural improvements or additions constructed by the Contractor shall become the City property upon substantial completion. All such nonstructural or structural alterations, improvements and additions, regardless of how funded, shall be part of the Museum real property and shall be subject to the terms of this Agreement.

**Section 2.7. Personal Property.** Contractor may furnish, install and maintain at the Museum any and all personal property which Contractor deems necessary or desirable in connection with the operation of the Museum. All tangible personal property acquired by City or Contractor and installed in or located at the Museum, regardless of how funded, shall be deemed to be subject to the terms of this Contract. All personal property installed in or located at the Museum shall be the property of Contractor. Contractor may alter, rehabilitate and improve such personal property in such manner, as it deems necessary or desirable in the best interests of the Museum.

**Section 2.8. No Liens.** In performing any work required or permitted under this contract, Contractor shall keep the Museum free of all liens, and hold the City harmless from liability for any such liens, including costs and attorney fees.

### **ARTICLE III Payment of Expenses**

**Section 3.1. In General.** Except as this Article provides otherwise, Contractor shall bear all costs and pay all expenses incurred in providing the services required under this contract.

**Section 3.2. Utilities.** City shall pay the costs of the following utility services provided to the Museum: fuel oil, heat, electricity, water and sewer. Contractor shall pay the costs of



telecommunications utility services and, except as provided in the preceding sentence, any and all other utilities provided to Contractor at the Museum.

**Section 3.3. Repairs and Maintenance.**

- (a) Contractor shall provide at its expense the following at the Museum:
  - (1) Interior janitorial services
  - (2) Replacement of light bulbs and receptacles as needed
  - (3) Exhibit construction and maintenance
  - (4) Flower beds and plant box plantings and maintenance
  - (5) Boiler system annual inspections
- (b) City shall provide at its expense the following at the Museum:
  - (1) Maintenance of electrical, water and sewer utility facilities
  - (2) Fire alarm and suppression system annual inspections
  - (3) Snow removal from the parking lot and pedestrian walkways
  - (4) Lawn mowing and general landscaping
  - (5) Maintenance or replacement of sidewalk and parking lot pavement
  - (6) Structural building maintenance or replacements when funds are available
  - (7) Disposal of trash from receptacle outside of building

**ARTICLE IV  
Indemnification and Insurance**

**Section 4.1. Indemnification.** To the fullest extent permitted by law, Contractor agrees to defend, indemnify, and hold harmless City, its elected and appointed officials, employees, and volunteers against any and all liabilities, claims, demands, lawsuits, or losses, including costs and attorney fees incurred in defense thereof, arising out of or in any way connected or associated with this contract.

**Section 4.2. Insurance.**

(a) Contractor, at its expense, shall provide the following insurance coverages for its performance under this contract, and shall provide to City certificates of insurance and/or policies acceptable to City therefore at the time this contract is executed:

(1) Commercial General Liability Insurance. Contractor shall maintain Commercial General Liability Insurance with a minimum of \$1,000,000 per occurrence and/or aggregate combined single limit, personal injury, bodily injury, and property damage.

(2) Workers' Compensation Insurance. Contractor shall provide and maintain, for all employees of Contractor engaged in work under this contract, Workers' Compensation Insurance as required by AS 23.30.045 or any other applicable statutes or regulations. Contractor shall be responsible for Workers' Compensation Insurance for any subcontractor who directly or indirectly provides services under this Contract.

(b) Additional Insurance Requirements. Each policy of insurance that Contractor provides under this section shall:

(1) List the as additional insureds City, including all elected and appointed City officials, all City employees and volunteers, all City boards, commissions and/or

authorities and their board members, employees, and volunteers, and waive subrogation in favor of the foregoing;

(2) Provide coverage that is primary to City and not contributing with any other insurance or similar protection available to City, whether other available coverage be primary, contributing, or excess;

(3) Require sixty (60) days written notice of cancellation non-renewal, reduction and/or material change addressed to: City Clerk, 710 Mill Bay Road, Room 220, Kodiak, AK 99615.

(c) Continuation of Coverage. If the above coverage expires during the term of this Contract, Contractor shall deliver renewal certificates and/or policies to City at least ten (10) days prior to the expiration date. Contractor shall not commence operations under this Contract until it has obtained the coverage required under the terms of this Contract. All coverage shall be with insurance carriers licensed and admitted to do business in the State of Alaska and acceptable to City. If Contractor fails to comply with the insurance requirements of this contract, City may terminate this contract on ten (10) days written notice. Contractor covenants to maintain all insurance policies required in this Contract for the period of time in which a person may commence a civil action as prescribed by the applicable statute of limitations. The coverage required by this Contract shall cover all claims arising in connection with Contractor's performance under this contract, whether or not asserted during the term of this contract and even though judicial proceedings may not be commenced until after this contract expires.

## **ARTICLE V Miscellaneous**

**Section 5.1. Independent Contractor.** Notwithstanding anything to the contrary contained herein, this contract shall not be deemed or construed to make the parties hereto partners or joint venture's, to render either party liable for any of the debts or obligations of the other, or to make either party the agent of the other or to bind or obligate the other in any manner to any third party. Without limiting the generality of the foregoing, the employees of Contractor are not City employees and are not entitled to any of the benefits City provides for its employees, including without limitation, health, life or disability insurance, sick or annual leave, or worker's compensation.

**Section 5.2. Authority of Signers.** Each individual executing this contract hereby represents and warrants that he or she has the capacity set forth on the signature pages hereof with full power and authority to bind the party on whose behalf he or she is executing this contract to the terms hereof.

**Section 5.3. Entire Agreement; Amendment.** This contract constitutes the entire agreement and understanding of the parties with respect to the subject matter hereof, and there are no other prior or contemporaneous written or oral agreements, undertakings, promises, warranties, or covenants with respect thereto not contained herein. This Agreement may be amended only by a written instrument executed by each of the parties hereto.

**Section 5.4. No Waiver.** No waiver of any condition or provision of this contract by any party

shall be valid unless in writing signed by such party. No such waiver shall be deemed or construed as a waiver of any other or similar provision or of any future event, act, or default.

**Section 5.5. Severability.** If any provision of this contract is deemed unenforceable in whole or part, such provision shall be limited to the extent necessary to render the same valid or shall be deemed excised from this contract and replaced by a valid provision as close in meaning and intent as the excised provision as circumstances require, and this contract shall be construed as if said provision had been incorporated herein as so limited or as so replaced, as the case may be.

**Section 5.6. Assignment or Delegation.** Contractor may not assign its rights or delegate its duties under this contract, or any part of it, except with the prior written consent of City.

**Section 5.7. Governing Law.** This contract shall be governed by the laws of the State of Alaska and any suit or legal action hereunder shall be brought only in the courts of said State, in the Third Judicial District at Kodiak.

**Section 5.8. Notice.** Any notice required by this contract must be hand delivered or sent by first class mail to the appropriate party at the address set forth above the signatures below, or any other address which the party subsequently designates in writing.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands this \_\_\_\_ day of \_\_\_\_\_ 2017.

CITY OF KODIAK  
710 Mill Bay Road  
Kodiak, AK 99615

KODIAK HISTORICAL SOCIETY  
101 E Marine Way  
Kodiak, AK 99615

\_\_\_\_\_  
Mike Tvenge, City Manager

\_\_\_\_\_  
Meghan Kelly, President

Attest:

Witness:

\_\_\_\_\_  
Debra Marlar, City Clerk

\_\_\_\_\_



October 2, 2017

Corey Gronn,  
 Director of Parks & Recreation  
 Mike Tvenge,  
 City Manager  
 Mayor Pat Branson  
 City Council Members

City of Kodiak  
 710 Mill Bay Road  
 Kodiak, AK 99615

Re: CONTRACT NO. 222379: Museum Services between the City of Kodiak and Kodiak Historical Society for the operation of the Baranov Museum

Dear Mr. Gronn, Mr. Tvenge, Mayor Branson, and Members of the Council:

The Kodiak Historical Society & Baranov Museum hereby request that the Contract be extended for the period of 2018-2020.

This modification is requested for the following reason(s):

The City of Kodiak and the Kodiak Historical Society have been in partnership to care for and operate the Baranov Museum since 1972, when the City accepted the ownership of the Russian American *magazin* from the Alaska Housing Authority. Together, we have built a museum that is commonly referred to as “a gem of the community.”

We strive to facilitate the exploration of the natural, cultural and artistic heritage of Kodiak Island and surrounding communities and to create opportunities for the public to discover, share and exchange knowledge using the collections and resources made available through the operation of the Baranov Museum. We are the only museum and historical society focused on the full breadth of Kodiak history, working to preserve, interpret and share the unique history of our island and surrounding communities.

KHS is engaged in a project to construct and install new exhibits for the Baranov Museum. No structural changes will be made to the building as part of the plans. The goal of this project is to fabricate our existing exhibit designs that were developed through support from an IMLS Museums for America grant. This project will fully capitalize on the museum’s assets, and better reflect Kodiak’s historic and current diversity.





Through our multi-year exhibit design process which included input from the community and a variety of elders and target groups, we established two Primary Themes for our new exhibition plan. These themes are: 1. The Russian-American Magazin in which the museum is housed bears witness to over 200 years of Alaska history. 2. Cultural diversity is central to Kodiak's historic and contemporary reality.

The proposed exhibit redesign project will cover 1,900 square feet, the ground floor of the Baranov Museum building with approximately 450 objects displayed, some not previously available for viewing. The project budget, including a 10% contingency, is \$750,000. We have some funding in place and are developing a campaign plan to identify other sources of funding and establish a timeline for the fundraising and project.

Within the redesigned exhibits, visitors will be able to access information about Kodiak's international connections through exhibits that detail the following: the role of Kodiak in the Russian American colonies; the importance of Kodiak's furs to international markets; the immigration inspired by Kodiak's fisheries; the strategic importance of Kodiak to the Aleutian Campaign during WWII; the importance of Alutiiqs, Asians, Scandinavians, and others to Kodiak's history. In our new exhibits, visitors will see that although Kodiak is a remote island in the North Pacific, our history is connected to global events and our residents have helped shape international conversations. We appreciate the City's ongoing support as our partner in stewardship of our beloved community resource.

An extension of the existing contract is essential to museum sustainability and the redesign project success, as it demonstrates unwavering support from the City of Kodiak and our community by maintaining critical revenues for operational costs as we embark on project fundraising.

Thank you for consideration of our request.

Kind regards,

Sarah Harrington  
Executive Director,  
Kodiak Historical Society & Baranov Museum



**CITY OF KODIAK  
ORDINANCE NUMBER 1348**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK  
AUTHORIZING A CONTRACT WITH THE KODIAK HISTORICAL SOCIETY TO  
OPERATE THE BARANOV MUSEUM**

WHEREAS, the City owns real property located at 101 E. Marine Way, Kodiak, Alaska, and the building located thereon known as the Baranov Museum (“Museum”); and

WHEREAS, the Kodiak Historical Society currently operates a historical museum at the Museum, consisting of a collection of artifacts, exhibits, photographs, documents and other items owned by the Kodiak Historical Society (“Collection”); and

WHEREAS, because of the Kodiak Historical Society’s experience operating the Museum and its ownership of the Collection, the Kodiak Historical Society is the only source for such services, and it is in the best interest of City and its residents that City contract with the Kodiak Historical Society for such services on a sole source basis under Kodiak City Code 3.12.070(d).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

**Section 1:** Notwithstanding anything to the contrary in Kodiak City Code Chapter 18.20, the Council of the City of Kodiak hereby authorizes the Contract for Museum Services with the Kodiak Historical Society for a term commencing July 1, 2016, and ending June 30, 2018, for the operation of the Museum.

**Section 2:** The form and content of the Contract for Museum Services hereby are in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver the Contract for Museum Services to the Kodiak Historical Society behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as she shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said document now before this meeting, and from and after the execution and delivery of said document, the City Manager hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the Contract for Museum Services as executed.


**Section 3:** The Contract for Museum Services authorized by this ordinance is subject to the requirements of City Charter Section V-17. Therefore, if one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the

petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication.

CITY OF KODIAK

  
MAYOR

ATTEST:

  
DEPUTY CITY CLERK

First Reading: May 12, 2016  
Second Reading: May 26, 2016  
Effective Date: July 1, 2016



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# **NEW BUSINESS**

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Council members

**From:** Mike Tvenge, City Manager *MT*

**Thru:** Mark Kozak, Public Works Director and Kelly Mayes, Finance Director

**Date:** December 14, 2017

**Agenda Item:** **V. a. Resolution 2017–29, Appropriating \$1,200,000 of Unassigned Fund Balance of the Sewer Improvement Fund and Transferring \$650,000 From the General Fund to Sewer Capital Project – Upgrade Lift Stations Project No. 7509**

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**SUMMARY:** The design for replacement of Lift Stations 3 and 4 is complete and ready to advertise for bid. Prior to advertising the project for bid, adequate funds need to be added to the project budget in order to cover construction and project management costs as well as contingency funds. This resolution authorizes the movement of unassigned funds within the Sewer Improvement fund into Project No. 7509, in the amount of \$1,850,000. Once the project funds are in the place, we will advertise the project for bidding as soon as possible.

