

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, MAY 12, 2016
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. Deputy City Manager Mike Tvenge, City Clerk Debra L. Marlar, and Assistant Clerk Nanci Sharratt were also present.

Salvation Army 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 April 28, 2016, 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. Proclamation: Declaring Peace Officers Memorial Day and Police Week

Councilmember Whiddon read this proclamation, which urges all citizens and patriotic, civic, and educational organizations to recognize police officers, past and present.

Police Chief Rhonda Wallace accepted the proclamation and thanked the Mayor and Councilmembers for their support of the police department. She also recognized the men and women of the police department and thanked them for their dedication and service.

b. Proclamation: Declaring Emergency Medical Services Week

Councilmember Arboleda read this proclamation, which encourages the community to observe this week with appropriate programs, ceremonies, and activities, and recognizes this year's theme is "Called to Care".

Deputy Fire Chief Frank Dorner accepted the proclamation and thanked the Mayor and Councilmembers for their support. He stated he is proud of the staff for their efforts and service.

c. Proclamation: Declaring Older Americans Month

Councilmember Davidson read this proclamation, which recognizes this year's theme "Blaze a Trail," and encourages everyone to take time this month to recognize and celebrate older adults

and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

Salvation Army Sergeant Major Dave Blacketer accepted the proclamation. Mr. Blacketer thanked the Mayor and Councilmembers for the proclamation. He stated seniors have been Trailblazers for themselves and others and provide a great value to communities through volunteering.

d. Proclamation: Declaring Mental Health Month

Councilmember Walker read this proclamation, which calls upon the citizens, government agencies, public and private institutions, businesses, and schools in Kodiak, Alaska to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental illnesses at all stages.

Mary Guilas-Hawver, Director of Providence Kodiak Island Counseling Center, accepted the proclamation. Mary stated that wellness and mental health are related, a stigma is still associated with mental disorders, and the goal is to increase awareness and to assist people in getting the help they need. She informed everyone that Providence is providing free mental health screenings on May 18 and 19.

e. Public Comments

Bob Bowhay thanked everyone for their efforts. He discussed the refrigeration technology advancements, which have allowed people to store and produce more. He advocated for the icehouse and cold storage facility in Kodiak, which has been discussed over the years and is a needed component in 2016 for Kodiak.

Tiffany Brunson, Executive Director of the Baranov Museum, stated that the Baranov Museum and the City have been working together for the past 44 years. She provided a summary of museum services and activities and spoke in favor of Ordinance No. 1348.

Clark Davis commented on marijuana legalization in the City. He said there is an ordinance in place right now that prohibits the sale of marijuana paraphernalia. He asked the Council to review and update the ordinance to allow marijuana paraphernalia in the City, since the State has legalized the use and sale of marijuana.

Darius Kasprzak advocated for a public crane and icehouse storage, noting that Kodiak is the second largest fishing port but lacks capabilities without a public crane and icehouse.

Jonathan Strong spoke regarding the Marijuana Advisory Special Committee. He stated he owns and operates an addiction counseling service in Kodiak. He informed the Council he has experience needed for this committee, and that he had submitted a letter of interest.

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS**a. First Reading, Ordinance No. 1348, Authorizing a Contract With the Kodiak Historical Society to Operate the Baranov Museum**

Mayor Branson read Ordinance No. 1348 by title. The City of Kodiak has partially funded the Kodiak Historical Society (KHS) to operate the Baranov Museum for many years. In 2014 KHS requested that the City enter into a multi-year operating agreement or contract for the services provided at the Baranov Museum. The most recent contract expires in June 2016, and the Historical Society requested a new two-year agreement. Based on City Charter requirements and legal advice, the approval for a two-year operating agreement is made by Council through the ordinance process.

Councilmember Davidson MOVED to pass Ordinance No. 1348 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

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

b. First Reading, Ordinance No. 1349, Authorizing a Lease Between the City of Kodiak and GCI Communication Corporation for Pillar Mountain Communication Lease Site No. 9, Described as a Portion of Tract B, U.S. Survey 2538-A

Mayor Branson read Ordinance No. 1349 by title. The existing lease with GCI Communication Corporation expires June 30, 2016. The new lease agreement has a five-year term and requires approval by ordinance.

