

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, AUGUST 22, 2019
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, Terry J. Haines, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Mike Tvenge, City Clerk Nova Javier, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

Salvation Army Corps Sergeant Major Dave Blacketer gave the invocation and the Pledge of Allegiance was recited.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the August 8, 2019, regular meeting, as presented.

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

III. PERSONS TO BE HEARD

a. Proclamation: Library Card Sign-up Month in Kodiak

Councilmember Bishop read the proclamation which recognizes the important role of the libraries in providing infinite possibilities through resources and services to help people pursue their passions. This proclamation also encourages everyone to update or sign-up for their library cards.

Library Director Laurie Madsen accepted the proclamation and thanked the Mayor and Council for their acknowledgement. She said the City of Kodiak is the 88th library to join the Alaska Library System and stated that the servers are maintained in Anchorage. She noted the system will allow users to have access over 3 million catalogs. She expressed her excitement regarding the migration which will occur in October.

b. Public Hearing: Retail Marijuana Store License Renewal Application No. 20113 for High Rise, LLC

The City received notice from the State of Alaska on July 29, 2019, of a renewal of application from High Rise, LLC for a retail marijuana store license at 104 Center Ave., Suite 102. As part of the license application review process established by Ordinance No. 1378, this hearing allows the public to comment before the Council considers the application later in the agenda.

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

Brent Watkins spoke in support in of the Retail Marijuana Store License Renewal Application No. 20113 for High Rise, LLC.

Mayor Branson closed the public hearing, and reopened the regular meeting after public testimony.

c. Public Comments

None

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1389, Amending Chapter 2.04 With a New Section 2.04.025, Excusing the Mayor's or Councilmembers' Non-Attendance When Caused by City Business

Mayor Branson read Ordinance No. 1389 by title. The Mayor and Council wish to include a section in the City code that contains language that could be considered for excusing absences when the Mayor or Councilmember are absent from regular meetings, when caused by conducting or attending City business.

The purpose of this ordinance is to implement Charter Article II, Section 8 by providing rules for determining an absence. Legal Counsel advised that ordinances implementing charter provisions are appropriate and noted there is no conflict in excusing non-attendance caused by concurrent city business because the official is observing official duties, not neglecting them. This ordinance allows for approving an official's concurrent city-business activity through an open process of disclosure which ensures transparency.

Councilmember Davidson MOVED to adopt Ordinance No. 1389.

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

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

V. NEW BUSINESS

a. Resolution No. 2019-15 Appropriating \$5,000 From the Sewer Utility Operating Unassigned Fund Balance and Authorizing the Purchase of the Sewer International HV607 6X4 Chassis Flusher Truck to RWC International, Ltd

Mayor Branson read Resolution No. 2019–15 by title. The Public Works department included a replacement of the Sewer International HV607 6X4 Chassis flusher truck in the FY2020 budget to replace the 1996 International 3500 gallon Flusher truck. The FY2020 budget amount is approximately \$2,465 less than the lowest bid received for the equipment replacement; therefore, funds will need to be transferred from the sewer utility operating unassigned fund balance to the sewer utility collection machinery and equipment to purchase this Flusher truck.

The FY 2020 budget includes \$200,000 for the replacement of the 1996 International Flusher in the Sewer Capital Outlays. The quoted cost for a flusher equipped per City specifications is \$202,464.18 including shipping terms of FOB Kodiak. The additional \$5,000 requested will come from the Sewer Utility Operating Fund unassigned fund balance and will cover additional costs that include a radio and additional safety items.

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

Councilmember Walker MOVED to adopt Resolution No. 2019–15.

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

b. Resolution No. 2019-16 Appropriating \$22,000 From the General Fund Unassigned Fund Balance, \$10,000 From the Trident Basin Unassigned Fund Balance, and \$12,000 From the Shipyard Unassigned Fund Balance and Authorizing the Purchase of Appraisal Services to MacSwain Associates, LLC

Mayor Branson read Resolution No. 2019–16 by title. The FY2020 budget typically includes professional services within the General Fund, Trident Basin, and the Kodiak Shipyard. The City Administration is in the process of leasing and renewing leases for Pillar Mountain Communication Sites, Trident Basin Sea Plane Base, and the Municipal Airport. In addition to normal operations and capital infrastructure needs, the FY2020 Council goals included a Shipyard Rate Study & a Shipyard Marketing Plan.

Land Appraisals have been required under City Code at least since 1989. Because City property is a public asset, the Council has assured a fair return to Kodiak citizens. The City of Kodiak has 10 leases on Pillar Mountain, 5 leases at Trident Basin, and 30 leased spaces at the Kodiak Municipal Airport.