**PREVIOUS COUNCIL ACTION:**

- In FY2011, staff requested funds to evaluate both lift stations 1 and 2. At a later date, Council approved construction funds to replace or rehabilitate lift stations 3 and 4.
- In September 2013, a corrosion assessment of nine lift stations including stations 1 through 4 was completed.
- In FY2015, the two projects (evaluation and construction) were combined into a single project 7509.
- In September 2015, Council approved an engineering design memorandum scope of work for the rehabilitation of lift stations 3 and 4 with DOWL.
- Council approved funds in the FY2016 budget for the purpose of evaluating and designing the rehabilitation of lift stations 3 and 4.
- Council approved funds in the FY2017 budget for additional funds to Project No. 7509 for design, because the construction bids for lift stations 1 and 2 came in higher than estimated.
- On January 12, 2017, Council authorized the design and bidding support for lift stations 3 and 4 replacements with DOWL.
- On September 14, 2017, Council authorized Change Order No. 5 with Brechan Construction to install a temporary by-pass and other work for temporary repairs at lift station 3 and moved unassigned funds from the sewer improvement fund into Project N. 7509 in order to cover the cost of the work.

**BACKGROUND:** Lift stations 1 through 4 were included in the capital improvement needs because of operations short comings and physical condition of the stations. The project has been designed and constructed in phases in order to get the project moving forward based on funding availability.

**DISCUSSION:** We have been working on the rehabilitation or replacement of lift stations 1 thorough 4 since 2011. Final design and bid package to replace lift stations 3 and 4 was finished in November. Once funding is available for construction, the project will be advertised for bid, with construction the summer of 2018. As part of the design, two different above ground pump stations manufactures were consulted and evaluated for our project. The evaluation included the pumping specifications (because of the depth of existing wet wells), system enclosure, and cost. It is estimated to be 26 to 32 weeks for submittal review, manufacturing and delivery of the lift stations.

A timeline is anticipated to advertise the project bid by December 19th and schedule the award for construction during the February 8, 2018, regular Council meeting.

**ALTERNATIVES:** We have looked at many options on how to handle the situation at lift stations 3 and 4 and feel that we must get this work completed as soon as practical.

**FINANCIAL IMPLICATIONS:** In order to complete the bidding and construction contract award, we have to move the necessary construction funds into the project. The funds will come from unassigned funds within the Sewer Improvement fund and assigned to Project No. 7509, in the amount of \$1,850,000.

**LEGAL:** The legal opinion was to advertise this project for public bid, rather than authorize a change order for lift stations 3 and 4. No opinion was sought for the transfer of funding for the project. KKC allows the transfer of funding by resolution.

**STAFF RECOMMENDATION:** Staff recommends Council approve Resolution No. 2017-29 authorizing the Finance department to assign funds from the Sewer Improvement fund to Project No. 7509 in the amount of \$1,850,000.

**CITY MANAGER'S COMMENTS:** This is one of the city's highly prioritized infrastructure projects that will mitigate any potential failure of two aged lift stations.

**ATTACHMENTS:**

Attachment A: Resolution No. 2017-29

**PROPOSED MOTION:**

Move to adopt Resolution No. 2017-29.

**CITY OF KODIAK  
RESOLUTION NUMBER 2017–29**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK APPROPRIATING \$1,200,000 OF UNASSIGNED FUND BALANCE OF THE SEWER IMPROVEMENT FUND AND TRANSFERRING \$650,000 FROM THE GENERAL FUND TO SEWER CAPITAL PROJECT – UPGRADE LIFT STATIONS PROJECT NO. 7509**

WHEREAS, the City currently has the Upgrade Lift Stations Project No. 7509 for rehabilitating lift stations 1, 2, 3 and 4; and

WHEREAS, lift station 3 and lift station 4 need immediate replacement to above ground lift stations; and

WHEREAS, unassigned funds available within the Sewer Improvement fund are available to appropriate and assign to the Upgrade Lift Stations Project No. 7509 in the amount of \$1,200,000; and

WHEREAS, remaining funding for the project of \$650,000 is unavailable within the Sewer Operating fund and Sewer Improvement fund; and

WHEREAS, a transfer of \$650,000 from the general fund would be required to complete the project; and

WHEREAS, Article V of the City of Kodiak Charter provides that an appropriation of funds separate from the budget document may be made by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska:

Section 1. The Fiscal Year 2018 Capital Budget is amended by appropriating and assigning \$1,200,000 from the fund balance of the Sewer Improvement fund and \$650,000 is transferred from the General fund to the Sewer Improvement Fund Project No. 7509 to pay for the replacement of lift station 3 and lift station 4:

Appropriation From:

<u>Account Description</u>	<u>Amount</u>
Unassigned fund balance – Sewer Improvement fund	\$1,200,000

Assignment to:

<u>Account Description</u>	<u>Amount</u>
Sewer Improvement Fund - Upgrade Lift Stations Project No. 7509	\$1,200,000

Transfer From:

<u>Account Description</u>	<u>Amount</u>
Fund Balance – General fund	\$650,000

Transfer to:

<u>Account Description</u>	<u>Amount</u>
Sewer Improvement Fund - Upgrade Lift Stations Project No. 7509	\$650,000

Section 2. This resolution shall become effective upon adoption.

CITY OF KODIAK

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MAYOR

ATTEST:

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DEPUTY CLERK

Adopted:

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Council members

**From:** Mike Tvenge, City Manager *MT*

**Thru:** Kelly Mayes, Finance Director

**Date:** December 14, 2017

**Agenda Item:** **V. b. Resolution No. 2017–30, Appropriating \$48,750 of Unassigned Fund Balance of the General Capital Projects Fund to General Capital Project – Citywide Timekeeping Project No. 4052 and Authorizing the Purchase of Timekeeping Software and Related Components from TimeClock Plus by Data Management, Inc.**

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**SUMMARY:** The City has been researching options to gain efficiencies and save costs by automating functions in order to save staff time. The City currently utilizes manual timekeeping records for all employees. This approximates 80 hours per pay period in staff time for the employee, supervisors, managers, directors, and payroll staff. By automating this process, the City would gain efficiencies through saving staff time and reducing the errors that are caused through manual entry.

**PREVIOUS COUNCIL ACTION:** Since the presentation and passage of the fiscal year 2018 budget, the City Council has been encouraging City staff to find ways to reduce costs. Automating the timekeeping and importing payroll hours into the payroll software will reduce staff time every two weeks, thereby allowing staff to increase productivity and focus this time on their assigned tasks. The estimated return on investment for automated timekeeping solutions is approximately \$120,000 per year or approximately \$600,000 over the next five years.

**BACKGROUND:** The City processes payroll every two weeks. All staff, supervisors, managers, and directors are required to manually maintain, review, and submit timesheets, approved leave request forms, and any other required documents for payroll. All of this information is submitted to payroll for entering into the payroll software and producing payroll. As this information is entered into payroll, it is reviewed by payroll staff and the finance director. It is estimated that all city staff spend approximately 80 hours producing payroll each time period.

**DISCUSSION:** The City has been researching ways to become more efficient. In addition to becoming more efficient, automated timekeeping solutions would also reduce the number of errors associated with manual timekeeping and manual entry into the payroll software. The Finance Director and IT staff researched options for automated timekeeping solutions. The Finance and Human Resources departments attended multiple online demos with several different vendors. Once the finance and human resources departments found an automated timekeeping solution that would be sufficient for those

specific departments, all directors and staff directly related to payroll attended an online demo to ensure that the solution would be sufficient for all departments.

This resolution would create a new project in the General Capital Projects fund, assign available fund balance within this fund to the newly created project, and authorize the purchase of the Citywide timekeeping software and related components.

**ALTERNATIVES:** Not approve automated timekeeping solution and maintain manual records. To do so will leave the additional burden on the departments to manually maintain timekeeping records for all employees.

**FINANCIAL IMPLICATIONS:** The General Capital Projects fund currently has unassigned funds available to fund this project.

**LEGAL:** KCC 3.12.030 authorizes procurement in excess of \$35,000 but not more than \$50,000 be based on at least two competitive bids or price quotes. Two competitive quotes were received.

**STAFF RECOMMENDATION:** Staff recommends Council approve Resolution No. 2017–30 authorizing the Finance department to assign funds from the General Fund to the General Capital Project No. 4052, in the amount of \$48,750.

**CITY MANAGER’S COMMENTS:** Time clocks have evolved light years from the image of a factory worker placing a card in the clock stamp. This system keeps track of regular hours worked, overtime, leave accrual, scheduled leave, and more. However, this is a new concept for our City employees, with the majority of staff in favor of a new system. We will operate in tandem with the current paper system until staff is comfortable clocking in using a badge or keycard. These “clocks” will be available at all departments. The finance department has researched this system and recommends we make the transition; I support this move to an electronic system.

**ATTACHMENTS:**

Attachment A: Resolution No. 2017–30

Attachment B: Quote from TimeClock Plus by Data Management, Inc.

**PROPOSED MOTION:**

Move to adopt Resolution No. 2017–30.

**CITY OF KODIAK  
RESOLUTION NUMBER 2017-30**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK TRANSFERRING \$48,750 FROM THE GENERAL FUND TO GENERAL CAPITAL PROJECTS – CITYWIDE TIMEKEEPING PROJECT NO. 4052 AND AUTHORIZING THE PURCHASE OF TIMEKEEPING SOFTWARE AND RELATED COMPONENTS FROM TIMECLOCK PLUS BY DATA MANAGEMENT, INC.**

WHEREAS, the City currently enters all time worked manually into the payroll software for processing;

WHEREAS, the City is currently gaining efficiencies through automated processes; and

WHEREAS, timekeeping software would alleviate errors, save staff time, and gain efficiencies Citywide through timekeeping software that will automatically import time worked into the payroll software for processing; and

WHEREAS, the City researched available timekeeping solutions and TimeClock Plus by Data Management, Inc. would provide the most cost effective solution; and

WHEREAS, Article V of the City of Kodiak Charter provides that an appropriation of funds separate from the budget document may be made by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska:

Section 1. The Fiscal Year 2018 Capital Budget is amended by appropriating and transferring \$48,750 from the fund balance of the General Fund to a newly created General Capital Project No. 4052 – Citywide Timekeeping to pay for the timekeeping software, related components, and installation:

Transfer From:

<u>Account Description</u>	<u>Amount</u>
Fund Balance – General Fund Appropriations	\$48,750



Transfer to:

<u>Account Description</u>	<u>Amount</u>
General Capital Projects Fund - Citywide Timekeeping Project No. 4052	\$48,750

Section 2. Purchase of timekeeping solutions from TimeClock Plus by Data Management, Inc. in an amount not to exceed \$48,750 is authorized.

Section 3. This resolution shall become effective upon adoption.

CITY OF KODIAK

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MAYOR

ATTEST:

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CITY CLERK

Adopted:

TimeClock Plus  
 by Data Management, Inc.  
 1 Time Clock Drive, San Angelo, TX 76904  
 325 223-9500 800 749-8463  
 sales@timeclockplus.com

Quote	Customer	Quote Date
440783	273348	11/21/2017

CUSTOMER
City of Kodiak Kelly Mayes (907) 486-8659 710 Mill Bay Rd Kodiak, AK 99615-6340

Rep	Entry	Method of Shipment	Method of Payment	P.O. Number
CMARTIN	CCRABTREE	UPS Ground	Purchase Order Net30	TBD

Stock No.	Ordered	Description	Unit Cost	Total
OnDemand Annual Fee (\$9,000.00)				
1025-8030	250	TimeClock Plus Professional Annual Employee Licenses └ FMLA Tracking - Family and Medical Leave Act / Per Employee └ 250+ License Discount	42.00  (6.00)	10,500.00  (1,500.00)
Municipal Module Package				
1025-100	1	OnDemand Module Package └ AutoImport Module (Versions 5/6/7) └ New World Systems (Export Module) └ Quad Weekly Overtime Module (28 day base) └ Shift Differential └ Weighted Hour Calculation Module Activation, Setup, and Training (One Time) Fee (\$8,349.00)	0.00	0.00
1025-1130	1	TimeClock Plus Professional Initial Activation └ TimeClock Plus Professional Initial Activation Discount	499.00 (250.00)	499.00 (250.00)
800-814	36	Dedicated Support Services (Per hour) Proximity Touch Screen TimeClock (\$31,157.28)	225.00	8,100.00
244-112	11	RDT Touch 400 HID Proximity └ Power over Ethernet Module 802.3af	2,529.00	27,819.00
1099-220	1	Hardware Support  The 36 hours of DSS is a high end estimate. The City will only be billed for actual time used.	3,338.28	3,338.28
Valid for 30 days. Expires 12/21/2017.				



