

**City of Kodiak Regular Council Meeting Agenda for September 12, 2019**  
**7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)**

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- I. Call to Order/Roll Call**  
Invocation/Pledge of Allegiance
  
- II. Previous Minutes**  
Approval of Minutes of the August 22, 2019, Regular Council Meeting.....1
  
- III. Persons to Be Heard**
  - a. Public Comments (limited to 3 minutes) (486-3231)
  
- IV. Unfinished Business**  
None
  
- V. New Business**
  - a. Resolution No. 2019-17, Naming Election Workers for the October 1, 2019 Regular Municipal Election.....10
  - b. Resolution No. 2019-18, Appointing a Member to the Kodiak Fisheries Development Association.....12
  - c. Authorization of Borrow Material Permit No. 19-1 for Golden Alaska Excavating, LLC on Near Island for the Trident Basin Quarry.....18
  - d. Authorization of Borrow Material Permit No. 19-2 for Brechan Construction, LLC on Near Island for the Breakwater Quarry.....30
  - e. Authorization of Borrow Material Permit No. 19-3 for B&R Fish By-Products, Inc. on Near Island for the Breakwater Quarry.....46
  
- VI. Staff Reports**
  - a. City Manager
  - b. City Clerk
  
- VII. Mayor’s Comments**
  
- VIII. Council Comments**
  
- IX. Audience Comments** (limited to 3 minutes) (486-3231)
  
- X. Adjournment**

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**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 88<sup>th</sup> 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 Casualty 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

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MAYOR

ATTEST:

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CITY CLERK

Minutes Approved:

# **NEW BUSINESS**

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Nova M. Javier, City Clerk

**Date:** September 12, 2019

**Agenda Item:** V. a. **Resolution No. 2019–17, Naming Election Workers for the October 1, 2019, Regular Municipal Election**

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**SUMMARY:** Kodiak City Code specifies that prior to each election, the Council shall appoint judges and clerks for each City precinct and will also appoint a canvass board consisting of at least three persons. This resolution names election workers and canvass board members for the October 1, 2019, regular municipal election and authorizes the City Clerk to appoint other persons, if necessary, to ensure that an adequate number of workers are present to conduct and canvass the election.

**PREVIOUS COUNCIL ACTION:** Annually, the Council adopts a resolution naming election workers for the regular municipal election.

**CITY CLERK’S COMMENTS:** The City Clerk recommends the Council adopt Resolution No. 2019–17.

**ATTACHMENTS:**

Attachment A: Resolution No. 2019–17

**PROPOSED MOTION:**

Move to adopt Resolution No. 2019–17.



**CITY OF KODIAK  
RESOLUTION NUMBER 2019-17**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK NAMING  
ELECTION WORKERS FOR THE OCTOBER 1, 2019, REGULAR MUNICIPAL  
ELECTION**

WHEREAS, the City will conduct a regular municipal election on Tuesday, October 1, 2019; and

WHEREAS, the City Code requires that Judges and Clerks of the election be named.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Kodiak, Alaska, hereby appoints the following individuals to serve as election workers for the regular municipal election to be held within the City of Kodiak on Tuesday, October 1, 2019:

- Section 1. The election workers for Precinct No. 820 (Kodiak No. 1), located at the Harbor-master Building, shall be Sandy Peotter and Jan Chatto, Co-Chairs; and Doris Mensch, Joan Altenhof, Kathryn Tyner, Ellen Lester, Jan Haaga, and Gloria Selby as Judges.
- Section 2. The election workers for Precinct No. 825 (Kodiak No. 2), located at the Teen Center, shall be Esther Waddell and Richard Waddell, Co-Chairs; and Nenita Nicolas, Gloria Daquis, and Hannah Micael as Judges.
- Section 3. The Accuvote Board shall be the City and Borough Clerks and their staff.
- Section 4. The City Receiving Board shall be Teresa Medina, Marya Nault, Susan Norton, and Lillie-Ann Bowen.
- Section 5. The Canvass Board shall be Helen Williams, Pat Szabo, and Deborah Tvenge.
- Section 6. The City Clerk and Clerk’s staff shall have the authority to fill in where needed, and the City Clerk shall have the authority to appoint additional persons, as necessary, to ensure an adequate number of election workers are available to conduct and canvass the election.

CITY OF KODIAK

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MAYOR

ATTEST:

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CITY CLERK

Adopted:

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers

**From:** Mike Tvenge, City Manager *mt*

**Date:** September 12, 2019

**Agenda Item:** V. b. **Resolution No. 2019-18, Appointing a Member to the Kodiak Fisheries Development Association**

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**SUMMARY:** The Joint City-Borough appointed board seat on the Kodiak Fisheries Development Association (KFDA) held by Stosh Anderson has expired. Mr. Anderson has requested reappointment to the board seat with a term of three years. The Borough Assembly is expected to approve this reappointment during the September 5, 2019, regular Assembly meeting. Staff recommends Council approve the reappointment of the joint board seat by adopting Resolution No. 2019-18.

**PREVIOUS COUNCIL ACTION:** The City Council makes appointments to the KFDA board by resolution.

- August 22, 2009, adopted Resolution No. 2009-22, appointing Linda Freed to a vacant joint City-Borough seat
- September 24, 2009, adopted Resolution No. 2009-26, appointing Albert Tyler Schmeil to a vacant joint City-Borough seat
- August 26, 2010, adopted Resolution No. 2010-25, reappointing Mike Woodruff to the City's crab processor seat
- October 28, 2010, adopted Resolution No. 2010-28, reappointing Stosh Anderson to the joint City-Borough seat
- August 25, 2011, adopted Resolution No. 2011-29, reappointing Jeff Stephan to a City seat and Albert Tyler Schmeil to a joint City-Borough seat
- August 9, 2012, adopted Resolution No. 2012-23, reappointing Linda Freed to the joint City-Borough seat
- September 12, 2013, adopted Resolution No. 2013-26, reappointing Stosh Anderson and Mike Woodruff to the KFDA board
- August 28, 2014, adopted Resolution No. 2014-31, reappointing Linda Freed, Albert Tyler Schmeil and Jeff Stephan to the KFDA board
- September 8, 2016, adopted Resolution No. 2016-33, reappointing Stosh Anderson to the KFDA board
- August 10, 2017, adopted Resolution No. 2017-22, reappointing Linda Freed, Albert Tyler Schmeil, and Jeff Stephan to the KFDA board

**DISCUSSION:** The Kodiak Fisheries Development Association was created jointly by the City of Kodiak and the Kodiak Island Borough in 2007 as the region's eligible crab community entity (ECCE). The KFDA is made up of seven directors who serve staggered three-year terms: two appointed by the City, two appointed by the Borough, and three appointed jointly. The bylaws of the Kodiak Fisheries Development Association provide for appointment of Directors to the Board of the KFDA by the Kodiak City Council and the Kodiak Island Borough Assembly. The bylaws state in part, the Directors shall serve until their successors are appointed and qualified.

Mr. Stosh Anderson expressed to the City Clerk his interest of being reappointed to the expired joint appointee seat.

A City appointed Crab Processors Representative seat remains expired and unfilled.

**ALTERNATIVES:**

- 1) Adopt Resolution No. 2019-18, which is recommended by staff.
- 2) Delay or not adopt Resolution No. 2019-18, which is not recommended as the seat should be officially reappointed so the group has a quorum as they begin their annual ECCE work.

**FINANCIAL IMPLICATIONS:** N/A

**LEGAL:** N/A

**CITY MANAGER'S COMMENTS:** The term for this appointment has expired and the Director is willing to be reappointed. I recommend the City Council adopt this resolution to reappoint Stosh Anderson to another three year term on the Kodiak Fisheries Development Association.

**ATTACHMENTS:**

- Attachment A: Resolution No. 2019-18
- Attachment B: KFDA Member List

**PROPOSED MOTION:**

Move to adopt Resolution No. 2019-18.

**CITY OF KODIAK  
RESOLUTION NUMBER 2019–18**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK APPOINTING A MEMBER TO THE KODIAK FISHERIES DEVELOPMENT ASSOCIATION**

WHEREAS, the North Pacific Fishery Management Council adopted the Bering Sea/Aleutian Islands Crab Rationalization Program as Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs; and

WHEREAS, under the Program, Kodiak was designated as an eligible crab community (ECC) and in connection with such designation, the City of Kodiak and the Kodiak Island Borough have the authority to jointly exercise certain rights of first refusal (ROFR) with respect to processor quota shares (PQS) allocated under the Program; and

WHEREAS, to exercise the ECC ROFR, the City of Kodiak and the Kodiak Island Borough have jointly designated the Kodiak Fisheries Development Association (KFDA) as the region's eligible crab community entity (ECCE) having the authority to do so on their behalf; and

WHEREAS, the bylaws of the Kodiak Fisheries Development Association provide for appointment of Directors to the Board of the KFDA by the Kodiak City Council and the Kodiak Island Borough Assembly; and

WHEREAS, the bylaws of the KFDA state, in part, that Directors shall serve until their successors are appointed and qualified; and

WHEREAS, the terms for one joint appointee seat has expired; and

WHEREAS, Stosh Anderson has requested reappointment to the joint appointee seat on the KFDA board; and

WHEREAS, the Kodiak Island Borough is scheduled to reappoint Stosh Anderson at its September 5, 2019, regular meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the following individual is appointed as a Director of the Kodiak Fisheries Development Association, with the noted term:

City Appointees

Crab Processor Rep. – Vacant

Crab Harvester Rep. – Jeff Stephan (7/20)

Joint Appointees

**Stosh Anderson (7/21) (joint appointment)**

Linda Freed (7/20) (joint appointment)

Albert Tyler Schmeil (7/20) (joint appointment)

Borough Appointees

Crab Processor Rep. – Tuck Bonney

Crab Harvester Rep. – Jerry Bongen

CITY OF KODIAK

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MAYOR

ATTEST:

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CITY CLERK

Adopted:



## KODIAK ISLAND BOROUGH / CITY OF KODIAK

**KODIAK FISHERIES DEVELOPMENT ASSOCIATION  
BOARD OF DIRECTORS 2019**


NAME	TERM	PHONE	EMAIL
<b>CITY APPOINTEES</b>			
Crab Processor Representative VACANT	7/2019		
Crab Harvester Representative Jeff Stephan	7/2020	486-4568	<a href="mailto:jstephan@ptialaska.net">jstephan@ptialaska.net</a>
<b>JOINT APPOINTEES</b>			
Stosh Anderson	7/2019	486-3673	<a href="mailto:stosh_a@hotmail.com">stosh_a@hotmail.com</a>
Linda Freed	7/2020	486-5314	<a href="mailto:freed@gci.net">freed@gci.net</a>
Albert Tyler Schmeil	7/2020	486-8587	<a href="mailto:tmschmeil@gci.net">tmschmeil@gci.net</a>
<b>BOROUGH APPOINTEES</b>			
Crab Processors Representative Tuck Bonney	7/2021	486-3234	
Crab Harvester Representative Jerry Bongen	7/2021	486-6245	<a href="mailto:jbongen@mac.com">jbongen@mac.com</a>

Resolution No. FY2008-04 states: "Directors shall be appointed by joint resolution of the Borough Assembly and City Council. Appointments shall take place annually, at July meetings of the Borough Assembly and City Council. Directors shall have staggered three (3) year terms of office, assigned by a random selection method at the first Board meeting, such that as close as possible to one third (1/3) of the Board is up for appointment each year. Directors shall serve until their successors are appointed and qualified."

**STAFF:**

CITY MANAGER, Mike Tvenge      486-8640      [mtvenge@city.kodiak.ak.us](mailto:mtvenge@city.kodiak.ak.us)

OFFICE OF THE CITY MANAGER  
710 MILL BAY ROAD, ROOM 114  
KODIAK, AK 99615

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Mike Tvenge, City Manager *MT*  
**Thru:** Glenn Melvin PE, City Engineer *GM*  
**Date:** September 12, 2019

**Agenda Item:** V. c. Authorization of Borrow Material Permit No. 19-1 to Golden Alaska Excavating, LLC on Near Island for the Trident Basin Quarry

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**SUMMARY:** The Trident Basin Float Plane Facility is growing and continues to need additional area for facility parking and staging adjacent to the Andrew Air facility. It has been the goal to eventually provide the upland area needed but it has also been understood that significant rock removal would be required and would likely take years to develop a usable pad area. Golden Alaska Excavating, LLC has operated the quarry since 2013 and indicated that it wants to renew the permit for the next five years. It is to the City's benefit to continue development of the quarry, and staff recommends that the Trident Basin Quarry Permit No. 19-1 be issued to Golden Alaska Excavating, LLC.

**PREVIOUS COUNCIL ACTION:**

- In 2005, Council awarded Anderson Construction a Borrow Material Permit for the Trident Basin Quarry.
- February 28, 2013, Council approved Quarry Plan and Recommendation to Approve Golden Alaska Excavating, LLC Borrow Material Permit No. 13-04.

**BACKGROUND:** In 2005, DOWL prepared a Trident Basin Development site plan. The plan showed an approximate 2 acre site for a float plane haul out and related facilities including a pad area that could be used for buildings, parking, and storage. That same year, Anderson Construction was awarded a Borrow Material Permit to start up the quarry and extract approximately 10,000 cubic yards of rock per year moving forward. Anderson benefitted the City during their permit period by improving the site and removing essentially all of the over-burden material. The site now can be mined more efficiently than originally contemplated.

Golden Alaska Excavating, LLC has operated this quarry area since March 2013 and has essentially produced roughly 10,000 cubic yards of material per year, which is historically consistent with previous material quantities.

**DISCUSSION:** This permit is a renewal of the previous permit issued to Golden Alaska Excavating LLC. Under the new permit, the royalty charge for rock is increased from \$0.50 to \$1.00 per ton. The \$0.50 per ton royalty amount has been in effect since the permit was first established in 2005. The increase is



instituted to cover the increased cost of road maintenance required as a result of truck traffic to and from the quarry. The minimum royalty payment is no longer in effect and has been replaced by a fixed Permit Fee of \$5,000 per year.

The original DOWL quarry development drawings dated 2006 were reviewed by the current city engineer, Glenn Melvin, and determined that they remain applicable to the project. They are included with the permit by attachment.

It should also be pointed out that the original federal funding requirements for the development of the Trident Basin Float Plane Basin facility require that all revenue generated by the facility including the quarry revenue must remain within the Trident Basin Budget and cannot go to the General Fund.

**ALTERNATIVES:**

- 1) Issue Golden Alaska Excavating, LLC the Trident Basin Quarry Permit for the five year period starting September 2019. This alternative is recommended because it keeps the quarry operational allowing revenue to be generated for the facility while progressing toward the development goals.
- 2) Do not award a contract with Golden Alaska Excavating, LLC. This alternative is not recommended because the City would miss the opportunity to move forward and utilize the quarry as originally planned.

**FINANCIAL IMPLICATIONS:** Golden Alaska Excavating, LLC is required by this permit to pay a Permit Fee in the amount of \$5,000 per year plus \$1.00 per ton based on the scale weight of material. All revenue generated from the quarry must remain in the Trident Basin Facility budget.

**LEGAL:** The City Attorney reviewed the Borrow Permits and has no further comment.

**STAFF RECOMMENDATION:** Staff recommends issuing the Trident Basin Quarry Permit No. 19-1 to Golden Alaska Excavating, LLC.

**CITY MANAGER'S COMMENTS:** Golden Alaska Excavating, LLC is current with royalty payments due. This new permit will increase Trident Basin Enterprise Fund balance allowing for additional investment in the facility.

**NOTES/ATTACHMENTS:**

Attachment A: Golden Alaska Excavating, LLC Permit No. 19-1

**PROPOSED MOTION:**

Move to authorize the agreement between the City of Kodiak and Golden Alaska Excavating, LLC for operation of Borrow Material Permit No. 19-1 and authorize the City Manager to execute the agreement on behalf of the City.

**BORROW MATERIAL PERMIT NO. 19-1**

The City of Kodiak (“City”) hereby grants Golden Alaska Excavating, LLC, of 1643 Sawmill Circle, Kodiak, Alaska, 99615 (“Permittee”) the right to remove the borrow material described from the property described herein, all pursuant to the terms and conditions of this Permit and in accordance with all applicable provisions of the Kodiak City Code (KCC).

This Permit may not be assigned without the advance written consent of the City, which may be withheld at the City’s discretion. If Permittee is an incorporated entity or partnership, sale or conveyance of any partnership interest or a controlling interest shall be deemed an assignment of this Permit.

Permittee agrees to comply with all applicable laws, and with any rules and regulations issued there under, including without limitation Kodiak City Code Chapter 18.24.

This Permit is effective as of July 24, 2019, and shall remain in effect for a period of five years from its effective date.

**Location and Description of Lands from which Borrow Materials May be Removed**

Materials are to be taken solely from the area of Near Island known as the Trident Basin Development Quarry within the limits shown on Attachment A, Trident Basin Seaplane Base Airport Improvements Project drawings dated May 2006. Permittee is further limited to use of, and material removal from, the specific area assigned to Permittee as described by “Breakwater Quarry Permit Areas”, attachment B hereto. This area described and assigned to Permittee shall referred to as the “Quarry Site.”

**City’s Primary Interest in Permit**

The City’s primary interest in this permit is to produce developable uplands on Near Island for expansion of Trident Basin Float Plane facility and related businesses. The City’s interest in royalty income is secondary to producing uplands for this use.

Operators removing higher volumes of material may be favored over lower volume operators and there may be actual or perceived inequity in borrow permits issued to different operators.

For this reason, Permittee agrees to quarry the rock in a sequence that is most advantageous to development of the Trident Basin Float Plane facility. The City may direct Permittee to quarry in a sequence significantly different than the most economical plan developed by Permittee. If the City directs Permittee to quarry in a sequence significantly different than the most economical plan developed by Permittee, Permittee may request additional quarrying costs incurred due to the directive be used to offset royalty payments and/or Permit Fee payments.

The City may terminate the Permit for convenience and issue a permit for another operator to mine the area if it is reasonably believed this course of action will expedite development of the Trident Basin Float Plane facility.

### **Type, Quantity, and Use of Borrow Material**

During the period from 2014 to 2019, Permittee mined an average of approximately 9,000 tons of borrow material per year. This Permit anticipates a similar average until the sooner of five years or the resource is exhausted. Permittee may use the borrow materials for any legal purpose.

Permittee shall be responsible for stripping and disposing of the vegetation and overburden. The City will not pay Permittee for removal of the vegetation and overburden.

### **Use of the Quarry Site**

Permittee use the Quarry Site shall be exclusively for quarrying operations directly related to the recovery and processing of borrow material, such as rock crushing and material screening. Storage of material and equipment not directly associated with the quarrying operation is prohibited.

### **Non-Exclusiveness of this Borrow Material Permit**

Permittee acknowledges that this Permit is in the nature of a non-exclusive license to remove borrow material and that the City reserves the right to issue further permits for extraction of borrow material from Trident Basin. Additional permittees may be bound to a separate permit containing such terms and conditions as the City deems appropriate.

### **Termination of this Borrow Material Permit**

Upon expiration or earlier termination of the term of this Permit, Permittee shall promptly vacate the Quarry Site, leaving the Quarry Site in a condition consistent with the requirements of this Permit and Permittee's quarrying plans, accepted with application for this Permit, free of refuse and hazards, and shall remove from the Quarry Site all of Permittee's personal property. If Permittee fails to vacate the Quarry Site in the required condition, the City may restore the Quarry Site to such condition and Permittee shall pay the cost thereof. All such costs shall be recoverable from the required reclamation bond.

Termination by City for Cause. The City may terminate this Permit for cause. Except to the extent that the Permit is terminated for deficiencies that, in the City's reasonable discretion, present significant or imminent risks to public safety, Permittee shall be given notice and a reasonable opportunity to correct any deficiency. The occurrence of any one or more of the following events will justify termination for cause:

1. Permittee's failure to excavate to the lines and grades shown on the Trident Basin Seaplane Base Airport Improvements Project drawings;
2. Permittee's failure to remove the anticipated quantity of material;
3. Permittee's disregard of laws or regulations of any public body having jurisdiction;
4. Permittee's violation in any substantial way of any provisions of this Permit;
5. Permittee's failure to correctly file quarterly statements and pay royalties to the City when due; or
6. Permittee's failures to scale weigh all materials in accordance with Permit.

Termination by City for Convenience. The City may terminate this Permit for its convenience upon 90 days' written notice to Permittee. In such case, Permittee shall pay for all amounts due

under this Permit as of the date of termination. The City shall return to Permittee the Permit Fee prorated for the effective date of termination and shall, upon presentation of sufficient documentation which shall be presented not more than thirty days following the date of termination, pay Permittee's reasonable expenses directly attributable to termination. Permittee shall not be paid on account of loss of anticipated profits or revenue or other economic loss arising out of or resulting from such termination. The City shall not be liable to Permittee for any amount in excess of the Permit Fee and royalty paid by Permittee in the preceding year.

