

City of Kodiak Regular Council Meeting Agenda for October 28, 2010
7:30 p.m., at 710 Mill Bay Road, Room 232

I. Called to Order/Roll Call	
Pledge of Allegiance/Invocation	
II. Previous Minutes	
Approval of Minutes of the September 23, 2010, Regular and September 29, 2010, Special Council Meetings	1
III. Persons to Be Heard	
a. Proclamation: Filipino American History Month	14
b. Proclamation: Isle of Lights.....	16
c. Public Comments (limited to 3 minutes)	
IV. Unfinished Business	
a. None	
V. New Business	
a. First Reading, Ordinance No. 1279, Amending KCC 10.08.030, Additional Parking Regulations; Repealing And Reenacting KCC 10.08.050, Limited Time Parking; Adopting KCC 10.08.055, Parking in City Parking Lots; and Amending KCC 10.44.030, Vehicle And Traffic Offenses— Fine Schedule; Regarding the Regulation of Parking on Streets and Other Rights-Of-Way, and in City Parking Lots.....	22
b. Resolution No. 2010–28, Appointing a Member to the Kodiak Fisheries Development Association	30
c. Authorization of SPCC Plan-Spill Prevention, Project No. 03–01/5024	36
d. Authorization of Change Order No. 12 Kodiak Police Station, Project No. 04–23, Alternate No. 1–Kodiak Jail Construction	42
e. Authorization of Emergency Repair of Electric Start System at Monashka Pumphouse.....	46
f. Authorization of Monashka Pumphouse Feasibility Study, Project No.11–05/7029	50
g. Authorization to Cancel the November Regular Meetings and Schedule a Special Meeting for November 9, 2010.	60
h. Certification of Election.....	62
VI. Staff Reports	
a. City Manager	
b. City Clerk	
VII. Oath of Office to Elected Officials.....	68
VIII. Mayor’s Comments	
IX. Council Comments	
X. Audience Comments (limited to 3 minutes)	
XI. Adjournment	

<p>DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, SEPTEMBER 23, 2010
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Carolyn L. Floyd called the meeting to order at 7:30 p.m. Councilmembers Terry J. Haines, Mary A. Monroe, Josefina F. Rosales, Thomas D. Walters, and John B. Whiddon were present and constituted a quorum. Councilmember Gabriel T. Saravia was absent. City Manager Aimée Kniazowski, City Clerk Debra L. Marlar, and Deputy Clerk Barbara J. Volpe were also present.

II. PREVIOUS MINUTES

Councilmember Walters MOVED to approve the minutes of the August 26, 2010, regular and September 2, 2010, special meetings as presented.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

III. PERSONS TO BE HEARD

a. Proclamation: Domestic Violence Awareness Month

Councilmember Monroe read the proclamation, which recognizes domestic violence as one of the most pressing problems in the community today. It encourages the Kodiak community to support organizations that work to protect victims of domestic violence. In the absence of a representative present from the Kodiak Women's Resource and Crisis Center (KWRCC), Donna Jones accepted the proclamation from Mayor Floyd.

b. Proclamation: Fire Prevention Week

Councilmember Walters read the proclamation, which encourages the community to become aware of the causes of fire and burns and to take fire safety measures in the home. Fire Department EMT Dan Farmer accepted the proclamation from Mayor Floyd. EMT Farmer thanked the Mayor and Council for recognizing the issue.

c. Proclamation: Sea Otter Awareness Week

Councilmember Rosales read the proclamation, which recognizes the importance of the sea otter as a symbol of the overall health of the Kodiak Archipelago marine ecosystem.

d. Public Comments

Susan Killary, KWRCC, thanked the Mayor and Council for recognizing the issue of domestic violence by issuing the Domestic Violence Awareness Month proclamation. She invited community members to participate in the October 1 prayer vigil at St. James Episcopal Church.

Curt Waters expressed concern about possible actions of the North Pacific Fisheries Management Council (NPFMC) regarding tanner crab bycatch in the Gulf of Alaska.

Donna Jones requested the Council permit her to operate as a taxicab dispatch service without complying with the requirements defined by City Code.

Chandler Johnson expressed concern about possible actions of the NPFMC regarding tanner crab bycatch in the Gulf of Alaska.

Mark Smith expressed concern about possible actions of the NPFMC regarding tanner crab bycatch in the Gulf of Alaska.

IV. UNFINISHED BUSINESS

a. Continued Second Reading, Ordinance No. 1278, Authorizing the City Manager to Enter Into a Cooperation Agreement With the Kodiak Island Housing Authority (“KIHA”) Exempting Low-Income Housing Projects Owned by KIHA From Real and Personal Property Taxes Levied or Imposed by the City

Mayor Floyd read Ordinance No. 1278 by title. The Kodiak Island Housing Authority (KIHA) purchased property at 1110 Madsen Avenue in Kodiak to provide subsidized housing for young adults. As a condition of providing this type of housing, KIHA is requesting the City enter into a cooperative agreement that would authorize a property tax exemption and provide payments in lieu of taxes (PILT). KIHA and the City have three similar cooperative agreements for other tax exempt property within the City. Staff worked with the City Attorney, who explained that the process requires an ordinance to provide the exemption and PILT payments. KIHA representative Julie Hill appeared at the September 21, 2010, work session to answer the questions of Councilmembers.

Clerk's Note: The motion to adopt Ordinance No. 1278 is already on the floor.

Councilmember Whiddon said he recognized that some community members expressed concern about the facility and encouraged KIHA to recognize and address those concerns.

Councilmember Rosales said those concerned need to remember that program participants are scrutinized prior to entry into the program and are supervised while in the program. The young people participating in the program need to be given a chance to get into the community and be useful citizens.

Councilmember Haines asked KIHA representative Hill where interested parties could apply for the program. Ms. Hill suggested the KIHA website or office.

Councilmember Monroe described the project as an excellent opportunity.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

V. NEW BUSINESS**a. Resolution No. 2010–27, Naming Election Workers for the October 5, 2010, Regular Municipal Election**

Mayor Floyd read Resolution No. 2010–27 by title. Resolution No. 2010–27 names election workers and canvass board members for the October 5, 2010, regular municipal election.

Councilmember Whiddon MOVED to adopt Resolution No. 2010–27.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

b. Authorization of Letter of Engagement for Federal Lobbying Services/Hoffman Silver Gilman & Blasco P.C.

The City of Kodiak has retained the services of Brad Gilman for federal lobbying services since the 1980s. However, City records do not show that an agreement for the services was ever formalized. Following recent discussions with Brad Gilman, staff recommend this long-term relationship be acknowledged through a letter of engagement.

Councilmember Walters MOVED to authorize a letter of engagement for federal lobbying services with Hoffman Silver Gilman & Blasco P.C., in the amount of \$28,200, with funds coming from the General Fund, Legislative, Professional Services account.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

c. Authorization of Professional Services Contract for State Lobbying Services/Capitol Associates

The Council annually considers a contract for State lobbying services. Since 1998 the City has contracted with Norm and Lennie Gorsuch of Capitol Associates. During the last fiscal year, Capitol Associates assisted the City in obtaining the \$2.1 million in State assistance to complete the jail.

Councilmember Rosales MOVED to authorize a professional services contract for State lobbying services with Capitol Associates, in the amount of \$30,000, with funds coming from the General Fund, Legislative, Professional Services account.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

d. Authorization of Professional Services Contract for Engineering Services for Fire Station Deferred Maintenance/Drainage Improvements, Project No. 4015

Ongoing drainage problems at the City fire station promote water infiltration through the north and northeast exterior perimeter walls. A study conducted in 2007 identified the drainage prob-

lems that allow water into the building. This causes water to pool around the north-facing man door and causes uncomfortable living and working conditions, requires continuous mopping during heavy rains, and presents slip hazards. Staff requested DOWL HKM to prepare a proposal for engineering services to address the drainage problems at the Fire Station as part of the Fire Station deferred maintenance project.

Councilmember Haines MOVED to authorize a professional services contract for engineering services for fire station deferred maintenance/drainage improvements with DOWL HKM in the amount of \$43,449, with funds coming from the General Capital Projects, Fire Station Deferred Maintenance Project account, Project No. 4015.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

e. Authorization of Purchase of Furniture, Fixtures, and Equipment for Jail Day Room

At the December 10, 2009, regular meeting, the Council authorized purchase of furniture, fixtures, and equipment for the police station, emergency operations center, radio room, jail booking area, and jail control room from Wright Line, LLC, and Business Interiors Northwest Alaska. However, that authorization did not include the prisoner day room, or prisoner sleeping bunk furniture. This authorization is to award the purchase of jail day room furniture for the new Kodiak jail.

Councilmember Walters MOVED to authorize purchase of furniture, fixtures, and equipment, which also includes shipping, prep work, and installation, for the jail day room in an amount not to exceed \$24,435 as follows: an amount not to exceed \$19,520 to CML Specialties and amount not to exceed \$4,915 to Inlet Painting and Drywall, with funds coming from the Public Safety Building Fund, Police Station Project account.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

f. Authorization of Big Bear Taxi and Charters Dispatch Service Rules

Donna Jones, holder of Taxicab Permit No. 11, would like to dispatch her own taxicab. The current version of the City Code does not provide for self-dispatch; however, Kodiak City Code (KCC) 5.40.130 does provide for the issuance of a dispatch service license, which may be used to dispatch a single vehicle. Before a dispatch service license is issued by the Police Department, KCC 5.40.150(b) requires that the City Council review and approve all rules of operation under the license. The Chief of Police has reviewed the rules submitted by Ms. Jones and has no objection to them. If the rules are approved by the Council, Ms. Jones will submit the approved rules to the Police Department, along with the application required by KCC 5.40.130 and the dispatch service license fee required by the City's Schedule of Fees and Charges.