Product Total: 50,256.28  
 Discount: (1,750.00)  
 Subtotal: 48,506.28  
 S & H: 194.00  
 Total: 48,700.28

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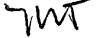
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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Mike Tvenge, City Manager 

**Thru:** Glenn Melvin PE, City Engineer and Lon White, Harbormaster

**Date:** December 14, 2017

**Agenda Item:** V. c. Authorization of Bid Award for Oscar's Dock Crane, Project No. 18-05/8531

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**SUMMARY:** Sealed Bid for the purchase of one (1) hydraulic dock crane, fabricated platform, and controls for Oscar's Dock Crane, Project No. 18-05/8531 were received by the City of Kodiak, December 1, 2017, and publicly opened and read aloud. Three bids were received, and Brechan Construction LLC was the lowest Responsible bidder with a bid of \$117,000.00 Staff recommends Council approve purchase of the crane, including fabricated platform and controls, from Brechan Construction LLC.

**PREVIOUS COUNCIL ACTION:**

Council approved funding for the project in the FY2018 City Budget.

**DISCUSSION:** Harbor users have long expressed the need for a public crane for the safe and efficient loading and offloading of gear and seafood products across city facilities. The Port & Harbor Advisory Board (PHAB) met with users at several public meetings to discuss the need, size, and location of a public crane. It was determined that Oscars Dock is the best location for a crane with a lift capacity of approximately two tons. The PHAB fully supports the Oscars Dock Crane Project.

Work to prepare Oscars Dock for the crane is complete and ready for installation of the crane package. Installation of the crane will be done by staff and local contractors. It is anticipated the entire project will be completed significantly under budget.

The City Engineer, the Harbormaster, and Deputy Harbormaster reviewed the bids and contacted the apparent low bidder Palfinger America to ask if their bid included all components identified in the bid documents. Palfinger did not include the crane platform or the crane control system and, therefore, is incomplete and considered a "Non-responsive" bid. Review of the remaining two bids determined Brechan Construction LLC to be the lowest "Responsible Bidder" per City Code Section 3.12.080.

The Engineering Department has further reviewed the proposal and found all bid requirements to be in order. Staff recommends Council approve the bid award for Oscar's Dock Crane with funds from the Boat Harbor Capital Project Fund, Project No. 18-5/8531.

**ALTERNATIVES:**

- 1) Authorize the purchase of the crane, which is recommended by staff, because it has been strongly supported by the Harbor Advisory Board and public fishermen. Having a crane available to boats will fit well with the efforts to provide sale of fish across the dock and provide a vital component to our very important harbor infrastructure.

- 2) Do not authorize the purchase of the crane, which is not recommended as it does not meet the users need for a public crane.

**FINANCIAL IMPLICATIONS:** Funding for this project is included in the FY2018 Budget.

**LEGAL:** The bid solicitation was publically advertised, per KCC 3.12.040 Advertising for bids.

**STAFF RECOMMENDATION:** Staff recommends Council authorize the bid award for purchase of Oscar's Dock Crane as identified in Attachment A from Brechan Construction LLC with funds from the Boat Harbor Capital Project Fund, Project No. 18-5/8531, in the amount of \$117,000.

**CITY MANAGER'S COMMENTS:** This crane will be delivered to Kodiak but will need to be set in place and connected to a power supply. These additional costs will be incidental and not expected to exceed \$ 10,000. The total project cost is all within the project budget of \$243,000.

**ATTACHMENTS:**

Attachment A: Brechan Construction LLC Bid Form

Attachment B: Bid Tabulation

**PROPOSED MOTION:**

Move to authorize the bid award for Oscar's Dock Crane, Project No. 18-05/8531, to Brechan Construction LLC in the amount of \$117,000, with funds from the Boat Harbor Capital Project Fund, Project No. 18-5/8531.



CITY OF KODIAK  
 2410 Mill Bay Road, Kodiak, AK 99615  
 Engineering Dept.  
 (907) 486-8065 Fax: (907) 486-8066

### BID FORM

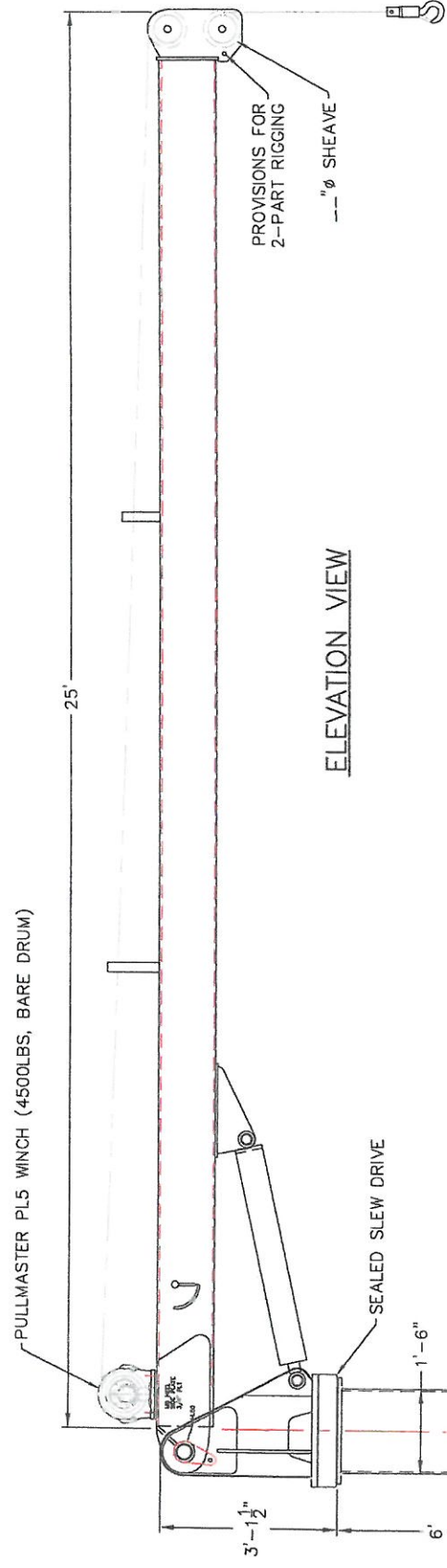
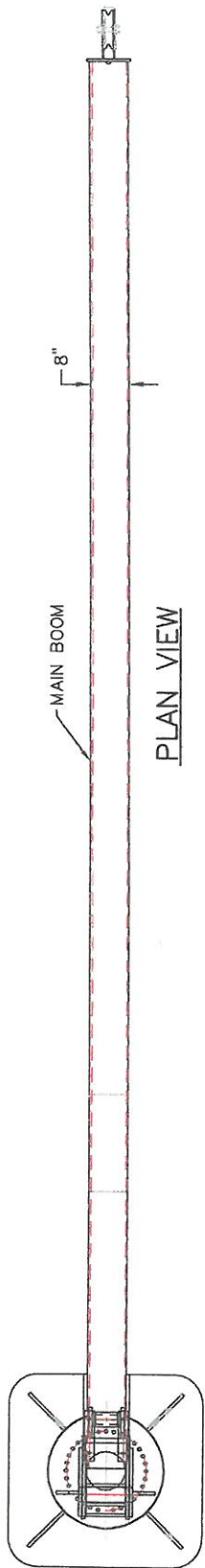
TO: Mr. Mike Tvenge, City Manager  
 City of Kodiak  
 710 Mill Bay Road, Room 114  
 PO Box 1397  
 Kodiak AK 99615

Any exceptions to the published bid specifications must be listed by item.

In compliance with your Request of Proposal for the purchase of one (1) hydraulic dock crane dated November 1, 2017, the undersigned hereby proposes to provide the following:	
<ul style="list-style-type: none"> <li>One (1) hydraulic dock crane</li> </ul>	
TOTAL	\$ 117,000. <sup>00</sup>
TOTAL (written in words)	One hundred seventeen thousand _____ Dollars

Bid price valid for 30 days.  
 Dated 12-1-2017

Name of Bidder Brechan Construction LLC  
 Bidder is: \_\_\_\_\_ An Individual  
 A Partnership  
 \_\_\_\_\_ A Corporation in the State of \_\_\_\_\_  
 \_\_\_\_\_ A Joint Venture  
 Address 2705 Mill Bay Rd.  
Kodiak, AK 99615  
 Authorized Signature \_\_\_\_\_  
 Printed Name James H. Graham  
 Title President / Owner  
 Date 12-1-2017



**3.2 TON CRANE**

CAPACITY:

6400 LBS	@ 10.0 FOOT RADIUS
5200 LBS	@ 15.0 FOOT RADIUS
3700 LBS	@ 20.0 FOOT RADIUS
3000 LBS	@ 25.0 FOOT RADIUS

MAIN PARTICULARS:

MAXIMUM RADIUS:	25'-0"
MINIMUM RADIUS:	5'-6"
OPERATIONAL WEIGHT:	--- LBS

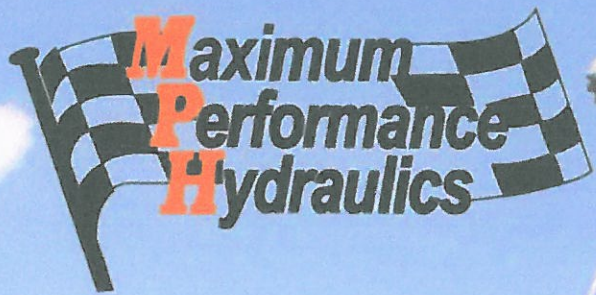
**MAXIMUM PERFORMANCE HYDRAULICS**  
 4220 22nd AVENUE WEST  
 SEATTLE, WA 98199  
 PHONE: 206-352-6869  
 FAX: 206-352-6750  
 www.mphyd.com

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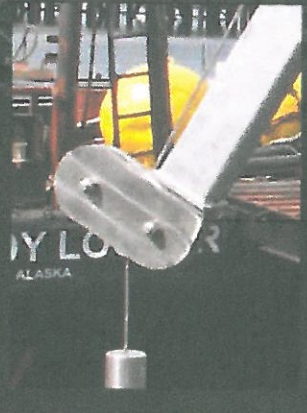
**3.2 TON CRANE**  
**MPH32T-25F**

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DATE: 04/12/2016 | DWG BY: RM | CHK BY: --- | DWG NO: Max32T-25F-1 | REV: ---  
 SCALE: 1/2"=1'-0" | COMP FILE: Max---t25ftCrane | SHEET: 1 OF 1



# MPH1-20K MARINE CRANE



## Standard Features:

- |                                   |  |
|-----------------------------------|--|
| Hot Dip Galvanized Finish         | Rust-Proof Nylatron Sheaves              |
| Stainless Steel Sheave Head       | Stainless Steel Sheave Bearings          |
| 17-4PH Stainless Steel Hinge Pins | 17-4PH Stainless Steel Cylinder Rods     |
| Pullmaster PL2 Planetary Winch    | Fully Sealed Swing Drive with Brake      |
| Galvanized Cable and Fall Ball    | Swivel Safety Hook with Latch            |
| 72" High Weld-Down Pedestal       | SUN Counterbalance Valves                |
| One (1) Year Component Warranty   | Three (3) Year Structural Steel Warranty |

## Optional Features:

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| Wireless Crane Controls              | Wireless A2B and Load Cell Systems |
| Stainless Steel Hose/Fitting Package | Bolt-Down Mounting Plate           |
| Pedestal-Mounted Directional Valve   | Paint to Customer Color and Specs  |
| Continuous Rotation                  | Functions at Boom Tip              |





# CITY OF KODIAK BID TABULATION

Project Name: Oscar's Dock Crane PN 18-05/8531

Date: December 1, 2017  
 Time: 3:00 p.m.  
 Date of Invitation: November 1, 2017  
 Opened By: Glenn Melvin, City Engineer  
 Lon White, Harbormaster

Addendum No.	Date Issued
1	November 20, 2017

**BIDDER**

**LUMP SUM BID**

**Engineer's Estimate**                      \$ **125,000.00**

<input type="checkbox"/>	Addendums Acknowledged	
<input type="checkbox"/>	<del>Bid Bond &amp; Business License</del>	
<input type="checkbox"/>	<del>Contractors Certificate</del>	

Brechan Construction LLC                      \$ 117,000.00

<input checked="" type="checkbox"/>	Addendums Acknowledged	
<input type="checkbox"/>	<del>Bid Bond &amp; Business License</del>	
<input type="checkbox"/>	<del>Contractors Certificate</del>	

Island Hydraulics Inc                      \$ 125,000.00

<input checked="" type="checkbox"/>	Addendums Acknowledged	
<input type="checkbox"/>	<del>Bid Bond &amp; Business License</del>	
<input type="checkbox"/>	<del>Contractors Certificate</del>	

Palfinger Marine USA Inc                      \$ 52,900.00

**\* Bidder was nonresponsive**

<input checked="" type="checkbox"/>	Addendums Acknowledged	
<input type="checkbox"/>	<del>Bid Bond &amp; Business License</del>	
<input type="checkbox"/>	<del>Contractors Certificate</del>	

\$

<input type="checkbox"/>	Addendums Acknowledged	
<input type="checkbox"/>	<del>Bid Bond &amp; Business License</del>	
<input type="checkbox"/>	<del>Contractors Certificate</del>	

\$

<input type="checkbox"/>	Addendums Acknowledged	
<input type="checkbox"/>	<del>Bid Bond &amp; Business License</del>	
<input type="checkbox"/>	<del>Contractors Certificate</del>	

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Mike Tvenge, City Manager *MT*

**Date:** December 14, 2017

**Agenda Item:** V. d. **Authorization of Professional Services Agreement for Juneau Lobbying Services**

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**SUMMARY:** The City Council selected Ray Gillespie of Gillespie & Associates to be the City's state lobbyist in 2011. The contract was extended in December 2015 for two years with a term ending December 31, 2017. Ray Gillespie has requested to be retained by the City. In recognition of Mr. Gillespie's efforts of the past six years, the Manager recommends Council exercise a one-year contract from January 1, 2018, through December 31, 2018, for \$45,000.