Termination by Permittee. Permittee may terminate this Permit upon 90 days' written notice to the City. In such case, the City shall be paid for all amounts due under this Permit as of the date of termination and for the City's reasonable expenses directly attributable to termination. The City shall not be paid on account of loss of anticipated royalty revenue or other economic loss arising out of or resulting from such termination.

### **Standard Construction Specifications & Special Conditions**

Permittee agrees to abide by such rules, regulations, and restrictions as the City may promulgate in order to facilitate access to and use of the area described herein by additional permittees.

City of Kodiak, "Standard Construction Specifications & Standard Details, 2012 Edition" ("Standard Construction Specifications") is incorporated into this Permit by reference. Permittee shall comply with all requirements and obligations of a Contractor and for performance the Work as required by the Standard Construction Specifications. Some, but not all, pertinent conditions are identified below:

Indemnification. Permittee shall indemnify the City of Kodiak in accordance with Article 6, Paragraph 6.20 of the Standard Construction Specifications.

Insurance. Permittee shall purchase and maintain insurance coverage as required by Article 5, Paragraph 5.04 of the Standard Construction Specifications with not less than the following policy limits:

1. Worker's compensation insurance as required by the State of Alaska;
2. Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of the others arising from use of motor vehicles, including on-site and off-site operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits; and
3. Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of Permittee or of any of its employees, agents, or subcontractors with \$5,000,000 per occurrence and in the aggregate; policy to cover the perils of explosion, collapse and underground with no exclusion or limitation for blasting activity.

Excavation. Excavation shall be performed in accordance with Division 200, Section 203 of the Standard Construction Specifications. Special attention is drawn to Article 203.3, Blasting Requirements for Excavation in Rock. Permittee shall name the Blaster in Charge, submit a Comprehensive Blasting Plan, and fully comply with the other requirements of this Article, *except* a Blasting Consultant need not be retained.

Measurement. Permittee shall provide, or make use of, a weighing system conforming to the requirements of Division 100, Article 6.03 of the Standard Construction Specifications *and* the following:

1. Rocks shall be weighed, by barge or truck following the technical standards described in US Army Corps of Engineers Manuals EM 1110-2-2302 "Construction with Large Stone - Appendix C: Measurement for Payment" and as further described herein.
2. The method of measurement for determining the weight of rock delivered by barge shall be displacement of the barge, based on certified barge gauge marks. Barge gauge marks and certification shall have approval by the City Engineer or representative prior to notice to proceed is issued. Contractor shall submit a copy of the barge gauging table prepared by an accredited agent satisfactory to Engineer. Contractor shall also submit weight bills, including certification of exact weight and time of weighing for each load of rocks delivered.

If Permittee provides the truck weighing system, Permittee shall make it available to all other firms or individuals removing material from Near Island. Permittee may charge for the use of the weighing system an amount not to exceed \$14.00 per weighing, except there will be no charge for the City's use of the system. Permittee may regulate the use and fees for the weighing system for materials other than Near Island quarry material.

Traffic Maintenance. Permittee shall submit a Traffic Control Plan in accordance with Division 800, Section 802 of the Standard Construction Specifications. A vehicle access lane to the float plane basin shall be maintained at all times.

Temporary Erosion and Pollution Control. Permittee shall submit a Temporary Erosion and Pollution Control Plan in accordance with Division 800, Section 804 of the Standard Construction Specifications.

Dust Control. Permittee shall control dust from the Quarry and from unpaved haul roads by watering as necessary or requested by the City.

Reclamation & Bond. Permittee shall furnish the City with a surface mining reclamation bond in the amount of \$50,000.

Permittee shall spread 4 inches of topsoil on all completed benches and seed all benches and overburden fill areas in accordance with the standard specifications.

Permittee shall grade the quarry floor in accordance with the quarry plan and cap with 4" of D-1 leveling course.

### **Permit Fee**

Permittee shall pay the City an annual Permit Fee of \$5,000, which annual amount shall due and owing in full at the signing of this Permit and again on August 1 of each year remaining in the term. The annual Permit Fee is set apart and additional to royalties paid for extraction of materials.

**Statement**

Permittee shall file statements for the quarterly periods commencing on the first day of January, April, July, and October of each year, setting forth the quantity of material removed during each such quarter. Statements of quantities removed shall be filed on or before the tenth day of the month following each reporting period or portion thereof. The statement shall be filed irrespective of whether borrow material has been removed.

Within thirty days after expiration or termination of this Permit, Permittee shall file a final statement showing the amount of material removed from Near Island from the end of the last quarterly statement period until the date of expiration or termination.

**Royalty**

Upon filing the statements required by this Permit and KCC 18.24.040, Permittee shall pay the City \$1.00 per ton of material, as established by weight measurements required by this Permit.

Should Permittee fail to file or substantiate any statement required by this Permit, the minimum royalty due shall be calculated from the anticipated tons of borrow material per year. A higher estimated royalty may be assessed based on other information believed to be reliable or helpful to the City in making an estimate of the royalty due. Notice of the estimated royalty assessment shall be furnished to Permittee, and the estimated royalty assessment shall become final for the purposes of determining Permittee's liability after thirty days of the date of mailing or hand-delivery of the estimated assessment unless Permittee earlier files with the City an accurate statement, supported by satisfactory records or documentation, indicating a lesser liability.

**Acceptance**

Permittee hereby agrees to be bound by all terms and conditions of this permit upon its execution and issuance by the City of Kodiak.

**PERMITTEE**

Golden Alaska Excavating, LLC

\_\_\_\_\_  
Name of Permittee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Corporate Seal

\_\_\_\_\_  
Name and Title

**CITY OF KODIAK**

\_\_\_\_\_  
Mike Tvenge, City Manager

\_\_\_\_\_  
Attest

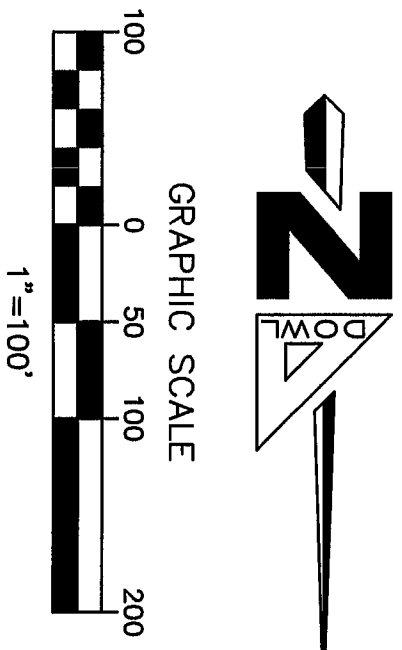
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nova Javier, City Clerk



**LEGEND**

EXISTING	DESCRIPTION
	TOPO LIMIT
	EDGE OF GRAVEL
	BUILDING
	CONCRETE
	FENCE
	EDGE OF WATER
	MAJOR CONTOUR (5)
	MINOR CONTOUR (1)
	CONTROL POINT NUMBER
	SURVEY CONTROL POINT



**SURVEY CONTROL**

**HORIZONTAL CONTROL**  
 Coordinates are the Near Island Coordinate System, which is a local surface grid coordinate system in US Survey Feet that is constrained to Alaska State Plane Coordinates, Zone 5, NAD83(1992). This coordinate system is developed for use at the Trident Basin Seaplane Base at Kodiak, Alaska.

The Basis of Coordinates is a random traverse station set by DOWL Engineers named "TBD-3", monumented by a 2" Gross Cap set in the southeast corner of a 7' square concrete pad for a pump station, set flush with surface, near the intersection of the access road to the Trident Basin and the northwesterly edge of the gravel parking lot at the end of the road, having the following coordinates:

NAD83(1992) Geodetic Coordinates:  
 Latitude = 57°46'41.893376" North, Longitude = 152°23'55.64841" West,  
 Ellipsoid Height = 53,34325 US Feet, MLLW (2005) Elevation = 18.19 US Feet  
 NAD83(1992) ASPC Zone 5 Coordinates: N=1,383,721.43835, E=1,952,928.06487 US Feet  
 Near Island Local Coordinates: N=50,000,000.000, E=60,000,000.000 US Feet;

The BASIS OF BEARINGS is Geodetic North at "TBD-3" as determined by the Global Positioning System (GPS). A reference bearing between "TBD-3" and a survey control monument set by the US Army Corps of Engineers named "TDB 119 Y", having the following coordinates:  
 NAD83(1992) ASPC Zone 5 Coordinates: N=1,383,053.98930, E=1,952,714.80066 US Feet  
 Near Island Local Coordinates: N=29,337.78822, E=59,771.01761 US Feet;  
 bears S19°04'28"W 700.69 US Feet.

- CONVERSION FROM STATE PLANE, ZONE 5, NAD83(1992) US FEET TO LOCAL US FEET:
- SCALE STATE PLANE COORDINATES USING 1000000000000/1000000866397 (Base point 0,0)
  - TRANSLATE RESULTING COORDINATES USING  
 -1,353,709.44993284 N -1,892,911.14490643 E
  - ROTATE COORDINATES CLOCKWISE 1 degree 21 minutes 16.95 seconds at TBD-3
- CONVERSION FROM LOCAL US FEET TO STATE PLANE, ZONE 5, NAD83(1992) US FEET:
- ROTATE COORDINATES COUNTER-CLOCKWISE 1 degree 21 minutes 16.95 seconds at TBD-3
  - TRANSLATE RESULTING COORDINATES USING  
 +1,353,709.44993284 N +1,892,911.14490643 E
  - SCALE RESULTING COORDINATES USING 1000000866397 (Base point 0,0)

**VERTICAL CONTROL**  
 The Basis of Elevations is Bench Mark "HARBOR MASTER", a brass cap set in a concrete flagpole base in front of the Harbor Master building, having a value of 20.40 Feet. The Project Bench Mark on site is a US Army Corps of Engineers brass cap named "TDB 119 Y" having a value of 24.32 Feet. The datum is MEAN LOWER LOW WATER (2005) = 0.00 US Feet, as confirmed by low water observations on August 15 & 16, 2005 correlated to 2005 "Tide.1" Tide Prediction software by Micronautics, Inc.

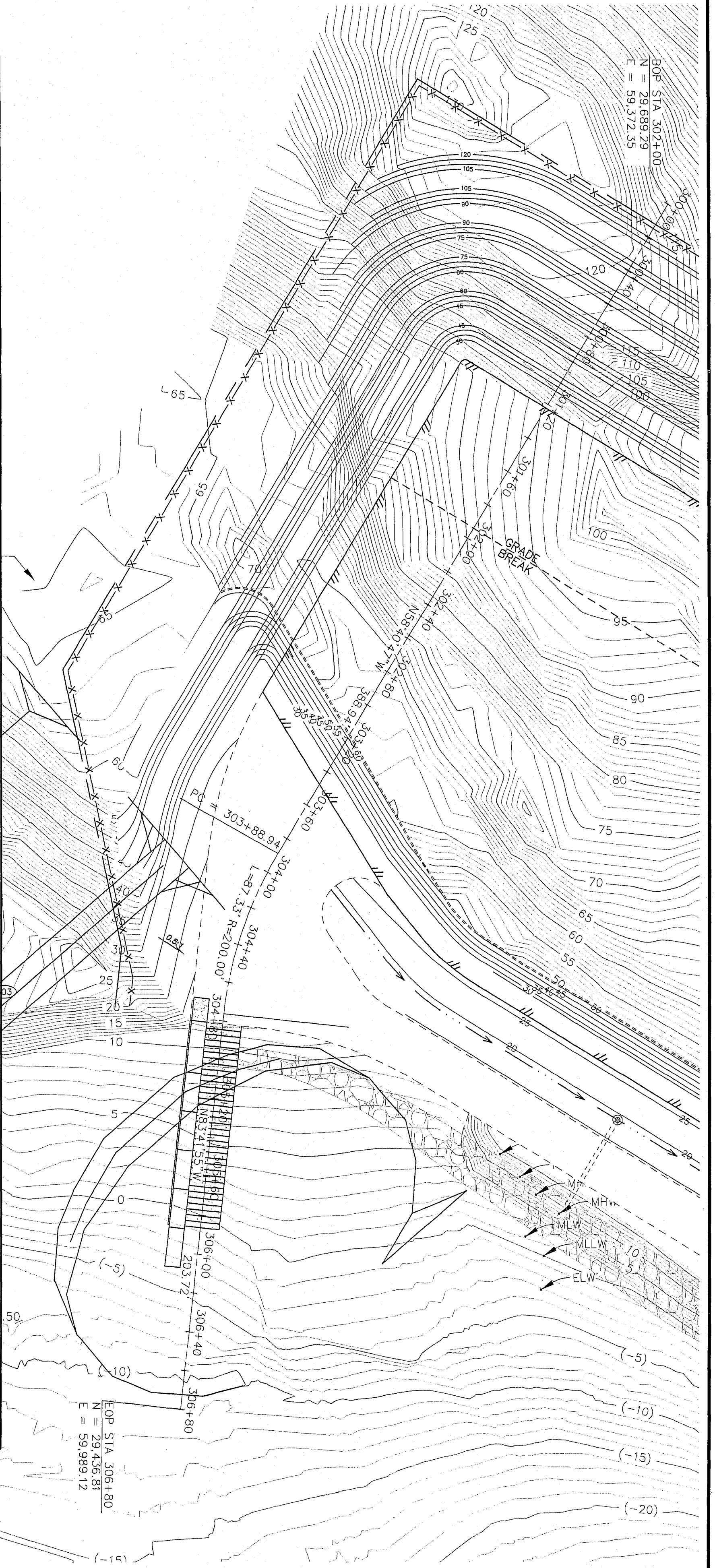
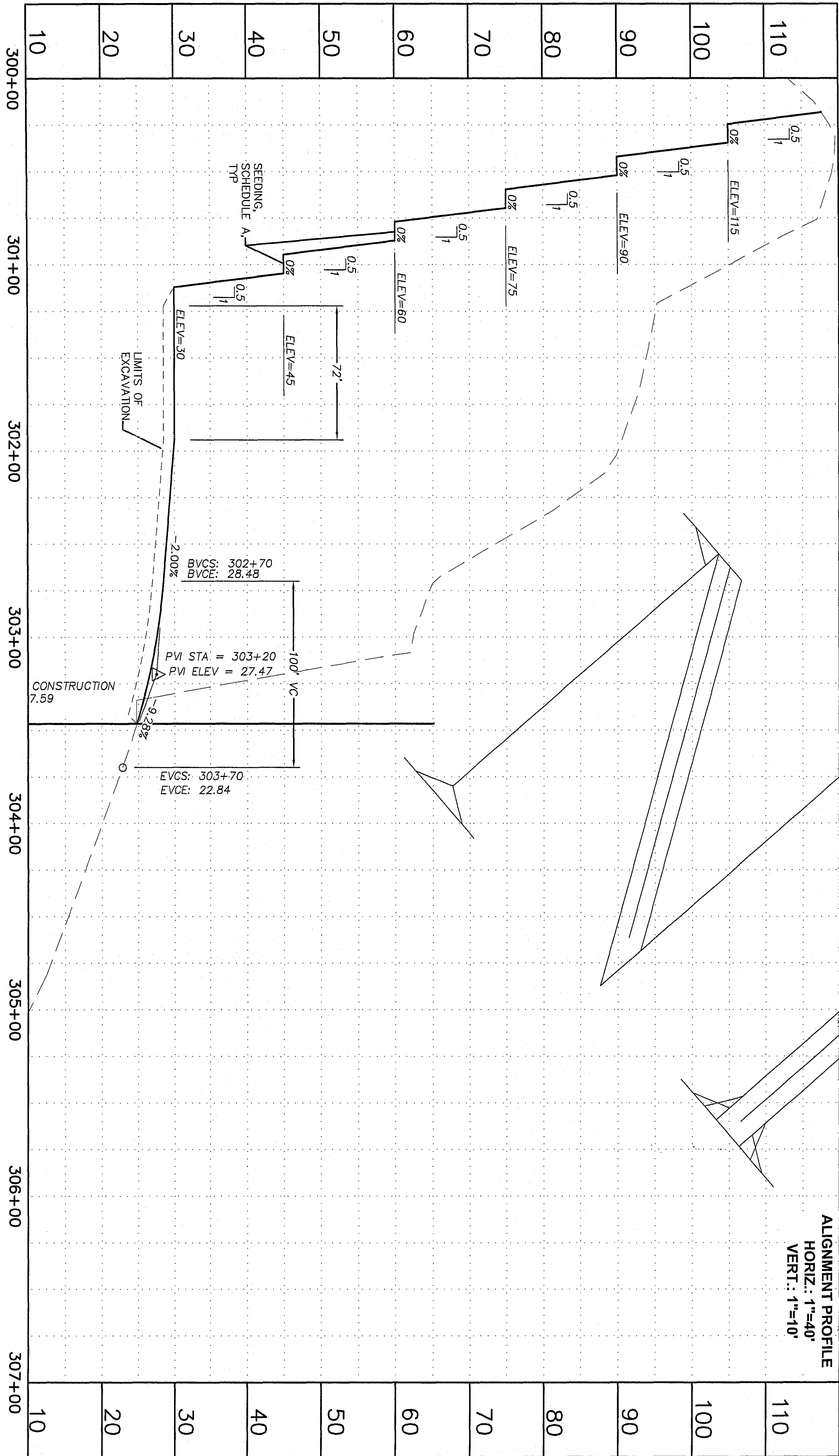
**TIDAL DATA**  
 Tidal data retrieved from the NOAA CO-OPS website at address  
[http://co-ops.nos.noaa.gov/data/retrieval/input\\_code=1003010000ac](http://co-ops.nos.noaa.gov/data/retrieval/input_code=1003010000ac) for  
 9457283 KODIAK, ST PAULS HARBOR, AK, adjusted to MLLW = 0.00 feet, is as follows:  
 MEAN HIGH WATER (MHW): 7.77 FEET MEAN HIGHER HIGH WATER (MHHW): 8.70 FEET  
 MEAN LOW WATER (MLW): 1.12 FEET MEAN LOWER LOW WATER (MLLW): 0.00 FEET  
 EXTREME HIGH WATER (EHW): 13.40 FEET ON Dec. 10, 1965  
 EXTREME LOW WATER (ELW): -3.08 FEET ON Dec. 22, 1982  
 The tidal epoch listed is 1983-2001.

