

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, FEBRUARY 13, 2020
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Deputy Mayor John Whiddon called the meeting to order at 7:30 p.m. Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Terry Haines, Richard H. Walker were present and constituted a quorum. Mayor Branson 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 January 23, 2020, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Public Comments

Lawrence Anderson thanked the Council for the park, he said the school is amazing, and he shared that he was proud to be born and raised in Kodiak. He began his quarterly report for the Senior Citizens of Kodiak, Inc. by providing a summary in which he shared statistics for the adult care services, meal delivery, handicap accessible rides from KATS, the general information that was provided to seniors, and respite care. He said home and community based services are very important to seniors.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1392, Authorization of a 25-Year Lease of Certain Real Property in Trident Basin to Redemption, Incorporated d/b/a Island Air Service

Deputy Mayor Whiddon read Ordinance No. 1392 by title. Island Air has leased two parcels of land at the Trident Basin Float Plane facility since the summer of 2011. In November 2019, the City received a request to expand the lease agreement in connection with its merger of operations with Andrew Airways, Inc. The proposed lease agreement includes two smaller parcels used for the placement of company aircraft fueling tanks. The larger parcels are used for the company's flight crew and customers. This ordinance will authorize the twenty-five year lease with Redemption Inc. d/b/a Island Air Service

Councilmember Bishop MOVED to adopt Ordinance No. 1392.

Eric Howard thanked Mike and Josie for their work on the lease and he also thanked the Council.

Deputy Mayor Whiddon closed the regular meeting for public testimony and reopened the meeting after the public testimony.

Councilmember Davidson asked clarifying questions about the rural traffic and servicing remote locations at Trident Basin. Mr. Howard clarified that the Trident Basin will primarily be used for those in remote locations that will be traveling by float plane.

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

V. NEW BUSINESS

a. **Resolution No. 2020–06, Adopting an Alternative Method for the FY2020 Shared Fisheries Business Tax Program and Certifying That This Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in Fisheries Management Area 13: Kodiak Area**

Deputy Mayor Whiddon read Resolution No. 2020–06 by title. The State of Alaska Shared Fisheries Business Tax Program was created in 1990 to help municipalities impacted by the effects of the rapidly expanding offshore fish processing industry. A previously existing fish tax sharing program (commonly referred to as the Raw Fish Tax Program), administered by the Department of Revenue, shares back to municipalities half of the state fisheries business tax collected from fish processors operating inside municipal boundaries. The Department's program extends tax sharing to include a sharing of fish taxes collected outside of municipal boundaries, primarily from floating processors.

Resolution No. 2020–06 adopts an alternative allocation method and certifies the allocation method fairly represents the distribution of significant effects of Fisheries Business activity in Fishing Management Area (FMA) 13. This resolution adopts an alternative allocation from the long form, which was used in the past. The decision to use the short or alternative form is agreed upon by the Kodiak Island Borough, other Kodiak local governments, and the City each year by resolution.

Councilmember Bishop MOVED to adopt Resolution No. 2020–06.

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

b. **Resolution No. 2020–07, Appointing a Member to the Kodiak Fisheries Development Association**

Deputy Mayor Whiddon read Resolution No. 2020–07 by title. The City designated board seats on the Kodiak Fisheries Development Association (KFDA) are both vacant and the City Crab Processor Representative seat with a term to expire July 2022 has been vacant for a while. Mr.

John Whiddon submitted his application and staff recommends the Council approve his appointment to the board by adopting this resolution.

Councilmember Davidson MOVED to adopt Resolution No. 2020-07.

Councilmember Davidson stated this position has been vacant for a while; he said he appreciated Mr. Whiddon's willingness to fill the vacancy.

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

c. Resolution No. 2020-08, Rescinding Resolution No. 2012-05 and Re-Establishing Standing and Special Rules of the Council

Deputy Mayor Whiddon read Resolution No. 2020-08 by title. In accordance with City Code, the most current edition of *Robert's Rules of Order Newly Revised* (RRNR) is the Council's parliamentary authority. RRNR permits special and standing rules be adopted via resolution. Special rules supersede rules in the parliamentary authority (RRNR), and standing rules relate to the details of administration of the Council. The Council reviewed its special and standing rules at the January 25, 2020 planning work session and voiced a consensus to amend Section 8, City of Kodiak Membership Organization by taking advantage of an affiliate membership to the National League of Cities (NLC) through the Alaska Municipal League (AML). Resolution No. 2020-08 includes the changes discussed at the January 25 planning work session, and staff recommends the Council adopt Resolution No. 2020-08.

Councilmember Haines MOVED to adopt Resolution No. 2020-08.

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

d. Approval of Vertical Bridge Sublease to Celco Partnership, D/B/A Verizon Wireless

Vertical Bridge S3 Assets, LLC (Vertical Bridge) is the City's current tenant at Pillar Mountain Communication Site #3 under a land lease agreement dated November 1, 2009. Vertical Bridge has requested consent to sublease approximately 80 square feet of ground space and a ten foot contiguous vertical envelope of space on Vertical Bridge's tower to Celco Partnership d/b/a Verizon Wireless.

Councilmember Walker MOVED to approve the Vertical Bridge sublease to Celco Partnership, d/b/a/ Verizon Wireless and authorize the City Manager to execute the documents on behalf of the City.