**PREVIOUS COUNCIL ACTION:**

- December 2011, Council authorized a contract with Gillespie & Associates for one year with the option to renew for two years.
- December 2013, Council authorized a two-year contract extension with Gillespie & Associates
- December 2014, Council authorized a one-year contract with Gillespie and Associates with a two-year contract extension option
- December 2015, Council authorized a two-year extension with Gillespie & Associates
- November 7, 2017, Council discussed the Juneau lobbying contract during their work session
- November 8, 2017, Council and Assembly discussed the contract services at their joint work session.

**DISCUSSION:** Council hired Gillespie & Associates at the end of 2011 following the issuance of a Request for Proposal for state lobbying services in the spring of 2011. Council opted to extend the contract under the same terms for two years in December of 2013. In 2014, Council authorized a contract for one year with a two-year extension option in the annual amount of \$48,735. In 2015, Council authorized the extension; the current contract expires on December 31 of this year.

Based on Mr. Gillespie's efforts on behalf of the City, both during and between legislative sessions, and his diligent work to ensure the City's issues and projects are in the forefront for each of the six years he's represented Kodiak, the Manager recommends Council approve the one-year professional services contract for \$45,00 for the calendar year 2018. The services to be provided remain the same as outlined in the previous contract and will also cover legitimate expenses as needed.

**ALTERNATIVES:**

- 1) Council may authorize the professional services agreement, which is staff's recommendation, because it is important for the City to have a professional advocate and spokesperson working at the state level to ensure the City's interests are managed.
- 2) Amend or do not authorize the professional services agreement, which is not recommended, as it would severely limit the City's ability to make its needs known in an effective and timely way without Mr. Gillespie's help.

**FINANCIAL IMPLICATIONS:** The funds to renew this contract were included in the City's FY2018 budget and will be reflected in the FY2019 budget as well.

**CITY MANAGER'S RECOMMENDATION AND COMMENTS:** Mr. Gillespie has discussed the upcoming agreement with the Mayor, Council members and myself and offered to reduce the fee for this agreement in light of diminished City revenues. Ray Gillespie has a highly professional employee in Dianne Blumer. Ms Blumer will be assisting Mr. Gillespie; however, Ray will continue as the City's primary contact. I support the new agreement with Gillespie & Associates.

**ATTACHMENTS:**

Attachment A: Professional Services Agreement with Gillespie & Associates

**PROPOSED MOTION:**

Move to authorize Professional Services Agreement No. 234670 with Gillespie and Associates from January 1 through December 31, 2018, in the amount of \$45,000 with funds coming from the General Fund Legislative Professional Services account and authorize the City Manager to sign the documents on behalf of the City.

**Professional Services Agreement No. 234670**  
**Between**  
**The City of Kodiak**  
**and**  
**Ray Gillespie, d.b.a. Gillespie & Associates**

**THIS CONTRACT** is between the City of Kodiak, hereinafter referred to as “City,” an incorporated municipality in the State of Alaska, and Ray Gillespie, who will serve as the primary contact for the City of Kodiak with assistance from associates under his direction, d.b.a. Gillespie and Associates, hereinafter referred to as “Consultant,” a private consulting firm with its principal place of business in Anchorage, Alaska.

**1. TERM AND PAYMENT**

- 1.01 This contract shall be effective on January 1, 2018, and continue through December 31, 2018.
- 1.02 The City shall pay the Consultant the sum of forty-five thousand dollars (\$45,000) for calendar year 2018, payable in installments as follows:
- \$12,000 due each month for January, February, and March (\$36,0000)
  - \$1,000 due each month April through December (\$9,000)
- plus authorized expenses for the services outlined in this agreement. Payment shall be rendered monthly in arrears upon receipt of billing and report. Authorized expenses shall include the APOC registration fee of \$250 for 2018; travel, food, and lodging associated with City required travel; and copying and duplication services performed by out of office suppliers. These expenses will be invoiced monthly and documented to the City’s satisfaction.

**2. CONTRACT SERVICES**

- 2.01 The Consultant shall perform those professional services described in Appendix A, Scope of Work, which is attached and incorporated by reference.
- 2.02 The Consultant will be in Juneau for an appropriate amount of time to effectively represent the City in the Legislative session.

**3. TERMINATION**

Either party may terminate this contract, for cause or convenience, upon thirty (30) days written notice to the other. Notice shall be deemed to have been fully given or made or sent when made in writing and delivered in person or deposited in the United States mail, certified and postage prepaid, and addressed to the respective addresses set forth above the signatures of this agreement. The address to which any notice, demand, or other writing may be given or made or sent to any party may be changed by written notice given by such party as above provided.

**4. RELATIONSHIP OF THE PARTIES**

It is understood the Consultant will lobby on issues of identified concern to the City.

**5. PERMITS, LAWS, AND TAXES**

5.01. The Consultant shall acquire and maintain in good standing all permits, licenses, and other entitlements necessary to the performance of his duties under this contract. All actions taken by the Consultant under this contract shall comply with all applicable statutes, ordinances, rules, and regulations imposed by the governmental authority.

5.02 The Consultant shall pay all taxes pertaining to performance of this agreement. The Consultant expressly agrees to comply with all requirements of AS 24.45.011 through 24.45.181 and any administrative regulations issued by the State of Alaska to implement those provisions of law.

**6. INSURANCE**

During the term of this contract, the Consultant shall provide and maintain, at the Consultant’s own expense, automobile liability insurance for any vehicle owned and operated by the Consultant in connection with performance of this contract.

**7. ASSIGNMENTS**

The Consultant may not assign his interest in this contract to another person or delegate any duties under this contract without prior written approval of the City. Any attempt by the Consultant to assign any part of his interest or delegate duties under this agreement shall give the City the right to terminate this contract.

**City of Kodiak**  
710 Mill Bay Road  
Kodiak, AK 99615

**Gillespie & Associates**  
1231 W. Northern Lights Blvd., #819  
Anchorage, AK 99503

\_\_\_\_\_  
Mike Tvenge, City Manager

\_\_\_\_\_  
Ray Gillespie, Principal

ATTEST:

\_\_\_\_\_  
Debra L. Marlar, City Clerk

**EXHIBIT “A”  
SCOPE OF WORK**

The Consultant shall communicate directly or through Consultant’s agents with any appropriate public official for the purpose of influencing Legislative or Administrative action as directed or requested by the City, and in the best interests of the City.

In this regard the Consultant shall:

- A.** Receive guidelines for lobbying efforts from the City Council through the Mayor, City Manager, or City Clerk and work within such guidelines to promote, advocate, support, modify, oppose, or delay any appropriate Legislative or Administrative action. Modifications to these guidelines may be made from time to time by the City.
- B.** Communicate with the Mayor, City Manager, and City Clerk for the purpose of acquiring information, statistics, studies, and analyses to use as back-up and support material in support of Consultant’s lobbying activities.

The Consultant will be called upon to arrange meetings and/or conferences, provide information and/or research, and provide such other services as required or convenient to enhance communication between the City and all branches of the State Government.

The Consultant shall provide reports and professional advice to the City regarding Consultant’s lobbying efforts on behalf of the City. In this regard the Consultant shall:

- A.** Maintain regular contact with the City through the Mayor, Manager, and City Clerk on the status of pending legislation or capital projects and regularly promote the City’s interests with appropriate legislators, agencies, and staff throughout the year, but especially during the legislative sessions. .
- B.** Provide written monthly reports to the Mayor, City Manager, and City Clerk during the session and as requested or needed during the interim, and such reports shall include, but shall not be limited to, contacts and progress made on behalf of the City, changes in the status of capital project funding requests, legislation of interest to the City, and any anticipated problem areas of which the Consultant becomes aware.
- C.** Travel to Kodiak to meet with the Mayor, Council, and City staff once each year.
- D.** Work in conjunction with the Kodiak Island Borough’s state lobbyist on matters of interest or concern to both governments when directed by the City.
- E.** Exercise best professional judgment in all matters relating to work for the City and immediately report any position or action taken which involves an area of uncertainty or controversy.

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Mike Tvenge, ~~City~~ <sup>MT</sup> Manager and Debra Marlar, City Clerk <sup>DM</sup>

**Date:** December 14, 2017

**Agenda Item:** V. e. Non-objection to Transfer of Safeway Inc. Liquor Licenses 174 and 2509

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**SUMMARY:** Safeway Inc. filed applications for the transfer of controlling interest with the State of Alaska Alcoholic & Marijuana Control Office for Safeway Liquor Stores located on Marine Way and Mill Bay Road. Safeway's attorney has indicated that Safeway Inc.'s transfer application was triggered by a technical corporate change; a transfer of the controlling interest of Safeway Inc. (including its liquor licenses) from one Safeway Group subsidiary entity to another Safeway Group subsidiary company. They have stated the ultimate parent company and the key investors/stockholders are the same and the corporate change will not affect the premises or the stores' operations. State regulations require the Alcohol & Marijuana Control Office forward the applications to the City Council for the option to protest the approval of the applications for the transfer of the alcoholic beverage licenses.

**DISCUSSION:** State regulations outlined in AS 04.11.520 and AS 04.11.480 require that an application for transfer license designation must be sent to a governing body having jurisdiction over the area in which the licensed premises exist; therefore, the Alcohol & Marijuana Control Office forwarded the application to the City Clerk for Council review. City staff was consulted and found no issues with nonpayment of taxes, criminal activity, fire code violations or any other valid reason for the City to file a protest of the transfer of the alcoholic beverage license applications.

**ALTERNATIVES:** Council may voice no objection to transfer the alcoholic beverage license or Council may protest the application pursuant to AS 04.11.480 by furnishing the board and applicant with clear and concise written reasons for the protest.

**LEGAL:** State regulations defined under AS 04.11.520 and AS 04.11.480 require that a local governing body receive notification of the transfer of license and they be offered the option to protest the approval of applications.

**ATTACHMENTS:**

- Attachment A: Package Store License #2509 DBA Safeway Liquor Store #1090, Transfer letter and application, dated November 14, 2017
- Attachment B: Package Store License #174 DBA Safeway Liquor Store #2522, Transfer letter and application, dated November 14, 2017
- Attachment C: Letter from City Manager re: downtown liquor store



**PROPOSED MOTION:**

Move to voice non-objection to the Alcohol & Marijuana Control Office regarding the Transfer of Safeway Inc. Liquor Licenses 174 and 2509 and direct staff to submit a letter of concern regarding Liquor License 174.



November 14, 2017

City of Kodiak  
Attn: Debra Marlar  
Via Email: [clerk@city.kodiak.ak.us](mailto:clerk@city.kodiak.ak.us)  
Cc: [clerks@kodiakak.us](mailto:clerks@kodiakak.us)

<b>License Type:</b>	Package Store	<b>License Number:</b>	2509
<b>Licensee:</b>	Safeway Inc.		
<b>Doing Business As:</b>	Safeway Liquor Store #1090		

- New Application**
 **Transfer of Ownership Application**  
 **Transfer of Location Application**
 **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Erika McConnell, Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**What is this form?**

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

**Section 1 – Transferor Information**

Enter information for the *current* licensee and licensed establishment.