**SURVEY CONTROL POINTS**

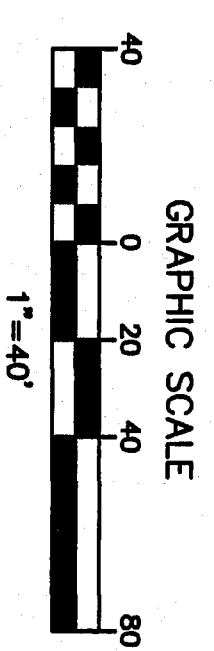
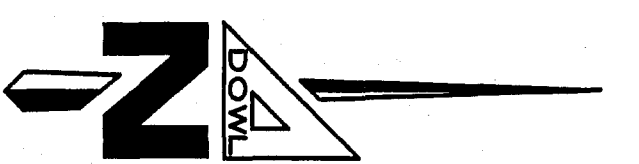
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2	29998.9780	59836.7448	33.965	ALUM. CAP: TBD-2
3	30000.0000	60000.0000	18.193	BRASS CAP IN CONC. PAD: TBD-3
551	16012.2442	40769.5522		SS ROD: KODIAK MON 7278
603	29337.7852	59771.0176	24.320	BRASS CAP: TDB 119 Y
605	33513.6906	58236.5837	20.400	BRASS CAP BM: HARBOR MASTER

<p><b>4040 B STREET</b>  <b>ANCHORAGE, ALASKA 99503</b>                  PHONE 907-562-2000                  FAX 907-563-3833</p>		<p><b>CONSULTANT</b></p>		<p><b>4040 B STREET</b>  <b>ANCHORAGE, ALASKA 99503</b>                  PHONE 907-562-2000                  FAX 907-563-3833</p>	<p><b>4040 B STREET</b>  <b>ANCHORAGE, ALASKA 99503</b>                  PHONE 907-562-2000                  FAX 907-563-3833</p>	<p><b>4040 B STREET</b>  <b>ANCHORAGE, ALASKA 99503</b>                  PHONE 907-562-2000                  FAX 907-563-3833</p>	<p><b>4040 B STREET</b>  <b>ANCHORAGE, ALASKA 99503</b>                  PHONE 907-562-2000                  FAX 907-563-3833</p>																							
<p><b>SURVEY CONTROL</b>  <b>TRIDENT BASIN SEAPLANE BASE</b>  <b>AIRPORT IMPROVEMENTS PROJECT</b>  <b>PHASE I</b>                  KODIAK, ALASKA</p>																														
<p>CHECKED BY: TDM                  DESIGNED BY: TDM                  DRAWN BY: TDM                  DATE: 05/23/06                  LOCATION: KODIAK                  PN: S32 T27S R19W SM</p>	<p>FILE NO. 231-98F                  SHEET</p>	<p>C2 OF 26</p>						<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>DATA</th> <th>✓BY</th> </tr> </thead> <tbody> <tr> <td>San. Sewer</td> <td></td> </tr> <tr> <td>Storm Sewer</td> <td></td> </tr> <tr> <td>Water</td> <td></td> </tr> <tr> <td>Gas</td> <td></td> </tr> <tr> <td>Telephone</td> <td></td> </tr> <tr> <td>Electric</td> <td></td> </tr> <tr> <td>Cable TV</td> <td></td> </tr> <tr> <td>Easements</td> <td></td> </tr> <tr> <td>Footing Elev.</td> <td></td> </tr> <tr> <td>Approved</td> <td></td> </tr> </tbody> </table>	DATA	✓BY	San. Sewer		Storm Sewer		Water		Gas		Telephone		Electric		Cable TV		Easements		Footing Elev.		Approved	
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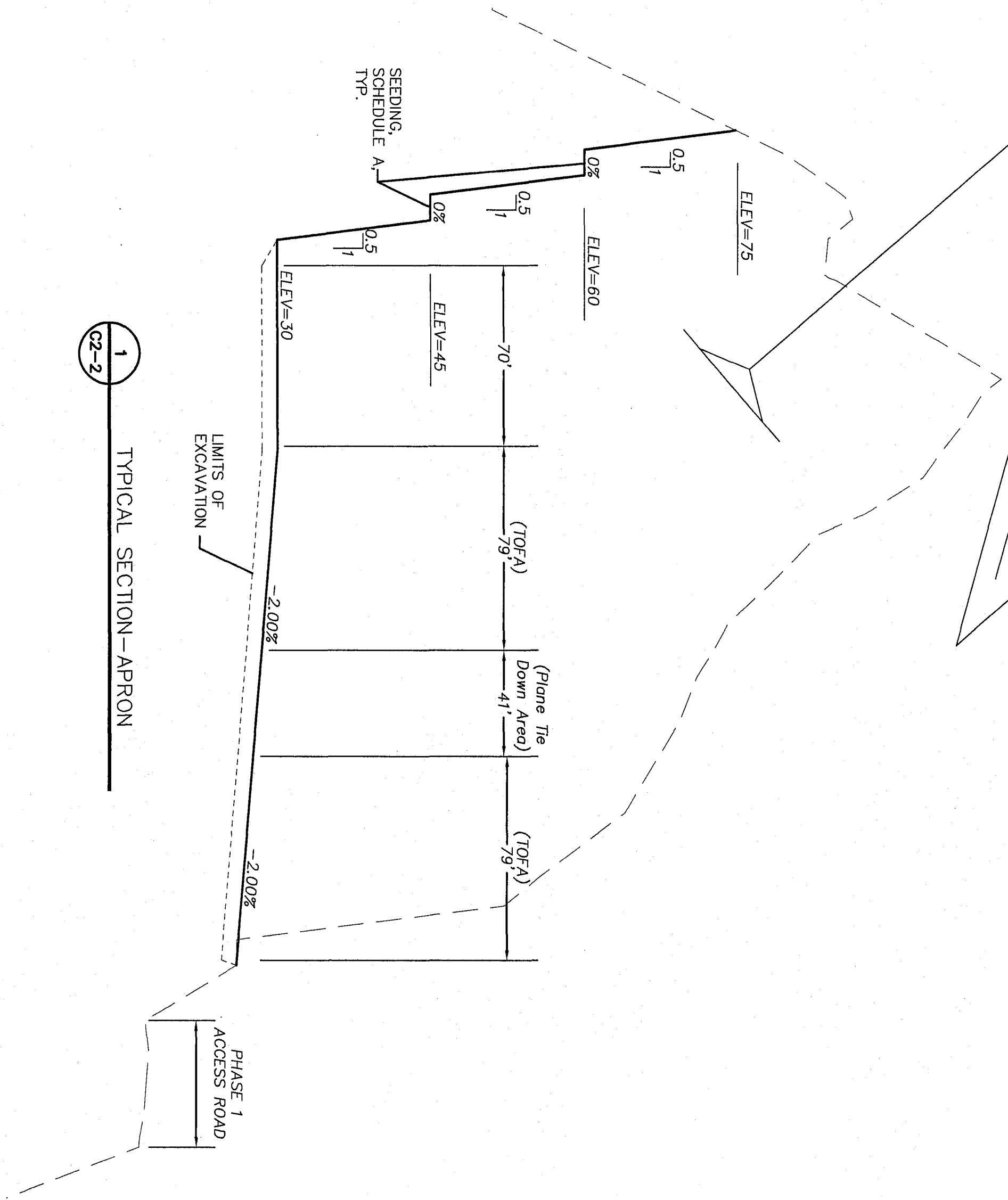
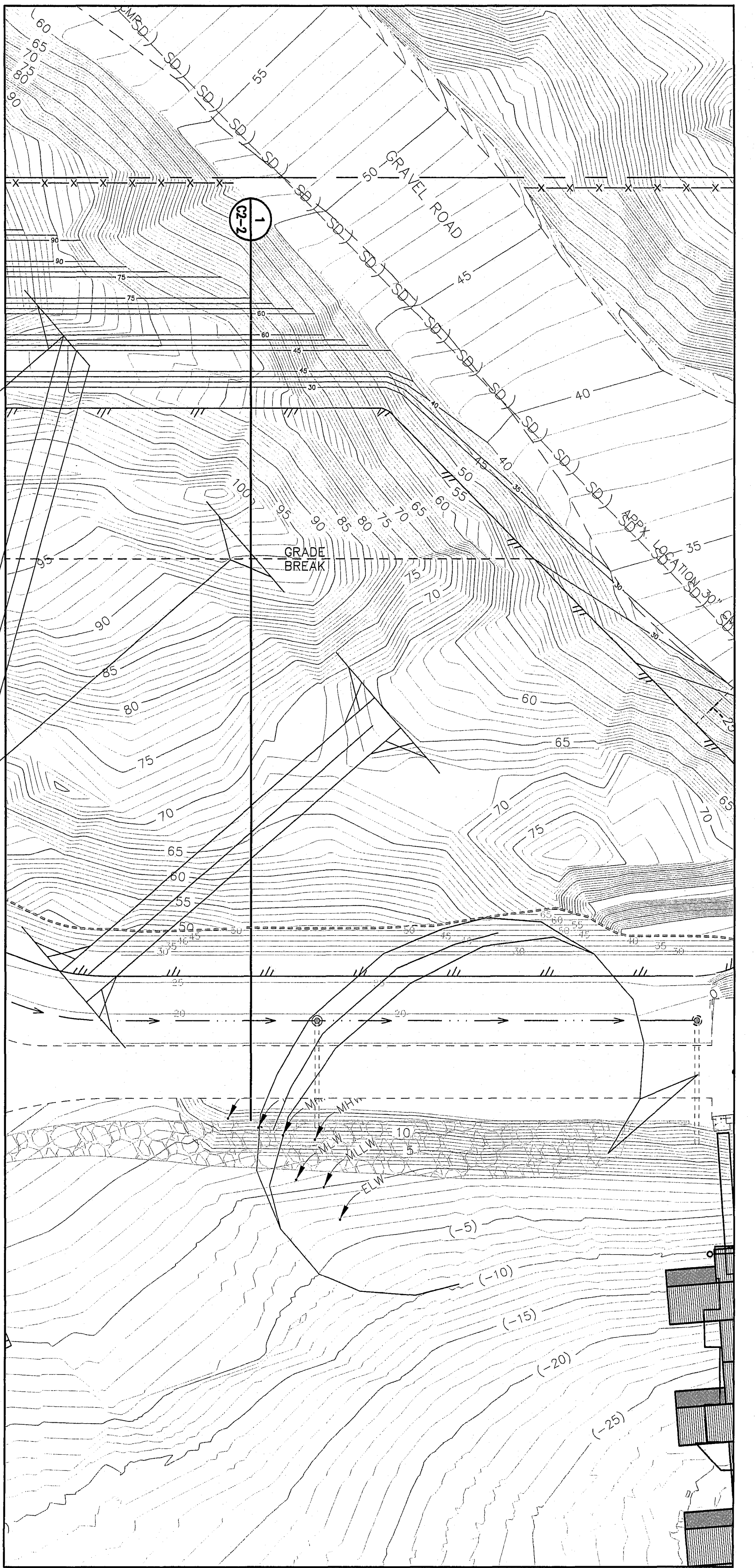




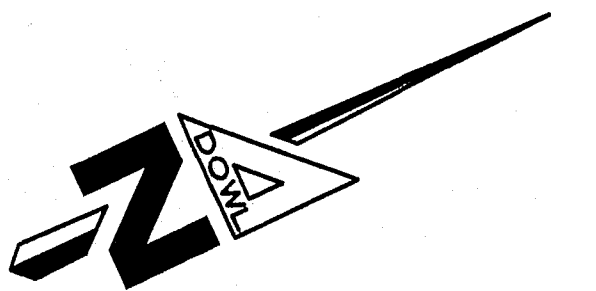
ALIGNMENT PROFILE  
HORIZ.: 1"=40'  
VERT.: 1"=10'



<p>CHECKED BY: SKM DESIGNED BY: KLS DRAWN BY: ALM/KLS DATE: 05/16/06 LOCATION: KODIAK PROJECT: S32 127S R19W SM FILE NO.: SHEET</p>	<p>RAMP/APRON PLAN &amp; PROFILE TRIDENT BASIN SEAPLANE BASE AIRPORT IMPROVEMENTS PROJECT PHASE II KODIAK, ALASKA</p>				<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATA</th> <th>BY</th> </tr> </thead> <tbody> <tr><td>San. Sewer</td><td></td></tr> <tr><td>Storm Sewer</td><td></td></tr> <tr><td>Water</td><td></td></tr> <tr><td>Gas</td><td></td></tr> <tr><td>Telephone</td><td></td></tr> <tr><td>Electric</td><td></td></tr> <tr><td>Cable TV</td><td></td></tr> <tr><td>Footings</td><td></td></tr> <tr><td>Footings Elev.</td><td></td></tr> <tr><td>Approved</td><td></td></tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Vertical Datum:</p>	DATA	BY	San. Sewer		Storm Sewer		Water		Gas		Telephone		Electric		Cable TV		Footings		Footings Elev.		Approved		REV	DATE	DESCRIPTION	BY				
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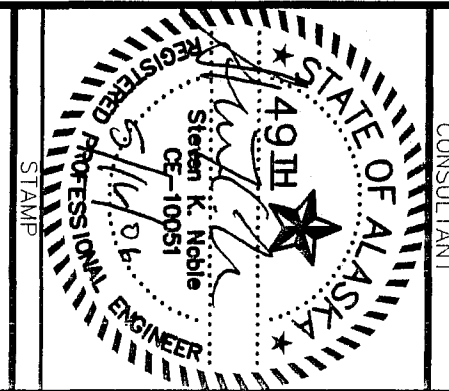


1  
C2-2  
TYPICAL SECTION - APRON



CHECKED BY	SMN
DESIGNED BY	KLS
DRAWN BY	ALM/KLS
DATE	05/16/06
LOCATION	KODIAK
PI	S32 127S R19W SM
FILE NO.	
SHEET	

APRON PLAN & TYPICAL SECTION  
 TRIDENT BASIN SEAPLANE BASE  
 AIRPORT IMPROVEMENTS PROJECT  
 PHASE II  
 KODIAK, ALASKA



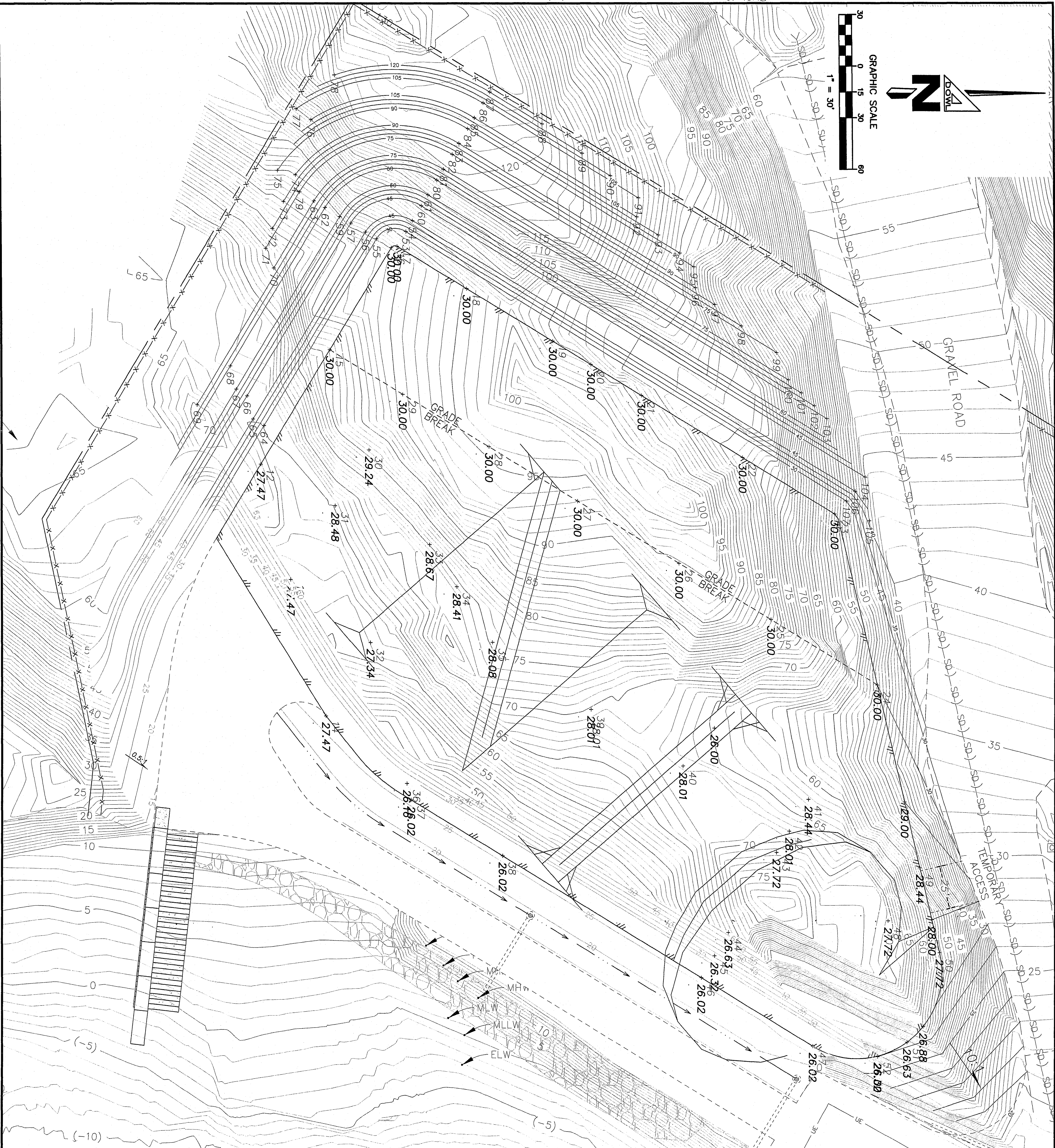
**DOWL ENGINEERS**  
 4040 B STREET  
 ANCHORAGE, ALASKA 99503  
 PHONE: 907-563-5853  
 FAX: 907-563-5853



DATA	✓/BY	REV	DATE	DESCRIPTION	BY
San. Sewer					
Storm Sewer					
Water					
Gas					
Telephone					
Electric					
Cable TV					
Easements					
Footing Elev.					
Approved					

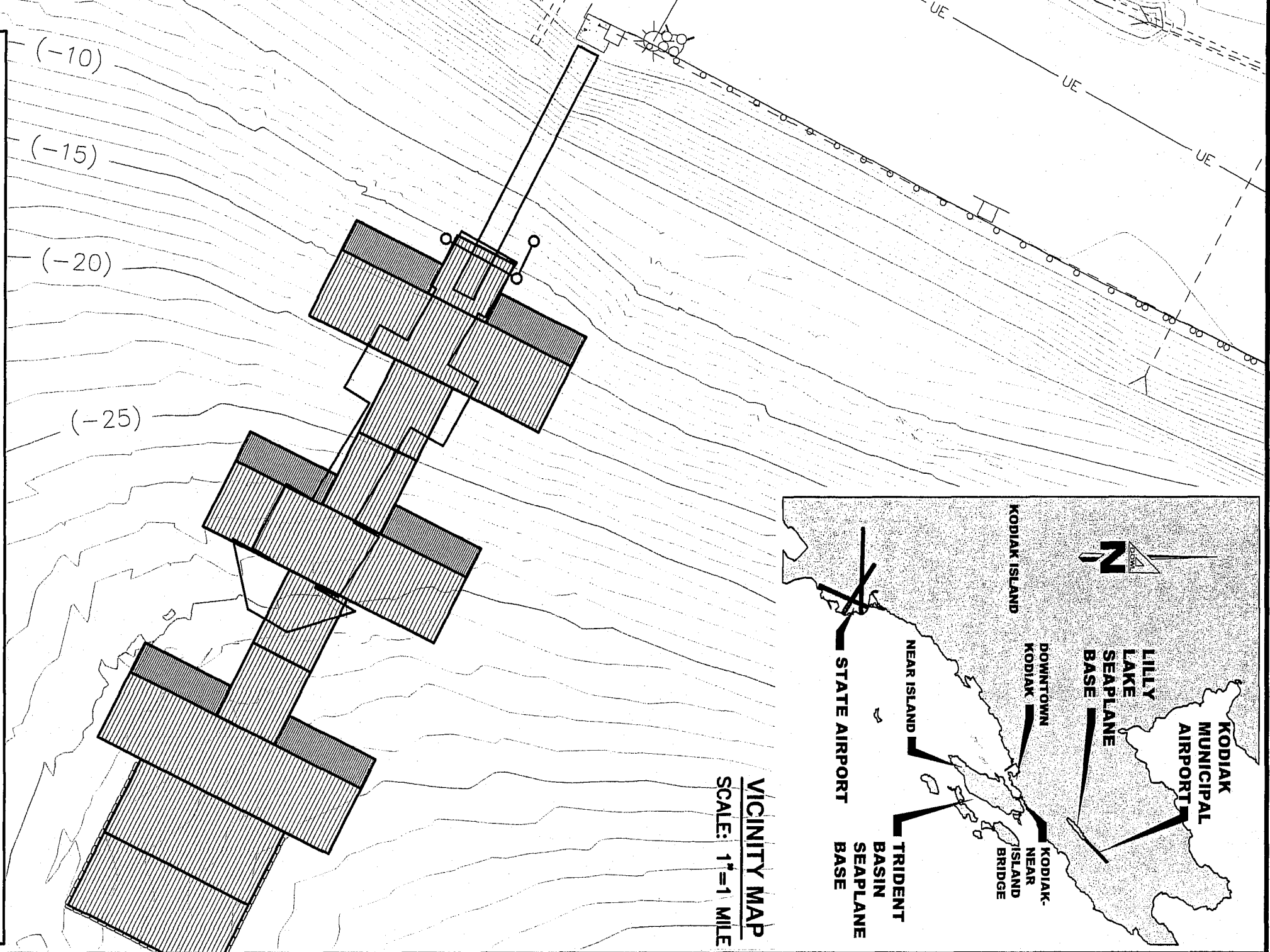
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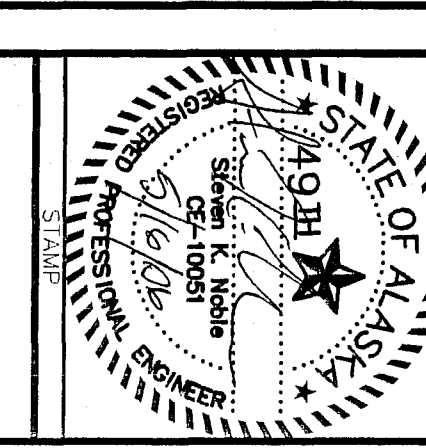
**APRON GRADING POINT TABLE**

POINT NUMBER	NORTHING	EASTING
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14	29543.9314	59725.2343
15	29545.8300	59512.3045
16	29581.9576	59452.9325
17	29585.3929	59452.0963
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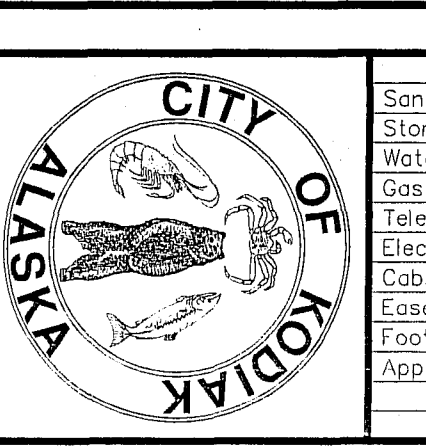


CHECKED BY	SKN
DRAWN BY	ALM/KLS
DATE	05/16/06
LOCATION	KODIAK
FILE NO.	S2 127S R19W SH
SHEET	C2-3 OF 3

APRON GRADING PLAN  
TRIDENT BASIN SEAPLANE BASE  
AIRPORT IMPROVEMENTS PROJECT  
PHASE II  
KODIAK, ALASKA



**DOWL ENGINEERS**  
440 B STREET  
ANCHORAGE, ALASKA 99503  
PHONE: 907-562-2000  
FAX: 907-562-2003  
CONSULTANT



DATA	✓BY	REV	DATE	DESCRIPTION	BY
San. Sewer					
Storm Sewer					
Water					
Gas					
Telephone					
Electric					
Cable TV					
Easements					
Footing Elev.					
Approved					



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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Mike Tvenge, City Manager *MT*  
**Thru:** Glenn Melvin, City Engineer *GM*  
**Date:** September 12, 2019

**Agenda Item:** V. d. **Authorization of Borrow Material Permit No. 19-2 for Brechan Construction, LLC on Near Island for the Breakwater Quarry**

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**SUMMARY:** This memo recommends authorization of the borrow material permit issued to Brechan Construction, LLC dated July 24, 2019, for the extraction of rock at the Breakwater Quarry site. This permit will be issued for a term of five years ending in 2024. City staff has revised the permit to eliminate problems encountered during the previous five year period and efficiently move forward with removal of rock to develop additional uplands for the Shipyard. Staff recommends Council authorize Borrow Material Permit No. 19-2 to Brechan Construction, LLC for the Breakwater Quarry.