Councilmember Whiddon MOVED to approve the Dispatch Service Rules submitted by Big Bear Taxi and Charters, dated September 1, 2010.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Walters, and Whiddon in favor. Councilmember Saravia was absent. The motion passed.

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski informed the Council that she had presented Eric McFarlin, Fire Department, with a twenty-year service pin. She reminded the public of the Kodiak Chamber of Commerce's candidate forum scheduled for September 28.

She informed the Council of the unexpected failure of two pumps at the Monashka pump house, which required an expensive repair. Manager Kniazowski explained that she had authorized the emergency purchase of the replacement item, which is allowed by City Code, and will come to the Council for authorization at a later date.

Manager Kniazowski told the Council that she, City Clerk Marlar, and Chief of Police Kamai held a meeting with for-hire vehicle stakeholders. She described it as a productive meeting at which staff got good feedback. She also recently met with the Foraker predevelopment team about the design of the new library. She will be out of the office Monday to meet with NOAA representatives collecting information to update the community profile.

b. City Clerk

City Clerk Marlar thanked Deputy Clerk Volpe, who has accepted a job on East Coast, for four and a half years of service as deputy clerk and records manager. She informed the public of the next scheduled Council work session and regular meeting, noting future work sessions will be held at the Kodiak Police Station. She reminded community members to vote at the October 5 election.

VII. MAYOR'S COMMENTS

Mayor Floyd thanked Deputy Clerk Volpe for her service and wished her well. She encouraged the public to attend or listen to the upcoming candidate forum and to vote. She announced the Pacific Coast Congress of Harbormasters and Port Managers will meet in Kodiak October 5 to 8. She noted local resident Lawrence Anderson has been on television lately promoting Kodiak and Providence Kodiak Island Medical Center.

VIII. COUNCIL COMMENTS

Councilmember Whiddon thanked fishermen who attended and commented. He called the issue divisive and warned that the City Council needs to tread carefully. Most do not understand the economic implications of the various options and possible outcomes. The Council should make sure that Kodiak does not suffer economically.

Councilmember Haines concurred with Councilmember Whiddon. He noted the pump house will take a lot of money to repair, stating the importance of water for processing and fisheries as an important economic factor in the community. He thanked the fishermen in attendance for coming

forward. He recognized the hard work of staff on the for-hire vehicle ordinance, opining that it will improve ability to operate. Councilmember Haines also suggested that the shuttle/tour operator issue needs to be resolved in such a way that business will not be curtailed. He encouraged community members to vote.

Councilmember Rosales commended KIHA and Julie Hill for the transitional housing program and wished them success. She expressed concern about domestic violence, noting that many are ashamed or afraid to speak out about the problem. She thanked Deputy Clerk Volpe for good work performed for the City.

Councilmember Walters wished Deputy Clerk Volpe good luck. He suggested a letter signed by the Mayor be sent to NPFMC objecting to potential closures and questioned if an economic impact statement had been performed.

Councilmember Monroe agreed that the issues of fishermen are key to the economic health of the community, but it is awkward balancing gear types, regulations, etc. She thanked City Clerk Marlar, Manager Kniazowski, and Chief of Police Kamai for their work on the for-hire vehicle ordinance. She noted that a number of times this summer, she was approached by visitors who mentioned the courtesy of local drivers.

A lengthy discussion ensued regarding possible action to be taken by the Council regarding the upcoming NPFMC meeting. When no consensus was met regarding appropriate Council action, discussion turned to the planning of a special meeting to discuss the issue in detail. Consensus was to hold a special meeting on September 30, which was later changed to September 29.

IX. AUDIENCE COMMENTS

Donna Jones asked whether the Council received her letters submitted on September 10. She inquired about a grievance process in the event her rights are being ignored.

Mike McElhenie noted that the proposed special meeting will be held eighteen hours before the year's last pollock opener. The Council reached consensus to change to the meeting to September 29.

Curt Waters thanked the Council for considering the tanner crab bycatch issue.

Patrick O'Donnell spoke against the proposed NPFMC tanner crab bycatch proposal.

X. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8:51 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

(This page left intentionally blank.)

<p>DRAFT</p>

**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF KODIAK
HELD WEDNESDAY, SEPTEMBER 29, 2010
IN THE BOROUGH ASSEMBLY CHAMBERS**

I. MEETING CALLED TO ORDER

Mayor Carolyn L. Floyd called the meeting to order at 6:01 p.m. Councilmembers Terry J. Haines, Mary A. Monroe, Gabriel T. Saravia, and Thomas D. Walters were present and constituted a quorum. Councilmember John B. Whiddon was absent. Councilmember Josefina F. Rosales arrived at 6:22 p.m. City Manager Aimée Kniazowski, City Clerk Debra L. Marlar, and Deputy Clerk Barbara J. Volpe were also present.

II. PUBLIC COMMENTS ON AGENDA ITEM ONLY

Robert Lindsey recognized the difficulty of the issue but did not offer an opinion.

Julie Bonney expressed support for higher observer coverage and opposition to the proposed closures.

Stosh Anderson spoke in favor of the proposed closures.

Steve Branson spoke against the City Council taking a stand on the issue.

Stephen Taufen spoke against the proposed closures.

Curt Waters spoke against the proposed closures and in support of a letter stating such to NPFMC.

Pete Longrich spoke in favor of the closure of crab grounds to trawling.

Mike McElhenie spoke against the proposed closures. He spoke in favor of the Council sending a letter to NPFMC advocating no action.

Councilmember Rosales arrived.

Frank Miles spoke in favor of the proposed closures.

Richard Starr spoke against the proposed closures.

Franke Brown spoke against the proposed closures.

Ron Kavanaugh spoke in favor of observer monitoring for all, against the proposed closures, and against the City Council taking action.

Chandler Johnson spoke against the proposed closures.

Charlie Freeburg spoke against the proposed closures.

Mike Clark spoke in favor of the proposed closures.

Vern Hall spoke against the proposed closures.

Lou Dochtermann concurred with Ron Kavanaugh.

Patrick O'Donnell concurred with Ron Kavanaugh regarding observer monitoring.

Mark Smith spoke against the proposed closures.

Rhonda Maker spoke in favor of video monitoring in lieu of 100 percent observer coverage.

Trevor Brown, Kodiak Chamber of Commerce, urged the Council to take all gear groups into account when considering the content of any advocacy letter.

Julie Kavanaugh questioned whether the Kodiak Fisheries Advisory Committee (KFAC) has made a recommendation on the issue, and, if not, how the City Council could make a recommendation to NPFMC, given that KFAC exists to make such recommendations. She said the City Council needs to represent the community as a whole, not a specific interest group, and urged the City Council to take no action.

Darius Kaspersak spoke in favor of the proposed closures.

Oliver Holm spoke in favor of the proposed closures and urged the Council not to write letter to NPFMC.

Steven Mallinson spoke in favor of the City Council advocating no action by NPFMC.

Jeff Stephan, United Fishermen's Marketing Association, urged the City Council take no action.

III. DISCUSSION AND POTENTIAL RECOMMENDATION TO THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL REGARDING GULF OF ALASKA TANNER CRAB BYCATCH, FINAL ACTION TO CLOSE AREAS TO MINIMIZE BYCATCH OF TANNER CRABS

Manager Kniaziowski explained that the alternatives to be considered by NPFMC are contained in the packet.

Mayor Floyd noted that there is very limited time to consider the options.

Councilmember Haines thanked those who spoke and noted the diversity of opinions. He suggested that the City Council needs to review the material to extent that NPFMC will review it before taking a truly informed position. He suggested it would be more appropriate for fishermen to tell NPFMC directly what they think. Councilmember Haines said he is not sure whether it is appropriate for the City Council to request increased observer coverage, as the City Council should not comment on specific management practices. He suggested that it is not proper at this point

for the City Council to send any letter to NPFMC. Councilmember Haines spoke in support of sending a letter to NPFMC advocating federal funding of expanded observer coverage.

Councilmember Monroe thanked those in attendance for coming. She agreed with Councilmember Haines and with concerns expressed in Kodiak Island Borough Mayor Selby's letter to NPFMC regarding the need for use of the best available scientific information in making decisions regarding closures.

Councilmember Walters disagreed with Mr. Stephan's statement that there is not enough information on which to base a decision. He said the City Council should support collection of the best scientific data possible. Councilmember Walters suggested federal funding should be sought for observation in some fashion and that such a request is not out of the realm of the City Council to advocate.

Councilmember Saravia thanked all who attended. He agreed that more scientific and economic information is needed before NPFMC makes a decision regarding closures. Councilmember Saravia suggested that any recommendation from the City Council to NPFMC should reflect the charge of the Council in regard to the community, which he described as that of protection of economic interests. He supported sending a letter to NPFMC requesting the body obtain more information before making a decision on closures.

Councilmember Rosales expressed a desire to see as much data collected as possible before a decision is made.