Councilmember Bishop MOVED to pass Ordinance No. 1349 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

Councilmember Whiddon MOVED to postpone Ordinance No. 1349 to allow staff to perform a market analysis on cell tower lease rates.

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

c. First Reading, Ordinance No. 1350 Enacting Kodiak City Code Chapter 5.52 Prohibiting Marijuana Establishments in the City

Mayor Branson read Ordinance No. 1350 by title. State Ballot Measure 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana (AS 17.38), was approved by voters statewide on November 4, 2014. AS 17.38.210 provides that a local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by voter initiative. The City Council voiced a consensus at the April 26, 2016, work session to bring forth an ordinance that allows the City to opt out of allowing marijuana operations within the City limit for a period not to exceed six months. The City's attorney wrote Ordinance No. 1350 in re-

sponse to Council direction, which would enact KCC 5.52 Prohibiting Marijuana Establishments in the City and which would expire six months after the ordinance effective date.

Councilmember Arboleda MOVED to pass Ordinance No. 1350 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

Councilmember Davidson MOVED to postpone. With Council consent, Councilmember Davidson withdrew his motion to postpone.

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

d. Resolution No. 2016–16, Establishing a Marijuana Advisory Special Committee

Mayor Branson read Resolution No. 2016–16 by title. The City Council voiced a consensus at the April 26, 2016, work session to bring forth an ordinance that allows the City to opt out of allowing marijuana operations within City limits for a period not to exceed six months while a committee is established to act in an advisory capacity to the Council and City Manager on the regulation of marijuana and operation of marijuana facilities within Kodiak City limits.

Councilmember Whiddon MOVED to adopt Resolution No. 2016-16.

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

e. Authorization of Bid Award for Pier III Anodes Installation, Project No. 16/06-8024

This project is outside the scope of work previously authorized by Council and performed by Pacific Pile & Marine (PPM). The additional work is needed to protect uncoated pilings that were installed for one dolphin at the new Pier III site. Bedrock at the dolphin was significantly shallower than design engineers estimated. Consequently, the pilings were unable to be driven to design depth, leaving un-galvanized piling within the water column. Engineers determined it was more cost effective to install protective wrap and additional anodes on the piling than to pay PPM to pull them and replace with modified piles.

Councilmember Walker MOVED to authorize the bid award for Pier III additional anodes and coating to Global Diving and Salvage Inc. in an amount not-to-exceed \$44,704.00 with funds coming from Pier III Replacement Project, Project No. 16/06-8024 and authorize the City Manager to execute the documents on behalf of the City.

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

f. Authorization of License Agreement for Use of Gull Island Site

Marine Exchange of Alaska (MXAK), a non-profit corporation, has requested permission to install weather data collection equipment and vessel tracking equipment on an existing tower located on the south end of Gull Island. The information provided by the equipment is extremely

valuable and is available for use by Harbor staff and the maritime public. Staff recommends Council approve the license agreement for use of the Gull Island site.

Councilmember Bishop MOVED to authorize License Agreement No. 222381 for use of Gull Island with Marine Exchange of Alaska and authorize the City Manager to sign the agreement on behalf of the City.

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

g. Appointments to Marijuana Advisory Special Committee

Earlier in the meeting the Council adopted Resolution No. 2016–16, establishing a Marijuana Advisory Special Committee, whose task is to review various elements of State marijuana laws and act in an advisory capacity to the Council and City Manager on the regulation of marijuana and operation of marijuana facilities within the City. Council reviewed letters of interest at the May 10 work session.

Councilmember Arboleda MOVED to appoint Councilmembers Arboleda and Bishop with Councilmember Bishop to serve as Chair and Councilmember Arboleda as Vice-chair and Janiese Stevens and Jonathan Strong as business owners within the City and Glenn Yngve as a City resident at-large member of the Marijuana Advisory Special Committee established by Resolution No. 2016–16.

Councilmember Davidson MOVED to postpone the appointment to a future meeting after more applications are received and to allow time to interview the applicants.

