

CITY OF UNALASKA
UNALASKA, ALASKA
REGULAR MEETING
MAY 12, 2009

The regular meeting of the Unalaska City Council was called to order by Mayor Shirley Marquardt at 7:14 p.m., May 12, 2009, in the Unalaska City Hall Council Chambers. Roll call was taken and the following members were present:

Mayor	-Shirley Marquardt
Members	-Dick Peck -Dennis Robinson -Katherine McGlashan -David Gregory -Roger Rowland -Earl "Skip" Southworth
Absent	-None

PLEDGE OF ALLEGIANCE: Mayor Marquardt led the Pledge of Allegiance.

RECOGNITION OF VISITORS: None

APPROVAL OF AGENDA: Add Executive Session for PSEA union negotiations to New Business. Mayor Marquardt declared agenda approved as revised.

MINUTES: Council Member Southworth reported that he contacted the City Clerk with a revision to a motion in the April 28, 2009 minutes that had been seconded by him. Hearing no revisions, Mayor Marquardt declared the minutes of April 28, 2009 adopted.

FINANCIAL REPORT: None

BOARD/COMMISSION REPORTS: None

AWARDS/PRESENTATIONS: None

MANAGER'S REPORT: Chris Hladick, City Manager, thanked everyone for their condolences.

COMMUNITY INPUT/ANNOUNCEMENTS:

1. Unalaska annual cleanup has begun; 411 bags picked up today; encourage everyone to help; household hazardous waste collection will be held later.
2. Shell Oil representatives were in Unalaska today; were very impressed by Unalaska and the effort being put into cleanup.
3. Annual Memorial Day ceremony, Monday, May 25, 2009 at Memorial Park.
4. Clinic annual BBQ, Memorial Day, after the ceremony.
5. USAFV is conducting advocate training; May 19, 2009 will be the first session.
6. May is Asian-American awareness month.
7. The end of the month is World No Tobacco day.
8. Council Member Peck reported on SWAMC energy committee, and the status of the energy funding.
9. Ken Wilson book signing last Sunday was very successful; electronic locks have been installed in hotel.
10. Citizen input regarding the various collections of junk on property adjacent to hers on Choate Lane; would like Council to look at programs to stimulate property owners to clean up their property; consists of unused vehicles, building materials; believe that some of these items are located on the roadway; very hard and frustrating in the winter; maybe the Police Dept. could put some time into this issue; suggestion that she should attend the Planning Commission meeting, and talk to Public Safety on this issue.
11. Senator Begich is working on funding for our power house.
12. Date for Carl E Moses boat harbor groundbreaking is June 11, 2009.

PUBLIC TESTIMONY ON AGENDA ITEMS: None

PUBLIC HEARING:

1. **ORDINANCE NO. 2009-07:** AMENDING UNALASKA CITY CODE TITLE 11 – HEALTH AND SAFETY BY ENACTING A NEW CHAPTER REGULATING SMOKING.

Mayor Marquardt opened the public hearing on Ordinance No. 2009-07.

PUBLIC TESTIMONY: Don't agree with government telling businesses how to run their business; if this passes, will affect revenue at Unisea; should be a phase in period of about a year; it's a choice; urge you to listen to the fishermen.

Testimony that this should go to a vote of the people; a flyer at the store generated more input; hasn't had enough input from people; will be expensive for some businesses; people in the community should make this choice.

Testimony that the ordinance includes no provision to have an enclosed area outdoors for smokers; should be included in the ordinance.

1. **ORDINANCE NO. 2009-07 – cont:**

UNALASKA CITY COUNCIL
MINUTES, MAY 12, 2009

Testimony urging Council to pass ordinance tonight to go into effect in 3 months; know many non-smokers who want to go to bars, but will not deal with contaminants; this is a public safety issue; Council has the authority to protect the public.

Testimony that if people don't have outdoor enclosures to smoke, they may smoke indoors; should have a provision for outdoor smoking enclosures.