Councilmember Haines MOVED that our Mayor write a letter expressing the City Council's desire for the North Pacific Fishery Management Council to collect all available and pertinent data before making management decisions that might affect our local economy, and that a robust observer program to collect such data be enacted but not one that would be a hardship for working fisherman and instead would be funded by the federal government, as it is their responsibility and directive to gather such data.

The roll call vote was Councilmembers Haines, Monroe, Rosales, Saravia, and Walters in favor. Councilmember Whiddon was absent. The motion passed.

IV. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: October 28, 2010

Agenda Item: III. a. Proclamation: Filipino American History Month

SUMMARY: This proclamation urges all citizens to celebrate the rich history and contributions of Filipino Americans in Kodiak.

NOTES/ATTACHMENTS:

Attachment A: Proclamation: Filipino American History Month

PROCLAMATION

Declaring October Filipino American History Month in Kodiak

WHEREAS, Filipino American history and culture should be promoted because of the role of Filipino Americans in the history of Kodiak and Alaska; and

WHEREAS, positive role models are important in teaching Filipino American youth the importance of cultural education, ethnicity, and the values of their legacy; and

WHEREAS, it is important for all members of the community to be aware of the contributions of Filipino Americans throughout our history; and

WHEREAS, Kodiak is fortunate to count among its population a large concentration of citizens of Filipino descent, who contribute to Kodiak's economy and society through their commitment to professions, commerce, family, and the arts.

NOW, THEREFORE, I, Carolyn L. Floyd, Mayor of the City of Kodiak, do hereby proclaim October 2010, as

Filipino American History Month

in Kodiak and urge all citizens to celebrate the rich history and contributions of Filipino Americans in Kodiak.

Presented this 28th day of October 2010

City of Kodiak

Carolyn L. Floyd, Mayor

MEMORANDUM TO COUNCIL

Date: October 28, 2010

Agenda Item: III. b. Proclamation: Isle of Lights

SUMMARY: This proclamation urges all residents to join with the City in lighting our businesses and homes with energy-efficient LED lights, not just for the holidays but also for the winter season, beginning November 2010 and concluding February 2011.

NOTES/ATTACHMENTS:

Attachment A: Proclamation: Isle of Lights

PROCLAMATION

Declaring Kodiak the "Isle of Lights"

Whereas, the coming of the winter season brings shorter days; and

Whereas, many of us go to work or school in the dark and return home in the dark; and

Whereas, the loss of daylight can affect our emotions and our relationships; and

Whereas, sparkling lights not only illuminate our paths but lift our spirits.

Now, therefore, I, Carolyn L. Floyd, Mayor of the City of Kodiak, Alaska, do hereby proclaim Kodiak the

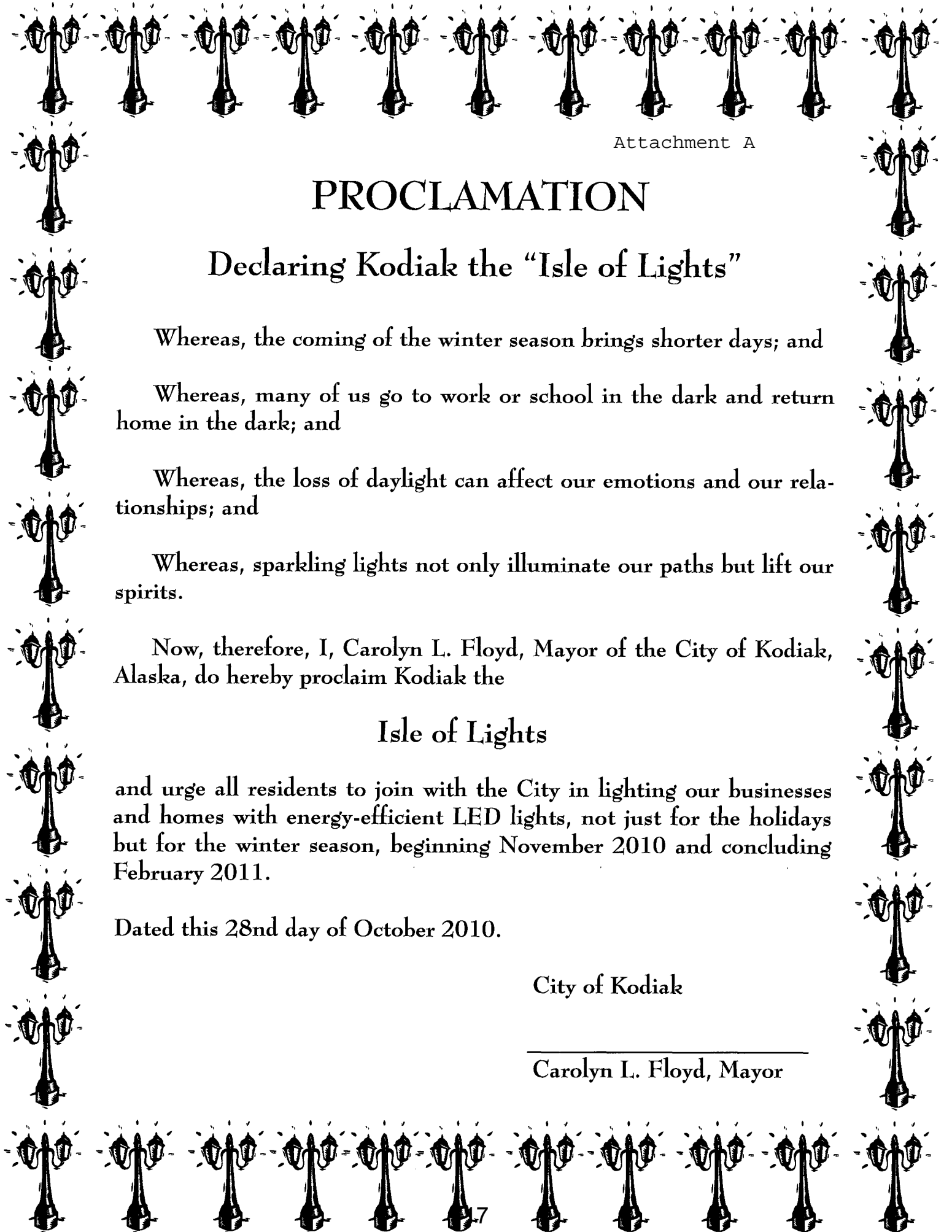
Isle of Lights

and urge all residents to join with the City in lighting our businesses and homes with energy-efficient LED lights, not just for the holidays but for the winter season, beginning November 2010 and concluding February 2011.

Dated this 28nd day of October 2010.

City of Kodiak

Carolyn L. Floyd, Mayor



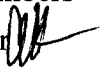
UNFINISHED BUSINESS

(This page left intentionally blank.)

NEW BUSINESS

(This page left intentionally blank.)

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers
From: Aimée Kniaziowski, City Manager 
Date: October 28, 2010

Agenda Item: a. **First Reading, Ordinance No. 1279, Amending KCC 10.08.030, Additional Parking Regulations; Repealing And Reenacting KCC 10.08.050, Limited Time Parking; Adopting KCC 10.08.055, Parking in City Parking Lots; and Amending KCC 10.44.030, Vehicle And Traffic Offenses—Fine Schedule; Regarding the Regulation of Parking on Streets and Other Rights-Of-Way, and in City Parking Lots**

SUMMARY: Title 10 of the City Code, Vehicles and Traffic, must be amended to provide the authority for the City Council to establish the permit parking program requested by the City's Port and Harbor Advisory Board (PHAB). According to City attorney Tom Klinkner, the current Code language is not clear enough to allow the City to establish permit parking in the harbor areas. The ordinance amends four sections of Title 10 to set time limits for parking, designate specific kinds of parking, provide for official traffic control devices, allow the designation and establishment of paid or permit type parking lots by Council resolution, and sets fines for related violations. Staff recommends Council adopt Ordinance 1279 in the first reading and move to public hearing and second reading at the next regular or special meeting.

PREVIOUS COUNCIL ACTION: Council received presentations on the proposed permit parking program at the harbors at work sessions on April 20, 2010, and May 25, 2010. Council directed staff to implement a six-month trial period permit parking program as proposed by the PHAB.

DISCUSSION: In response to a lack of available parking for slip holders in the City's harbors, the Port and Harbor Advisory Board (PHAB) developed a plan to convert 140 spaces in the 30-day parking lots adjacent to the harbors into parking by permit only (see Attachment B). The plan was reviewed by staff and then brought forward to the City Council for review in April and May. The City Council approved a plan that incorporated the original PHAB permit parking recommendations and agreed to implement it on a six month trial basis. The main elements of the plan include the following:

1. Cost per permit per month: \$30 first permit & \$50 for a second permit
2. Six month trial basis only: June 30 - Dec 31
3. Permits sold at the harbor office to slip holders and paid-up transient vessels only
4. Non-harbor customers not eligible for permit parking in former 30-day parking lots
5. General terms:
 - a. No "for hire" vehicles
 - b. Vehicles must be in operable condition with current license

- d. Permit does not guarantee parking availability
- e. No vehicles longer than 23 feet
- f. No trailers

Prior to implementation of the permit parking program, the City attorney advised staff that several sections of Title 10 of the City Code must be amended to establish the authority necessary to regulate parking activities as proposed by the PHAB plan. Once amended, the Code will allow Council the authority to regulate parking activities by resolution. Staff advised the PHAB of the need for the code amendments and asked the attorney to draft the appropriate revisions.