Per the proposal, MacSwain and Associates will provide formal written reports setting out their judgement about the most probable annual rent that a property will bring on the open market. They will be based on research and study of factors that affect the value, including ownership rights and legal restrictions; market conditions on the date of appraisal; a detailed description of the appraised property; and the actual sale prices or rental of similar properties.

The written appraisals will help lead City Administration to a conclusion of value and proposed lease rates for the different properties. MacSwain and Associates has extensive experience appraising public, commercial, and marine industrial properties on Kodiak Island for many years. The firm is accepted and certified by the State of Alaska.

The FY 2020 budget would be amended to appropriate additional professional services for appraisals to be performed for the properties noted herein. The current professional services line item did not include these appraisal services as these were unknown at the time of budget adoption for FY 2020.

Resolution No. 2019-16 authorizes the appropriation of \$22,000 from the General fund unassigned fund balance, \$10,000 from the Trident Basin unassigned fund balance, and \$12,000 from the Shipyard unassigned fund balance and authorize the purchase of appraisal services for City Property from MacSwain & Associates in the amount of \$44,000.

Councilmember Arboleda MOVED to adopt Resolution No. 2019-16.

Councilmember Whiddon said the appraisals are the first step in updating some of the required leases. He stated he is pleased that this service will occur.

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

c. Consideration of Retail Marijuana Store License Renewal Application No. 20113 for High Rise, LLC

The City received notice from the State of Alaska in July 2019, of a renewal application from High Rise, LLC for a marijuana retail store application license at 104 Center Ave., Suite 102.

AS 17.38.210 provides that a local government may designate a local regulatory authority that is responsible for processing applications submitted to operate a marijuana establishment within the boundaries of the local government.

The City Clerk sent inquiries to the Chief of Police, Fire Chief, Finance Director, and Building Official asking if any had concerns about the proposed renewal. None expressed concerns that would require the Council to object to the issuance of the license.

Councilmember Walker MOVED to direct the City Clerk to issue a letter of non-objection with conditions that prohibit the sale of edible marijuana products to the Marijuana Control Board for the Retail Marijuana Store License Renewal Application 20113 for High Rise LLC.

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

d. Authorization of Bid Award No. 2020-001 for Purchase of Vehicles From Kodiak Motors for Public Works-Building Inspector Department, Parks and Recreation Department, Harbor Department, and Sewer Wastewater Treatment Plant Department

The City of Kodiak accepted sealed bids for the purchase of three 2019 ½ Ton Regular Cab 4X4 Pickup Trucks and one 2020 small SUV. The total amount of the bid award is \$108,446 for four vehicle replacements. The vehicles are for the Harbor, Parks and Recreation and Public Works departments.

The City's bid specifications are modified to accept current year models in an effort to save cost and improve delivery times. There was only one bid for the vehicles requested that was submitted to the City. The proposal received was from Kodiak Motors. City staff reviewed the proposal based on the required criteria as set forth by the bid documents and recommends accepting the proposal from Kodiak Motors.

Councilmember Haines MOVED to award the following vehicle purchases to Kodiak Motors Inc:

- Three 2019-2020 ½ Ton Regular Cab 4X4 Pickup Trucks
 - Harbor Administration-Machinery & Equipment > \$5,000 in the amount of \$28,392
 - Parks and Recreation Administration Machinery & Equipment > \$5,000 in the amount of \$28,392
 - Sewer Utility Wastewater Treatment Plant Machinery & Equipment > \$5,000 in the amount of \$28,392
- One 2020 small SUV
 - Public Works-Building Inspectors Machinery & Equipment > \$5,000 in the amount of \$23,270

and authorize the City Manager to execute the documents on behalf of the City.

Councilmember Walker commended the schedule of vehicle replacement and thanked staff for working on this bid and purchase.

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

e. Authorization to Purchase Police Vehicle From Alaska Sales and Service With Up-Fitting to be Completed by Alaska Safety, Inc.

The FY 2020 budget authorizes the purchase and up fitting of two new model year 2020 police department vehicles. One vehicle is budgeted for the uniform patrol division and one is budgeted for community services.

The Police Department purchases special duty police vehicles from dealerships who participate in the State of Alaska's light duty/police vehicle bid process which allows the City to get the best possible pricing on purpose built vehicles manufactured specifically for public safety use. These vehicles are equipped with safety features that aren't included in consumer models, and they are designed to be up-fitted (or equipped) with emergency lights and sirens, prisoner partitions, police radios, locking gun racks, in-car video cameras, and computer docking stations.

Alaska Safety Inc. specializes in up-fitting emergency vehicles throughout the State of Alaska. They are master distributors, which mean they have factory-trained technicians. Alaska Safety Inc. is the only full service emergency vehicle installation shop in the Anchorage area. The cost to up-fit the Tahoe is \$14,302 and the cost to up-fit the Silverado is \$11,680. Total cost for both vehicles equipped is \$ 101,429 delivered to Kodiak.