Testimony feel strongly that there is no place for non-smokers to go; non-smokers should not have to be subject to smoke; people seem to adjust to a smoking ban; if put to vote, not a lot of voters will come out; there are boats that have outlawed smoking; support adoption of this ordinance.

Testimony that it seems like it is not going to a public vote; if going to a vote, would not have a lot of people voting.

Testimony that this is about dealing with people who are not sensitive to non-smokers; this is a health issue.

Testimony that if it were put to a vote, there are 100 students who would not get to vote and support the ban on smoking.

Testimony that have seen a lot of pediatric patients; this is not a choice for them.

Mayor Marquardt closed the public hearing on Ordinance No. 2009-07.

WORK SESSION: McGlashan move adjourn to work session at 7:45 p.m., Southworth second. Unanimous vote. Meeting reconvened to regular session at 7:58 p.m. Items discussed in work session:

1. **RESOLUTION NO. 2009-23:** DESIGNATING THE UNRESERVED PORTION OF FUND BALANCE IN THE GENERAL FUND AND 1% SALES TAX SPECIAL REVENUE FUND.

CONSENT AGENDA

1. **RESOLUTION NO. 2009-25:** REQUESTING FY10 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT.

2. **RESOLUTION NO. 2009-26:** CERTIFYING THE 2009 REAL AND PERSONAL PROPERTY TAX ROLLS.

Resolution No. 2009-27 was moved to New Business #4

Hearing no objections, Mayor Marquardt declared the Consent Agenda adopted.

UNFINISHED BUSINESS:

1. **ORDINANCE NO. 2009-07: SECOND READING:** AMENDING UNALASKA CITY CODE TITLE 11 – HEALTH AND SAFETY BY ENACTING A NEW CHAPTER REGULATING SMOKING.

McGlashan move to adopt Ordinance No. 2009-07, Peck second.

PUBLIC TESTIMONY: Council is doing the right thing; urge Council to adopt; was a smoker and had a heart attack; feels so good not smoking; big cities have adjusted to the ban; this is a win/win for Unalaska.

DISCUSSION: Council discussion have never seen so much public discussion on an issue; council made a decision that they would bring this forward for public discussion/input/information; not everyone will be fully satisfied; most important is that the public process was open and transparent to make the best policy possible; appreciate all the public input.

AMENDMENT: Robinson move to amend Ordinance No. 2009-07, Section 11.24.030 A2 to add language to the end "except in areas designated as smoking", Southworth second.

DISCUSSION: Council discussion that this section refers to enclosed buildings, and the amendment would refer to outside smoking areas; this would allow for an outside sheltered smoking area; reviewed the definition of enclosed area; this area is talking about areas that smoking is prohibited; this should possibly be in the area of ordinance that lists where smoking is not prohibited; by definition, if something has a roof, it becomes non-smoking; need to be clear.

Motion withdrawn, second concur.

AMENDMENT: Robinson move to amend Ordinance No. 2009-07 Section 11.24.040 A to add No. 7 to read "Stand alone outdoor building designated as a smoking area", McGlashan second.

DISCUSSION: Council discussion that we have heard from businesses that they would like to provide this for their employees; in favor of the amendment, but would like this language run by the attorney; with 90 days for this to go into full effect, can have attorney review, and if need be, bring back for amendment.

VOTE ON AMENDMENT: UNANIMOUS

1. **ORDINANCE NO. 2009-07: – cont:**

AMENDMENT: Robinson move to amend Ordinance No. 2009-07, Section 11.24.030 A8, to add "from that patio or deck" to the end of last sentence, McGlashan second.

UNALASKA CITY COUNCIL
MINUTES, MAY 12, 2009

DISCUSSION: Council discussion that if this language is not added, leaves the door open to interpret the definition of minimal reasonable distance from 15' to 5'; don't think this was the intent of the council to change any reasonable distance to 5' in the facility; this amendment clarifies that the 5' distance references the patio and deck entrances only and not the main entrance.