Ordinance 1279 proposes the following four amendments to KCC Title 10:

- Amend KCC 10.08.030, Additional Parking Regulations, by revising the wording in section (g) to add that a vehicle cannot remain parked in public property, including a City parking lot, for longer than 24 hours unless it is in an area designated for a different amount of time marked by an official traffic control device.
- Substitutes existing language in KCC 10.08.050, Limited Time Parking, with revised language that the Chief of Police may use traffic control devices to designate time limits when and where warranted, and that vehicles may not park in violation of the posted traffic control devices. The revision allows the Chief of Police to issue permits to applicants for temporary activities as may be necessary.
- Proposes a new section, KCC 10.08.055, Parking in City Parking Lots, which allows the City Council, by resolution, to set time limits in City parking lots, designate paid parking lots and set fees, establish permit parking and set qualifications and fees for such parking, and to notify the public of time limits.
- Amends KCC 10.44.030, Vehicle and Traffic Offenses – Fine Schedule to include two new sections with fines of \$10 each for violation of exceeding limited time parking and for parking in City lots in violation of posted parking.

ALTERNATIVES:

1. Adopt Ordinance 1279 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting. This is staff’s recommendation because the current Code language does not address parking issues adequately. The amendment will provide the authority and flexibility to make parking changes as needed.
2. Council may amend, postpone, or fail the ordinance in the first reading which is not recommended because the proposed amendments will allow the City to establish parking changes as identified by PHAB.

FINANCIAL IMPLICATIONS: Once the ordinance is effective, the proposed permit parking fee structure will be established on a six-month trial basis next season and is estimated to generate between \$25,000 and \$46,000 in revenues. If the permit parking program at the harbors is extended, parking fees

will offset some costs of operating a permit program. It was proposed as a needed convenience to vessel operators who use the City's harbors and not as a source of revenue.

LEGAL: City attorney, Tom Klinkner, advised staff that sections of Title 10 of the KCC had to be amended to allow the City to create permit parking as requested by the PHAB. Mr. Klinkner worked with staff and drafted the attached ordinance to provide the code changes needed.

STAFF RECOMMENDATION: Staff recommends Council approve Ordinance 1279 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

CITY MANAGER'S COMMENTS: Staff has been working on this since the proposal was introduced by PHAB members in response to a lack of parking for vessel owners and operators in the City's two harbors. We were prepared to implement a six-month trial program per Council's direction after the May 25, 2010, work session. However, City attorney Tom Klinkner advised us that the Code needed to be amended before we could move forward to establish paid or permit parking. I informed the Harbormaster and PHAB of the need for code revisions before the program could be implemented. I asked Tom Klinkner to prepare the necessary Code amendments so we can proceed with this plan in time for the 2011 summer season. I recommend Council adopt this ordinance. When it becomes effective in mid-December, staff will bring a resolution to Council to establish the permit parking facilities and set the terms and rates for the six-month trial period as requested by the PHAB.

ATTACHMENTS:

Attachment A: Ordinance No. 1279

Attachment B: Maps of various parking lots adjacent to City harbors

PROPOSED MOTION:

Move to pass Ordinance No. 1279 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

**CITY OF KODIAK
ORDINANCE NUMBER 1279**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING KCC 10.08.030, ADDITIONAL PARKING REGULATIONS; REPEALING AND REENACTING KCC 10.08.050, LIMITED TIME PARKING; ADOPTING KCC 10.08.055, PARKING IN CITY PARKING LOTS; AND AMENDING KCC 10.44.030, VEHICLE AND TRAFFIC OFFENSES—FINE SCHEDULE; REGARDING THE REGULATION OF PARKING ON STREETS AND OTHER RIGHTS-OF-WAY, AND IN CITY PARKING LOTS

BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Kodiak City Code Section 10.08.030 is amended to read as follows:

10.08.030 Additional parking regulations. Subsections (f) and (g) of 13 AAC 02.365 are hereby amended to read as follows:

(f) No person may park a vehicle upon a street, roadway, alley, vehicular way or area, or a municipal parking lot for the purpose of:

(1) Washing of the vehicle if the person parking the vehicle is a dealer, agent, or employee of a garage, filling station, or car wash;

(2) Repairing or performing maintenance work on the vehicle except repairs or maintenance necessitated by an emergency;

(3) Displaying the vehicle for sale or hire in the regular course of the person's business except that a motor bus, sightseeing vehicle, airline service vehicle, or taxicab may park in accordance with the provisions of 13 AAC 02.372 (see also 5.04.010(a));

(4) Storing or parking, without being attended by a driver, a vehicle to be used for hire to another person; or

(5) Commercial advertising.

(g) No person may park a vehicle on a street, highway, public way, or **other public property, including a city area, or in a municipal parking lot, for more a period of time longer than twenty-four consecutive hours unless the location where the vehicle is parked is otherwise designated by an official traffic control device for parking for a different maximum time.**

Section 2: Kodiak City Code Section 10.08.050 is repealed and reenacted to read as follows:

10.08.050 Limited time parking. (a) The chief of police may designate, by placing official traffic control devices, time limits for parking on those parts of a street, roadway, alley or vehicular way where the chief of police has determined that demand for parking warrants the designation. No person may stop, stand or park a vehicle in violation of such an official traffic control device.

(b) The chief of police may issue permits to occupy parking spaces on a street, roadway, alley or vehicular way for the duration that the applicant demonstrates is necessary to accommodate a temporary activity such as a special event, construction project, or loading or unloading.

[Bold and underlined added. Deleted language stricken through.]

Section 3: Kodiak City Code Section 10.08.055 is adopted to read as follows:

10.08.055 Parking in city parking lots. (a) The council by resolution may:

- (1) Establish time limits for parking in city parking lots;
- (2) Designate city parking lots for paid parking, and establish fees for paid parking in city parking lots; and
- (3) Designate city parking lots for permit parking, and the fees and qualifications for obtaining a permit.

(b) The city shall notify the public of time limits in city parking lots, fees required to park in city parking lots, and permit requirements for parking in city parking lots by the placement of official traffic control devices. No person may stop, stand or park a vehicle in violation of such an official traffic control device.

Section 4: Kodiak City Code Section 10.44.030 is amended by adding the following lines to the fine schedule in that section to read as follows:

KCC 10.08.050(a)	Limited time parking	<u>50</u>
KCC 10.08.055(b)	Parking in city parking lots	<u>50</u>

Section 5: This ordinance shall be effective one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date:

[Bold and underlined added. Deleted language ~~stricken through.~~]

Current St Paul Harbor Parking Layout, 3-23-10




Current St Herman Harbor Parking Layout 3-23-10



(This page left intentionally blank.)

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: October 28, 2010

Agenda Item: b. **Resolution 2010–28, Appointing a Member to the Kodiak Fisheries Development Association**

SUMMARY: The term for the joint City–Borough seat on the Kodiak Fisheries Development Association (KFDA) board held by Stosh Anderson expired in July. He submitted an application to the Borough Clerk and is interested in being reappointed to the KFDA board. The Borough Assembly made the reappointment at their October 21, 2010, meeting, and staff recommend Council authorize the joint appointment of Stosh Anderson by adopting Resolution 2010–28.

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

- Adopted Resolution 2009–22, August 22, 2009, appointing Linda Freed to a vacant joint City–Borough seat
- Resolution 2009–26, September 24, 2009, appointing Albert Tyler Schmeil to a vacant joint City–Borough seat
- Adopted Resolution 2010–25, August 26, 2010, reappointing Mike Woodruff to the City’s crab processor seat

DISCUSSION: The Kodiak Fisheries Development Association (KFDA) 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: two appointed by the City, two appointed by the Borough and three appointed jointly. The City last took action to reappoint Mike Woodruff to the City’s crab processor seat in August 2010.

The City and Borough advertised for interested applicants to fill the joint City–Borough seat, which expired at the end of July. The Borough received an application for reappointment to the joint seat from Stosh Anderson on September 28, 2010 (see Attachment B), and the Assembly reappointed him to the seat at their October 21st meeting.

ALTERNATIVES: Council may approve, amend, or fail the resolution and continue to recruit for additional applicants.

STAFF RECOMMENDATION: Staff recommend Council adopt Resolution 2010–28.

CITY MANAGER’S COMMENTS: Stosh Anderson’s term on the KFDA board expired in July of 2010. He is interested in serving another term as a joint City–Borough appointee. I recommend the City Council adopt this resolution. Once this appointment is complete, KFDA will have a full complement of Directors.

ATTACHMENTS:

Attachment A: Resolution 2010–28

Attachment B: Application from Stosh Anderson, dated September 28, 2010

PROPOSED MOTION:

Move to adopt Resolution 2010–28.