Councilmember Saravia voiced the committee is important and more time should be allowed for City residents to apply and interviews to occur.

Councilmember Whiddon stated he will not support this since the committee is only short one resident, and he does not want to drag it out any further.

Councilmember Walker voiced he understands where Councilmember Davidson is coming from, but the City has two Councilmembers who will be running this committee.

Councilmember Davidson stated that interviews are needed for this important committee.

Councilmember Saravia commented that the Council has always interviewed advisory applicants and more time is needed to interview for this committee.

The roll call vote on the postponement was Councilmembers Davidson and Saravia in favor. Councilmembers Arboleda, Bishop, Walker, and Whiddon opposed. The motion failed.

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

h. Authorization of Cooperative Agreement Between the City, Sun'aq Tribe, and BIA for Improvements to Shelikof Street

The Sun'aq Tribe of Kodiak has approached the City to include Shelikof Street in the Tribe's existing road inventory to the Bureau of Indian Affairs (BIA) Tribal Transportation Program. A Memorandum of Agreement between the Sun'aq Tribe and the City would potentially bring Federal funding to Kodiak to make improvements to this street.

Councilmember Whiddon MOVED to authorize the Memorandum of Agreement between the City and Sun'aq Tribe and authorize the City Manager to sign the MOA for the City.

Councilmember Whiddon MOVED to postpone the vote on the Memorandum of Agreement between the City and Sun'aq Tribe to a future meeting after staff has obtained additional information.

Councilmember Whiddon spoke in favor of authorizing the agreement after more details are provided to the City.

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

VI. STAFF REPORTS

a. Deputy City Manager

Deputy City Manager Tvenge updated the Mayor and Councilmembers that a meeting with Kathy Drabek is scheduled for Monday to discuss the proposed Memorandum of Agreement between the City and Sun'aq Tribe.

b. City Clerk

City Clerk Marljar informed the public of the next scheduled Council work session and regular meeting. She also reminded everyone that one more City resident is needed for the marijuana committee.

VII. MAYOR'S COMMENTS

Mayor Branson thanked the staff for their hard work and being present for the budget work session on Saturday, May 7, 2016. She stated the budget was cut by 12 percent while maintaining services. She noted that Harbormaster White gave a great update at Tuesday's work session on the remodel of Harbor space that has just become available, which may include public showers. She also noted Harbormaster White's proposed improvements to the downtown public restrooms.

VIII. COUNCIL COMMENTS

Councilmember Walker thanked everyone for their hard work on next year's budget, which was decreased by 12 percent. He stated that he is listening to comments supporting the crane and icehouse and believes it is time to move forward.

Councilmember Bishop thanked the department heads and City staff for creating a great budget. He also congratulated the 2016 graduates.

Councilmember Davidson congratulated the new graduates and wished them well. He stated he wished his postponement motion had passed but noted the City needs to move forward on the marijuana issue. He urged people to be careful outside since everyone is out and about.

Councilmember Saravia said he is happy to be back after being sick. He stated that it isn't right not to interview the applicants for the Marijuana Advisory Special Committee, noting that interviews occur for every other City advisory board.

Councilmember Arboleda thanked the Kodiak Chamber of Commerce for the community clean up day last Saturday. She learned a great deal from the budget work session. She thanked Councilmember Davidson for suggesting the postponement motion and believes that the Marijuana Advisory Special Committee can bring a great report back to the Council. She congratulated the graduates.

Councilmember Whiddon commented on the Fisheries Work Group meetings and stated meetings will be held May 11, 25, and 27. He thanked everyone for commenting at the meetings and especially thanked Finance Director Kelly Mayes for her hard work in cutting the budget. He said the draft report about Economic Impact of the Seafood Industry in the Kodiak Island Borough is out and encouraged everyone to read it.

IX. AUDIENCE COMMENTS

None

X. ADJOURNMENT

Councilmember Whiddon 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 8:42 p.m.

CITY OF KODIAK



MAYOR

ATTEST:

Michelle Shuravlyj-Nelson

DEPUTY CITY CLERK

Minutes Approved: May 26, 2016