Council discussion that in other community ordinances, they made the choice to have different separations from different entrances, to allow for main entrances and service entrances; this 5' allows a reasonable distance on a deck to have a smoking area; must be 5 feet from entrance on a deck.

Discussion using the Grand Aleutian as an example; if the minimum distance is 15' from main entrance, since there is a deck, it could be interpreted that smoking is allowed 5' from entrance also; know that is not the intent, but would like to add the clarification.

Discussion that the amendment could change what the council's intent which was to allow a smoking area on the deck or patio; a possible solution would be to add to the end of the sentence "from the door to that deck"; intent was to let them smoke on the deck and not have to leave the deck.

Motion withdrawn; second concurs.

AMENDMENT: Robinson move to amend Ordinance No. 2009-07 Section 11.24.030 A8 to change the 5' to 15', Gregory second.

DISCUSSION: Council discussion that this makes it very clear that it is 15' from an entrance; no question as to what the intent is. Discussion in concurrence with this amendment; keeps all distances a standard amount. Discussion is support of amendment; distances should be uniform.

Discussion that the 5' was chosen through this process for the same reasons that other councils chose this amount; we're talking about outdoor areas; idea was to allow businesses who have outdoor seating areas to decide where to put smokers; 15' is clearly for public egress; concerned that this change, that was a compromise through the process, is now a last minute substantial change.

VOTE ON AMENDMENT: UNANIMOUS.

DISCUSSION: Council discussion that this has been along time coming; appreciate and thank all the public for the input; feel strongly that Council needs to adopt this because of the young people who cannot vote; they need our protection; it would pass a public vote; see this trend all across America.

Discussion restating that through this four-six month process, the misconception was that we were going to go to public vote; a vote was talked about, but was decided not to.

Discussion in support of ordinance; Council's role is to be responsible for the public's health and safety; read opinion piece in Anchorage Daily News that there is no safe level of second hand smoke.

Discussion in appreciation of all the input on this issue; look forward to Council vote.

VOTE: UNANIMOUS. Motion passes 6-0.

2. ORDINANCE NO. 2009-06: SECOND READING: AUTHORIZING AN INCREASE IN THE MOTOR VEHICLE REGISTRATION TAX COLLECTED BY THE STATE UNDER AS 28.10.431 IN ORDER TO DISPOSE OF JUNKED AND ABANDONED MOTOR VEHICLES

Peck move to adopt Ordinance No. 2009-06, McGlashan second.

DISCUSSION: Council discussion that there is a proposed amendment no. 1 that addresses some of the questions at the last meeting in packet for council consideration.

Discussion that boat trailers and motorcycles were specifically mentioned last week; snow machines are also hauled on trailers; intent is to recover the money it takes to dispose of vehicles; intent was to try to exempt other items.

Discussion that the intent was to capture the vehicles that go to the landfill; the vehicle tax would be applied to these items; Council should let management know what they want to capture with this tax; can postpone until the next meeting.

MOTION: Rowland move to postpone Ordinance No. 2009-06 until the next meeting, Southworth second.

DISCUSSION: Will sit down with staff to review the list; will support the postponement.

Discussion that this motion to postpone is premature; can amend these exemptions tonight.

VOTE ON MOTION TO POSTPONE: 5-AYE, 1-NAY. Motion passes 5-1.

NEW BUSINESS:

1. RESOLUTION NO. 2009-28: ESTABLISHING THE RATE OF LEVY OF ASSESSED PROPERTY WITHIN THE CITY OF UNALASKA.

Peck move to adopt Resolution No. 2009-28, Rowland second.

DISCUSSION: Discussion that this is an annual requirement to set the mil rate; mil rate stated in the resolution is 10.5 mils, which is the same as last year.

UNALASKA CITY COUNCIL
MINUTES, MAY 12, 2009

Discussion in support of 10.5 mils; reduced the mil rate last year, exempted heating fuel from sales tax, and created the utility rebate program which will sunset this year.