**CITY OF KODIAK
RESOLUTION NUMBER 2010-28**

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 term of service has expired for the joint seat held by Stosh Anderson; and

WHEREAS, Stosh Anderson has requested re-appointment to a joint seat on the KFDA board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the following individuals are appointed as Directors of the Kodiak Fisheries Development Association, with the noted terms:

City Appointees:

Crab Processor Rep. – Mike Woodruff (7/13)

Crab Harvester Rep. – Jeff Stephan (7/11)

Joint Appointees:

Stosh Anderson (7/13) (joint appointment)

Linda Freed (07/11) (joint appointment)

Albert Schmeil (07/11) (joint appointment)

Borough Appointees:

Crab Processor Rep. – Tuck Bonney (07/12)

Crab Harvester Rep. – Jerry Bongen (07/12)

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:



Kodiak Island Borough

Office of the Borough Clerk

710 Mill Bay Road

Kodiak, Alaska 99615

Phone (907) 486-9310 Fax (907) 486-9391

EMAIL: njavier@kodiakak.us

BOARD APPLICATION

NAME: Stosh Anderson

HOME PHONE: 486-3673 WORK: _____ CELL NO: 654-3674

E-MAIL: stosh-a@hotmail.com

STREET ADDRESS: ~~3964~~ Cliffside Rd

MAILING ADDRESS: Box 310

LENGTH OF RESIDENCE IN KODIAK: 25 IN ALASKA: 42

ARE YOU A REGISTERED VOTER IN KODIAK? YES () NO ()

ARE YOU A PROPERTY OWNER IN KODIAK? YES () NO ()

COMMUNITY ACTIVITIES: _____

Port Harbor Board, KEA

PROFESSIONAL ACTIVITIES: Fishermen

AREA OF EXPERTISE AND/OR EDUCATION:

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD(S) (List in order of preference)

1. Kodiak Fisheries Development Board

3. _____ 4. _____

Signature [Handwritten Signature]

Date 28 Sept 2010

A resume or letter of interest may be attached, but is not required. This application will be kept on file for one year. Please return the application by the advertised deadline.


- STAFF USE ONLY -

Voter ID No Verified By: _____
Applicant's Residence, Borough () City ()
Date Appointed: _____
Term Expires on: _____
Comments: _____

Documentation: _____
Appointment Letter: _____
Roster: _____
Oath of Office: _____
Financial Disclosure: _____

(This page left intentionally blank.)

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Council Members
From: Aimée Kniazowski, City Manager 
Thru: Mark Kozak, Public Works Director
Date: October 28, 2010

Agenda Item: V.c. Authorization of SPCC Plan-Spill Prevention, Project No. 03-01/5024

SUMMARY: One part of the Spill Prevention Control & Countermeasures (SPCC) Plan-Spill Prevention project was to remove all of the old drums stored on site at the Public Works facility. The vast majority of these drums contain an old asphalt oil product from over 25 years ago. We do not have any data on this oil product, but it was used in a small asphalt machine for producing hot mix. The machine was disposed of over 20 years ago because it was no longer safe to use. In addition, we have some drums of oil contaminated soil and mixers of other emulsion oil and diesel fuel. Three companies were asked for quotes to evaluate the contents of the drums and submit disposal plans. Emerald Alaska submitted the best and most affordable plan to evaluate the drum contents and dispose of the materials. The evaluation of the drum contents took quite a bit longer than expected, so we missed the September City Council meeting for approval. Because the Environmental Protection Agency (EPA) requires the work to be completed before November 1, 2010, the City Manager had to approve the drum evaluation and removal under emergency purchasing City Code Section 3.12.070 (b) in the amount not to exceed \$28,000 to Emerald Alaska Inc. Staff recommend Council acknowledge and authorize this emergency purchase.

PREVIOUS COUNCIL ACTION: Council approved this project in the FY10 supplemental budget on February 25, 2010. Council approved this phase of the project at their May 27, 2010, meeting. The work was indentified in the City's response to the Notice of Violation (NOV) from the EPA stemming from the September 11, 2009, facility inspection. The NOV and our response letter were included in the May 27th approval for USKH Inc. to update the SPCC plans for City departments, design corrective action for the floor drains in the City shop, replace non-compliant oil storage tanks, and dispose of the accumulated drums at Public Works, as well as cleanup from spilled oil products.

BACKGROUND: During the EPA inspection in September 2009, it was noted that numerous drums existed on the Public Works site. EPA oil spill regulations require that all facilities that operate under the regulations of an SPCC plan must have secondary containment around all containers that may contain petroleum product. As a result, the City was required to remove the large number of stored drums from the facility.

DISCUSSION: SPCC regulations require that any tank, vessel, or container that could contain an oil product needs to have secondary containment to prevent leakage from entering any navigable water way. Since the Public Works facility has over 1,320 gallons of onsite storage capacity, we are required to have an SPCC plan, and all of our tanks or containers must have secondary containment.

Many years ago Public Works had a small asphalt making system and a large stockpile of 55 gallon drums containing some kind of asphalt oil. The machine was disposed of over 20 years ago, but the drums remained in the yard. This old asphalt oil is not compatible with anything the City currently uses. Over the years, asphalt has leaked out onto the ground. This proposal from Emerald Alaska will remove all of the existing drums on site and dispose of them with the appropriate documentation for EPA to prove that the drums and contents have been disposed of properly. This proposal does not include the cleanup of any contaminated soil around the site where the drums are stored. The soil cleanup will still need to be identified and completed in the future.

We have completed as much of the corrective action required by EPA as possible in-house to save costs, but the remaining task will require outside contractors. Once this phase of the work has been completed, two tasks remain — a bid for the installation of the oil/water separator in the Public Works shop and cleanup of any contaminated soil in the area where the old drums have been stored. The design for the installation of the oil/water separator is complete and we plan to bid this phase of the project next spring.

ALTERNATIVES:

1. Authorize the emergency award for drum cleanup and disposal to Emerald Alaska in an amount not to exceed \$28,000. This is staff's recommendation because all existing drums of old oil products stored at the Public Works yard will be removed by the November 1, 2010, EPA deadline.
- 1) Not authorize the award, which is not recommended because it would be a violation of EPA regulations, unless the City built a required containment system for the old drums. It is not feasible to create secondary containment for the large number of drums onsite, and the drums for disposal are waste oil products that cannot be used for any other purpose.

FINANCIAL IMPLICATIONS: This project was included in the FY10 supplemental budget in February for \$100,000. The project requires multiple tasks for the City to come into compliance, such as updates to SPCC plans for the Harbor, Kodiak Police, and Public Works Departments. It also includes the cleanup of stored drums at Public Works, replacement of non-compliant tanks at Public Works, and correction of the shop floor drainage system to include the installation of an oil/water separator. Approval of this contract will exceed the remaining project budget by \$22,690. The additional costs to finalize this award to Emerald Alaska and completion of the remaining tasks will be budgeted in the FY11 supplemental budget.

LEGAL: The City must correct the multiple deficiencies noted in the EPA NOV or receive fines and/or penalties. The deadline for drum removal is November 1, 2010. Staff did not receive the drum disposal quote from Emerald in time for Council approval at the regular meeting in September. As a result, the City Manager authorized the award to Emerald for an amount not to exceed \$28,000 under the emergency provisions in KCC 3.12.070 (b) emergency authorization to remove the drums from October 27-29, meeting the EPA compliance deadline of November 1, 2010. Staff included the NTE amount in the event the contractor needs additional supplies or time. Because the quote is based on time-and-materials, we would pay only the cost to complete the work and would have a contingency to cover any additional cost without delay.

STAFF RECOMMENDATION: Staff recommend Council authorize the contract with Emerald Alaska in an amount not to exceed \$28,000, with \$5,310 coming from the Street Capital Improvement Fund, SPCC Plan-Spill Prevention project, PN 03-01/5024 and the additional \$22,690 to be appropriated to the project in the FY11 supplemental budget.

CITY MANAGER'S COMMENTS: Staff has been working diligently to prepare new and updated SPCC plans and correct the violations identified by EPA. The drum removal has to be completed by November 1st. Emerald Alaska was late in providing us with a final quote, requiring an emergency authorization to ensure the work would be done by the deadline, and they are available to do the work between October 27-29. The cost of this award also exceeds the remaining project budget by almost \$23,000 which will be appropriated in the FY11 supplemental budget, as mentioned above. I recommend Council authorize this award, which is time sensitive and expensive to complete.

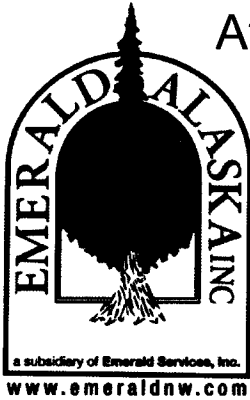
ATTACHMENTS:

Attachment A: Emerald Alaska Inc. Estimate

PROPOSED MOTION:

Move to authorize the SPCC plan-spill prevention contract with Emerald Alaska in an amount not to exceed \$28,000, with \$5,310 coming from the Street Capital Improvement Fund, SPCC Plan-Spill Prevention project, Project N0. 03-01/5024, and the additional \$22,690 to be appropriated to the project in the FY11 supplemental budget.