### **PREVIOUS COUNCIL ACTION:**

- April 12, 2001, First Reading of Ordinance No. 1126, Authorizing a Ten-year Borrow Material Permit with Brechan Enterprises Inc.
- May 24, 2001, Ordinance No. 1126, Authorizing a Ten-year Borrow Material Permit with Brechan Enterprises Inc. (Amend to reflect five-year term of Permit No. 01-3, Previously adopted)
- June 12, 2003, Council authorized Borrow Permit No. 03-2, for the Breakwater Quarry
- November 20, 2003, Council authorized Extension of Intermediate Time Limits for Borrow Material Permit No. 01-03 for Brechan Enterprises Inc. for the Breakwater Quarry
- March 25, 2004, Council authorized Amendment No. 1 to B&R Fish By-Products, Inc. Borrow Permit No. 01-04 for the Breakwater Quarry
- March 24, 2005, Council authorized Borrow Permit No. 05-1 with Anderson Construction for the Trident Basin Quarry
- September 28, 2006, Council authorization of Borrow Material Permit No. 06-1 for Brechan Enterprises Inc., for the Breakwater Quarry
- January 15, 2009, Council authorized Borrow Permits No. 09-1, 09-2, and 09-3, for Brechan Enterprises Inc., Anderson Construction, and B&R Fish By-Products Inc., for the Breakwater Quarry
- July 24, 2014, Council authorized Borrow Material Permit No. 14-2 to Brechan Enterprises Inc. for the Breakwater Quarry

**DISCUSSION:** The past Breakwater Quarry permits required a royalty amount of \$0.50 per ton and included a minimum annual royalty amount be paid in advance each year. The minimum annual royalty

payment was credited to the tonnage of rock extracted, essentially a prepayment for material. The new permit agreement increases the royalty amount from \$.50 per ton to \$1.00 and replaces the minimum annual royalty amount with a fixed annual Permit Fee in the amount of \$10,000. The annual Permit Fee is in addition to the royalty payment fees. The increase royalty is the only increase in royalties since the permits were originally established in 2007. The increased royalty amount is required to periodically replace road pavement, and cover City costs for frequent grading and maintenance of gravel road degradation resulting from heavy truck traffic associated with quarrying activity. Based on previous historical data the paved portion of the road from the quarry to the bridge will need to be resurfaced in 7 to 10 years. The road was partially resurfaced in 2018 and the increase in royalties will help to provide funding for future resurfacing projects.

**ALTERNATIVES:** Council may consider the following:

- 1) Authorize Borrow Permit No. 19-2, for Brechan Construction LLC, for the Breakwater Quarry. This alternative will allow the permittee to continue removal of rock material which has been the goal of Council. This alternative aligns with Council's goal of expanding the St. Herman Harbor Ship Yard to provide additional uplands that could be used for setting vessels, constructing maintenance shops, and providing related vessel services. Staff recommends this alternative.
- 2) Do not authorize Borrow Permit No. 19-2, for Brechan Construction for the Breakwater Quarry. This alternative does not align with Council's goal for the Ship Yard.

**FINANCIAL IMPLICATIONS:** The Breakwater Quarry permits will generate revenue by charging a royalty of \$1.00 per ton on rock materials extracted. Brechan has historically averaged about 50,000 tons per year and based on historical data it is expected that they will continue to produce roughly 50,000 tons per year equaling about \$50,000 per year plus the Permit Fee of \$10,000 per year.

**LEGAL:** City staff consulted with the City Attorney on the permit language and proposed changes. The Attorney reviewed and prepared the final draft of the permit.

**STAFF RECOMMENDATION:** It is the recommendation of staff that Council authorize the Borrow Material permit No. 19-02 to Brechan Construction LLC for the Breakwater Quarry for a five year period.

**CITY MANAGER'S COMMENTS:** I support the Council's goal of creating more useable flat land adjacent to the harbor for the expansion of the shipyard activities. The Permittee is current on royalty payments due the City. The new Permit conditions and fees have been discussed and agreed upon by the Permittee.

**ATTACHMENTS:**

Attachment A: Borrow Material Permit No. 19-2

**PROPOSED MOTION:**

Move to authorize the agreement between the City of Kodiak and Brechan Construction LLC for operation of Borrow Material Permit No. 19-2 and authorize the City Manager to execute the agreement on behalf of the City.

**BORROW MATERIAL PERMIT NO. 19-2**

The City of Kodiak (“City”) hereby grants Brechan Construction LLC, 2705 Mill Bay Road, Kodiak, Alaska, 99615 (“Permittee”) the right to remove the borrow material described from the property described herein, all pursuant to the terms and conditions of this Permit and in accordance with all applicable provisions of the Kodiak City Code (KCC).

This Permit may not be assigned without the advance written consent of the City, which may be withheld at the City’s discretion. If Permittee is an incorporated entity or partnership, sale or conveyance of any partnership interest or a controlling interest shall be deemed an assignment of this Permit.

Permittee agrees to comply with all applicable laws, and with any rules and regulations issued there under, including without limitation Kodiak City Code Chapter 18.24.

This Permit is effective as of July 24, 2019 (the date Borrow Material Permit 14-2, issued to Permittee, expired), and shall remain in effect for a period of five years from its effective date.

**Location and Description of Lands from which Borrow Materials May be Removed**

Materials may be taken solely from the area of Near Island known as the Breakwater Quarry and within the excavation limits of, in accordance with, the “St. Herman Harbor Quarry Expansion” drawings dated February 2010, attachment A hereto. Permittee is further limited to use of, and material removal from, the specific area assigned to Permittee as described by “Breakwater Quarry Permit Areas”, attachment B hereto. This area described and assigned to Permittee shall referred to as the “Quarry Site.”

**City’s Primary Interest in Permit**

The City’s primary interest in this permit is to produce developable uplands on Near Island for expansion of the Harbor Boat Yard and related facilities and businesses. The City’s interest in royalty income is secondary to producing uplands for this use.

Operators removing higher volumes of material may be favored over lower volume operators and there may be actual or perceived inequity in borrow permits issued to different operators.

For this reason, Permittee agrees to quarry the rock in a sequence that is most advantageous to development of the boat yard and related boat repair services. Therefore, Permittee’s quarrying is to be completed in a series of approximately 200 linear foot sections starting at the original quarry boundary and proceeding north to intersect with the B and R Fish permitted area, as shown on Breakwater Quarry Permit Areas.

The City may direct Permittee to quarry in a sequence significantly different than the most economical plan developed by Permittee. If the City directs Permittee to quarry in a sequence significantly different than the most economical plan developed by Permittee, Permittee may request additional quarrying costs incurred due to the directive be used to offset royalty payments and/or Permit Fee payments.

The City may terminate the Permit for convenience and issue a permit for another operator to mine the area if it is reasonably believed this course of action will expedite development of the boat yard.

### **Type, Quantity, and Use of Borrow Material**

During the period from 2014 to 2019, Permittee mined an average of approximately 50,000 tons of borrow material per year. This Permit anticipates a similar average until the sooner of five years or the resource is exhausted. Permittee may use the borrow materials for any legal purpose.

Permittee shall be responsible for stripping and disposing of the vegetation and overburden. The City will not pay Permittee for removal of the vegetation and overburden.

### **Use of the Quarry Site**

Permittee use the Quarry Site shall be exclusively for quarrying operations directly related to the recovery and processing of borrow material, such as rock crushing and material screening. Storage of material and equipment not directly associated with the quarrying operation is prohibited.

### **Non-Exclusiveness of this Borrow Material Permit**

Permittee acknowledges that this Permit is in the nature of a non-exclusive license to remove borrow material and that the City reserves the right to issue further permits for extraction of borrow material from Breakwater Quarry. Additional permittees may be bound to a separate permit containing such terms and conditions as the City deems appropriate.

### **Termination of this Borrow Material Permit**

Upon expiration or earlier termination of the term of this Permit, Permittee shall promptly vacate the Quarry Site, leaving the Quarry Site in a condition consistent with the requirements of this Permit and Permittee's quarrying plans, accepted with application for this Permit, free of refuse and hazards, and shall remove from the Quarry Site all of Permittee's personal property. If Permittee fails to vacate the Quarry Site in the required condition, the City may restore the Quarry Site to such condition and Permittee shall pay the cost thereof. All such costs shall be recoverable from the required reclamation bond.

Termination by City for Cause. The City may terminate this Permit for cause. Except to the extent that the Permit is terminated for deficiencies that, in the City's reasonable discretion, present significant or imminent risks to public safety, Permittee shall be given notice and a reasonable opportunity to correct any deficiency. The occurrence of any one or more of the following events will justify termination for cause:

1. Permittee's failure to excavate to the lines and grades shown on the St. Herman Harbor Quarry Expansion drawings;
2. Permittee's failure to remove the anticipated quantity of material;
3. Permittee's disregard of laws or regulations of any public body having jurisdiction;
4. Permittee's violation in any substantial way of any provisions of this Permit;
5. Permittee's failure to correctly file quarterly statements and pay royalties to the City when due; or



6. Permittee's failures to scale weigh all materials in accordance with Permit.

Termination by City for Convenience. The City may terminate this Permit for its convenience upon 90 days' written notice to Permittee. In such case, Permittee shall pay for all amounts due under this Permit as of the date of termination. The City shall return to Permittee the Permit Fee prorated for the effective date of termination and shall, upon presentation of sufficient documentation which shall be presented not more than thirty days following the date of termination, pay Permittee's reasonable expenses directly attributable to termination. Permittee shall not be paid on account of loss of anticipated profits or revenue or other economic loss arising out of or resulting from such termination. The City shall not be liable to Permittee for any amount in excess of the Permit Fee and royalty paid by Permittee in the preceding year.

Termination by Permittee. Permittee may terminate this Permit upon 90 days' written notice to the City. In such case, the City shall be paid for all amounts due under this Permit as of the date of termination and for the City's reasonable expenses directly attributable to termination. The City shall not be paid on account of loss of anticipated royalty revenue or other economic loss arising out of or resulting from such termination.

### **Standard Construction Specifications & Special Conditions**

Permittee agrees to abide by such rules, regulations, and restrictions as the City may promulgate in order to facilitate access to and use of the area described herein by additional permittees.

City of Kodiak, "Standard Construction Specifications & Standard Details, 2012 Edition" ("Standard Construction Specifications") is incorporated into this Permit by reference. Permittee shall comply with all requirements and obligations of a Contractor and for performance the Work as required by the Standard Construction Specifications. Some, but not all, pertinent conditions are identified below:

Indemnification. Permittee shall indemnify the City of Kodiak in accordance with Article 6, Paragraph 6.20 of the Standard Construction Specifications.

Insurance. Permittee shall purchase and maintain insurance coverage as required by Article 5, Paragraph 5.04 of the Standard Construction Specifications with not less than the following policy limits:

1. Worker's compensation insurance as required by the State of Alaska;
2. Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of the others arising from use of motor vehicles, including on-site and off-site operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits; and
3. Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of Permittee or of any of its employees, agents, or subcontractors with \$5,000,000 per occurrence and in the aggregate; policy to cover the perils of explosion, collapse and underground with no exclusion or limitation for blasting activity.

Excavation. Excavation shall be performed in accordance with Division 200, Section 203 of the Standard Construction Specifications. Special attention is drawn to Article 203.3, Blasting Requirements for Excavation in Rock. Permittee shall name the Blaster in Charge, submit a Comprehensive Blasting Plan, and fully comply with the other requirements of this Article, *except* a Blasting Consultant need not be retained.

Measurement. Permittee shall provide, or make use of, a weighing system conforming to the requirements of Division 100, Article 6.03 of the Standard Construction Specifications *and* the following:

1. Rocks shall be weighed, by barge or truck following the technical standards described in US Army Corps of Engineers Manuals EM 1110-2-2302 "Construction with Large Stone - Appendix C: Measurement for Payment" and as further described herein.
2. The method of measurement for determining the weight of rock delivered by barge shall be displacement of the barge, based on certified barge gauge marks. Barge gauge marks and certification shall have approval by the City Engineer or representative prior to notice to proceed is issued. Contractor shall submit a copy of the barge gauging table prepared by an accredited agent satisfactory to Engineer. Contractor shall also submit weight bills, including certification of exact weight and time of weighing for each load of rocks delivered.

If Permittee provides the truck weighing system, Permittee shall make it available to all other firms or individuals removing material from Near Island. Permittee may charge for the use of the weighing system an amount not to exceed \$14.00 per weighing, except there will be no charge for the City's use of the system. Permittee may regulate the use and fees for the weighing system for materials other than Near Island quarry material.

Traffic Maintenance. Permittee shall submit a Traffic Control Plan in accordance with Division 800, Section 802 of the Standard Construction Specifications. A vehicle access lane to the boat yard shall be maintained at all times.

Temporary Erosion and Pollution Control. Permittee shall submit a Temporary Erosion and Pollution Control Plan in accordance with Division 800, Section 804 of the Standard Construction Specifications.

Dust Control. Permittee shall control dust from the Quarry and from unpaved haul roads by watering as necessary or requested by the City.

Reclamation & Bond. Permittee shall furnish the City with a surface mining reclamation bond in the amount of \$50,000.

Permittee shall spread 4 inches of topsoil on all completed benches and seed all benches and overburden fill areas in accordance with the standard specifications.

Permittee shall grade the quarry floor in accordance with the quarry plan and cap with 4" of D-1 leveling course.

Perimeter Fence. Permittee shall layout and construct perimeter fence as shown on St. Herman Harbor Quarry Expansion plans. This fence shall be completed for Permittee's area by July 1, 2020. Owing to the nature of the Permit and the public interest involved, Permittee shall pay \$50 for each day following July 1, 2020 for which the fence is not completed.

**Permit Fee**

Permittee shall pay the City an annual Permit Fee of \$10,000, which annual amount shall due and owing in full at the signing of this Permit and again on August 1 of each year reaming in the term. The annual Permit Fee is set apart and additional to royalties paid for extraction of materials.

**Statement**

Permittee shall file statements for the quarterly periods commencing on the first day of January, April, July, and October of each year, setting forth the quantity of material removed during each such quarter. Statements of quantities removed shall be filed on or before the tenth day of the month following each reporting period or portion thereof. The statement shall be filed irrespective of whether borrow material has been removed.

Within thirty days after expiration or termination of this Permit, Permittee shall file a final statement showing the amount of material removed from Near Island from the end of the last quarterly statement period until the date of expiration or termination.

**Royalty**

Upon filing the statements required by this Permit and KCC 18.24.040, Permittee shall pay the City \$1.00 per ton of material, as established by weight measurements required by this Permit.

Should Permittee fail to file or substantiate any statement required by this Permit, the minimum royalty due shall be calculated from the anticipated tons of borrow material per year. A higher estimated royalty may be assessed based on other information believed to be reliable or helpful to the City in making an estimate of the royalty due. Notice of the estimated royalty assessment shall be furnished to Permittee, and the estimated royalty assessment shall become final for the purposes of determining Permittee's liability after thirty days of the date of mailing or hand-delivery of the estimated assessment unless Permittee earlier files with the City an accurate statement, supported by satisfactory records or documentation, indicating a lesser liability.

**Acceptance**

Permittee hereby agrees to be bound by all terms and conditions of this permit upon its execution and issuance by the City of Kodiak.

**PERMITTEE**

Brechan Construction, LLC

\_\_\_\_\_  
Name of Permittee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Corporate Seal

\_\_\_\_\_  
Name and Title

**CITY OF KODIAK**

\_\_\_\_\_  
Mike Tvenge, City Manager

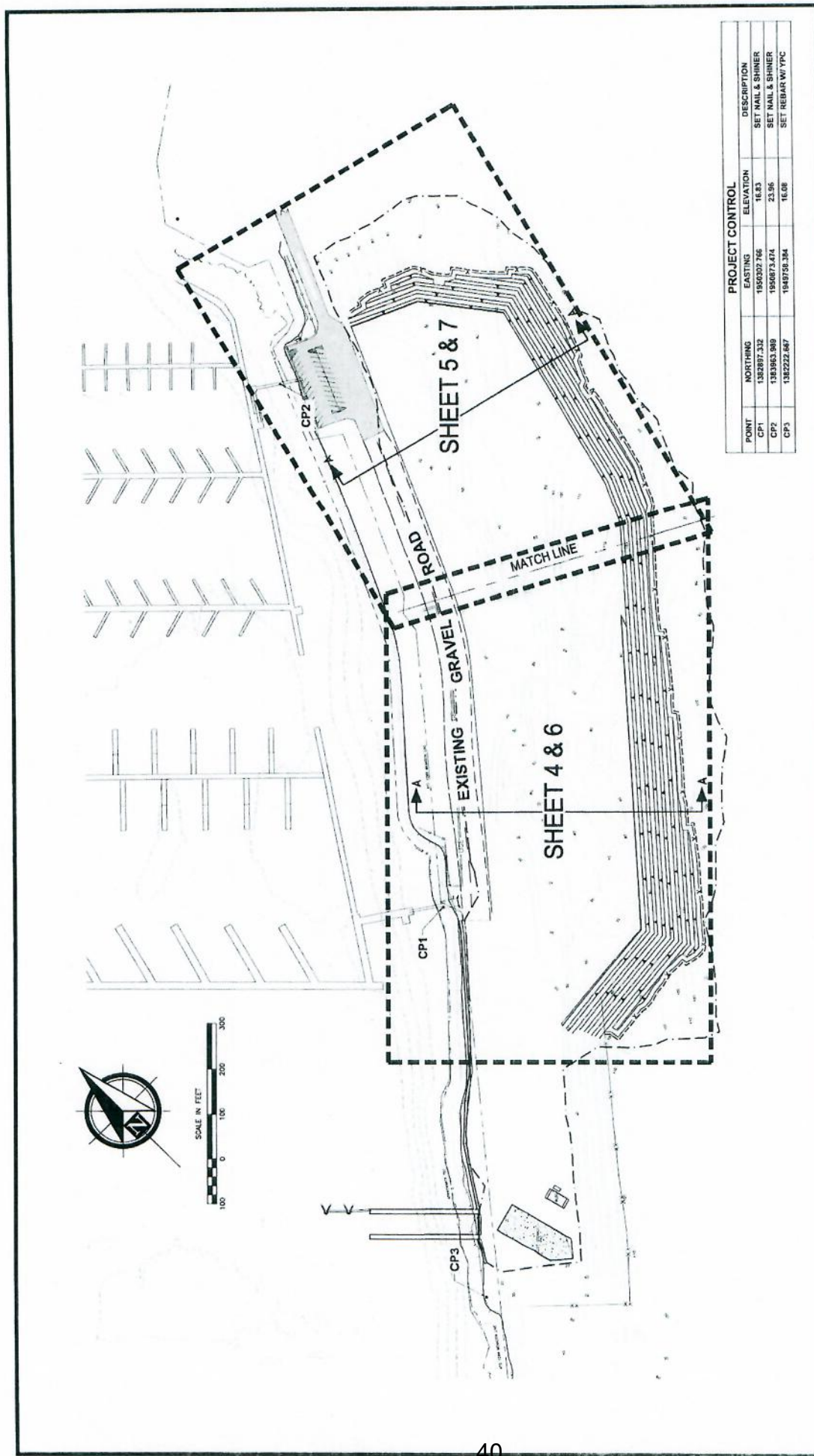
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Attest

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nova Javier, City Clerk







PROJECT CONTROL			
POINT	NORTHING	EASTING	DESCRIPTION
CP1	1382897.332	1950207.766	SET NAIL & SHINER
CP2	1381963.989	1946873.474	SET NAIL & SHINER
CP3	1382222.867	1948759.394	SET REBAR W/ YPC

**NOTES:**

- VERTICAL DATUM IS DELIVERED FROM SURVEY (PERFORMED APRIL 11, 20, 2006 AND NOVEMBER 3, 2009 BY PNO ENGINEERS, INC. THE ELEVATION FOR THE C.O.E. CONTROL MONUMENT "STVA" IS 21.67' MLW (SEE NOTE 1). FOR LOCATION AND DESCRIPTION REFER TO THE CORPS OF ENGINEERS JUNE 2002 CONDITION SURVEY OF THE ST. HERMAN'S HARBOR. A TIE WAS MADE TO SEVERAL BENCH MARKS WITHIN THE AREA INCLUDING "HARBOR MASTER" LOCATED AT THE BASE OF THE FLAG POLE NEAR THE HARBOR MASTER BUILDING. THE ELEVATION FOR "HARBOR MASTER" BASED ON THIS DATA IS 20.18'.
- BATHYMETRY SHOWN ON THIS DRAWING WAS TAKEN FROM THE C.O.E. JUNE 2002 CONDITION SURVEY. NO ATTEMPT WAS MADE BY PNO SURVEYORS TO REPEAT THE C.O.E. SURVEY OR REVISION OF THE 2002 CONDITION SURVEY REQUIRED ADOPTING THE BATHYMETRY IN ORDER TO BEST FIT THE EXISTING CONDITIONS.