Councilmember Davidson MOVED to authorize the purchase of the Uniform Patrol Police Vehicle and Community Services Vehicle from Alaska Sales and Service in the amount of \$75,447 with Up-Fitting in the amount of \$25,982 to be completed by Alaska Safety, Inc. with funds coming from the Uniform Patrol machinery and equipment account and Community Services

machinery and equipment account, and authorize the City Manager to execute documents on behalf of the City.

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

VI. STAFF REPORTS

a. City Manager

Manager Tvenge reported that the Kodiak Fire Department completed participation in the tri-annual State Airport mass casualty drill on Wednesday from 10 a.m. to 1 p.m. This year's drill scenario was a large passenger jet collision with a H-60 helo during landing operations. The scene included a live fire helo prop which Coast Guard Fire Department extinguished and a large number of both injured and deceased victims. CG Fire, Base Medical personnel, and KFD completed triage, treatment and transport to appropriate care facilities. KFD transported 7 critical victims to Providence Kodiak Island Medical Center and proceeded to interact with their staff exercising our Mass Causality protocols. The drill was a success. The Kodiak Fire Department continues to train for all types of rescues and responses which are common or anticipated in protection of life and casualty. They do amazing work.

Public Works was notified and repaired two major water leaks this week off Rezanof Drive and Cliffside Road. Both are in Service Area No. 1.

During the recent Planning and Zoning Commission meeting, the Commission recommended to move the Near Island land use plan to the Kodiak Island Borough Assembly for adoption.

Manager Tvenge announced that he met with US Senator Sullivan, EPA Administrator Wheeler, Region 10 EPA Administrator Hladick, along with the Alaska DEC Commissioner Brune, and Deputy Commissioner Kent to discuss the Alaska Pollutant Discharge Elimination System Permit which began in July 2018. The discussion revolved around the need to construct and operate an additional disinfection facility required under the new mandated permit. The Senator and Administrators were very supportive of Kodiak's concerns and the city will continue to work towards a solution with the state and federal regulators to protect the environment while balancing the requirements in the Permit.

The recent Monashka Reservoir water level continues to drop as expected without significant rainfall. Prior to the Monday press release addressing water conservation flow was 6.3 mgpd. Today, the flow is at a rate of 5.9 mgpd so water conservation measures have helped to reduce the daily usage by nearly one half a million gallons per day. He reported that an adequate water supply is being maintained and advocated continued conservation which will benefit us all while we wait for the reservoir to once again fill to capacity.

b. City Clerk

Clerk Javier gave an overview of the upcoming meeting schedule work session and regular Council meetings.

VII. MAYOR'S COMMENTS

Mayor Branson commended the Kodiak Public Library for its work. She announced that the Fair is coming up and indicated it is a great time to showcase skills and products. She thanked Senator Sullivan for the EPA follow up. She said that she and Councilmembers Whiddon and Haines were at AML and found the conference to be very productive. She commented on the \$5 million veto on the Alaska Marine Highway System. She shared concern about the cuts to KMXT and encouraged citizens to get involved.

VIII. COUNCIL COMMENTS

Councilmember Haines commented by praising the proactive approach to planning vehicle and equipment replacement. He thanked staff for this effort. He said his mother has shared there are benefits from marijuana edible for elder pain management. He said there is still a ban on edibles and hoped that the Marijuana Committee will continue to review the regulations. He was pleased on the recent EPA discussions.

Councilmember Walker was pleased to hear the meeting on EPA with Senator Sullivan. He was pleased with the Library cards and said the Kodiak Football team plays this upcoming weekend.

Councilmember Bishop did not have any comments.

Councilmember Davidson thanked City staff for their hard work. He asked that the public to be aware and drive carefully since school has started. He shared his concerns regarding the Governor's budget.

Councilmember Whiddon said he was pleased with the forward progress of the EPA meeting and recapped the obstacles in the regulatory mandate to delay or waive million dollars in costs. He shared some of the topics at AML meeting and spoke in support of public radio, and said there was discussion about Medicaid and the statute requirement. He announced that Pollock season starts next week.

Councilmember Arboleda wished staff, students, and parents a happy, safe, and healthy school year.

Mayor Branson thanked Manager Tvenge for the reports and meeting with Senator Sullivan and for his work on the appraisal agreement. She shared that Senator Murkowski gave testimony on the AMHS in support full funding of the ferry system.

IX. AUDIENCE COMMENTS

Chief Tim Putney spoke about Venture for Vehicles event which will be happening this Saturday. He thanked the Chamber of Commerce and those who contributed and participated to make this happen.

Brent Watkins complimented the Parks and Recreation crew who has gone above and beyond and he thanked them for their work.

X ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

The meeting adjourned at 8:13 p.m.

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

CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

Minutes Approved: September 12, 2019