Attachment A



Brenda Sheets
Emerald Alaska, Inc.
425 Outer Springer Loop
Palmer, AK 99645
Phone: 907-258-1558 (x109)
Toll Free: 877-375-5040 (x109)
Fax: 907-746-3651
Mobile: 907-748-1507
E-Mail: brenda.sheets@emeraldnw.com

Project Estimate # 10168

CUSTOMER NAME: USKH ESTIMATE DATE: 10/11/10
SERVICE ADDRESS: City of Kodiak Public Works Dept
Kodiak, Alaska
BILLING ADDRESS: P.O. Box 1397
Kodiak, Alaska
CUSTOMER CONTACT: Bruce Beck
PHONE NUMBER:
FAX NUMBER:
E-MAIL ADDRESS: bbeck@uskh.com

SCOPE OF WORK: Disposal of Various Waste

EAI Personnel:

- Round Trip from Anchorage to Kodiak
- Estimate of 2 personnel @ \$650.00 per person \$ 1,300.00
- Labor Cost including Travel Time
 - Estimated 3 ea. 10-hour days
 - Estimate 48 man hours @ \$55.00 per hour \$ 2,650.00
 - Estimated 12 man hours @ \$82.50 per hour \$ 990.00
- Per diem at Federal Rate
 - Estimated 3 days with lodging @ \$175.00 per day = \$525.00
 - Estimated 2 personnel @ \$525.00 \$ 1,050.00

Transportation of Supplies from Anchorage to Kodiak \$1,856.00
Transportation from Kodiak, Alaska Public Works Dept. to disposal facility \$ 4,083.00
Transportation Acetone from Kodiak to Anchorage \$ 560.00
U-Haul Rental @ \$50.00 per day for 3 days \$ 150.00

Disposal:

- Used Oil/ Fuel No Charge
- Oily Water
 - Estimated 275 gallons @ \$1.15 per gallon \$ 316.25
- POL Soil and Scale, Absorbent Pads and Debris
 - Estimated 8 drums @ \$195.00 per drum \$ 1,560.00

Your Local Partner for Recycling & Environmental Services



- Acetone
 - Estimated 1 ea. 55-gallon drum @ \$200.00 per drum \$ 200.00
- Empty Pumped Drums
 - Estimated 54 ea. @ \$25.00 per drum \$ 1,350.00

Southbound Transportation:

- Anchorage to Seattle
 - Estimated 1 ea. 85-gallon drum @ \$125.00 per drum \$ 125.00

Supplies:

- Estimated 4 ea. 85-gallon over packs @ \$210.55 per drum \$ 842.20
- Estimated 4 ea. 55-gallon drums @ \$77.73 per drum \$ 310.92
- Estimated 12 Totes @ \$250.00 per tote \$ 3,000.00
- Pumps, Tools, Misc Supplies \$ 375.00
- Floor Dry \$ 310.00
- Extended Boom Forklift \$1,002.00

Documentation	\$ 100.00
Estimated Energy Surcharge	\$ 435.66
Estimated Total	\$ 22,566.03

* Estimate is based on Site Visit, pricing includes disposal of absorbent pads on ground.

** Volumes of liquids are estimated, actual volumes amounts will be billed.

General Assumptions:

1. **Energy surcharges, applicable to the date of service, will apply to all items that are affected by fuel costs. October 2010 energy surcharge is 12.75 %. Energy surcharges vary month-to-month.**
2. **This signed estimate must be received as an official Notice to Proceed for any project or change order.**
3. Disposal pricing is based on disposal method. The price above may differ from the final price, which is based upon final TSDf profile approval and waste receipt.
4. It is assumed that the above material is packaged in DOT approved shipping containers that are in good condition for transportation according to the regulations of the Department of Transportation. Off-spec containers will be re-packaged at customer's expense.
5. If delays are encountered outside the immediate control of Emerald Alaska, Inc., additional charges may apply. Containers must be made readily accessible by the generator or the generator's representative.
6. Customer agrees to pay any applicable taxes or permits.
7. Expedited Services (less than 24-hour notice) are considered Emergency Response and may incur up to a 10% invoice surcharge.
8. Customer agrees to pay in full and on time all charges and fees within the scope of work, and within any authorized change order. Payment Terms are NET 30 unless other arrangements have been made prior to the start of work. Billing will occur at the time Emerald Alaska, Inc. accepts the waste material(s) for

Your Local Partner for Recycling & Environmental Services



transportation and/or disposal. Final Manifests, Certificates of Disposal and other supporting documentation will be mailed to the project manager when available.

9. Customer acknowledges this quote is a good faith estimate of the charges and fees which may be incurred within the scope of work, but the actual charges and fees may vary from or exceed the estimate. Customer agrees to pay the actual charges and fees.
10. Emerald Alaska, Inc. reserves the right to require security and take other steps to ensure Customer timely and fully pays all charges and fees. Emerald Alaska, Inc. may suspend services if Customer fails to make full and timely payment.
11. Emerald Alaska, Inc. has no obligation to perform any services or incur any costs unless and until this Estimate is authorized and signed by Customer, and returned to Emerald Alaska, Inc. Emerald Alaska, Inc. has no obligation to perform any services or incur any costs beyond those described within the scope of work in this Estimate, unless and until a written change order is executed and signed by both Customer and by Emerald Alaska, Inc.

On behalf of Customer, I agree to all terms and conditions of this Estimate and Work Order, and authorize Emerald Alaska, Inc. to proceed accordingly. If required by your AP department, please provide the purchase order number for this work.

Customer Signature: _____

Printed Name: _____

Title: _____ Date: _____

Purchase Order Number: _____

Your Local Partner for Recycling & Environmental Services

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers
From: Aimée Kniaziowski, City Manager *AK*
Thru: Chief of Police T.C. Kama
Date: October 28, 2010

Agenda Item: **V.d. Authorization of Change Order No. 12 Kodiak Police Station, Project No. 04-23, Alternate No. 1–Kodiak Jail Construction.**

SUMMARY: This Change Order authorizes Roger Hickel Contracting, Inc. (RHC) to proceed with several contractor change order request to Alternate No. 1 Kodiak Jail construction. Staff recommend Change Order No. 12 be authorized in the amount of \$87,933, with funds to come from Public Safety Building Fund Police Station project account.

PREVIOUS COUNCIL ACTION:

- The Council approved Change Order No. 11, which included \$23,417, with funds to come from Police Station Capital Project Fund, Police Station Construction Account.
- The Council has approved a total of 11 previous change orders from April 2009 through August 2010.

BACKGROUND: On August 26, 2010, the City Council authorized Roger Hickel Contracting, Inc. (RHC) to proceed with construction of Alternate No. 1–Kodiak Jail Construction.

DISCUSSION: RHC, Inc. has submitted ten change order requests through the project construction Administrator; USKH. USKH has reviewed each request and has recommended they be approved. A summary of each request follows:

- COR # 83 Reimburse RHC for heating fuel left in the fuel storage tank after the City took occupancy of the new Kodiak Police Station.
- COR # 84 Exchange baseboard heaters in lobby vestibules with larger heaters to provide improved temperature control in the vestibules and building lobbies.
- COR # 85 Upgrade and add detention grade doors and hardware to the jail cell block area. Also, to improve security as well as “sight and sound” separations between men’s and women’s cell blocks, add a door and wall to corridor 178.

- COR # 86 Provide booking office revision to include a DUI processing station, and revise the electrical system to function with the office furniture selected.
- COR # 87-R1 Interface the dispatch and the jail control room. Add an additional camera to the jail Kitchen area.
- COR # 88 Provide analog telephone outlet and wiring in the jail control room and relocate CATV locations in the jail area.
- COR # 89 Close off the concrete walls to the metal deck to provide sound and security control. The concrete walls are poured to the underside of the roof trusses leaving an opening for noise to be transmitted between the male and female day rooms.
- COR # 90 Increase the breaker, wiring, and disconnect switch to the CU#2.
- COR # 92 This change is required to provide additional return air openings and ductwork to ventilate the jail area and provide an air path to the jail air handling unit.
- COR # 93 This change is required to provide additional electrical outlets to the jail kitchen so that appliances used in prisoner food preparation can be fully utilized.

Staff believe that COR # 82, 84, 85, 87-R1, 89, 90, 92, and 93 are necessary measures to enhance the safety, security, and livability in the new Kodiak Jail.

ALTERNATIVES:

1. Authorize Change Order No. 12 in the amount of \$87,933. Staff recommend this alternative as it will allow construction of the Kodiak Jail to continue.
2. Do not authorize Change Order No. 12. Staff do not recommend this alternative.

FINANCIAL IMPLICATIONS: Staff believe there remains an adequate construction contingency fund to pay for this change order.

LEGAL: N/A.

STAFF RECOMMENDATION: Staff recommend the Council authorize Change Order No. 12 Kodiak Police Station, Project No. 04-23, Alternate No. 1–Kodiak Jail Construction, in the amount of \$87,933 with funds to come from Public Safety Building Fund Police Station project account.

CITY MANAGER’S COMMENTS: It is good to see the jail part of the project coming close to the projected mid-November completion date. The items in this change order have been reviewed and

recommended by our project manager and Police Chief. The changes will enhance safety, security, and effective operations of the new jail. This is a large project and the number of change orders have been minimal for a project of this size and scope. I support staff's recommendation to authorize Change Order #12 as itemized.

ATTACHMENTS:

A: AIA Document G701-2001 Change Order #12

PROPOSED MOTION:

Move to authorize Change Order No. 12 Kodiak Police Station, Project No. 04-23, Alternate No. 1-Kodiak Jail Construction in the amount of \$87,933, with funds coming from the Public Safety Building Fund Police Station project account.