Licensee:	Safeway Inc.	License #:	2509
License Type:	Package Store	Statutory Reference:	Sec. 04.11.150
Doing Business As:	Safeway Liquor Store #1090		
Premises Address:	2685 Mill Bay Road		
City:	Kodiak	State:	Alaska
		ZIP:	99615
Local Governing Body:	City of Kodiak		

**Transfer Type:**

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 2 – Transferee Information**

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Safeway Inc.			
Doing Business As:	Safeway Liquor Store #1090			
Premises Address:	2685 Mill Bay Road			
City:	Kodiak	State:	Alaska	ZIP: 99615
Community Council:	None			

Mailing Address:	P.O. Box 29096 MS 6531			
City:	Phoenix	State:	Arizona	ZIP: 85038-9096

Designated Licensee:	Safeway Inc.			
Contact Phone:	(623) 869-3573	Business Phone:	(623) 869-3573	
Contact Email:	Nasc.tax@safeway.com			

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

**Section 3 – Premises Information**

Premises to be licensed is:

an existing facility     a new building     a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

.1 Miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

.2 Miles





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 4 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.  
 If more space is needed, please attach a separate sheet with the required information.  
 The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

**Section 5 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.  
 If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Wayne Denningham				
Title(s):	President	Phone:	(208) 395-5248	% Owned:	0
Address:	7893 North Vue Estates				
City:	Meridian	State:	Idaho	ZIP:	83646





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

<b>Entity Official:</b>	Robert A. Gordon				
<b>Title(s):</b>	Secretary/VP/General Counsel	<b>Phone:</b>	(925) 226-5510	<b>% Owned:</b>	0
<b>Address:</b>	24 Robert Road				
<b>City:</b>	Orinda	<b>State:</b>	California	<b>ZIP:</b>	94563

<b>Entity Official:</b>	Gary Morton				
<b>Title(s):</b>	Treasurer/VP/Assistant Secretary	<b>Phone:</b>	(208) 395-5394	<b>% Owned:</b>	0
<b>Address:</b>	2000 Canal Street				
<b>City:</b>	Boise	<b>State:</b>	Idaho	<b>ZIP:</b>	83705

<b>Entity Official:</b>	Robert Dimond				
<b>Title(s):</b>	Executive VP/Chief Financial Officer	<b>Phone:</b>	(208) 395-4305	<b>% Owned:</b>	0
<b>Address:</b>	1740 S Lake Crest Way				
<b>City:</b>	Eagle	<b>State:</b>	Idaho	<b>ZIP:</b>	83616

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

<b>DOC Entity #:</b>	39147F	<b>AK Formed Date:</b>	11/7/1986	<b>Home State:</b>	Delaware
<b>Registered Agent:</b>	Robert Blasco	<b>Agent's Phone:</b>	(800) 927-9800		
<b>Agent's Mailing Address:</b>	c/o CT Corporation System, 9360 Glacier Hwy., Ste. 202				
<b>City:</b>	Juneau	<b>State:</b>	Alaska	<b>ZIP:</b>	99801

Residency of Agent: Yes    No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?    





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Michele Droege, Dorsey & Whitney LLP and Jill McLeod, Esq., Dorsey & Whitney LLP, Liquor License Counsel.





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 8 – Transferor Certifications**

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

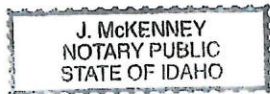
I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

*Robert A. Gordon*  
 Signature of transferor

Robert A. Gordon  
 Printed name of transferor

Subscribed and sworn to before me this 12<sup>th</sup> day of October, 2017.

*J. McKenney*  
 Signature of Notary Public



Notary Public in and for the State of IDAHO.

My commission expires: 12/15/22

*Robert A. Gordon*  
 Signature of transferor

Robert A. Gordon  
 Printed name of transferor

Subscribed and sworn to before me this 12<sup>th</sup> day of October, 2017.

*J. McKenney*  
 Signature of Notary Public



Notary Public in and for the State of IDAHO.

My commission expires: 12/15/22







Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

**Alaska Alcoholic Beverage Control Board**  
**Form AB-01: Transfer License Application**

**Section 9 – Transferee Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

RG

I certify that all proposed licensees have been listed with the Division of Corporations.

RG

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

RG

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

RG

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

RG

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

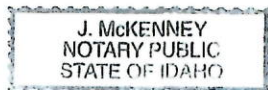
*Robert A. Gordon*

Signature of transferee

Robert A. Gordon

Printed name

Subscribed and sworn to before me this 12th day of October, 2017.



*J. McKenney*  
 Signature of Notary Public

Notary Public in and for the State of IDAHO

My commission expires: 12/15/22



**Entity Members (cont'd):**

<b>Entity Official:</b>	Albertsons Companies, Inc.				
<b>Title(s):</b>	Shareholder	<b>Phone:</b>	N/A	<b>% Owned:</b>	100
<b>Address:</b>	250 Parkcenter Blvd., West Plaza				
<b>City:</b>	Boise	<b>State:</b>	Idaho	<b>Zip:</b>	83706



**ATTACHMENT A**

<b>ALASKA LIQUOR LICENSES</b>							
<b>Current DBA</b>	<b>Facility</b>	<b>Liq Lic No.</b>	<b>Liq Lic Exp</b>	<b>Address</b>	<b>City</b>	<b>Zip Code</b>	<b>Corporate Owner</b>
Safeway	2522	174	2014	502 MARINE WAY	KODIAK	99615	Safeway Inc.
Crow Creek Mercantile	1839	287	2015	HIGHTOWER STREET	GIRDWOOD	99587	Carr-Gottstein Foods Co
Oaken Keg Spirit Shop	1821	778	2015	301 NORTH SANTA CLAUS LANE	NORTH POLE	99705	Carr-Gottstein Foods Co
Oaken Keg Spirit Shop	1802	792	2014	1340 GAMBELL STREET	ANCHORAGE	99501	Carr-Gottstein Foods Co
Oaken Keg Spirit Shop	1805	793	2014	1650 W NORTHERN LIGHTS BLVD.	ANCHORAGE	99503	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1806	795	0014	600 E NORTHERN LIGHTS BLVD.	ANCHORAGE	99503	Carr-Gottstein Foods Co
Oaken Keg Spirit Shop	1809	799	2014	5600 DEBARR ROAD	ANCHORAGE	99504	Carr-Gottstein Foods Co
Safeway Store	2754	995	2015	3627 AIRPORT WAY	FAIRBANKS	99701	Safeway Inc.
Oaken Keg	3410	999	2015	30 COLLEGE RD	FAIRBANKS	99701	Safeway Inc.
Oaken Keg Spirit Shop	1843	1336	2014	3678 COLLEGE ROAD	FAIRBANKS	99709	Carr-Gottstein Foods Co
Oaken Keg Spirit Shop	520	1358	2015	3101 PENLAND PARKWAY	ANCHORAGE	99508	Safeway Inc
Oaken Keg Spirit Shop	1812	1397	2014	4000 WEST DIMOND BLVD	ANCHORAGE	99515	Carr-Gottstein Foods Co
Oaken Keg Spirit Shop	1807	1464	2014	11409 BUSINESS PARK BLVD.	EAGLE RIVER	99577	Carr-Gottstein Foods Co
Oaken Keg	1813	1799	2014	1501 HUFFMAN ROAD	ANCHORAGE	99515	Carr-Gottstein Foods Co.
Oaken Keg	548	1845	2015	44428 STERLING HWY S	SOLDOTNA	99669	Safeway Inc.
Oaken Keg Spirit Shop	1817	2094	2014	7731 EAST NORTHERN LIGHTS BLVD	ANCHORAGE	99504	Carr-Gottstein Foods Co
Oaken Keg	1739	2098	2014	644 WEST EVERGREEN	PALMER	99645	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1811	2266	2014	595 EAST PARKS HIGHWAY	WASILLA	99654	Carr-Gottstein Foods Co.
Safeway Store	1090	2509	2015	2685 MILL BAY RD	KODIAK	99615	Safeway Inc
Oaken Keg	1833	2912	2014	1313 MEALS STREET	VALDEZ	99686	Safeway Inc
Oaken Keg Spirit Shop	1808	3218	2014	10576 KENAI SPUR HIGHWAY	KENAI	99611	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1820	3507	2015	3033 VINTAGE BLVD.	JUNEAU	99901	Carr-Gottstein Foods Co.
Oaken Keg	1832	4162	2015	90 STERLING HIGHWAY	HOMER	99603	Safeway Inc
Oaken Keg	2628	4167	2014	1725 ABBOTT ROAD	ANCHORAGE	99507	Safeway Inc
Oaken Keg	2728	4334	2014	1907 SEWARD HWY	SEWARD	99664	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1818	4361	2014	2417 TONGASS AVE.	KETCHIKAN	99901	Carr-Gottstein Foods Co.
<b>OUTSIDE OF ALASKA SAFEWAY INC. HAS INTERESTS IN ALCOHOLIC BEVERAGE LICENSES AS SHOWN BELOW</b>							
<b>SAFEWAY INC.</b>							
Arizona, California, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Maryland, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Virginia, Washington, Wyoming							
<b>RANDALL'S FOOD AND DRUG</b>							
Texas							
<b>TOM THUMB</b>							
Texas							
<b>VONS</b>							
California							
<b>PAVILIONS</b>							
California							
<b>PAK 'N SAVE</b>							
California							





**Alaska Alcoholic Beverage Control Board**  
**Form AB-02: Premises Diagram**

**What is this form?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

**The second page of this form is not required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's main office before any license application will be considered complete.**

Yes      No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Safeway Inc.	License Number:	2509		
License Type:	Package Store				
Doing Business As:	Safeway Liquor Store #1090				
Premises Address:	2685 Mill Bay Road				
City:	Kodiak	State:	Alaska	ZIP:	99615



STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSED PREMISES DIAGRAM

D/B/A: Safeway Store #1090

PREMISES LOCATION: SWC Mill B1 Murphy  
Way, Kodiak, Alaska

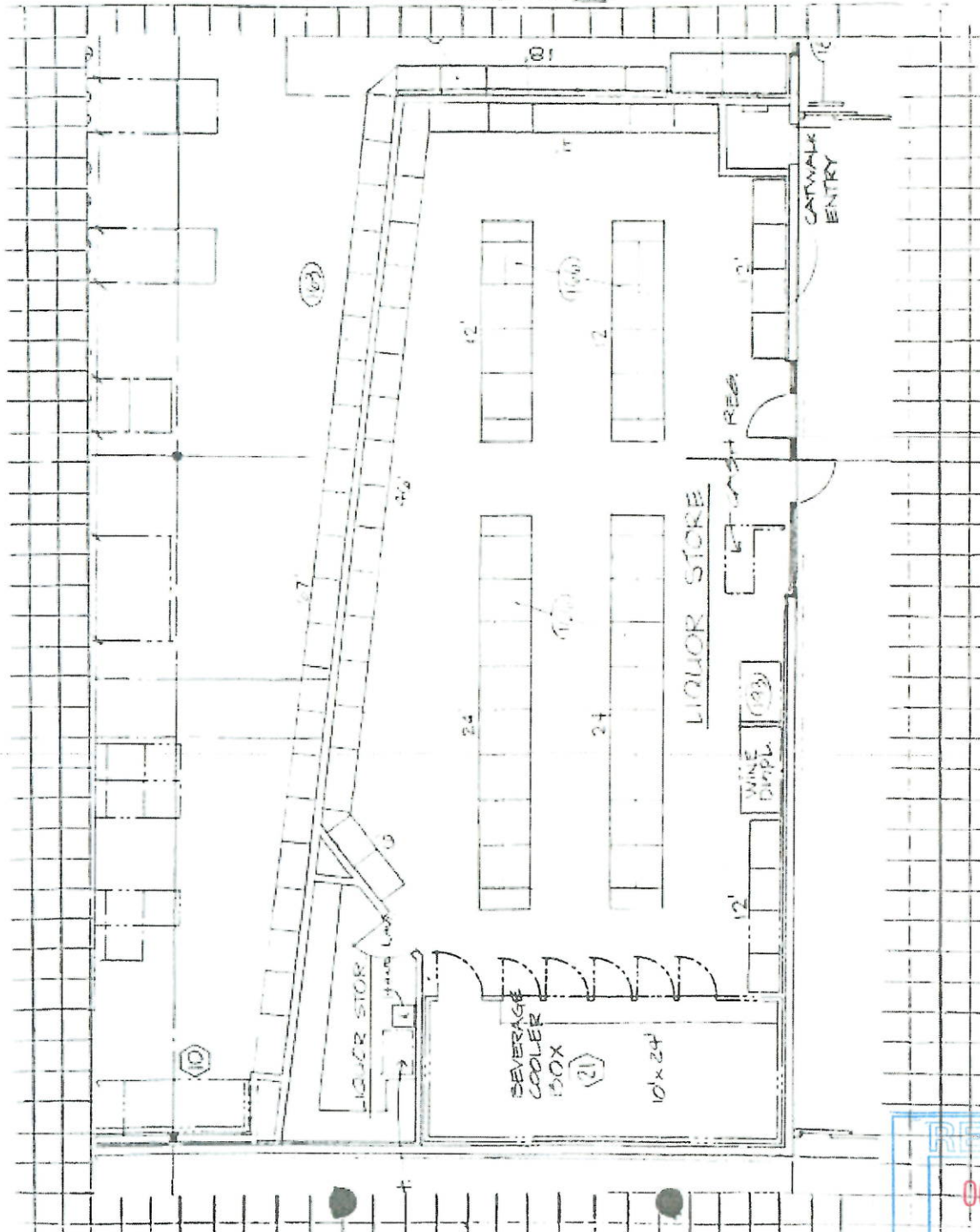
INSTRUCTIONS: Draw a detailed floor plan of your current or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as counters, bars, coolers, bars, coolers, stages, etc.