136 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.4011  
Fax: 907.561.4293  
www.pnoengineers.com

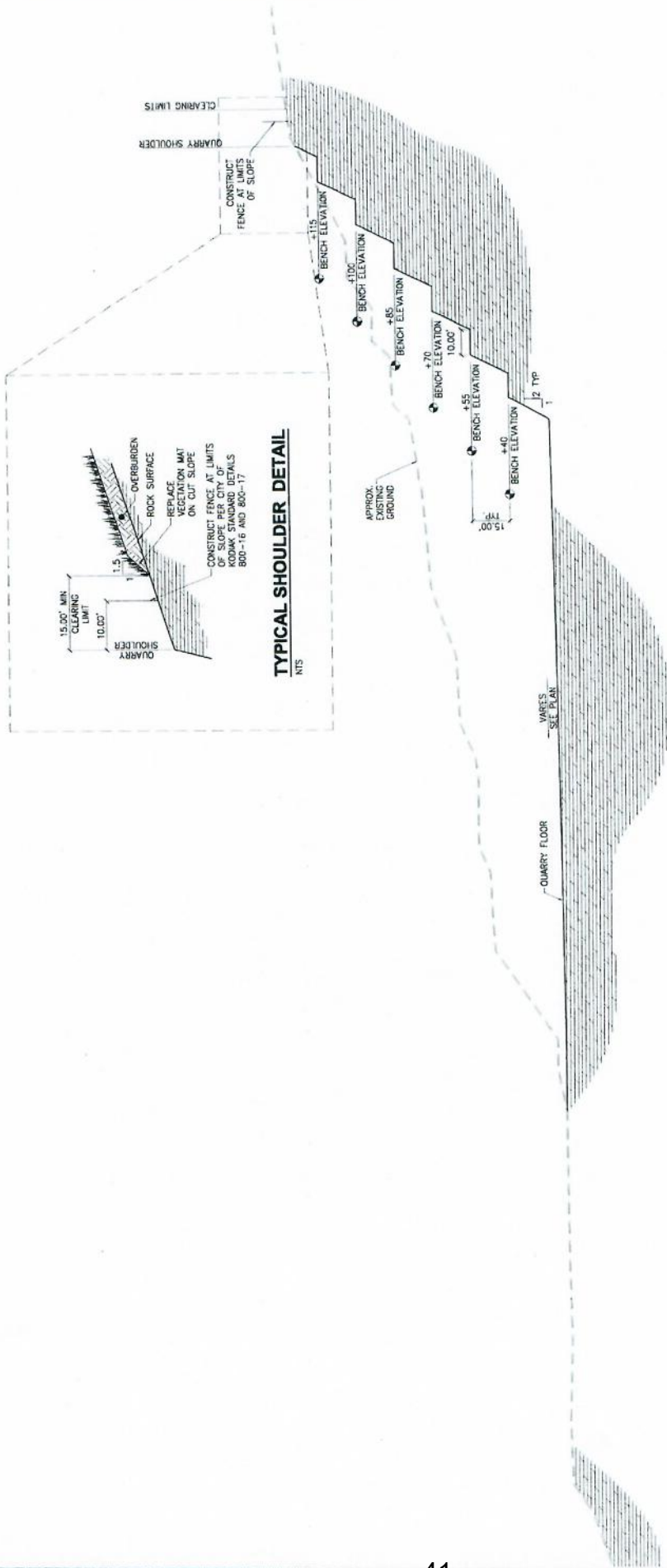
**P N D**  
**ENGINEERS, INC.**

**KODIAK ST HERMAN HARBOR QUARRY EXPANSION**

SUMMARY AND PROJECT CONTROL



DESIGNED BY:	DATE:	2/09/10
CHECKED BY:	PROJECT NO.:	08114
	SHEET NO.:	2
	TOTAL SHEETS:	7

DATE: 2/9/10

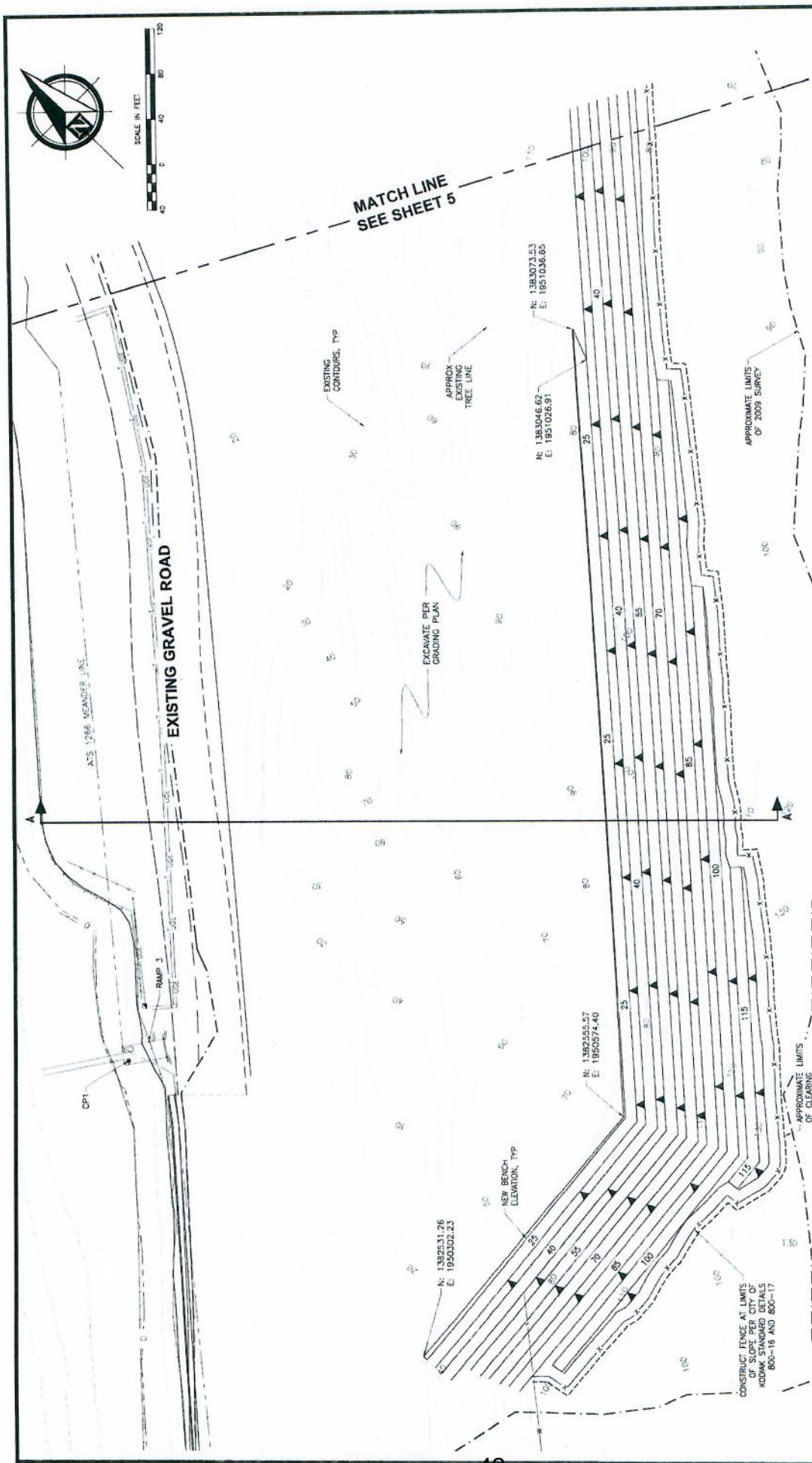


**QUARRY SECTION A-A**  
NTS

**TYPICAL SHOULDER DETAIL**  
NTS

<b>KODIAK ST HERMAN HARBOR QUARRY EXPANSION</b>													
<b>SECTIONS AND DETAILS</b>													
DESIGNED BY: ZC CHECKED BY: MB	DATE: 2/29/10 PROJECT NO: 09114												
 1546 W. 4th Avenue Anchorage, Alaska 99501 Phone: 907.561.1011 Fax: 907.563.4229 www.pndengineers.com													
 DATE: 2/9/10													
<p><small>PND Engineers, Inc. is not responsible for safety, program, methods or procedures or operations of the quarry. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the safety of all workers and the public.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION									
REV	DATE	DESCRIPTION											
3 of 7													





**NOTES:**

- CONTOURS DEVELOPED FROM SURVEY PERFORMED APRIL 11-20, 2009 AND NOVEMBER 14, 2009 BY PND ENGINEERS, INC.
- VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW) (GLD)
- THE ELEVATION FOR THE C.O.E. CONTROL MONUMENT "SYLVIA" IS 21.67' MLLW (SEE NOTE 1). FOR LOCATION AND DESCRIPTION REFER TO THE CORPUS OF ENGINEERS JUNE 2002 CONDITION SURVEY OF THE ST. HERMAN'S HARBOR. A TIE WAS MADE TO SEVERAL BENCH MARKS WITHIN THE AREA INCLUDING "HARBOR MASTER" LOCATED AT THE BASE OF THE FLAG POLE NEAR THE HARBOR MASTER BUILDING. THE ELEVATION FOR "HARBOR MASTER" BASED ON BATHYMETRY SHOWN ON THIS DRAWING WAS TAKEN FROM THE C.O.E. JUNE 2002 CONDITION SURVEY. NO ATTEMPT WAS MADE BY PND SURVEYORS TO VERIFY THE C.O.E. ELEVATION OF THE UP LANS AFTER THE 2002 CONDITION SURVEY REQUIRED MODIFYING THE BATHYMETRY IN ORDER TO BEST FIT THE EXISTING CONDITIONS.

1346 West Main Avenue  
Anchorage, Alaska 99501  
Phone: 907.561.1011  
Fax: 907.561.4229  
www.pndengineers.com

**P N D ENGINEERS, INC.**

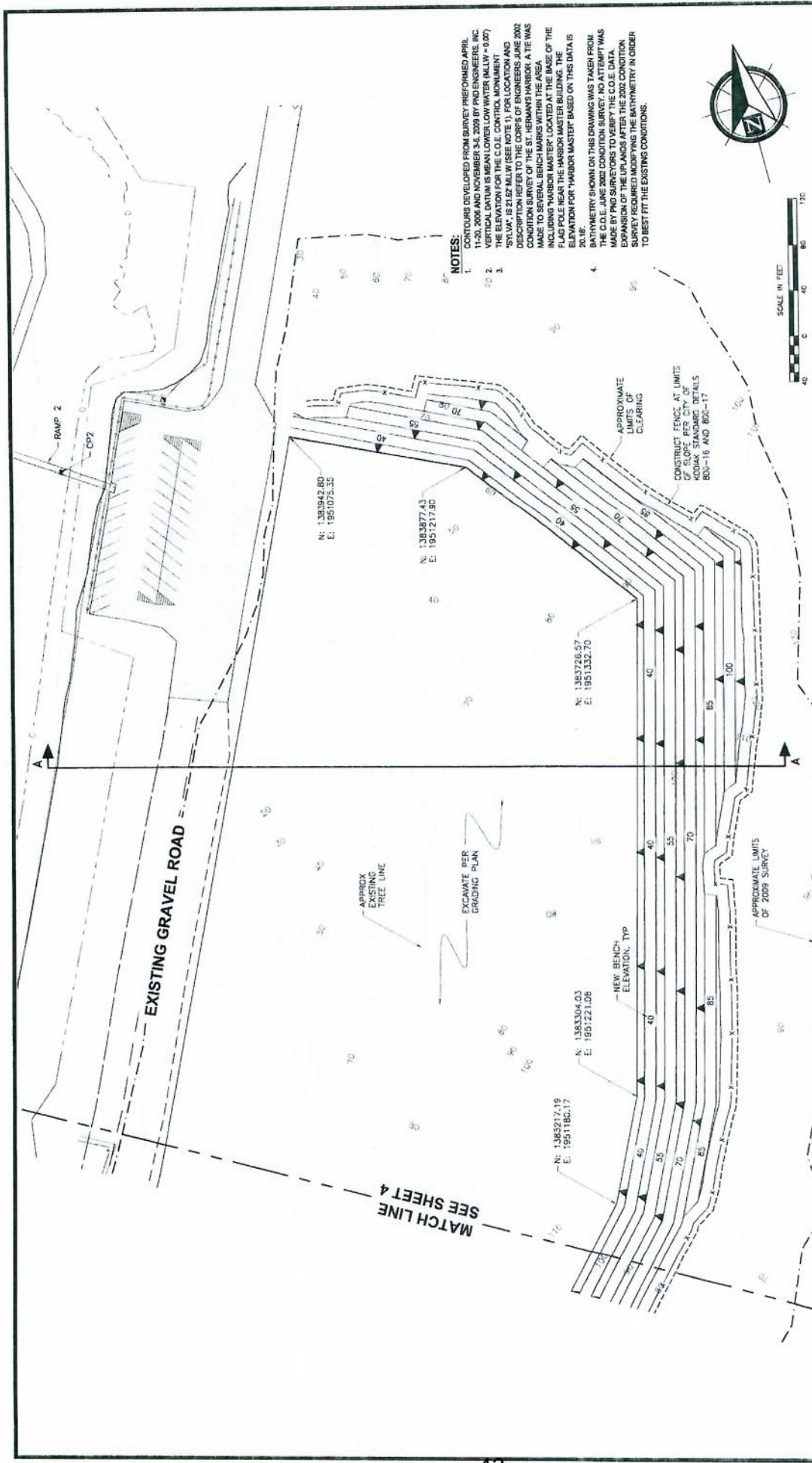
STATE OF ALASKA  
49 211  
Professional Engineer  
License No. 4920  
Date: 2/9/10

**KODIAK ST HERMAN HARBOR QUARRY EXPANSION QUARRY PLAN AND LAYOUT**

DESIGNED BY: JC DACE  
CHECKED BY: MS PASLEY NO. 0311-14  
DATE: 2/9/10  
SHEET NO. 4 OF 7

REV	DATE	DESCRIPTION





- NOTES:**
1. CONTOURS DEVELOPED FROM SURVEY PERFORMED APRIL 11-20, 2008 AND NOVEMBER 3-5, 2009 BY PND ENGINEERS, INC. VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW = 0.07').
  2. THE ELEVATION FOR THE C.O.E. CONTROL MONUMENT 'SYLVIA', IS 21.87' MLLW (SEE NOTE 1). FOR LOCATION AND DESCRIPTION REFER TO THE CORP'S OF ENGINEERS JUNE 2002 CONDITION SURVEY REPORT FOR THIS AREA. THIS MONUMENT IS LOCATED WITHIN THE AREA INCLUDING 'HARBOR MASTER' LOCATED AT THE BASE OF THE FLAG POLE NEAR THE HARBOR MASTER BUILDING. THE ELEVATION FOR 'HARBOR MASTER' BASED ON THIS DATA IS 20.18'.
  3. BATHYMETRY SHOWN ON THIS DRAWING WAS TAKEN FROM THE C.O.E. JUNE 2002 CONDITION SURVEY OF THIS AREA. THIS SURVEY WAS PERFORMED AFTER THE 2002 CONDITION SURVEY REQUIRED MODIFYING THE BATHYMETRY IN ORDER TO BEST FIT THE EXISTING CONDITIONS.

**KODIAK ST HERMAN HARBOR QUARRY EXPANSION**

**QUARRY PLAN AND LAYOUT**

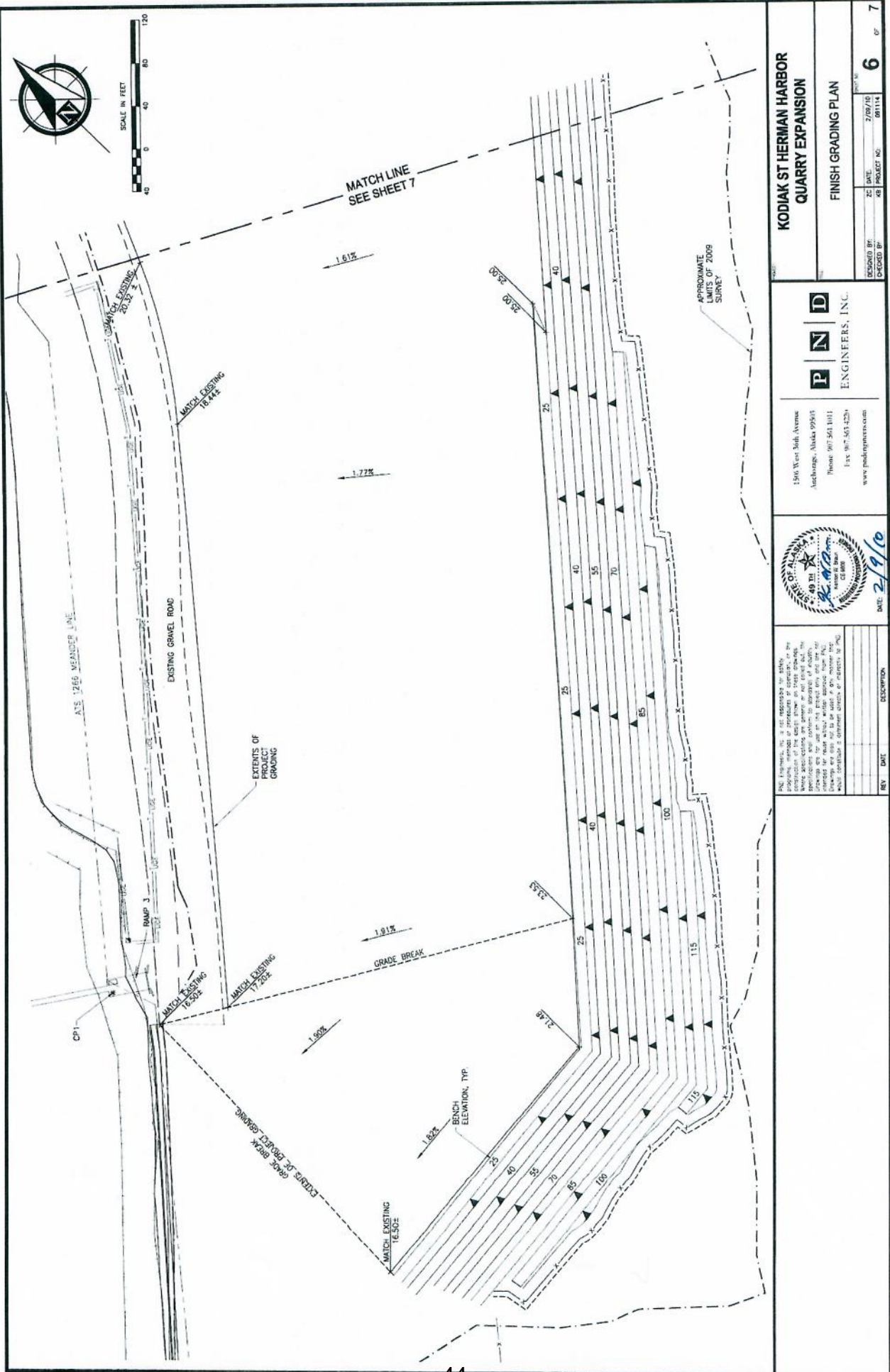
156 West 5th Avenue  
Anchorage, Alaska 99501  
Phone: 907-561-1001  
Fax: 907-561-0257  
www.pndengineers.com

DATE: 2/9/10  
DRAWN BY: [blank]  
CHECKED BY: [blank]

REV.	DATE	DESCRIPTION

PND Engineers, Inc. is not responsible for safety or appropriateness of use of this drawing or these drawings. These specifications are general and not intended to be construed as a contract. The user of this drawing shall be responsible for making all necessary checks and adjustments to meet the specific requirements of the project. PND Engineers, Inc. is not responsible for any errors or omissions in this drawing or these drawings.