October 28, 2010
Agenda Item V.d. Memo Page 3 of 3



AIA Document G701™ – 2001

Change Order

PROJECT (Name and address): Kodiak Police Station Kodiak, Alaska	CHANGE ORDER NUMBER: 012 DATE: October 28, 2010	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Roger Hickel Contracting, Inc 11001 Calaska Circle Anchorage, AK 99515	ARCHITECT'S PROJECT NUMBER: 818904 CONTRACT DATE: January 22, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Reimbursement for Heating Oil left in Tan at Subst. Completion	RHC COR 83	\$4,235
2. Provided new Baseboard heaters in the Vestibules	RHC COR 83	\$9,193
3. Provide detention grade doors and hardware, add doors to Jail Corridor	RHC COR 85	\$14,907
4. Provide Booking Office revision per RFP #17	RHC COR 86	\$10,498
5. Provide added CCTV System and CCTV video camera per RFP #18	RHC COR 87-R1	\$12,035
6. Provide additional data Jacks and relocate TV outlets per RFP #19	RHC COR 88	\$2,829
7. Provide additional GWB wall at top of the exist. Concrete wall to ceiling	RHC COR 89	\$15,379
8. Provide new feeders for CU#2, revise from 90 amp to 100 amp	RHC COR 90	\$3,681
9. Provide additional return air from Jail to AHU-2	RHC COR 92	\$13,131
10. Provide additional receptacles and revise circuits in the Kitchen 190	RHC COR 93	\$2,045


The original Contract Sum was	\$	15,300,000.00
The net change by previously authorized Change Orders	\$	4,940,551.00
The Contract Sum prior to this Change Order was	\$	20,240,551.00
The Contract Sum will be increased by this Change Order in the amount of	\$	87,933.00
The new Contract Sum including this Change Order will be	\$	20,328,484.00

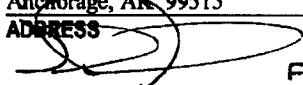
The Contract Time will be increased by zero (0) days.

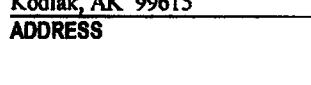
The date of Substantial Completion as of the date of this Change Order therefore is December 31, 2010.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.


USKH Inc.
ARCHITECT (Firm name)
 2515 A Street
 Anchorage, Alaska 99503
ADDRESS

BY (Signature)
 Dale Smythe, AIA
 (Typed name)
 10/13/10
DATE

Roger Hickel Contracting, Inc.
CONTRACTOR (Firm name)
 11001 Calaska Circle
 Anchorage, AK 99515
ADDRESS
 FOR
BY (Signature)
 Michael Shaw, President
 (Typed name)
 10-11-10
DATE

City of Kodiak
OWNER (Firm name)
 710 Mill Bay Road
 Kodiak, AK 99615
ADDRESS

BY (Signature)
 Aimée Kniazowski, City Manager
 (Typed name)
DATE

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Thru: Mark Kozak, Public Works Director

Date: October 28, 2010

Agenda Item: V.e. Authorization of Emergency Repair of Electric Start System at Monashka Pumphouse

SUMMARY: On September 21, pump #2 at the Monashka pumphouse failed to start. Shop Supervisor Gerald Pherson checked the system and found the soft start for pump #2 had arced within itself and failed. At the time of this failure the City was in the middle of a major Pollock opening with daily water flow demands of about eight million gallons per day. Because of the high water usage, it was critical to have this pump repaired as soon as possible. Staff located a replacement soft start controller through North Coast Electric and immediately ordered it. The water utility repair and maintenance account had the funds available to cover the cost of the new soft start, but the amount exceeded the Manager's spending limit. Due to the critical nature of the repair, the Manager made an emergency approval under the provision in KCC 3.12.070 (b), which allows the Manager to purchase beyond normal limits under emergency circumstances. Staff recommend Council authorize the emergency repair costs in the amount of \$18,343.50.

BACKGROUND: The Monashka pumphouse and reservoir system supply almost the entire annual water supply to the City of Kodiak. During certain periods of processing activity, our daily water use required the full pumping capacity of this system. During this particular Pollock opening, Monashka had experienced a pump motor failure on the large electric pump the day before the start system to pump #2 failed. Because of these failures and the lack of water in the Pillar Creek reservoir, we were required to repair pump #2 as quickly as possible. That is why it was imperative that a new soft start controller was purchased immediately.

DISCUSSION: Monashka pumphouse is made up of three large electric pumps and one diesel powered pump. Pump #1 and 2 have 300HP pump motors and are capable of pumping 2,900 gallons per minute (gpm). Pump #3 has a 400HP pump motor and pumps 4,100 gpm. The diesel pumps 3,900 gpm. Water usage during this Pollock opening was roughly 8 million gallons per day (MGD), approximately 7,000 gpm. The two 300HP pumps combined pumps roughly 7.7 MGD. One 300HP and the 400HP combined pump roughly 9 MGD. So during these large flow periods multiple combinations of pumps are used to keep the Upper Reservoir full.

On the night of September 19 at 11:30 p.m. pumps #2 and #3 were running when there was a power interruption that shut down both pumps. We received a 911 call from the pumphouse and Shop Supervisor Gerald Pherson responded. Because flows had dropped somewhat he restarted pump #1 and #2 around midnight.

On the morning of September 20, the shop supervisor went to the pumphouse to check the pumps. Water usage had increased so he attempted to start pump #3, the 400HP pump. The pump motor smoked and flames came out the side, so he immediately shut it down and used a fire extinguisher to put out the flames. The motor for pump #3 was removed that morning and prepared to be shipped to Anchorage for repair.

The following morning, September 21, pump #2 would not start. The supervisor checked the start system and found evidence that the soft start controller had internally arced and failed. This left the City without the capability to keep up with water demand with only one smaller electric pump and the diesel pump. The crew begin running the diesel standby powered pump. To operate the diesel requires that it be monitored by an operator at all times.

We were not able to use Pillar Creek to supplement Monashka because of the unusually dry weather, and the water level was 20 feet below the spillway at Pillar.

The shop supervisor located a replacement start controller, and by September 23, pump #2 was back in service.

ALTERNATIVES: Because of the unusual circumstances of having two failures at the same time, this required that we purchase this start controller under emergency procedures before approval from the City Council could be granted.

- 1) Authorize the emergency purchase, which is staff's recommendation. The decision was made to purchase the part immediately due to the high water usage and the other failed pump that was going to take longer to repair.
- 2) Not authorize the emergency purchase, which is not recommended. Without the part, we would not have been able to keep up with demand, and this would have had a negative impact on the processing industry and the Pollock opening.

FINANCIAL IMPLICATIONS: Each year the water utility repair and maintenance budget line carries \$25,000 for this kind of emergency large item repair at the pumphouses. The \$18,343.50 for a motor start controller is a large cost item (Attachment A). By the time additional support for electricians are paid, the water utility repair and maintenance budget is likely to be depleted.

LEGAL: KCC 3.12.070(b) authorizes the City Manager to authorize expenditure above the set spending authority in an emergency which is what was done in this case.

STAFF RECOMMENDATION: Staff recommend Council authorize the emergency purchase in the amount of \$18,343.50 with funds coming from the Water Utility, Water Distribution Fund, repair and maintenance account.

CITY MANAGER'S COMMENTS: According to Public Works, having two pumps fail within two days is unusual. However, the pumps are of 1950s vintage/design and were acquired as surplus items years ago. The crew maintains the pumps and pays attention to their overall condition due to their age and the importance of domestic water delivery to the community. Staff had to respond immediately to the failures of pumps #2 and #3 during this high demand time. I recommend Council authorize the emergency repair of pump #2 in the amount of \$18,343.50. Staff will inform you about any additional expenses that may be needed to cover these and other water distribution system repairs in the FY11 Supplemental budget.

ATTACHMENTS:

Attachment A: City Purchase Order No. 11-0000090

PROPOSED MOTION:

Move to authorize the emergency repair of pump #2 in the amount of \$18,343.50, with funds coming from the Water Utility, Water Distribution Fund, repair and maintenance account.



City of Kodiak
P.O. Box 1397
Kodiak, AK 99615
907-486-8650

Purchase Order Number: 11-0000090

Vendor Information:

North Coast Electric
5410 Fairbanks Street

Anchorage

AK 99518

Ship to:

Public Works Department
2410 Mill Bay Road

Kodiak


AK 99615

Vendor Number	P.O. Date	Requested By	Ship Via	Terms
574	9/22/2010	M L Kozak		

Quantity	Unit	Description General Ledger Distribution	Unit Cost	Total Cost
1.00	EA	A-B 150-A360NBDB Contoller, Motor 4 550.560.360.450.510 \$17797.00	17797.00	17797.00
2.00	EA	A-B 150-N84L SMC Dialog Plus Access 550.560.360.450.510 \$546.50	273.25	546.50
			Total:	18343.50

FINSALTX

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers
From: Aimée Kniazowski, City Manager 
Thru: Mark Kozak, Public Works Director
Date: October 28, 2010

Agenda Item: V.f. Authorization of Monashka Pumphouse Feasibility Study PN 11-05/7029

SUMMARY: Monashka Reservoir and Pumphouse are the primary sources of water for the City of Kodiak's public water system. The plans on file for the pumphouse indicate that construction began sometime in 1972. Since the start up of operations only minor changes have occurred, such as the addition of pumps and replacement of the original motor start systems. The additional pumps were installed by the Public Works crew and the electrical work was completed by local electricians. With 38 year old electrical and pumping technology housed in this building, this feasibility study has been needed for quite some time. Staff recommend Council award the Monashka Pumphouse Feasibility Study to CH2MHill in the amount of \$175,000.

PREVIOUS COUNCIL ACTION: The Public Works staff made a brief presentation to Council on the need for this project at the budget work session in May. The project was authorized in the FY11 capital budget Water Capital Improvement Fund in the amount of \$225,000

BACKGROUND: The Monashka reservoir and pumphouse provide the primary source of water for the City of Kodiak and many residents on the road system. Annually, over 99% of the community's water comes from Monashka, roughly 1.7 billion gallons of water a year. The Pillar Creek system is rarely used and serves primarily as a backup system to Monashka. However, Pillar Creek is critical to the City in order to continue to operate under filtration avoidance criteria.