Discussion concerned with the drawdown on the fund balance; using our savings to balance the budget, it is rapidly going away; three things we did last year to help our community totals \$1.1 million; am a property owner who pays property tax; support raising the mil rate back up.

Discussion in support of leaving the mil rate at 10.5.

Discussion that even with programs put in place last year, still have a surplus projected for the year of over \$5 million; appreciate the conservative budgeting; DH Ports project, upon completion, will be added to our tax rolls generating approximately another \$1 million in tax revenue; support 10.5 mils.

Discussion in support of leaving it at 10.5 mils; if we are looking to generate more revenue, need to look at other resources; would agree to tax a larger base instead of just the property owners; need to work to attract federal and state funds with support of industry; need to exhaust all options.

Discussion in support of 10.5 mils; the expenditures should match the revenues.

VOTE: UNANIMOUS.

2. **RESOLUTION NO. 2009-23:** DESIGNATING THE UNRESERVED PORTION OF FUND BALANCE IN THE GENERAL FUND AND 1% SALES TAX SPECIAL REVENUE FUND.

McGlashan move to adopt Resolution No. 2009-23, Southworth second.

DISCUSSION: None

VOTE: UNANIMOUS

3. **ORDINANCE NO. 2009-08: FIRST READING:** ADOPTING THE FISCAL YEAR 2010 OPERATING AND CAPITAL BUDGET FOR THE CITY OF UNALASKA.

McGlashan move to schedule Ordinance No. 2009-08 for public hearing and second reading on May 26, 2009, Southworth second.

DISCUSSION: Council discussion that the analysis of enterprise fund interest/PILT will be scheduled for the next meeting; discussion regarding the Expedition Park budget of \$26K for design, and the CMMP includes \$300K for construction next year; if any other questions, please contact the City Manager.

VOTE: UNANIMOUS

4. **RESOLUTION NO. 2009-27:** APPROVING SCHOLARSHIPS TO UNALASKA HIGH SCHOOL GRADUATES.

Rowland move to adopt Resolution No. 2009-27, Southworth second.

DISCUSSION: Council discussion support the scholarships; have been asked to serve on committee in the past, but wasn't able to; did not go to college; scholarships are awarded to best and brightest as they should, but those students tend to leave; concerns me; would hope that some scholarship money would go to lower GPA students.

Mayor Marquardt explained that when the scholarship committee looks at scholarship applications, it takes hours; use a matrix and have a lot of discussion; committee tries to make the best decisions possible; dynamics of committee is different every year; committee does feel good about decisions made each year.

Discussion that scholarship funding was increased last year; need to look at vocational education; maybe a partnership with industry, city and school can look at how we can fund vocational training; students applying for vocational school are also in the running for scholarships; this year, everyone who applied got a scholarship.

Discussion in support of this resolution; over half of the recipients are from families who have been here a long time; committee did a great job. Thank you to the committee for the work they do; is a lot of work; community has been here for a long time, and will remain so; do support even though recipients will go away; education is education; support this.

VOTE: UNANIMOUS

COMMUNITY INPUT/ANNOUNCEMENTS:

1. Encourage Mayor to send letter to Governor Palin requesting her to accept funds for all rural communities.
2. Discussion regarding that Unalaska did not receive stimulus funding for harbor; Akutan is ahead of us in funding for harbor; discussed reasons for not receiving funds; City's lobbyist is looking into it.
3. Clinic Memorial Day BBQ May 25, 2009.

EXECUTIVE SESSION – PSEA UNION NEGOTIATIONS

Southworth move to adjourn into executive session at 9:15 p.m. to discuss PSEA union negotiations, Gregory second. Unanimous vote. Meeting reconvened at 10:56. No action taken in executive session.

COUNCIL DIRECTIVES: None

UNALASKA CITY COUNCIL
MINUTES, MAY 12, 2009

Mayor Marquardt adjourned the meeting at 10:57 p.m.

A handwritten signature in blue ink, appearing to read "Debra K. Mack".

Debra K. Mack
City Clerk

approved
5/26/09