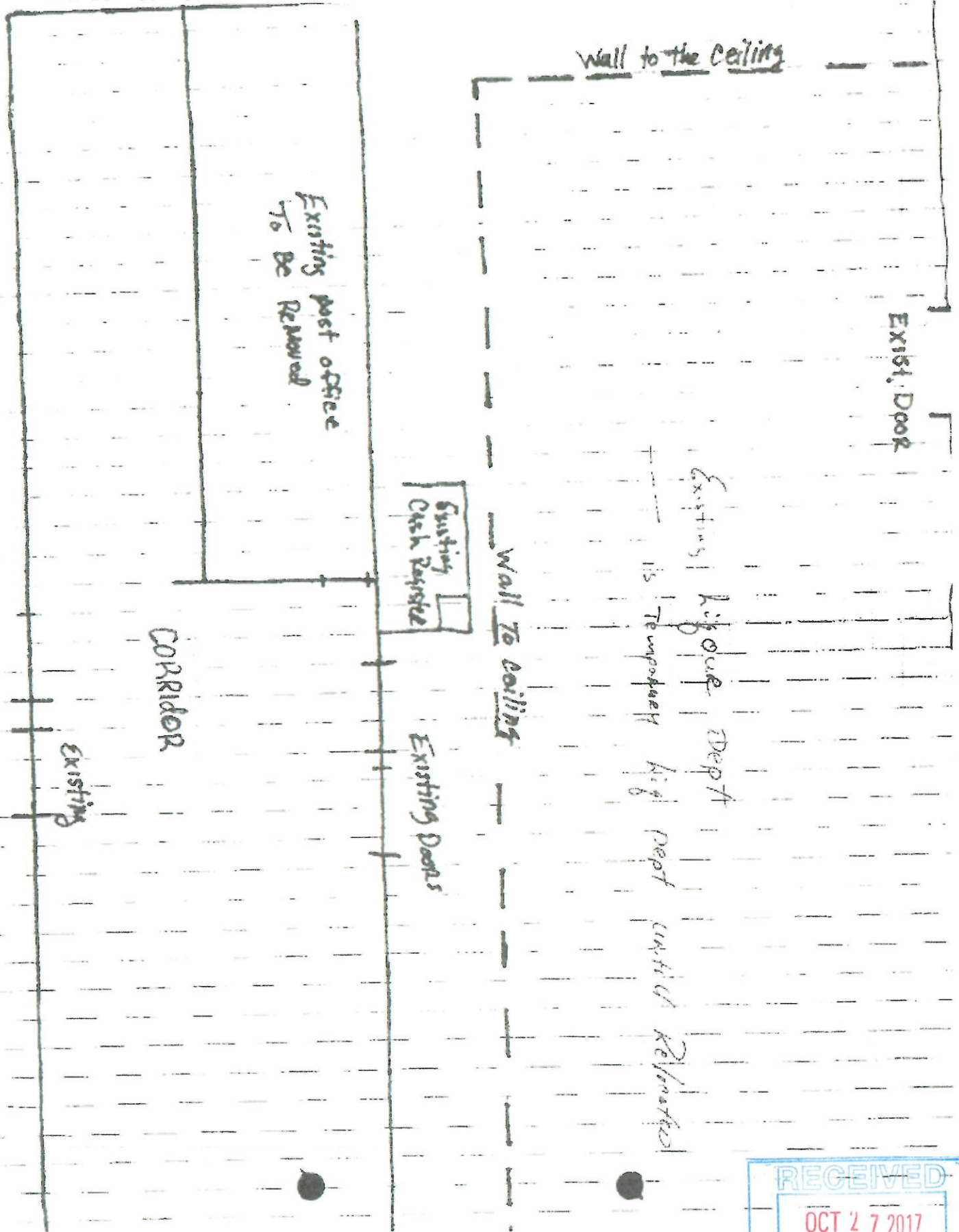
Indicate scale used by X after appropriate statement.

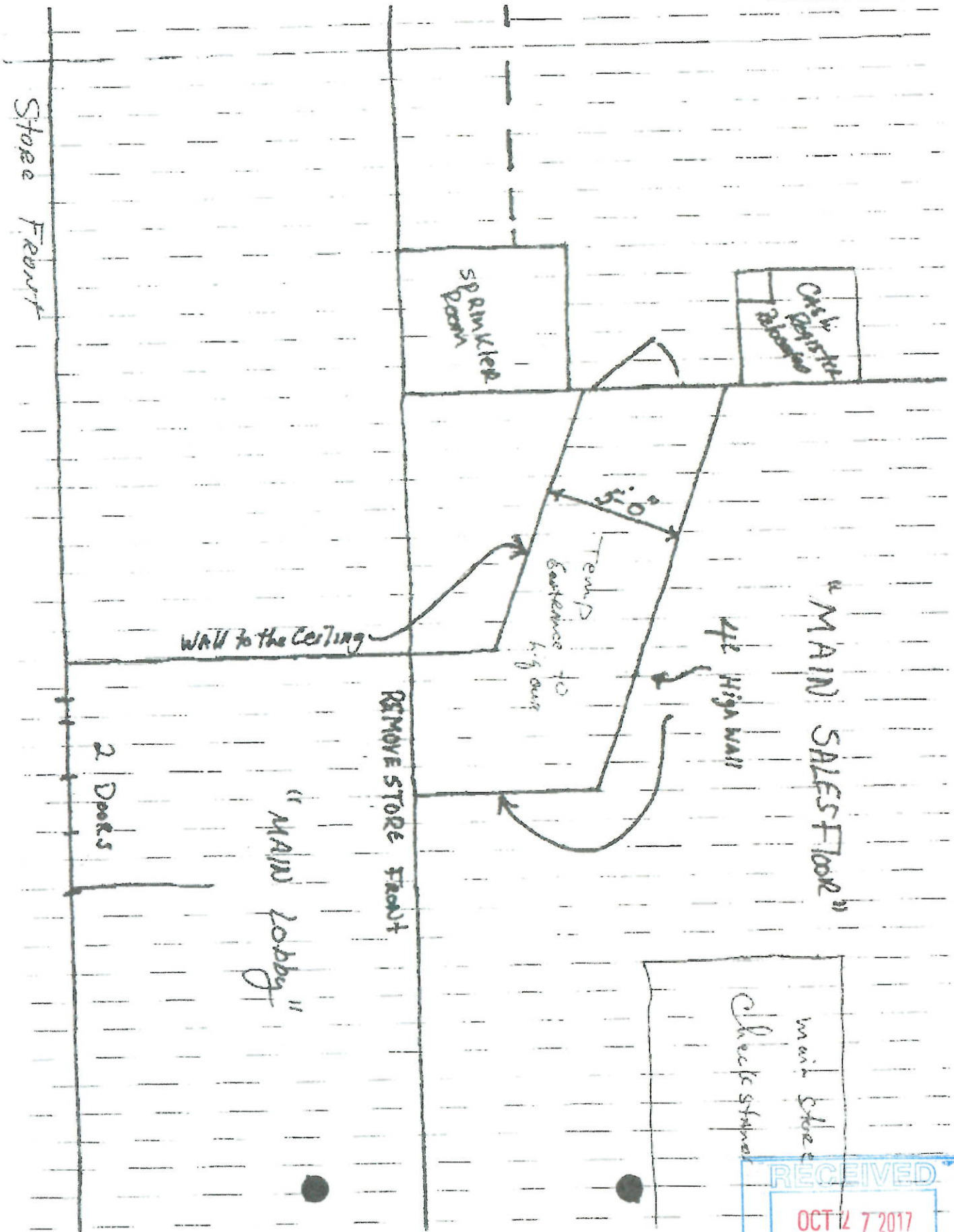
SCALE A \_\_\_\_\_  
1 square = 1 sq. ft.

SCALE B X  
1 square = 4 sq. ft.

Outline the area to be leased or for sale, service and consumption of alcoholic beverages in RED.







RECEIVED  
 OCT 27 2017  
 ALCOHOL MARIJUANA CONTROL OFFICE  
 STATE OF ALASKA



THE STATE of ALASKA GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

November 14, 2017

City of Kodiak Attn: Debra Marlar Via Email: clerk@city.kodiak.ak.us Cc: clerks@kodiakak.us

Table with license details: License Type: Package Store, License Number: 174, Licensee: Safeway Inc., Doing Business As: Safeway Liquor Store #2522

- Application type checkboxes: New Application, Transfer of Location Application, Transfer of Ownership Application, Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice...

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment...

Sincerely,

Erika McConnell (handwritten signature)

Erika McConnell, Director amco.localgovernmentonly@alaska.gov





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**What is this form?**

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

**Section 1 – Transferor Information**

Enter information for the *current* licensee and licensed establishment.

Licensee:	Safeway Inc.	License #:	174
License Type:	Package Store	Statutory Reference:	Sec. 04.11.150
Doing Business As:	Safeway Liquor Store #2522		
Premises Address:	502 Marine Way		
City:	Kodiak	State:	Alaska
		ZIP:	99615
Local Governing Body:	City of Kodiak		

**Transfer Type:**

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

**OFFICE USE ONLY**

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 2 – Transferee Information**

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Safeway Inc.				
Doing Business As:	Safeway Liquor Store #2522				
Premises Address:	502 Marine Way				
City:	Kodiak	State:	Alaska	ZIP:	99615
Community Council:	None				

Mailing Address:	P.O. Box 29096 MS 6531				
City:	Phoenix	State:	Arizona	ZIP:	85038-9096

Designated Licensee:	Safeway Inc.				
Contact Phone:	(623) 869-3573	Business Phone:	(623) 869-3573		
Contact Email:	Nasc.tax@safeway.com				

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

**Section 3 – Premises Information**

Premises to be licensed is:

an existing facility     a new building     a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

.3 Miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

.2 Miles





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 4 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

**Section 5 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6. If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Wayne Denningham				
Title(s):	President	Phone:	(208) 395-5248	% Owned:	0
Address:	7893 North Vue Estates				
City:	Meridian	State:	Idaho	ZIP:	83646





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

<b>Entity Official:</b>	Robert A. Gordon				
<b>Title(s):</b>	Secretary/VP/General Counsel	<b>Phone:</b>	(925) 226-5510	<b>% Owned:</b>	0
<b>Address:</b>	24 Robert Road				
<b>City:</b>	Orinda	<b>State:</b>	California	<b>ZIP:</b>	94563

<b>Entity Official:</b>	Gary Morton				
<b>Title(s):</b>	Treasurer/VP/Assistant Secretary	<b>Phone:</b>	(208) 395-5394	<b>% Owned:</b>	0
<b>Address:</b>	2000 Canal Street				
<b>City:</b>	Boise	<b>State:</b>	Idaho	<b>ZIP:</b>	83705

<b>Entity Official:</b>	Robert Dimond				
<b>Title(s):</b>	Executive VP/Chief Financial Officer	<b>Phone:</b>	(208) 395-4305	<b>% Owned:</b>	0
<b>Address:</b>	1740 S Lake Crest Way				
<b>City:</b>	Eagle	<b>State:</b>	Idaho	<b>ZIP:</b>	83616

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

<b>DOC Entity #:</b>	39147F	<b>AK Formed Date:</b>	11/7/1986	<b>Home State:</b>	Delaware
<b>Registered Agent:</b>	Robert Blasco	<b>Agent's Phone:</b>	(800) 927-9800		
<b>Agent's Mailing Address:</b>	c/o CT Corporation System, 9360 Glacier Hwy., Ste. 202				
<b>City:</b>	Juneau	<b>State:</b>	Alaska	<b>ZIP:</b>	99801

Residency of Agent: Yes    No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?    



