

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, NOVEMBER 14, 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, and Richard H. Walker were present and constituted a quorum. Councilmember John B. Whiddon was absent. 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 Arboleda MOVED to approve the minutes of the October 24, 2019, regular meeting, as presented.

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

III. PERSONS TO BE HEARD

a. Public Comments

Senior Citizens of Kodiak Inc. Board Director Mr. Lawrence Anderson praised the Kodiak Fire Department for their service. He provided a report of the services provided by the senior center. He highlighted that many senior citizens have the lifeline button at home and he complimented Pat Branson for her leadership at the senior center.

Patrick O'Donnell via telephone requested that the Council consider the online sales tax issue relating to the already high the cost of living in Kodiak and along with the tax cap within the City.

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

a. Resolution No. 2019–22, Accepting an Edward Byrne Memorial Justice Assistance Grant (JAG) From the U. S. Department of Justice

Mayor Branson read Resolution No. 2019–22 by title. The City of Kodiak has been awarded an Edward Byrne Memorial Justice Assistance Grant (JAG), by the Office of Justice Programs to

provide funding for approved purchases. This grant will reimburse the purchase of 19 new ballistic helmets and new hard armor rifle plates with carriers; and protective gear for 19 commissioned Kodiak Police Officers at a cost of \$39,349.

Councilmember Walker MOVED to adopt Resolution No. 2019–22.

Councilmember Walker praised the Chief of Police for obtaining this funding.

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

b. Resolution No. 2019–23, Authorizing the City of Kodiak to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Sellers Sale Tax Code, Authorizing the Manager to Execute Documents on Behalf of the city, and Designating a City Representative to the Commission

Mayor Branson read Resolution No. 2019–23 by title. The South Dakota vs. Wayfair U.S. Supreme Court case redefined sales tax across many states and local governments. On June 21, 2018, the U.S. Supreme Court upheld the state of South Dakota’s right to require online sellers to collect and remit sales tax on orders delivered to that state. Resolution No. 2019–23 authorizes the City to enter into an intergovernmental agreement to form a commission for a centralized administration of collection of sales tax imposed by remote sellers and designates a representative on the newly created Commission.

Councilmember Davidson MOVED to adopt Resolution No. 2019–23.

Councilmember Haines said this resolution is not about more taxes; it is about fairness for those paying taxes.

Councilmember Davidson confirmed his support of the resolution, which he stated creates a fairness for the local businesses and online shopping.

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

c. Approval of Third Amendment to Near Island Communications Site Sublease Between Kodiak Island Broadcasting, Inc. and New Cingular Wireless PCS, LLC

Kodiak Island Broadcasting Co., Inc. is requesting an amendment to the sublease held with New Cingular Wireless PCS LLC. Any communication sublease must be approved by Council per City Code Title 18, Section 18.20.230. This amendment will be the third amendment to the sublease between Kodiak Island Broadcasting Co., Inc. and New Cingular Wireless PCS LLC.

Councilmember Walker MOVED to approve the third amendment between Kodiak Island Broadcasting, Inc. and New Cingular Wireless PCS, LLC for Near Island Communications Site Lease and authorize the City Manager to execute documents on behalf of the City.

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

d. Authorization to Award a Vehicle Purchase for a 1 ½ Ton Regular Chassis Cab for Public Works Department to Kodiak Motors

The Public Works Department budgeted for four vehicles in fiscal year 2020. We have received three of the vehicles already and we were not able to bid for the fourth one at that time as this vehicle was not available at the dealer. Once this vehicle became available, the City advertised for bids. Kodiak Motors was the qualifying bidder in Bid No. 2020-003.

Councilmember Haines MOVED to authorize the award for the purchase of a 1 ½ Ton Chassis Cab in an amount not to exceed \$40,465 with funds coming from the Public Works-Streets, Machinery and Equipment greater than >\$5,000 account to Kodiak Motors and authorize the City Manager to execute documents on behalf of the City.

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

e. Non-objection to Transfer of Location of El Chicano Inc. Liquor License 3299

El Chicano Inc. filed an application for the transfer of location licenses with the State of Alaska Alcoholic & Marijuana Control Office for their alcohol liquor license 3299. The new address will be 402 Marine Way Suite 100; the previous address was 103 Center Ave. 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 license location.

Councilmember Davidson MOVED to voice non-objection to the Alcohol & Marijuana Control Office regarding the Transfer of Location El Chicano Inc. Liquor Licenses 3299.

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

VI. STAFF REPORTS

a. City Manager

Manager Tvenge provided an update on the search for the new Fire Department building site. He said there are 44 points of criteria for a new site location. He informed the public that the Mayor and Council is looking for two members of the public to serve on a Steering Committee for the Future Fire Station Replacement Project. He shared that the City is looking for expertise to provide advisory support, guidance, and advocacy for the overall project. He stated that applications are on the website and at the Clerk's office. He commended the Kodiak Police Department and Chief Putney for the award they received from the Chamber of Commerce on October 19 for member of year. He provided an update on Selief Lane and some of the suggestions for the mitigation of the flooding.

b. City Clerk

Clerk Javier announced that the Mayor and Councilmembers will be attending the Alaska Municipal League Conference next week in Anchorage. She stated the City Clerk's Office staff will be attending the Alaska Association of Municipal Clerk's Conference and the Clerk's Office will be closed Monday and Tuesday and will reopen on Wednesday at 10 a.m.

She shared that the Kodiak Fisheries Work Group will hold a meeting tomorrow at 10 a.m. in the Borough Conference Room and said that the next Council work session is scheduled on Tuesday, December 10 and the next regular meeting is scheduled on Thursday, December 12. She highlighted that the City Offices will be closed on Thursday, November 28 in observance of the Thanksgiving Day.

VII. MAYOR'S COMMENTS

Mayor Branson said the "Friends of the Marine Highway System" asked if the Council would like to be a part of the coalition, which is working to advocate and restore ferry service funding. There was no objection to her inquiry of joining the coalition. She said the City is very involved in the Alaska Municipal League and there is a request to support a resolution requesting the Alaska State Legislature approve coastal infrastructure general obligation bond for the 2020 election. She asked if the Council objected to supporting the resolution. There was no objection. She thanked Deputy Mayor Arboleda for presiding over the last meeting.

VIII. COUNCIL COMMENTS

Councilmember Haines reminded the public about the Fisheries Work Group meeting on Friday, November 15. He wished everyone a happy Thanksgiving.

Councilmember Bishop thanked the Public Works Department for their work on the drainage. He wished everyone a happy and safe holiday.

Councilmember Arboleda thanked Senator Stevens and Representative Stutes for their attendance at the work session. She urged citizens to attend the City Council meetings to voice their opinions, after viewing recent comments on Facebook about the Fire station.

Councilmember Davidson commended and thanked the City staff. He wished everyone a happy Thanksgiving and asked citizens to drive with caution.

Councilmember Walker commended the Kodiak Police Department on the Chamber of Commerce award and for obtaining the JAG grant. He thanked KPD for patrolling on Selief Lane during the bear activity.

Mayor Branson thanked Mary Forbes for a complimentary letter she sent to the City.

IX. AUDIENCE COMMENTS

None

XII. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

The meeting adjourned at 8:05 p.m.

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

CITY OF KODIAK



MAYOR

ATTEST:



CITY CLERK

Minutes Approved: December 12, 2019