5 of 7



**KODIAK ST HERMAN HARBOR  
QUARRY EXPANSION**

**FINISH GRADING PLAN**

DESIGNED BY: [Blank] DATE: 7/29/10  
 CHECKED BY: [Blank] PROJECT NO: 081114

SHEET NO: **6** OF 7

**P N D**  
ENGINEERS, INC.

1506 West Sixth Avenue  
Anchorage, Alaska 99501  
Phone: 907.561.1011  
Fax: 907.563.4224  
www.pndengineers.com

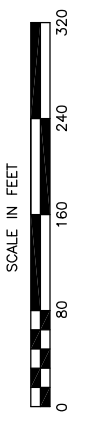
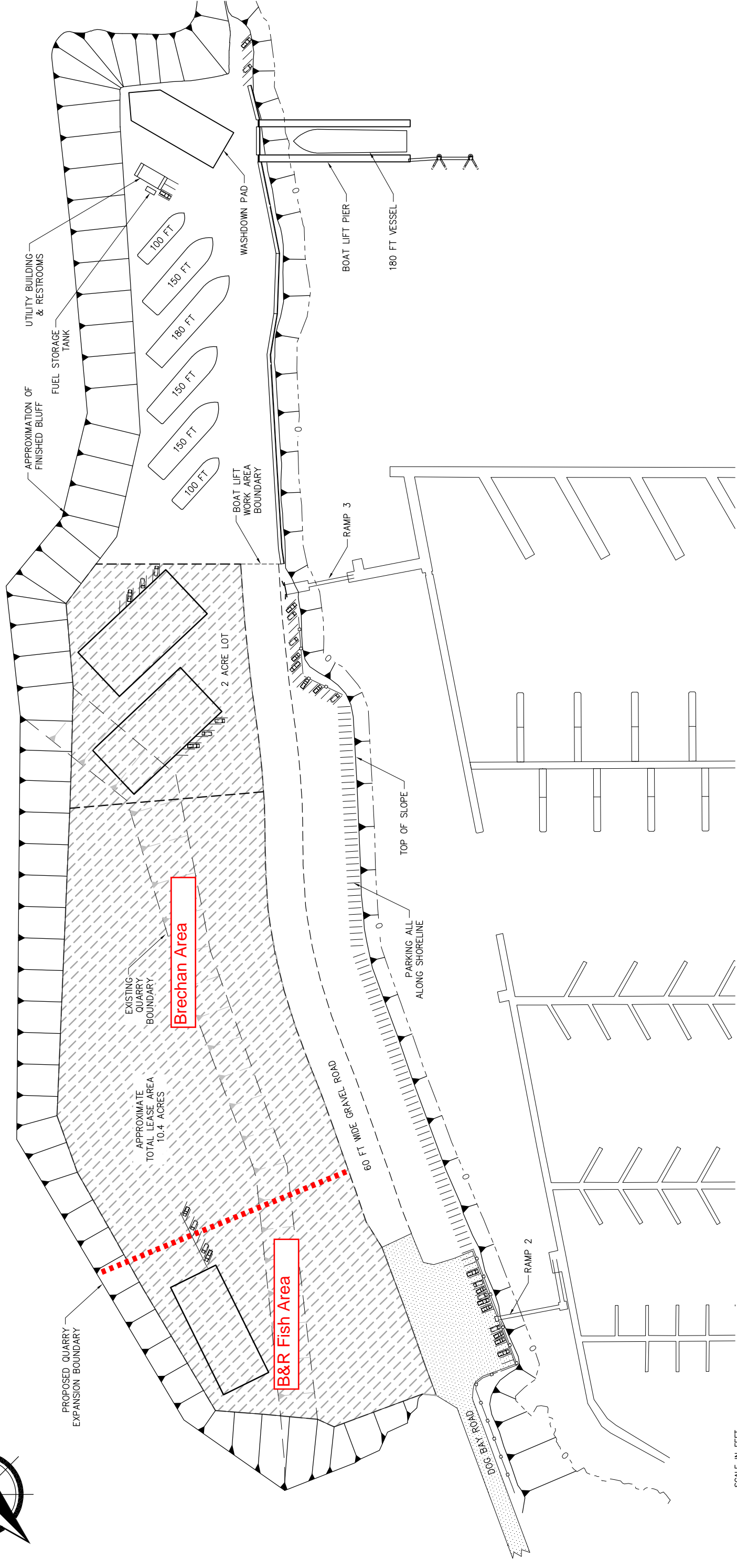
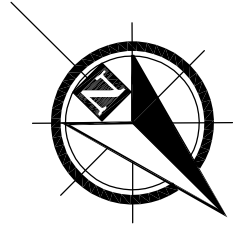


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REV	DATE	DESCRIPTION



**Breakwater Quarry Permit Areas**



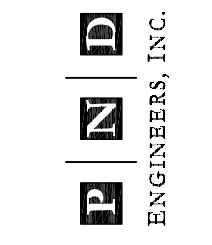
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REV	DATE	DESCRIPTION

DATE: \_\_\_\_\_

**FOR REVIEW**

**CITY OF KODIAK**  
 2410 MILL BAY RD  
 KODIAK, ALASKA 99615  
 PHONE: (907) 486-8065  
 FAX: (907) 486-8066



1506 West 36th Avenue  
 Anchorage, Alaska 99503  
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 Fax: 907.563.4220  
 www.pndengineers.com

**ST. HERMAN**  
**BOAT LIFT FACILITY**  
 NEAR ISLAND BOAT YARD  
 EXPANSION PROJECT

DESIGNED BY: \_\_\_\_\_ DATE: 10/24/08  
 CHECKED BY: \_\_\_\_\_ PROJECT NO: 061078

SHEET NO: **1** OF 1

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## MEMORANDUM TO COUNCIL

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**To:** Mayor Branson and City Councilmembers  
**From:** Mike Tvenge, City Manager *MT*  
**Thru:** Glenn Melvin, City Engineer *GM*  
**Date:** September 12, 2019

**Agenda Item:** **V. e. Authorization of Borrow Material Permit No. 19-3 to B&R Fish By-Products, Inc. on Near Island for the Breakwater Quarry**

---

**SUMMARY:** This memo recommends authorization of the borrow material permit issued to B&R Fish By-Products, Inc. dated July 24, 2019, for the extraction of rock at the Breakwater Quarry site. This permit will be issued for a term of two years ending in 2021. City staff has revised the previous permit to eliminate problems encountered during the previous five year period and efficiently move forward with removal of rock to develop additional uplands for the Shipyard. Staff recommends Council authorize Borrow Material Permit No. 19-3 to B&R Fish By Products Inc., for the Breakwater Quarry.

**PREVIOUS COUNCIL ACTION:**

- April 12, 2001, First Reading of Ordinance No. 1126, Authorizing a Ten-year Borrow Material Permit with Brechan Enterprises Inc.
- May 24, 2001, Ordinance No. 1126 Authorizing a Ten-year Borrow Material Permit with Brechan Enterprises Inc. (Amend to reflect five-year term of Permit No. 01-3, Previously Adopted)
- June 12, 2003, Council authorized Borrow Permit No. 03-2, for the Breakwater Quarry
- November 20, 2003, Council authorized Extension of Intermediate Time Limits for Borrow Material Permit No. 01-03 for Brechan Enterprises Inc. for the Breakwater Quarry
- March 25, 2004, Council authorized Amendment No. 1 to B&R Fish By-Products, Inc. Borrow Permit No. 01-04 for the Breakwater Quarry
- March 24, 2005, Council authorized Borrow Permit No. 05-1 with Anderson Construction for the Trident Basin Quarry
- September 28, 2006, Council authorization of Borrow Material Permit No. 06-1 for Brechan Enterprises Inc., for the Breakwater Quarry
- January 15, 2009, Council authorized Borrow Permits No. 09-1, 09-2, and 09-3, for Brechan Enterprises Inc., Anderson Construction, and B&R Fish By-Products Inc., for the Breakwater Quarry
- July 24, 2014, Council authorized Borrow Material Permit No. 14-1 to B&R Fish By-Products Inc. for the Breakwater Quarry

September 12, 2019  
Agenda Item V. e. Memo Page 1 of 3

**DISCUSSION:** The past Breakwater Quarry permits required a royalty amount of \$0.50 per ton and included a minimum annual royalty amount be paid in advance each year. The new permit agreement increases the royalty amount from \$.50 per ton to \$1.00 and replaces the minimum annual royalty amount with a fixed annual Permit Fee in the amount of \$5,000. The increase royalty is the only increase in royalties since the permits were originally established in 2007. The increased royalty amount is required to periodically replace road pavement, and cover City costs for frequent grading and maintenance of gravel road degradation resulting from heavy truck traffic associated with quarrying activity. Based on previous historical data the paved portion of the road from the quarry to the bridge will need to be resurfaced in 7 to 10 years. The road was partially resurfaced in 2018 and the increase in royalties will help to provide funding for future resurfacing projects.

**ALTERNATIVES:** Council may consider the following:

- 1) Authorize Borrow Permit No. 19-3, for B&R Fish By Products, Inc. for the Breakwater Quarry. This alternative will allow the permittee to continue removal of rock material which has been the goal of Council. This alternative aligns with Council's goal of expanding the St. Herman Harbor Ship Yard to provide additional uplands that could be used for setting vessels, constructing maintenance shops, and providing related vessel services. Staff recommends this alternative.
- 2) Do not authorize Borrow Permit No. 19-3, for B&R Fish By Products, Inc. for the Breakwater Quarry. This alternative does not align with Council's goal for the Ship Yard.

**FINANCIAL IMPLICATIONS:** The Breakwater Quarry permits generate revenue by charging a royalty of \$1.00 per ton on rock materials. B&R Fish By Products Inc. has historically averaged about 25,000 tons per year and based on historical data it is expected that they will continue to produce roughly 25,000 tons per year equaling about \$25,000 per year plus the Permit Fee of \$5,000 per year.

**LEGAL:** City staff consulted with the City Attorney on the permit language and proposed changes. The Attorney reviewed and prepared the final draft of the permit.

**STAFF RECOMMENDATION:** It is the recommendation of staff that Council authorize the Borrow Material permit No. 19-3 to B&R Fish By Products, Inc. for the Breakwater Quarry for a two year period.

**CITY MANAGER'S COMMENTS:** I support the Council's goal of creating more useable flat land adjacent to the harbor for the expansion of the shipyard activities. The Permittee is current on royalty payments due the City.

**ATTACHMENTS:**

Attachment A: Borrow Material Permit No. 19-3

**PROPOSED MOTION:**

Move to authorize the agreement between the City of Kodiak and B&R Fish By-Products, Inc. for operation of Borrow Material Permit No. 19-3 and authorize the City Manager to execute the agreement on behalf of the City.

### **BORROW MATERIAL PERMIT NO. 19-3**

The City of Kodiak (“City”) hereby grants B&R Fish By Products, Inc., 819 Lower Mill Bay Rd, Kodiak, Alaska, 99615 (“Permittee”) the right to remove the borrow material described from the property described herein, all pursuant to the terms and conditions of this Permit and in accordance with all applicable provisions of the Kodiak City Code (KCC).

This Permit may not be assigned without the advance written consent of the City, which may be withheld at the City’s discretion. If Permittee is an incorporated entity or partnership, sale or conveyance of any partnership interest or a controlling interest shall be deemed an assignment of this Permit.

Permittee agrees to comply with all applicable laws, and with any rules and regulations issued there under, including without limitation Kodiak City Code Chapter 18.24.

This Permit is effective as of July 24, 2019 (the date Borrow Material Permit 14-1, issued to Permittee, expired), and shall remain in effect for a period of two years from its effective date.

#### **Location and Description of Lands from which Borrow Materials May be Removed**

Materials may be taken solely from the area of Near Island known as the Breakwater Quarry and within the excavation limits of, in accordance with, the “St. Herman Harbor Quarry Expansion” drawings dated February 2010, attachment A hereto. Permittee is further limited to use of, and material removal from, the specific area assigned to Permittee as described by “Breakwater Quarry Permit Areas”, attachment B hereto. This area described and assigned to Permittee shall referred to as the “Quarry Site.”

#### **City’s Primary Interest in Permit**

The City’s primary interest in this permit is to produce developable uplands on Near Island for expansion of the Harbor Boat Yard and related facilities and businesses. The City’s interest in royalty income is secondary to producing uplands for this use.

Operators removing higher volumes of material may be favored over lower volume operators and there may be actual or perceived inequity in borrow permits issued to different operators.

For this reason, Permittee agrees to quarry the rock in a sequence that is most advantageous to development of the boat yard and related boat repair services. Permittee’s quarry area is to be mined from the north quarry boundary and proceeding to the South to intersect with the Brechan area described by Breakwater Quarry Permit Areas.

The City may direct Permittee to quarry in a sequence significantly different than the most economical plan developed by Permittee. If the City directs Permittee to quarry in a sequence significantly different than the most economical plan developed by Permittee, Permittee may request additional quarrying costs incurred due to the directive be used to offset royalty payments and/or Permit Fee payments.

The City may terminate the Permit for convenience and issue a permit for another operator to mine the area if it is reasonably believed this course of action will expedite development of the boat yard.

### **Type, Quantity, and Use of Borrow Material**

During the period from 2014 to 2019, Permittee mined an average of approximately 25,000 tons of borrow material per year. This Permit anticipates a similar average until the sooner of two years or the resource is exhausted. Permittee may use the borrow materials for any legal purpose.

Permittee shall be responsible for stripping and disposing of the vegetation and overburden. The City will not pay Permittee for removal of the vegetation and overburden.

### **Use of the Quarry Site**

Permittee use the Quarry Site shall be exclusively for quarrying operations directly related to the recovery and processing of borrow material, such as rock crushing and material screening. Storage of material and equipment not directly associated with the quarrying operation is prohibited.

### **Non-Exclusiveness of this Borrow Material Permit**

Permittee acknowledges that this Permit is in the nature of a non-exclusive license to remove borrow material and that the City reserves the right to issue further permits for extraction of borrow material from Breakwater Quarry. Additional permittees may be bound to a separate permit containing such terms and conditions as the City deems appropriate.

### **Termination of this Borrow Material Permit**

Upon expiration or earlier termination of the term of this Permit, Permittee shall promptly vacate the Quarry Site, leaving the Quarry Site in a condition consistent with the requirements of this Permit and Permittee's quarrying plans, accepted with application for this Permit, free of refuse and hazards, and shall remove from the Quarry Site all of Permittee's personal property. If Permittee fails to vacate the Quarry Site in the required condition, the City may restore the Quarry Site to such condition and Permittee shall pay the cost thereof. All such costs shall be recoverable from the required reclamation bond.

Termination by City for Cause. The City may terminate this Permit for cause. Except to the extent that the Permit is terminated for deficiencies that, in the City's reasonable discretion, present significant or imminent risks to public safety, Permittee shall be given notice and a reasonable opportunity to correct any deficiency. The occurrence of any one or more of the following events will justify termination for cause:

1. Permittee's failure to excavate to the lines and grades shown on the St. Herman Harbor Quarry Expansion drawings;
2. Permittee's failure to remove the anticipated quantity of material;
3. Permittee's disregard of laws or regulations of any public body having jurisdiction;
4. Permittee's violation in any substantial way of any provisions of this Permit;
5. Permittee's failure to correctly file quarterly statements and pay royalties to the City when due; or



6. Permittee's failures to scale weigh all materials in accordance with Permit.

Termination by City for Convenience. The City may terminate this Permit for its convenience upon 90 days' written notice to Permittee. In such case, Permittee shall pay for all amounts due under this Permit as of the date of termination. The City shall return to Permittee the Permit Fee prorated for the effective date of termination and shall, upon presentation of sufficient documentation which shall be presented not more than thirty days following the date of termination, pay Permittee's reasonable expenses directly attributable to termination. Permittee shall not be paid on account of loss of anticipated profits or revenue or other economic loss arising out of or resulting from such termination. The City shall not be liable to Permittee for any amount in excess of the Permit Fee and royalty paid by Permittee in the preceding year.

Termination by Permittee. Permittee may terminate this Permit upon 90 days' written notice to the City. In such case, the City shall be paid for all amounts due under this Permit as of the date of termination and for the City's reasonable expenses directly attributable to termination. The City shall not be paid on account of loss of anticipated royalty revenue or other economic loss arising out of or resulting from such termination.

### **Standard Construction Specifications & Special Conditions**

Permittee agrees to abide by such rules, regulations, and restrictions as the City may promulgate in order to facilitate access to and use of the area described herein by additional permittees.

City of Kodiak, "Standard Construction Specifications & Standard Details, 2012 Edition" ("Standard Construction Specifications") is incorporated into this Permit by reference. Permittee shall comply with all requirements and obligations of a Contractor and for performance of the Work as required by the Standard Construction Specifications. Some, but not all, pertinent conditions are identified below:

Indemnification. Permittee shall indemnify the City of Kodiak in accordance with Article 6, Paragraph 6.20 of the Standard Construction Specifications.

Insurance. Permittee shall purchase and maintain insurance coverage as required by Article 5, Paragraph 5.04 of the Standard Construction Specifications with not less than the following policy limits:

1. Worker's compensation insurance as required by the State of Alaska;
2. Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of the others arising from use of motor vehicles, including on-site and off-site operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits; and
3. Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of Permittee or of any of its employees, agents, or subcontractors with \$5,000,000 per occurrence and in the aggregate; policy to cover the perils of explosion, collapse and underground with no exclusion or limitation for blasting activity.

Excavation. Excavation shall be performed in accordance with Division 200, Section 203 of the Standard Construction Specifications. Special attention is drawn to Article 203.3, Blasting Requirements for Excavation in Rock. Permittee shall name the Blaster in Charge, submit a Comprehensive Blasting Plan, and fully comply with the other requirements of this Article, *except* a Blasting Consultant need not be retained.

Measurement. Permittee shall provide, or make use of, a weighing system conforming to the requirements of Division 100, Article 6.03 of the Standard Construction Specifications *and* the following:

1. Rocks shall be weighed, by barge or truck following the technical standards described in US Army Corps of Engineers Manuals EM 1110-2-2302 "Construction with Large Stone - Appendix C: Measurement for Payment" and as further described herein.
2. The method of measurement for determining the weight of rock delivered by barge shall be displacement of the barge, based on certified barge gauge marks. Barge gauge marks and certification shall have approval by the City Engineer or representative prior to notice to proceed is issued. Contractor shall submit a copy of the barge gauging table prepared by an accredited agent satisfactory to Engineer. Contractor shall also submit weight bills, including certification of exact weight and time of weighing for each load of rocks delivered.

If Permittee provides the truck weighing system, Permittee shall make it available to all other firms or individuals removing material from Near Island. Permittee may charge for the use of the weighing system an amount not to exceed \$14.00 per weighing, except there will be no charge for the City's use of the system. Permittee may regulate the use and fees for the weighing system for materials other than Near Island quarry material.

Traffic Maintenance. Permittee shall submit a Traffic Control Plan in accordance with Division 800, Section 802 of the Standard Construction Specifications. A vehicle access lane to the boat yard shall be maintained at all times.

Temporary Erosion and Pollution Control. Permittee shall submit a Temporary Erosion and Pollution Control Plan in accordance with Division 800, Section 804 of the Standard Construction Specifications.

Dust Control. Permittee shall control dust from the Quarry and from unpaved haul roads by watering as necessary or requested by the City.

Reclamation & Bond. Permittee shall furnish the City with a surface mining reclamation bond in the amount of \$50,000.

Permittee shall spread 4 inches of topsoil on all completed benches and seed all benches and overburden fill areas in accordance with the standard specifications.

Permittee shall grade the quarry floor in accordance with the quarry plan and cap with 4" of D-1 leveling course.