Entity Members (cont'd):

<b>Entity Official:</b>	Albertsons Companies, Inc.				
<b>Title(s):</b>	Shareholder	<b>Phone:</b>	N/A	<b>% Owned:</b>	100
<b>Address:</b>	250 Parkcenter Blvd., West Plaza				
<b>City:</b>	Boise	<b>State:</b>	Idaho	<b>Zip:</b>	83706





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 6 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes    No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?    

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached

**Section 7 – Authorization**

Communication with AMCO staff: Yes    No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?    

If "Yes", disclose the name of the individual and the reason for this authorization:

Michele Droege, Dorsey & Whitney LLP and Jill McLeod, Esq., Dorsey & Whitney LLP, Liquor License Counsel.





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board  
**Form AB-01: Transfer License Application**

**Section 8 – Transferor Certifications**

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

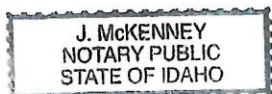
I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

*Robert A. Gordon*  
 Signature of transferor

Robert A. Gordon  
 Printed name of transferor

Subscribed and sworn to before me this 12<sup>th</sup> day of October, 2017.

*J. McKenney*  
 Signature of Notary Public



Notary Public in and for the State of IDAHO.

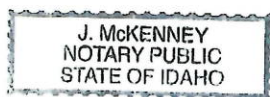
My commission expires: 12/15/22

*Robert A. Gordon*  
 Signature of transferor

Robert A. Gordon  
 Printed name of transferor

Subscribed and sworn to before me this 12<sup>th</sup> day of October, 2017.

*J. McKenney*  
 Signature of Notary Public



Notary Public in and for the State of IDAHO.

My commission expires: 12/15/22





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board  
**Form AB-01: Transfer License Application**

**Section 9 – Transferee Certifications**

Read each line below, and then sign your initials in the box to the right of each statement: Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application. Ry

I certify that all proposed licensees have been listed with the Division of Corporations. Ry

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. Ry

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465. Ry

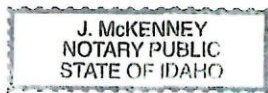
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application. Ry

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

*Robert Gordon*  
 Signature of transferee

Robert A. Gordon  
 Printed name

Subscribed and sworn to before me this 12<sup>th</sup> day of October, 2017.



*J. McKenney*  
 Signature of Notary Public

Notary Public in and for the State of IDAHO

My commission expires: 12/15/22





**ATTACHMENT A**

<b>ALASKA LIQUOR LICENSES</b>							
<b>Current DBA</b>	<b>Facility</b>	<b>Liq Lic No.</b>	<b>Liq Lic Exp</b>	<b>Address</b>	<b>City</b>	<b>Zip Code</b>	<b>Corporate Owner</b>
Safeway	2522	174	2014	502 MARINE WAY	KODIAK	99615	Safeway Inc.
Crow Creek Mercantile	1839	287	2015	HIGHTOWER STREET	GIRDWOOD	99587	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1821	778	2015	301 NORTH SANTA CLAUS LANE	NORTH POLE	99705	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1802	792	2014	1340 GAMBELL STREET	ANCHORAGE	99501	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1805	793	2014	1650 W. NORTHERN LIGHTS BLVD.	ANCHORAGE	99503	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1806	795	0014	600 E. NORTHERN LIGHTS BLVD.	ANCHORAGE	99503	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1809	799	2014	5600 DEBARR ROAD	ANCHORAGE	99504	Carr-Gottstein Foods Co.
Safeway Store	2754	995	2015	3627 AIRPORT WAY	FAIRBANKS	99701	Safeway Inc.
Oaken Keg	3410	999	2015	30 COLLEGE RD.	FAIRBANKS	99701	Safeway Inc.
Oaken Keg Spirit Shop	1843	1336	2014	3678 COLLEGE ROAD	FAIRBANKS	99709	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	520	1358	2015	3101 PENLAND PARKWAY	ANCHORAGE	99508	Safeway Inc.
Oaken Keg Spirit Shop	1812	1397	2014	4000 WEST DIMOND BLVD.	ANCHORAGE	99515	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1807	1464	2014	11409 BUSINESS PARK BLVD.	EAGLE RIVER	99577	Carr-Gottstein Foods Co.
Oaken Keg	1813	1799	2014	1501 HUFFMAN ROAD	ANCHORAGE	99515	Carr-Gottstein Foods Co.
Oaken Keg	548	1845	2015	44428 STERLING HWY S	SOLDOTNA	99669	Safeway Inc.
Oaken Keg Spirit Shop	1817	2094	2014	7731 EAST NORTHERN LIGHTS BLVD.	ANCHORAGE	99504	Carr-Gottstein Foods Co.
Oaken Keg	1739	2098	2014	644 WEST EVERGREEN	PALMER	99645	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1811	2266	2014	595 EAST PARKS HIGHWAY	WASILLA	99654	Carr-Gottstein Foods Co.
Safeway Store	1090	2509	2015	2685 MILL BAY RD.	KODIAK	99615	Safeway Inc.
Oaken Keg	1833	2912	2014	1313 MEALS STREET	VALDEZ	99686	Safeway Inc.
Oaken Keg Spirit Shop	1808	3218	2014	10576 KENAI SPUR HIGHWAY	KENAI	99611	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1820	3507	2015	3033 VINTAGE BLVD.	JUNEAU	99801	Carr-Gottstein Foods Co.
Oaken Keg	1832	4162	2015	90 STERLING HIGHWAY	HOMER	99603	Safeway Inc.
Oaken Keg	2628	4167	2014	1725 ABBOTT ROAD	ANCHORAGE	99507	Safeway Inc.
Oaken Keg	2728	4334	2014	1907 SEWARD HWY.	SEWARD	99664	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1818	4361	2014	2417 TONGASS AVE.	KETCHIKAN	99901	Carr-Gottstein Foods Co.
<b>OUTSIDE OF ALASKA SAFEWAY INC. HAS INTERESTS IN ALCOHOLIC BEVERAGE LICENSES AS SHOWN BELOW</b>							
<b>SAFEWAY INC.</b>							
Arizona, California, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Maryland, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Virginia, Washington, Wyoming							
<b>RANDALL'S FOOD AND DRUG</b>							
Texas							
<b>TOM THUMB</b>							
Texas							
<b>VONS</b>							
California							
<b>PAVILIONS</b>							
California							
<b>PAK 'N SAVE</b>							
California							





**Alaska Alcoholic Beverage Control Board**  
**Form AB-02: Premises Diagram**

**What is this form?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

**The second page of this form is not required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's main office before any license application will be considered complete.**

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Safeway Inc.	License Number:	174		
License Type:	Package Store				
Doing Business As:	Safeway Liquor Store #2522				
Premises Address:	502 Marine Way				
City:	Kodiak	State:	Alaska	ZIP:	99615



STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
LICENSED PREMISES DIAGRAM

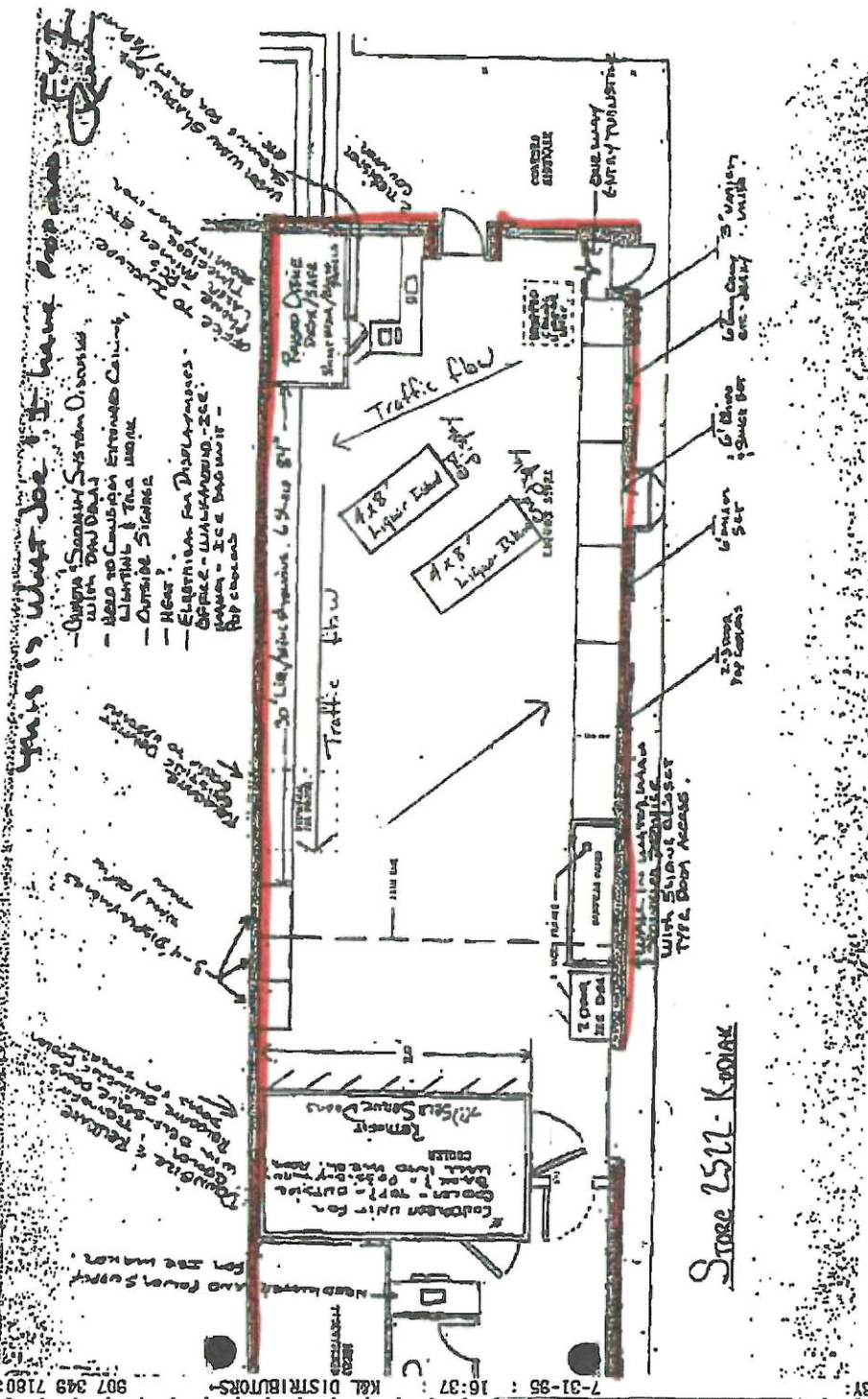
D/B/A: Kodiak Safeway Liquors

PREMISES LOCATION: 502 Marine Way

DATE RECEIVED: 8/24/95

Kodiak AK

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below showing all entrances and exits and all fixtures such as tables, booths, names, numbers



RECEIVED  
OCT 27 2017  
ALCOHOL MARIJUANA CONTROL OFFICE  
STATE OF ALASKA

SENT BY: 7-31-95 : 16:37 K&L DISTRIBUTORS 907 349 7180 # 2 / 2



## Office of the City Manager

710 Mill Bay Road, Room 114, Kodiak, Alaska 99615

December 14, 2017

Albertsons Companies Inc.  
Mr. Wayne Denningham-President  
7893 North Vue Estates  
Meridian Idaho 83646

Mr. Denningham,

Though the City of Kodiak is voicing a non-objection to the transfer of Liquor License #174, located downtown Kodiak, we have serious concerns about the continued operation of a package liquor store of this type in its current location.

Alcohol abuse, public inebriation, theft, assault, and lewd behavior have been on the rise in the downtown area. This has had a direct negative impact on the ability of local businesses to conduct normal operations and offer a safe and inviting environment to their patrons.

Other Alaskan municipalities have created ordinances to minimize or mitigate negative impacts that the sale of certain types and sizes of alcoholic beverages have on the surrounding area. The first-hand observations of our various departments involved in downtown issues (the Kodiak Police Department, Kodiak Fire Department, Harbor Department, and Parks & Recreation), as well as first-hand observations of business owners and private citizens, indicate that 40 oz cans of alcohol, malt liquor, and 50 ml "mini bottles" of liquor and spirits are the primary types and sizes of alcoholic beverages being abused downtown and that are a factor in continued problems associated with public consumption of alcohol.

