

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, JUNE 14, 2018
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 Randall C. Bishop, Charles E. Davidson, Daniel Mckenna-Foster, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. Councilmember Laura B. Arboleda was absent. City Manager Mike Tvenge, City Clerk Debra Marlar, and Deputy Clerk Michelle Shuravloff-Nelson 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 May 24, 2018, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Proclamation: Declaring Filipino American Heritage Month

Mayor Branson read the proclamation, which recognizes Filipino Americans for their vital contributions to our community and urges citizens to participate in festivities celebrating the rich heritage and traditions of the Philippine Islands.

Mary Guilas-Hawver, Chair of the Fil-Am Board, accepted the proclamation. She said they are very proud to be members of the Kodiak community. She said there is a barbeque at Buskin to celebrate friendship day on July 4, 2018, and she welcomed the public to attend.

b. Public Hearing About Amending Sections 9 and 12 of the Schedule of Fees, Charges, and Tariffs

The City sets its fees and charges for various services by a resolution of the Council. The Council has requested a public hearing for Resolution No. 2018-07, Amending Section 9, (Harbor) and Section 12 (Parks and Recreation) of the Schedule of Fees, Charges and Tariffs. The proposed fee changes are recommended to become effective July 1, 2018.

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

c. Public Comments

Larry VanDaele voiced questions about the third party review process and stated his concern regarding bias prior to the investigation. He submitted a letter to the Mayor and Council.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1378, Amending Title 5 With the Renumbering of KCC Chapter 7.40 to Chapter 5.24 and the Addition of New Sections for Marijuana Businesses, and Amending Chapter 8.48 to Reflect Alaska Marijuana Law

Mayor Branson read Ordinance No. 1378 by title. On November 4, 2014, Alaska voters passed Ballot Measure 2, An Act to Tax and Regulate the Production, Use, and Sale of Marijuana, which initiated the State and Statewide municipalities to begin to determine how to regulate marijuana on both State and municipal levels. Subsequently, the Council adopted Resolution No. 2016-16, Establishing a Marijuana Advisory Special Committee, to recommend guidelines for implementing taxation, regulation, production, sale, and use of marijuana within the Kodiak City limit. The Committee met nine times from June 2016 through April 2017 and brought forward for Council consideration regulations and policies governing marijuana establishments within the Kodiak City limit. Staff met with Kodiak Island Borough Planning officials to discuss zoning and land use regulations pertaining to marijuana. Staff then met with the City attorney and requested he draft an ordinance to include the recommendations accepted by the City Council in October 2017. The Council reviewed the ordinance at the May 8, 2018, work session, and further refinements were made.

Councilmember Davidson MOVED to adopt Ordinance No. 1378.

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

The roll call vote was Councilmembers Bishop, Davidson, Walker, and Whiddon in favor. Mr. Mckenna-Foster opposed. Councilmember Arboleda was absent. The motion passed.

b. Second Reading and Public Hearing, Ordinance No. 1379, Approving a Terminal Operation Contract and a Pier II Use and Upland Agreement With American President Lines LTD

Mayor Branson read Ordinance 1379 by title. Ordinance No. 1379 authorizes the City of Kodiak to enter into the following agreements with American President Lines, LTD (APL): a Pier II Use and Upland Lease Agreement for a term of five years, plus an option for two five-year renewals upon mutual agreement; and a Terminal Operating Contract for a term of five years, plus two five-year renewals upon mutual agreement.

Councilmember Walker MOVED to adopt Ordinance No. 1379.

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

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

V. NEW BUSINESS

a. **First Reading, Ordinance No. 1380, Amending Kodiak City Code Chapter 2.12, Relating to the Fire Department Employee Residency Requirement**

Mayor Branson read Ordinance No. 1380 by title. The Kodiak Fire Department requires employees meet stringent stipulations as a condition of hire. Among these stipulations is a requirement of staff to live within 5.5 miles of the station, maintain a land line telephone in residence, and meet medical requirements to fulfill the duties of firefighting. Due to increased housing costs and availability, the Fire Chief has requested the mileage requirement be lengthened to 12 miles in order to allow staff more cost effective housing choices. In addition, the Chief has requested the land line phone requirement be amended to accept cell service as an alternative. The final change to this section clarifies language pertaining to pre employment physicals and physical ability tests.

Councilmember Whiddon MOVED to pass Ordinance No. 1380 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 Bishop, Davidson, Mckenna-Foster, Walker, and Whiddon in favor. Councilmember Arboleda was absent. The motion passed.

b. **Resolution No. 2018-07, Amending Sections 9, and 12 of the Schedule of Fees, Charges, and Tariffs**

Mayor Branson read Resolution No. 2018-07 by title. The City sets its fees and charges for various services by a resolution of the Council. The City Council identified the importance of an annual review and update of the schedule of fees and charges by including this as a budget goal since FY2011. Staff completed the review and submitted a list of proposed changes to fees pertaining to the Harbor and Parks & Recreation departments. Changes are proposed to take effect on July 1, 2018.