Perimeter Fence. Permittee shall layout and construct perimeter fence as shown on St. Herman Harbor Quarry Expansion plans. This fence shall be completed for Permittee's area by July 1, 2020. Owing to the nature of the Permit and the public interest involved, Permittee shall pay \$50 for each day following July 1, 2020 for which the fence is not completed.

**Permit Fee**

Permittee shall pay the City an annual Permit Fee of \$5,000, which annual amount shall be due and owing in full at the signing of this Permit and again on July 1, 2020. The annual Permit Fee is set apart and additional to royalties paid for extraction of materials.

**Statement**

Permittee shall file statements for the quarterly periods commencing on the first day of January, April, July, and October of each year, setting forth the quantity of material removed during each such quarter. Statements of quantities removed shall be filed on or before the tenth day of the month following each reporting period or portion thereof. The statement shall be filed irrespective of whether borrow material has been removed.

Within thirty days after expiration or termination of this Permit, Permittee shall file a final statement showing the amount of material removed from Near Island from the end of the last quarterly statement period until the date of expiration or termination.

**Royalty**

Upon filing the statements required by this Permit and KCC 18.24.040, Permittee shall pay the City \$1.00 per ton of material, as established by weight measurements required by this Permit.

Should Permittee fail to file or substantiate any statement required by this Permit, the minimum royalty due shall be calculated from the anticipated tons of borrow material per year. A higher estimated royalty may be assessed based on other information believed to be reliable or helpful to the City in making an estimate of the royalty due. Notice of the estimated royalty assessment shall be furnished to Permittee, and the estimated royalty assessment shall become final for the purposes of determining Permittee's liability after thirty days of the date of mailing or hand-delivery of the estimated assessment unless Permittee earlier files with the City an accurate statement, supported by satisfactory records or documentation, indicating a lesser liability.

**Acceptance**

Permittee hereby agrees to be bound by all terms and conditions of this permit upon its execution and issuance by the City of Kodiak.

**PERMITTEE**

B and R Fish By Products Inc.

\_\_\_\_\_  
Name of Permittee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Corporate Seal

\_\_\_\_\_  
Name and Title

**CITY OF KODIAK**

\_\_\_\_\_  
Mike Tvenge, City Manager

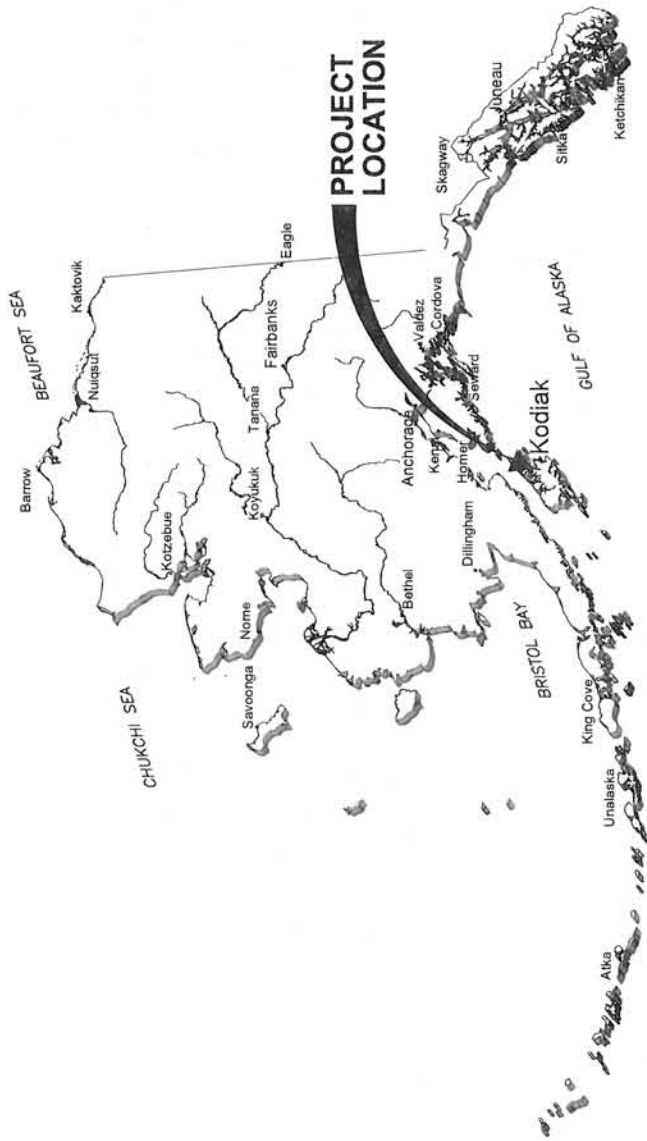
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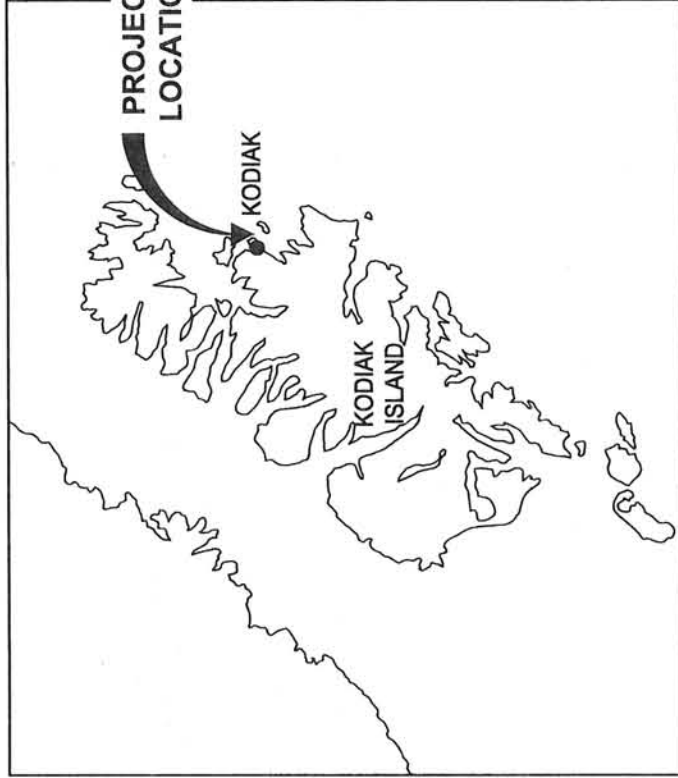
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Nova Javier, City Clerk

# ST. HERMAN HARBOR QUARRY EXPANSION

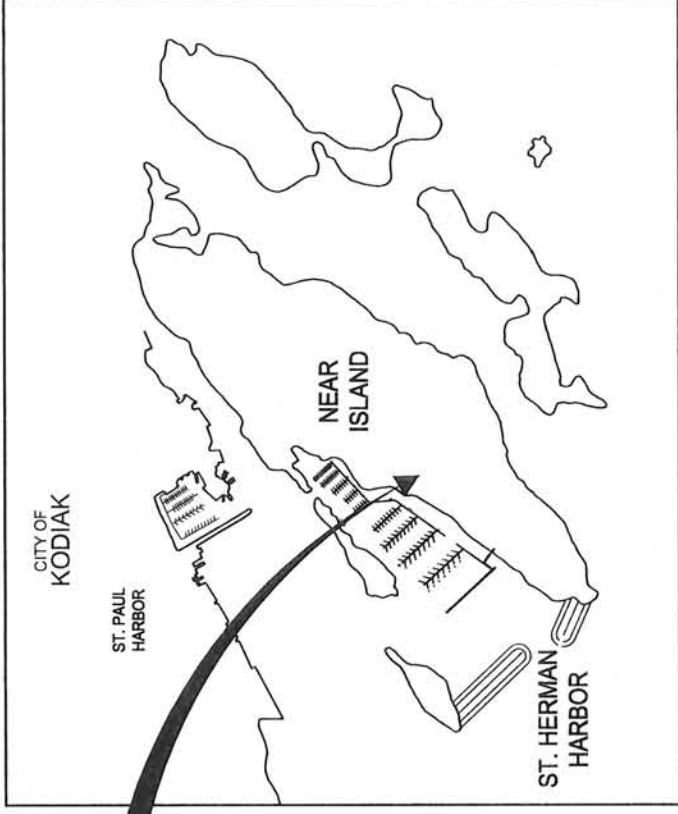
KODIAK, ALASKA FEBRUARY 2010



**STATE OF ALASKA**



**KODIAK ISLAND**



**ST. HERMAN HARBOR VICINITY**

SHEET INDEX	
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SUMMARY & PROJECT CONTROL	2
SECTIONS AND DETAILS	3
QUARRY EXPANSION LAYOUT (1 OF 2)	4
QUARRY EXPANSION LAYOUT (2 OF 2)	5
GRADING PLAN (1 OF 2)	6
GRADING PLAN (2 OF 2)	7

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REV	DATE	DESCRIPTION	DATE

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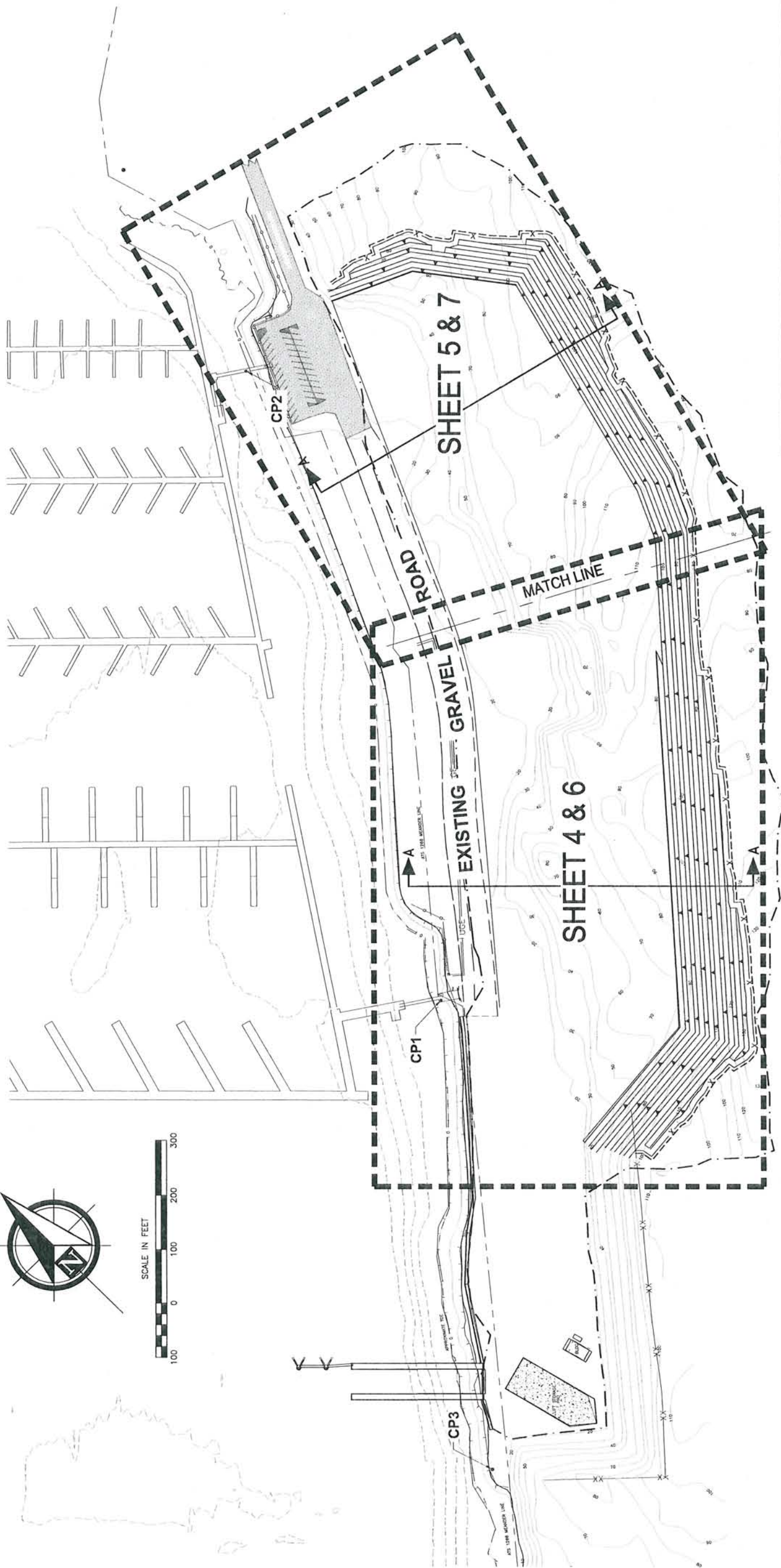


**KODIAK ST HERMAN HARBOR  
QUARRY EXPANSION**

TITLE SHEET AND INDEX

DESIGNED BY:	ZC	DATE:	2/09/10	SHEET NO.	1	OF	7
CHECKED BY:	KB	PROJECT NO.:	091114				





PROJECT CONTROL			
POINT	NORTHING	EASTING	ELEVATION
CP1	1382897.332	1950302.766	16.83
CP2	1383963.989	1950873.474	23.96
CP3	1382222.667	1949758.384	16.08

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REV	DATE	DESCRIPTION

- NOTES:**
- CONTOURS DEVELOPED FROM SURVEY PERFORMED APRIL 11-20, 2006 AND NOVEMBER 3-6, 2009 BY PND ENGINEERS, INC. VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW = 0.00')
  - THE ELEVATION FOR THE C.O.E. CONTROL MONUMENT "SYLVA" IS 21.62' MLLW (SEE NOTE 1). FOR LOCATION AND DESCRIPTION REFER TO THE CORPS OF ENGINEERS JUNE 2002 CONDITION SURVEY OF THE ST. HERMAN'S HARBOR. A TIE WAS MADE TO SEVERAL BENCH MARKS WITHIN THE AREA INCLUDING "HARBOR MASTER" LOCATED AT THE BASE OF THE FLAG POLE NEAR THE HARBOR MASTER BUILDING. THE ELEVATION FOR "HARBOR MASTER" BASED ON THIS DATA IS 20.18'
  - BATHYMETRY SHOWN ON THIS DRAWING WAS TAKEN FROM THE C.O.E. JUNE 2002 CONDITION SURVEY. NO ATTEMPT WAS MADE BY PND SURVEYORS TO VERIFY THE C.O.E. DATA. EXPANSION OF THE UPLANDS AFTER THE 2002 CONDITION SURVEY REQUIRED MODIFYING THE BATHYMETRY IN ORDER TO BEST FIT THE EXISTING CONDITIONS.



15106 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.1011  
Fax: 907.563.4221  
www.pndengineers.com

**PND ENGINEERS, INC.**

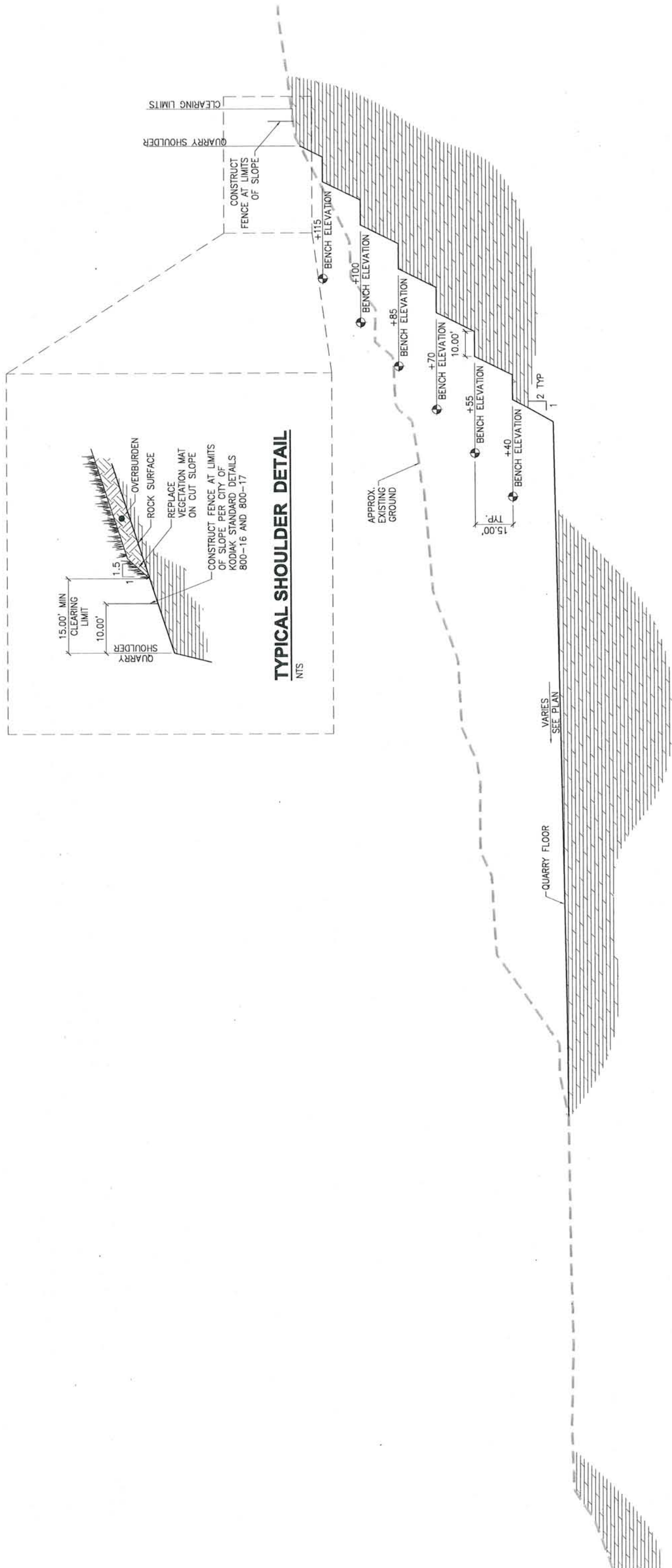
**KODIAK ST HERMAN HARBOR QUARRY EXPANSION**

SUMMARY AND PROJECT CONTROL

DESIGNED BY:	ZC	DATE:	2/09/10
CHECKED BY:	KB	PROJECT NO.:	091114

SHEET NO. **2** OF **7**





**QUARRY SECTION A-A**  
NTS

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REV	DATE	DESCRIPTION



DATE: 2/9/10

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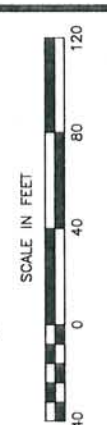
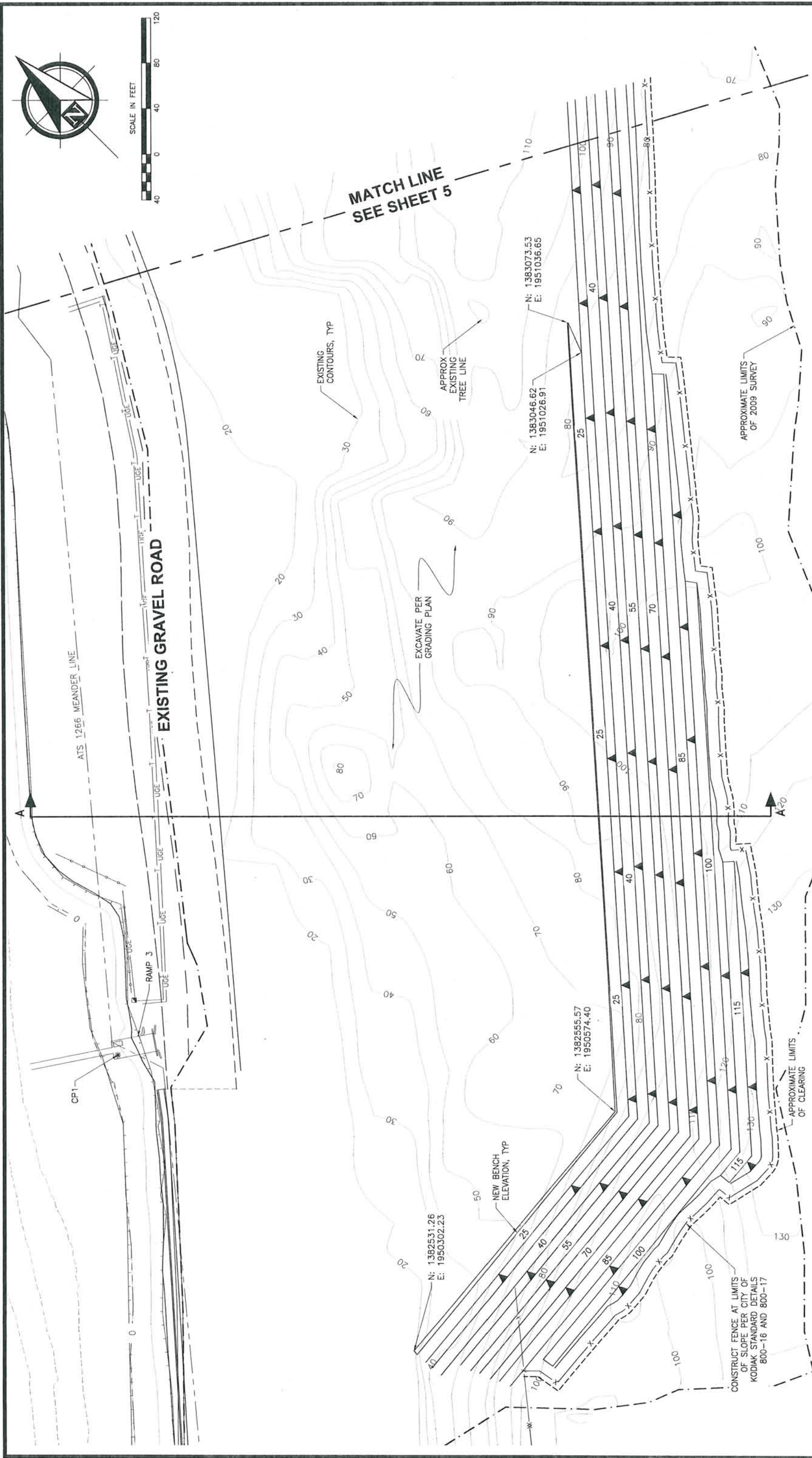