Therefore, we want to make it clear that although we are voicing a non-objection to the transfer of Liquor License #174 at this time, we have serious reservations about the presence of this store contributing to the public inebriation population by selling the above mentioned items. The City will continue to monitor and evaluate the situation.

Thank you for your attention and I would be available to discuss this in further detail.

Respectfully,

Mike Tvenge  
City Manager

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Mike Tvenge, City Manager and Debra Marlar, City Clerk *AM*  
**Date:** December 14, 2017

**Agenda Item: V. f. Appointment to Economic Development Special Committee**

---

**SUMMARY:** Barbara Bigelow was appointed on September 14, 2017, as the Health Care and Medical Support Services representative on the Economic Development Special Committee by the Council. Ms. Bigelow has moved off-island and the seat is now vacant. Jessica R. Cotton, Executive Director of the Kodiak Community Health Center has submitted an application to fill this vacancy.

**Economic Development Special Committee** The committee guidelines and membership are established by Resolution No. 2017-25(SUB). The membership includes the Mayor, and two Councilmembers, of which one shall be designated as Chair and one as Vice-chair; and community members who represent any of the following: Aviation and Support Services, Community and Civic Organizations, Construction Contracting and Trades, Health Care and Medical Support Services, Hospitality and Tourism, Marine Transportation and Support Services, Professional and Business Services, Retail Goods and/or Services, Seafood Harvesting, Seafood Processing, and other Representation Deemed Appropriate by the City Council. There is no residency requirement. The City Manager, as well as additional City staff designated by the City Manager, shall serve as nonvoting consulting members of the committee, if requested. The City's Economic Development Consultant shall also serve as a non-voting member of the committee.

The committee is expected to complete its task within one year. Economic Development Consultant Wanetta Ayers has been retained to assist with economic development planning. Committee members are appointed by the City Council.

One new application has been received:

Applicant: Jessica R Cotton, Health Care and Medical Support Services

**PREVIOUS COUNCIL ACTION:**

- January 10, 2017, Council work session, Wanetta Ayers presented information about establishing a framework for economic development for the City of Kodiak, and Council voiced a consensus to move forward with economic development
- March 21, 2017, Council work session, Wanetta Ayers via teleconference discussed formation of an Economic Development Committee, and Council voiced a consensus to advertise for committee members
- May 23, 2017, work session, Mayor Branson and Councilmembers Bishop and Whiddon volunteered to serve on the committee

- May 25, 2017, regular meeting, Council adopted Resolution No. 2017–14, Establishing an Economic Development Special Committee
- August 8, 2017, work session, Council reviewed applications from members of the public who have volunteered to serve on the committee
- September 12, 2017, work session, during packet review Council discussed rescinding Resolution No. 2017–14, to allow for expansion of the number of community members on the committee
- September 14, 2017, Council rescinded Resolution No. 2017–14 and adopted Resolution No. 2017–25(SUB)
- September 14, 2017, Council appointed to the Economic Develop Special Committee Mayor Branson, Councilmembers Randall Bishop and John Whiddon, with John Whiddon designated as Chair and Randall Bishop as Vice Chair, and the following community members: Alan Austerman, Barbara Bigelow, Julie Bonney, Trevor Brown, Tyler Kornelis, Chris Lynch, Aimee Williams, and Rebecca Skinner Alternate No. 1 and Daniel McKenna-Foster as Alternate No. 2

**FINANCIAL IMPLICATIONS:** Council has a professional services agreement with A3 Consulting, Creativity and Communications (Wanetta Ayers) billing monthly for services. These services will continue until Council no longer sees they are needed. The committee is intended to be volunteer membership.

**STAFF RECOMMENDATION:** Staff recommends Council appoint membership as necessary for the Economic Development Special Committee.

**ATTACHMENTS:**

- Attachment A: EDWG Application
- Attachment B: EDWG Roster

**PROPOSED MOTION:**

Move to appoint Jessica R. Cotton to the Economic Development Special Committee.



City Clerk's Office  
 710 Mill Bay Road, Rm. 219  
 Kodiak, AK 99615  
 (907) 486-8636 / (907) 486-8600 (fax)

**CITY OF KODIAK**  
**ECONOMIC DEVELOPMENT WORK GROUP**  
**APPLICANT PROFILE AND STATEMENT OF INTEREST**

**APPLICANT INFORMATION:**

Date: 11-28-2017

Full Name: Jessica R. Cotton

Company or Organization: Kodiak Community Health Center

Physical Address: 1911 E. Rezanof Dr Kodiak, AK 99615

Mailing Address: 1911 E Rezanof Dr Kodiak, AK 99615

E-mail Address: jcotton@kodiakchc.org

Best Phone: (907) 481-5000

**ECONOMIC SECTOR:**

Please select one economic sector that you are applying to represent:

- |  |   |
|--|---|
| <input type="checkbox"/> Aviation and Support Services                       | <input type="checkbox"/> Professional and Business Services |
| <input type="checkbox"/> Community and Civic Organizations                   | <input type="checkbox"/> Retail Goods and/or Services       |
| <input type="checkbox"/> Construction Contracting and Trades                 | <input type="checkbox"/> Seafood Harvesting                 |
| <input checked="" type="checkbox"/> Health Care and Medical Support Services | <input type="checkbox"/> Seafood Processing                 |
| <input type="checkbox"/> Hospitality and Tourism                             | <input type="checkbox"/> Other (describe below):            |
| <input type="checkbox"/> Marine Transportation and Support Services          | _____   |

**INDUSTRY AND COMMUNITY AFFILIATIONS:**

Please list up to three organizations of which you are an active member or board officer.

Affiliation 1: Alaska Primary Care Association (APCA)

Affiliation 2: \_\_\_\_\_

Affiliation 3: \_\_\_\_\_



**WORK GROUP TASKING:**

The Economic Development Work Group will meet on a quarterly basis to develop recommendations for the City of Kodiak's economic development program. Work Group members will review economic summaries, reports, and other work products; provide feedback and advice to the city's contractor; and recommend a long-term approach to economic development.

**STATEMENT OF INTEREST:**

Please describe how your qualifications and interests will help the EDWG fulfill its tasking and advance the City of Kodiak's economic development program.

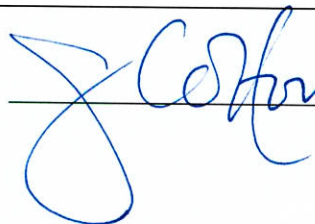
With 10+ years in healthcare and leadership experience it is my belief I have an unique knowledge base to lend in economic development.

With the rising cost of healthcare it is important to focus on the impact not only the economy, but the effect this has on the consumer. In 2015 approx. 18% of GDP went to health care costs.

Having an unique background as a registered nurse and also a master degree in business administration with a focus in healthcare management gives me insight into both operational and business aspects. Finding a balance operationally and financially is a passion and drive that keeps my focus in primary care.

I'll look forward to continuing this work in Kodiak, as previously in Montana and look forward to working with all.

Signature:

 J. Coffey, RN, MBA, Executive Director



## Office of the City Clerk

710 Mill Bay Road, Room 219, Kodiak, Alaska  
99615

### ECONOMIC DEVELOPMENT COMMITTEE MEMBERS

Seven regular community seats, two alternates  
Effective December 1, 2017

TERM	COMMITTEE MEMBER	REPRESENTATION	HOME	WOR K or CELL	MAILING ADDRESS
	Patricia Branson pbranson@city.kodiak.ak.us	City Mayor			710 Mill Bay Rd. Rm. 219
	John Whiddon jwhiddon@city.kodiak.ak.us	Committee Chair			710 Mill Bay Rd. Rm. 219
	Randall Bishop rbishop@city.kodiak.ak.us	Committee Vice-Chair			710 Mill Bay Rd. Rm. 219
	Alan Austerman alanausterman@gmail.com	Other: Individual		539-5945	401 Lightfoot Ave.
	Julie Bonney jbonney@gci.net	Seafood Processing		907-250- 4706	P.O. Box 788
	Trevor Brown trevor@kodiak.org	Community and Civic Organizations		486-5557	100 E. Marine Way, Ste 300
	Tyler Kornelis Tyler.kornelis@kodiakhealthc are.org	Other: Economic Development Professional		654-5620	3449 Rezanof Drive East
	Chris Lynch chrislynch@acsalaska.net	Retail Goods and/or Services		539-2494	104 Center Ave. Suite 100B
	Aimee Williams director@kodiak.org	Hospitality and Tourism		486- 4782	100 Marine Way, Suite 200
	VACANT	Health Care and Medical Support			
*Alternate 1	Rebecca Skinner execdir@alaskawhitefishtrawlers.org	Seafood Harvesting		654-9880	P.O. Box 991
*Alternate 2	Daniel McKenna-Foster Drm279@cornell.edu	Other: Long Range Planning	512- 6778	486-9361	1522 Mission Rd.

#### Legislation

Resolution Number 2017-14  
Resolution Number 2017-25 (SUB)

**\*[Clerk's Note: The alternates do not make motions or vote unless regular member(s) are absent.]**

#### Appointments

9/14/2017

Updated December 1, 2017

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**MEMORANDUM TO COUNCIL**

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**To:** Mayor Branson and City Councilmembers

**From:** Debra Marlar, City Clerk *DM*

**Date:** December 14, 2017

**Agenda Item:** V. g. Election of Deputy Mayor

---

**SUMMARY:** Under the provisions of City Charter Article II, Section 2, the City Council shall elect one of its members as Deputy Mayor no sooner than thirty days, nor more than sixty days, from the beginning of the newly-elected Councilmembers' terms. The Deputy Mayor serves a one-year term and acts as Mayor in the Mayor's absence. If a vacancy occurs in the office of Mayor, the Deputy Mayor serves until another Mayor is elected by the Council.

**ATTACHMENTS:**

Attachment A: City Charter Article II, Section 2

Attachment B: List of previous Deputy Mayors

**PROPOSED MOTION:**

Move to elect \_\_\_\_\_ as Deputy Mayor for a one-year term.

OR

Move to elect the Deputy Mayor by a secret vote on paper ballot, provided that the first candidate to receive four affirmative votes be appointed for a one-year term, and further provided that if no candidate receives four affirmative votes in the first ballot, that the applicant with the fewest votes be removed from consideration on subsequent ballots, until a candidate receives four affirmative votes.

## **Charter of the City of Kodiak, Alaska**

### **Article II**

#### **II-2 Mayor and Deputy Mayor**

There shall be a mayor who shall have all the qualifications of a councilmember, and, in addition, must be at least thirty (30) years of age at the time of his election or choice to fill a vacancy. The mayor shall preside at meetings of the council, and shall certify the passage of all ordinances and resolutions passed by it. The mayor shall have no regular administrative duties, except that the mayor shall sign such written obligations of the City as the council may require. If a vacancy occurs in the office of mayor, the council shall elect a qualified person, who may or may not be a councilmember at the time, to be mayor for completion of the unexpired term or until the vacancy is filled by election. If a councilmember is elected mayor, the councilmember's office shall be vacated upon taking office as mayor, and then be filled as prescribed elsewhere by this charter.

Not sooner than thirty (30) days nor more than sixty (60) days from the beginning of the terms of newly elected councilmembers, the council shall elect one of its members deputy mayor, who shall serve as such until the next such first meeting. The deputy mayor shall act as mayor during the absence or disability of the mayor or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council and qualifies. If the office of deputy mayor becomes vacant, the council shall elect from its members another deputy mayor for the completion of the unexpired term. The deputy mayor, when acting as mayor, shall continue to have a vote as councilmember; but the deputy mayor shall not have veto power.

Should both mayor and deputy mayor be absent from a council meeting, a temporary mayor shall be appointed by the council to serve during such absence.

## Deputy Mayor Elections

Date <u>Elected</u>	
01/16/1993	Bernie Ballao
11/10/1994	Gary Gilbert
11/09/1995	Tom Walters
11/14/1996	Kathy Colwell
11/20/1997	Steven Hobgood
02/12/1998	Tom Walters
11/12/1998	Charles Davidson
11/10/1999	Jesse Vizcocho
11/16/2000	Barbara Stevens
11/15/2001	Tom Walters
12/12/2002	Lydia Olsen
01/08/2004	David Woodruff
12/14/2004	Charles Davidson
12/15/2005	David Woodruff
12/14/2006	Josie Rosales
11/29/2007	Gabriel Saravia
12/11/2008	Jack Maker (resigned 6/9/09)
07/24/2009	Paul Smith
12/10/2009	Terry Haines
12/9/2010	Gabriel Saravia
12/8/2011	John Whiddon
12/13/2012	John Whiddon
12/12/2013	Gabriel Saravia
12/12/2014	Terry Haines
12/10/15	Rich Walker
12/08/16	Randall C. Bishop