Councilmember Bishop MOVED to adopt Resolution No. 2018-07.

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

c. **Authorization of Bid Award for FY2019 Sodium Chloride**

Each year Public Works combines deicing salt with ¼ inch rock chips for winter deicing and traction control on City streets and parking lots. Annually, the quantity of product requested is based on the remaining stock on hand and the previous winter's consumption. A bid was advertised on April 25, 2018, for 250 tons of salt for winter deicing. Three bids were opened on May 30. While Round Butte Products was the apparent low bidder, Kodiak City Code 3.12.060

provides for a 10% local bid preference. Spenard Builders Supply, dba Polar Supply, met the requirements for local bid award.

Councilmember Whiddon MOVED to authorize the FY2019 sodium chloride bid to Spenard Builders Supply, dba Polar Supply, in the amount of \$98,440 with funds coming from the FY2019 Public Works Department, Street Supplies account.

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

d. Authorization of Bid Award for Annual Sidewalk, Curb, and Gutter Repairs, Project No. 19-01/ 5003

Annually, the City issues bids for the repair and replacement of damaged sections of sidewalk, curb, and gutters at various locations throughout the City. The bid was advertised on April 24 and opened on May 25, 2018. One bid was received.

Councilmember Walker MOVED to authorize the bid award for the annual sidewalk, curb, and gutter project to Golden Alaska Excavating LLC in an amount not to exceed \$50,270 with funds coming from the Street Improvement Capital Fund, Annual Sidewalk Curb and Gutter project, Project No. 19-01/5003 and authorize the City Manager to execute the award documents on behalf of the City.

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

e. Authorization of Parts Purchase and Installation to Perform Repairs to the Marine Travelift in Kodiak Shipyard as Provided in Quotation No. 2018/05/09 From Kendrick Equipment (USA), LLC

In May Kendrick Equipment performed an inspection on the Travelift in Kodiak Shipyard for the purpose of maintaining the lift's certification as a large crane. Several items needing repair or replacement were identified and outlined in their inspection report. Kendrick Equipment is the sole provider of Marine Travelift parts and service for the State of Alaska.

Councilmember Davidson MOVED to authorize parts purchase and installation for repairs to the marine Travelift in the Kodiak shipyard as provided in Quotation No. 2018/05/09 from Kendrick Equipment (USA) LLC, in an amount not to exceed \$45,000, with funds from the Shipyard repair and maintenance account and authorize the City Manager to execute the documents on behalf of the City.

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

f. Authorization of Temporary Office Space Lease With American President Lines at Pier II

American President Lines (APL) is requesting a short-term lease of 3,000 square feet of van row 11 at Pier II for a portable office trailer for their freight business. APL needs a short-term lease so they can have the marine office staged and connected to utilities prior to June 30, 2018, when their lease with Matson is terminated. Staff recommends authorizing a lease at Pier II to accommodate APL's office trailer until such time APL enters into a long-term lease with the City of Kodiak. The short-term lease shall be for a period not to exceed six months.

Councilmember Bishop MOVED to approve the lease with American President Lines, LTD, Record No. 237751, for temporary office space at Pier II for a period not to exceed six months and authorize the City Manager to execute the documents on behalf of the City.

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

g. Authorization of a Professional Services Contract for Interim Finance Director Services

The City is in need of a qualified Finance Director to perform all the functions and assume the responsibilities of the Finance Director position until a qualified full-time Finance Director is hired.

Councilmember Walker MOVED to approve professional services agreement, Record No. 237749, for interim finance director services with Karl Swanson with funds from the General Fund, Finance Administration, Salaries and Wages and Professional Services accounts and authorize the City Manager to execute and manage the contract.

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

h. Authorization of a Professional Services Contract for WWTP Upgrade, Phase I Condition and Process Assessment, Project No. 7522/18-04

The last Wastewater Treatment Plant (WWTP) Upgrade was completed in 1999. Generally, WWTP's are evaluated and upgraded approximately every 20 years. We have developed a concept plan using phases to complete the project. Phase I Condition and Process Assessment will include Phase 1A – Process Assessment - WWTP Effluent Disinfection Feasibility Study and Phase 1B – WWTP Condition Assessment. Once the initial assessment is completed, work scope for future phases will be brought to Council for approval in the form of contract amendments to CH2M.

Councilmember Walker MOVED to authorize the Professional Services Contract for WWTP Upgrade, Phase I Condition and Process Assessment, Project No. 7522/18-04 to CH2M in the amount of \$160,000 and authorize the City Manager to sign documents on behalf of the City.