**KODIAK ST HERMAN HARBOR  
QUARRY EXPANSION**

**SECTIONS AND DETAILS**

DESIGNED BY: ZC	DATE: 2/09/10	SHEET NO: 3	OF 7
CHECKED BY: KB	PROJECT NO: 091114		





**NOTES:**

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REV	DATE	DESCRIPTION

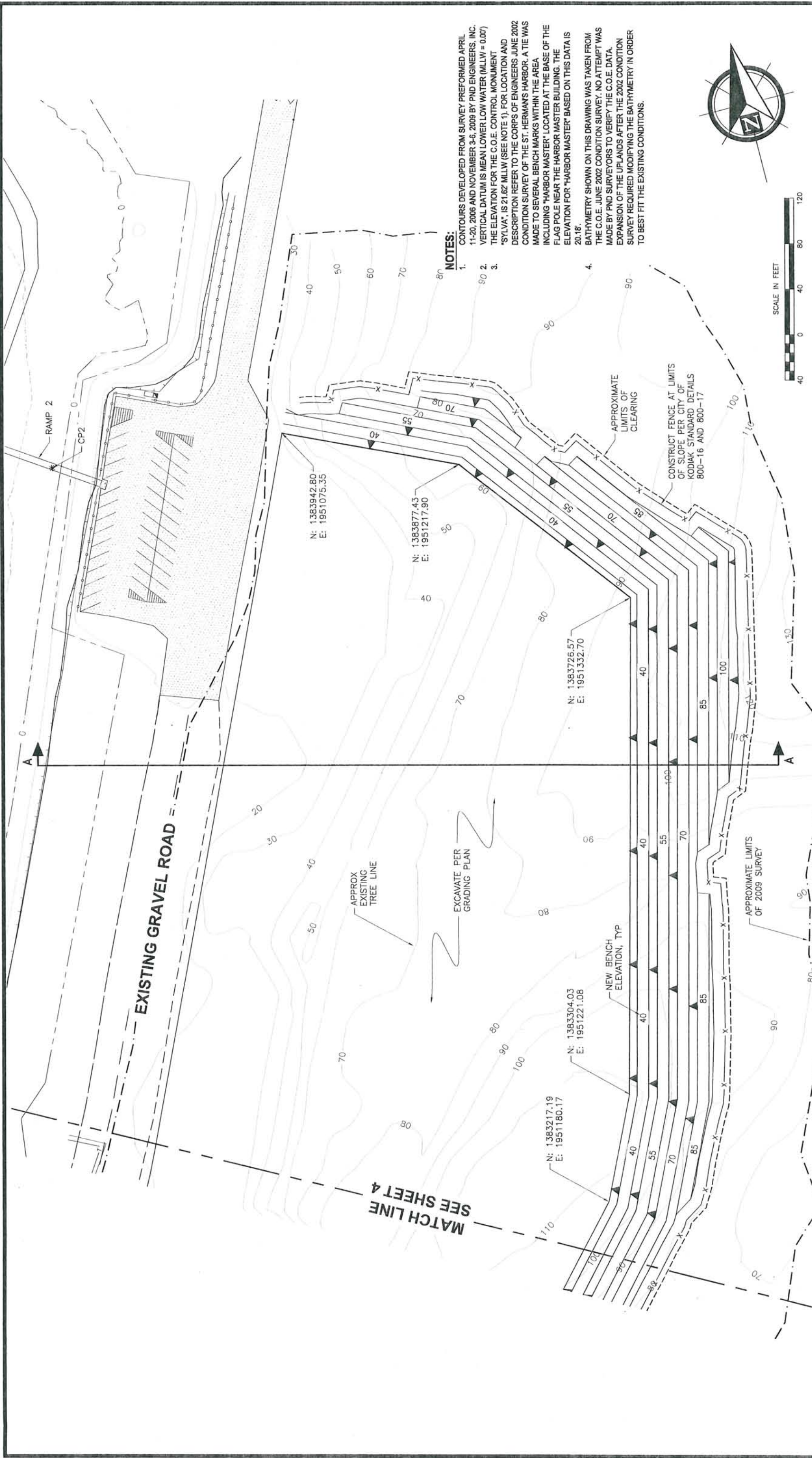
**PROJECT:** KODIAK ST HERMAN HARBOR QUARRY EXPANSION  
**FILE:** QUARRY PLAN AND LAYOUT

**PND ENGINEERS, INC.**  
 1506 West 36th Avenue  
 Anchorage, Alaska 99505  
 Phone: 907.561.1011  
 Fax: 907.563.4221  
 www.pndengineers.com

**STATE OF ALASKA**  
 49<sup>TH</sup> DIVISION  
 Kention W. Bran  
 CE-9898  
 Registered Professional Engineer  
 DATE: 2/9/10

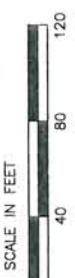
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 CHECKED BY: KB PROJECT NO: 091114  
 SHEET NO: 4 OF 7





**NOTES:**

1. CONTOURS DEVELOPED FROM SURVEY PERFORMED APRIL 11-20, 2006 AND NOVEMBER 3-6, 2009 BY PND ENGINEERS, INC. VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW = 0.00')
2. THE ELEVATION FOR THE C.O.E. CONTROL MONUMENT "SYLVA", IS 21.62' MLLW (SEE NOTE 1). FOR LOCATION AND DESCRIPTION REFER TO THE CORPS OF ENGINEERS JUNE 2002 CONDITION SURVEY OF THE ST. HERMAN'S HARBOR. A TIE WAS MADE TO SEVERAL BENCH MARKS WITHIN THE AREA INCLUDING "HARBOR MASTER" LOCATED AT THE BASE OF THE FLAG POLE NEAR THE HARBOR MASTER BUILDING. THE ELEVATION FOR "HARBOR MASTER" BASED ON THIS DATA IS 20.18'.
3. BATHYMETRY SHOWN ON THIS DRAWING WAS TAKEN FROM THE C.O.E. JUNE 2002 CONDITION SURVEY. NO ATTEMPT WAS MADE BY PND SURVEYORS TO VERIFY THE C.O.E. DATA.
4. EXPANSION OF THE UPLANDS AFTER THE 2002 CONDITION SURVEY REQUIRED MODIFYING THE BATHYMETRY IN ORDER TO BEST FIT THE EXISTING CONDITIONS.



**KODIAK ST HERMAN HARBOR  
QUARRY EXPANSION  
LAYOUT**



1516 West 36th Avenue  
Anchorage, Alaska 99503  
Phone: 907.561.1011  
Fax: 907.563.4221  
www.pndengineers.com



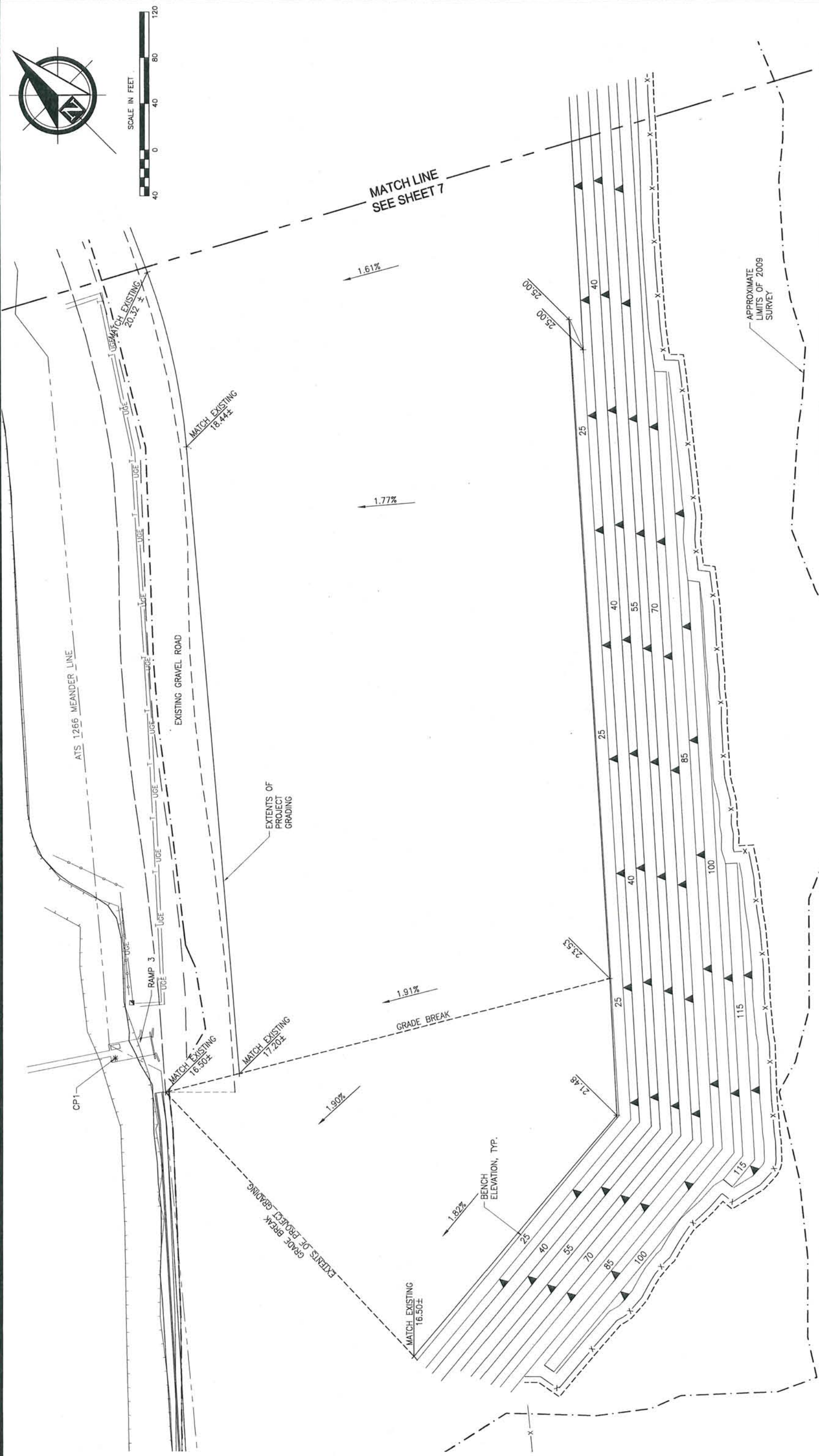
DATE: 2/9/10

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REV	DATE	DESCRIPTION

DESIGNED BY:	ZC	DATE:	2/09/10
CHECKED BY:	KB	PROJECT NO.:	091114
SHEET NO.:			5
OF			7





**KODIAK ST HERMAN HARBOR  
QUARRY EXPANSION**

**FINISH GRADING PLAN**

DESIGNED BY: ZC DATE: 2/09/10  
 CHECKED BY: KB PROJECT NO: 091114

SHEET NO: **6** OF **7**

**PND ENGINEERS, INC.**

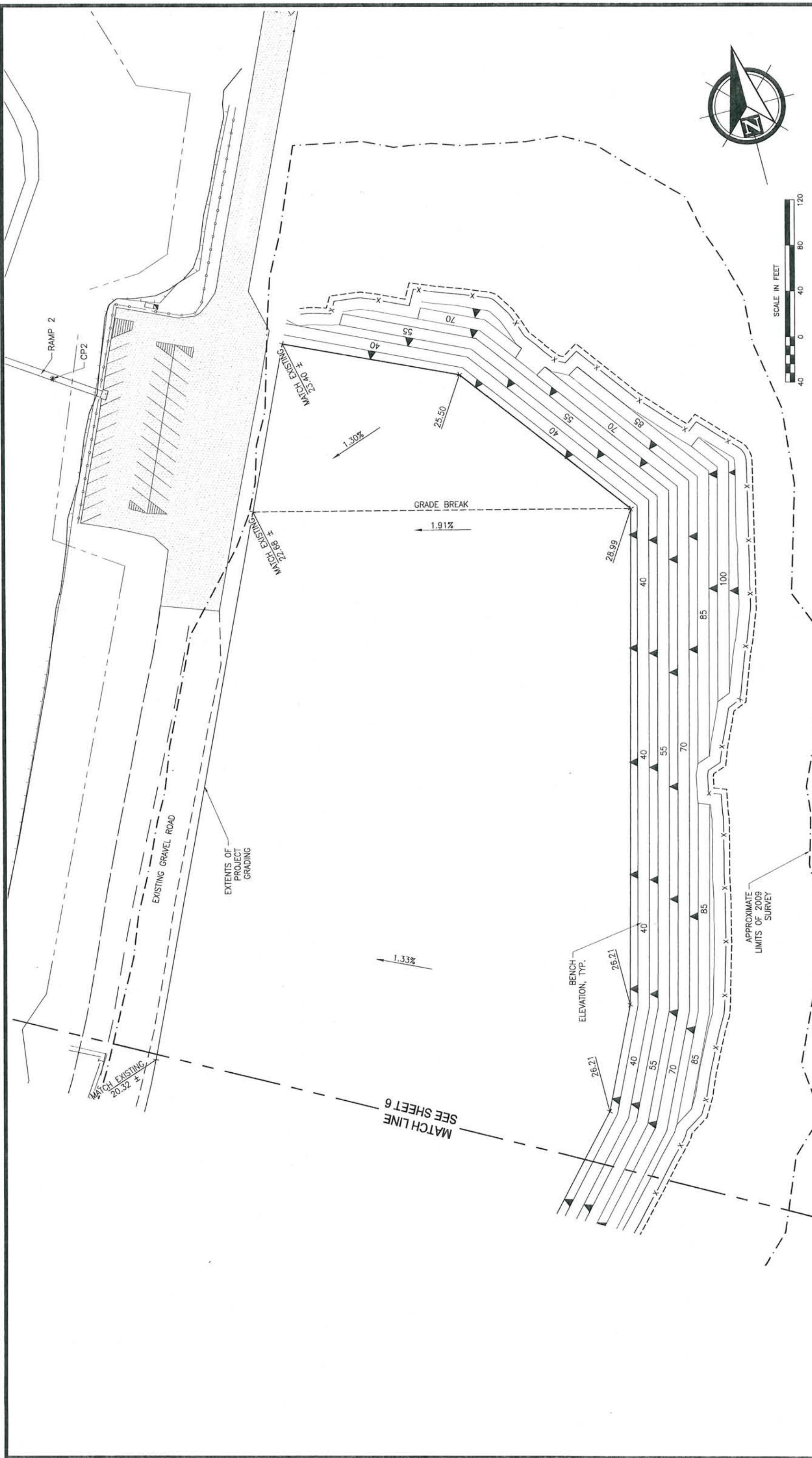
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REV	DATE	DESCRIPTION





**KODIAK ST HERMAN HARBOR  
QUARRY EXPANSION**

**FINISH GRADING PLAN**

DESIGNED BY: ZC DATE: 2/09/10  
 CHECKED BY: KB PROJECT NO: 091114

SHEET NO: **7** OF 7

**PND ENGINEERS, INC.**

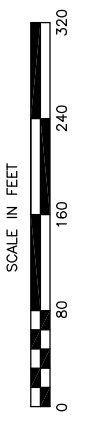
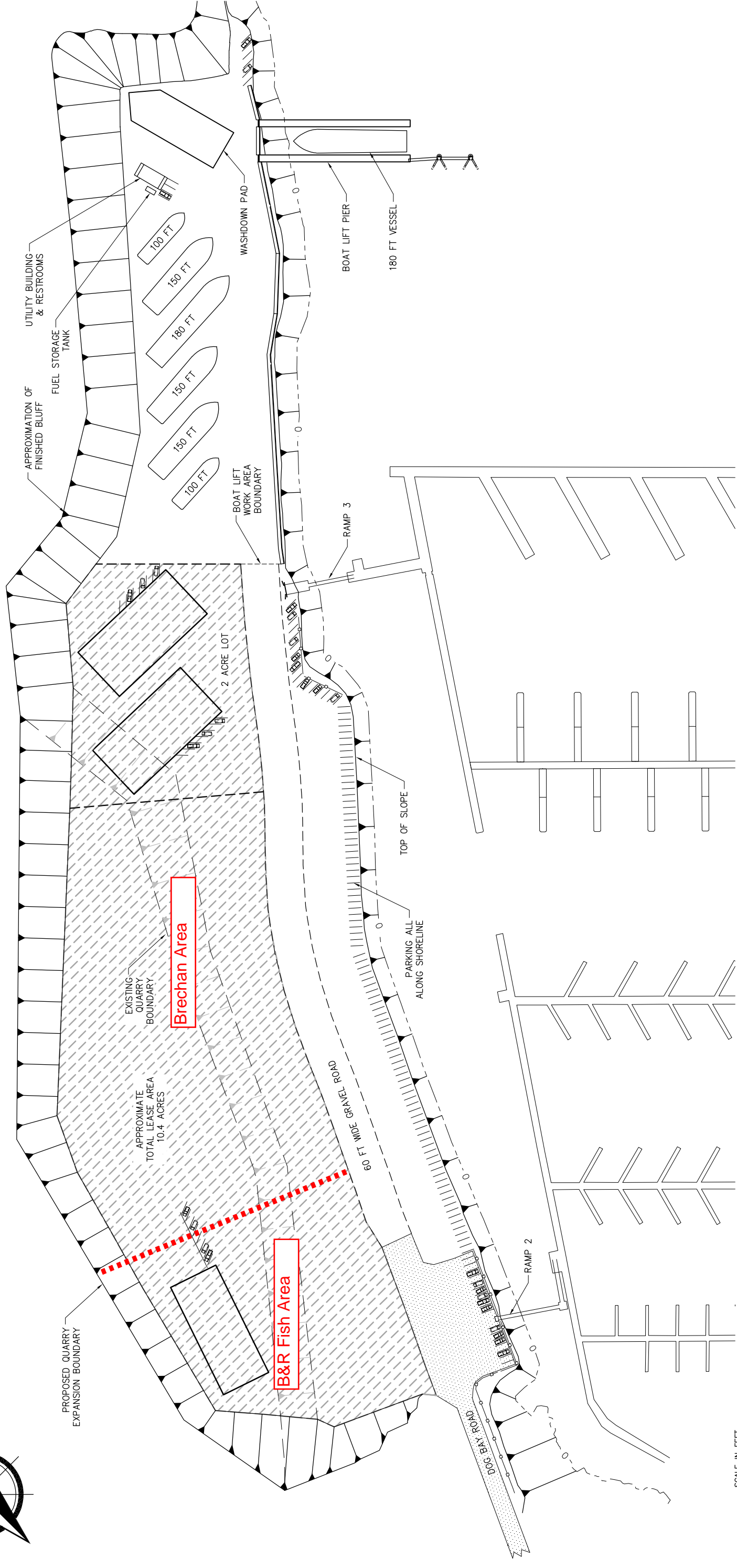
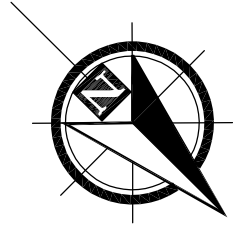
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REV	DATE	DESCRIPTION

**Breakwater Quarry Permit Areas**



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REV	DATE	DESCRIPTION

**FOR REVIEW**

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**ST. HERMAN**  
**BOAT LIFT FACILITY**  
 NEAR ISLAND BOAT YARD  
 EXPANSION PROJECT

DESIGNED BY: \_\_\_\_\_ DATE: 10/24/08  
 CHECKED BY: \_\_\_\_\_ KWB PROJECT NO: 061078  
 SHEET NO: **1** OF 1