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

d. Acceptance of the FY 2019 Comprehensive Annual Financial Report and Audit

Each year, the City Council retains an independent accounting firm to perform an annual audit of the City's financial records and accounting practices. The City Charter and City Code require the Council to accept the comprehensive annual financial report. Council typically accepts the report and results of the audit by motion. Staff recommends Council approve the results of the financial statement audit for Fiscal Year 2019 in accordance with KCC 3.24.020 and accept the Fiscal Year 2019 Comprehensive Annual Financial Report.

Councilmember Haines MOVED to accept the City's Fiscal Year 2019 audited Comprehensive Annual Financial Report.

Councilmember Walker commended Kelly Mayes for her expertise.

Councilmember Haines commended the Finance staff.

Councilmember Whiddon stated Altman & Rogers said the City of Kodiak exceeds many municipalities reporting standards, and he complimented Finance Director Mayes.

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

e. Authorization of Payment to Golden Alaska Excavating, LLC for Equipment/Operator Cost Contracted Work at the Snow Dump

The City of Kodiak hired Golden Alaska Excavating LLC to mobilize and operate a loader and a dozer at the city's snow dump off Pillar Mountain road. Golden Alaska Excavating provided a loader, a dozer and an operator. They were instructed to stack snow as high as their equipment could reach as all of our equipment and personnel were very busy. The city does not own a dozer. The invoice received from Golden Alaska Excavating exceeded the manager's authority of \$35,000 and it is due and payable within thirty (30) calendar days of the effective date of January 16. I recommend Council approve this authorization of payment and direct the City Manager to issue payment.

Councilmember Walker MOVED to authorize the payment of the Equipment/Operator Cost Contracted Work at the snow dump to Golden Alaska Excavating, LLC in the amount of \$36,050 with funds coming from General Fund-Streets-Equipment Rental.

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 stated that the City has received, signed, and submitted the State of Alaska Loan Agreement No. 503031 for the WWTP Ultraviolet Effluent Disinfection Facility. He shared that this is a \$5,435,000 loan payable at 1.5 percent over 20 years. He said the project is required under a DEC Permit mandate and completion is required by June 2023. He said the project is to be advertised beginning next week.

Manager Tvenge said the City and Borough Tsunami Siren Request for Proposal (RFP) is also advertising next week with a mandatory pre-proposal meeting to be held in Kodiak on March 12, 2020 with the proposals due by March 27. He said they still have a lot of snow to remove from city streets. He urged citizens to help out the City's Public Works crews by moving vehicles, which will help get this snow off the streets before it creates a tight restriction for vehicle traffic and emergency vehicles.

b. City Clerk

City Clerk Javier informed the public that the City offices will be closed on February 17, 2020, in observance of President's Day. She shared the schedule of the next scheduled Council work session and regular meeting.

VII. MAYOR'S COMMENTS

The Deputy Mayor Whiddon stated Mayor Branson was absent.

VIII. COUNCIL COMMENTS

Councilmember Arboleda stated it is great to be back on the dais. She thanked everyone for the thoughtfulness of their warm wishes during the birth of her son.

Councilmember Walker thanked Public Works for the work keeping the City streets clear. He thanked the Manager for his work on the WWTP loan. He stated that he looks forward to the upgrades. He thanked all the City employees for their work.

Councilmember Davidson encouraged citizens to move their vehicles off the road for the Public Works crew to clear the roads. He thanked the Finance department staff for their work.

Councilmember Bishop said he appreciated discussion on Marijuana edibles at the work session.

Councilmember Haines said it is very important to advocate for the ferry services and encouraged citizens be involved. He shared that there are some narrow driving lanes and he encouraged citizens to watch for pedestrians.

Councilmember Whiddon said the USCG dinner was a fine event and it was well attended. He said he is really proud of the Finance department; and commented that it was world class performance. He said the City is well managed and stated there is a lot of work behind the scenes. He stated there is a high volume of work performed at Public Works, the Harbor, and Fire Departments' respond to a high level of call outs. He announced that the Mayor, Council members, and the manager will travel to Juneau for the AML Conference this month.

IX. AUDIENCE COMMENTS

None

X. EXECUTIVE SESSION

a. Discussion With the City Attorney About the City of Kodiak—Ocean Beauty Lease Agreement Post Termination Issues

Councilmember Davidson MOVED to enter into executive session pursuant to KCC 2.04.100(b)(1) and (c) to discuss legal matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the City.

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

Deputy Mayor Whiddon recessed the regular meeting at 8:06 p.m.

The meeting was called back to order at 8:32 p.m.

Deputy Mayor Whiddon stated the Council discussed the City of Kodiak-Ocean Beauty Agreement Post Termination issues and no action was taken in executive session other than to provide direction to the manager/attorney.

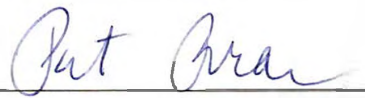
XI. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

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

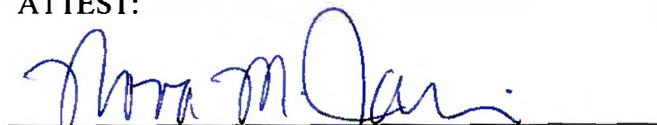
The meeting adjourned at 8:33 p.m.

CITY OF KODIAK



MAYOR

ATTEST:



CITY CLERK

Minutes Approved: February 27, 2020