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

i. Authorization of Professional Services Contract for Legal Services With Longenbaugh Law Firm, LLC

This authorization will assist the City with professional legal services for personnel matters. The City has been using Longenbaugh Law Firm, LLC for over a decade, and currently has open cases with this firm. Leslie Longenbaugh will continue serving the City until all cases are closed.

Councilmember Whiddon MOVED to authorize Contract No. 237750 with Longenbaugh Law Firm, LLC for professional legal services with funds from the General Fund, Legislative, Legal, Professional Services account and authorize the City Manager to sign documents on behalf of the City.

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

VI. STAFF REPORTS

a. City Manager

Manager Tvenge said the fisherman's crane is certified and operational at Oscar's Dock. He said the traffic lanes and crosswalks on Mill Bay were painted and highly visible. He said he and Interim Finance Director Swanson met with Mike Gordon and Roseanne Leydon from Marsh and McLennan Agency to discuss the upcoming increased insurance rates for 2019 and said the proposals will be disseminated to Council for further discussion. He said the Kodiak Public Library is operating under a new schedule, which includes closure on Sundays. He said he recently signed a zoning permit for the Alutiiq Memorial Park. He shared that KPD will open the satellite Police Station downtown in July. He said the American Legion will host the 4th of July parade with the same route as last year, which starts at Oscar's Dock.

b. City Clerk

Clerk Marljar announced the upcoming meetings for the City Council. She informed the public that the nominating petition packets for the City's 2018 Election will be available toward the end of July. She said to qualify to run for election as a Councilmember a citizen must be a registered voter, be 21 years of age, and have lived within City limits for one year.

Councilmember Whiddon added that the Fisheries Work Group will meet on July 11, 2018.

VII. MAYOR'S COMMENTS

Mayor Branson welcomed Karl Swanson and said she appreciated his return and she is pleased to have such a qualified individual providing interim financial services. She stated it is necessary to find the right fit for a full-time position instead of quickly filling it, which will be more cost efficient for the City long-term. She said the independent third party hiring committee met and will meet again next week. She shared updates will be forthcoming regarding the third party review process. She said Margaret Hall is turning 99 years old, and stated she has been a mentor,

teacher, and is still very active in the community playing bridge and driving; she wished Mrs. Hall a happy birthday. She shared her thankfulness for America's Independence Day.

Mayor Branson said she attended the Borough meeting and suggested that the proposed consolidation committee include the participation of the City and Borough Managers as well as others appointed by the City Council and Borough Assembly.

VIII. COUNCIL COMMENTS

Councilmember Mckenna-Foster apologized for his absence at the work session. He said he heard there was a delay in the meeting schedule for the Economic Development Committee; he said he is hopeful the work continues to move forward and shared his concern that a committee member was in the process of scheduling a guest speaker during the summer. He spoke about the recent celebration of Memorial Day and emphasized that part of that celebration is the ability to write, to discuss, to dissent, and to think independently. He said he believes it is okay to inquire, and it is not wrong to ask questions, and he hopes that when he asks questions it does not make people uncomfortable, because he believes it results in a better product. He welcomed Karl Swanson as interim Finance Director.

Councilmember Walker wished Margaret Hall a happy birthday. He thanked the Fire Chief for the Fire department residency ordinance. He thanked Interim Finance Director Swanson for his return. He said he was happy to see the crane was installed and available to the public. He said he hopes everyone enjoys the summer and fishing.

Councilmember Bishop stated he had no comments.

Councilmember Davidson expressed a concern regarding the Woman's Bay land swap that was brought forward by Senator Sullivan's office. He said there was a potential for a new dock that could impede revenue for the City's Port and Harbors and could affect the future tariffs and wharfages collected. He said he hopes further discussion will occur on the potential impacts, which also includes traffic flow and the tidelands. He said with the City's infrastructure to maintain, this is an important topic and encouraged citizens to become aware of the economic impacts. Councilmember Davidson said the Fish & Wildlife and the USCG cannot comment due to pending legislation. He wished Margaret Hall a happy birthday.

Councilmember Whiddon said there was a recent Fisheries Work Group meeting and Sam Rauch, Deputy Assistant Administrator for NOAA was present and provided updates on the pink salmon disaster funds and pink salmon charter regulations, as well as a meet and greet opportunity. He said he was glad to have this interaction with Mr. Rauch. He congratulated Margaret Hall on her 99th birthday.

IX. AUDIENCE COMMENTS

None

X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 8:45 p.m.

CITY OF KODIAK



MAYOR

ATTEST:


CITY CLERK

Minutes Approved: July 12, 2018