Since the Monashka pumphouse was built in the early 1970s, maintenance and upgrades have been done on an as-needed basis, and the system has not been re-evaluated as a whole to determine potential efficiency improvements or condition of this critical facility. In order to support the community, and particularly the seafood processing industries' water needs, this facility needs to be at full pumping capacity at all times.

An example of the critical nature of this facility was illustrated in September during a Pollock opening. The electrical motor to pump #3 failed. The very next day the electrical start system for pump # 2 failed. At the same time, because of the extended dry period, Pillar Creek was not available to support Monashka due to the lack of water. Past experience has shown that having two failures like this at the

same time is very rare. However, it shows how this system is really in need of a professional evaluation and recommendations for improving the dependability of the system.

DISCUSSION: The Monashka pumphouse electrical and pumping system is as it was constructed in the early 1970s. The City installed the additional pumps that were in the original design. The pumps at both Monashka and Pillar are no longer manufactured; the company does support the pumps custom builds parts on an as-needed basis. This leads to long delays for manufacturing time and extremely high cost for parts. The original electric motor start systems have been replaced at both pump houses. When the start systems were replaced they were under emergency conditions and urgent need so the new starts were adapted into the existing locations without further electrical upgrade to the pumps motors.

After 38 years of operation and the Monashka facility being one of the most critical aspects of our water system, we need to complete a thorough evaluation of the entire facility.

The study will evaluate the building for seismic stability. This building is a critical structure to the community and needs to be evaluated for life safety and operational safety. The entire electrical system will be reviewed to assure the system is sized appropriately and meets current safety codes. The pumps will be evaluated for energy efficiency and options to improve pumping during low flow periods. Options for long distance monitoring and control will be evaluated to improve routine operations and during severe weather events. Each of these items is explained in greater detail in CH2MHill's proposal and scope of work (see Attachment A).

ALTERNATIVES:

- 1) Authorize CH2MHill to perform the Monashka Pumphouse Feasibility Study, which is staff's recommendation. This type of comprehensive evaluation will provide professional guidance for upgrades, so it will last another 40 years with excellent reliability and function.
- 2) Council could reduce the scope of the evaluation to evaluate just the electrical system, which is not recommended. The improvements in technology may offer significant savings in annual operational cost over the next 20 or more years, as well as the need to evaluate the structure and make sure it will withstand a major seismic event.
- 3) Council could decide not to authorize this study and continue to operate as is, which is not recommended. This is not exercising care for such a critical utility system. As an example, when the start system failed recently, we were told that the start we purchased was the only one that Allen Bradley, the manufacturer, could locate in the country. If this happens again they would need to make us one.

FINANCIAL IMPLICATIONS: This project was budgeted for \$225,000 in the FY11 Water Capital Improvement Fund.

STAFF RECOMMENDATION: Staff recommends Council authorize CH2MHill to perform the Monashka Pumphouse Feasibility Study PN 11-05/7029 for a lump sum contract in the amount of \$175,000, with funds coming from Water Capital Improvement Fund project number 11-05/7029.

CITY MANAGER'S COMMENTS: This study is an important step in ensuring the Monashka facility remains fully operational at all times. The emergency pump failures in September indicate how important this facility is to the community and the economy of Kodiak. A complete system analysis should be done and will identify improvements that will improve and extend reliability. The Public Works Director identified this as an important project to accomplish for several years and was successful in including it in the FY11 budget. CH2MHill has provided valuable assistance and expertise to the City's utility systems, and I expect they will complete this report with important recommendations for us to consider. I support staff's recommendation that Council authorize CH2MHill to undertake this feasibility study.

ATTACHMENTS:

Attachment A: CH2MHill's Proposal for Monashka Pump House Feasibility Study and Preliminary Design.

PROPOSED MOTION:

Move to authorize CH2MHill to perform the Monashka Pumphouse Feasibility Study PN 11-05/7029 for a lump sum contract in the amount of \$175,000, with funds coming from Water Capital Improvement Fund project number 11-05/7029.

Attachment A



CH2M HILL
949 East 36th Ave
Suite 500
Anchorage, AK 99508
Tel 907.762.1500
Fax 907.257.2017

October 8, 2010

Mark Kozak / Public Works Director
City of Kodiak
2410 Mill Bay Road
Kodiak, AK 99615

Subject: Engineering Services Proposal for Monashka Pump House Feasibility Study and Preliminary Design – Project Number 11-05/7029

Dear Mr. Kozak:

CH2M HILL appreciates this opportunity to submit our proposal for the City of Kodiak's Monashka Pump House Feasibility Study and Preliminary Design. The Monashka Pump House is a critically important component of the City's water supply infrastructure. The pump house was constructed in the early 1970s. The high capacity pump manufacturer is no longer in business. Recent failures at the pump house point to the need to upgrade this pumping facility.



Monashka Pump House



High Capacity Pumps and Piping

We understand the City desires to extend the life of the existing facility, improve its reliability, increase its operating efficiency, address code compliance deficiencies, and determine the feasibility of adding remote supervisory control and data acquisition (SCADA) capabilities.

Proposed Scope of Services

The following scope of services is based on a recent site visit and discussion with City staff on the desired work to upgrade and improve the Monashka Pump House:

- 1) Assess building structure, including the existing hoist and rail equipment lifting system, for seismic/life safety code issues and develop preliminary upgrade recommendations.
- 2) Assess facility envelope for deficiencies and provide life/safety code study with upgrade recommendations.
- 3) Assess electrical system for code upgrade requirements and develop recommendations.
- 4) Coordinate with Kodiak Electric Association for existing and future power requirements.
- 5) Assess electrical motor drives for efficiency and to determine if one or more should be on Variable Frequency Drives. Develop estimated power use savings with recommended equipment.
- 6) Assess building grounding system and lightning protection with recommendations for upgrades.
- 7) Assess if a large standby generator set should be added to replace the diesel direct drive (for use during power outages) or if existing system should be upgraded.
- 8) Assess SCADA and Instrumentation & Control (I&C) additions as opposed to current manually operated system.
- 9) Assess pump and piping efficiency and develop recommended replacement or upgrades.
- 10) Assess system hydraulics, control valves and piping, determine hydraulic efficiency, and develop piping and valve recommendations.
- 11) Assess the building's HVAC and fuel storage and delivery systems for code compliance and provide upgrade recommendations.
- 12) Produce pump house upgrade feasibility report.
- 13) Develop preliminary design drawings.
- 14) Develop a preliminary construction cost estimate.

Excluded Services

CH2M HILL does not propose to provide any service related to determining the extent of the pump house bat infestation, the ingress and egress pathways for the bats, or to eliminate the bats and any bat caused contamination.

No site civil engineering, geotechnical, permitting, or grant application services are proposed.

Deliverables

- 1) Draft feasibility and preliminary design report for City review
- 2) Final report

Design Team

We have assembled an Anchorage based team of CH2M HILL professionals to perform the requested services. Our proposed team members include:

Project Manager	Floyd Damron, P.E.
Structural Engineer	Paul Wallis, P.E.
Architect	Monique Lussier, AIA
Process and Pumping Engineer	Ken Clegg, P.E. (from our Corvallis, OR office)
Electrical/I&C Engineer	Breck Alderson, P.E.
Mechanical Engineer	Jeff Sever, P.E.
Construction Cost Estimator	Craig Moore
Senior Review/QC	Bud Alto, P.E.

Schedule

Project kick-off - We propose to mobilize our team to Kodiak on November 2, 2010 for the project kick-off meeting with City staff. Following the kick-off meeting and safety briefing, our team will proceed to the Monashka Pump House to begin our field investigations. We will also be reviewing existing project records at the City's Public Works office while in Kodiak. Most of our team members will be on site for two days. We will send a list of background material requests and questions to the City prior to our November 2 trip to Kodiak.

Draft feasibility report and preliminary design submittal - February 4, 2011

Final report - 30 days after receipt of all City draft report review comments.

	Engineering Lump Sum Fee Amount	
Task 1	Kick-off Meeting and Design Team Site Visit	\$30,000
Task 2	Feasibility Report	\$57,000
Task 3	Preliminary Design and Drawings	\$54,000
Task 4	Construction Cost Estimate	\$9,000
Task 5	Respond to City Comments and Produce Final Report	\$8,000
Task 6	Project Management, Contracts, and Accounting	\$17,000
	Total Lump Sum Amount	\$175,000

Mark Kozak
October 8, 2010
Page 4

Attached are two CH2M Hill-executed copies of the Standard Agreement for our Professional Services. If the City chooses to retain CH2M HILL for this project, please counter-sign and return one Agreement.

Please let me know if you have any questions or would like to discuss this letter proposal.

We are ready to begin work and look forward to this opportunity to once again serve the City of Kodiak.

Sincerely,

CH2M HILL



Floyd J. Damron, P.E.

VP and Senior Project Manager



STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

CH2M HILL'S OFFICE ADDRESS: 949 E 36th Ave, Suite 500 Anchorage, AK 99508

CH2M HILL'S PROJECT NO.: _____

PROJECT NAME: Monashka Pump House Feasibility Study and Preliminary Design

CLIENT: City of Kodiak

CLIENT'S ADDRESS: 2410 Mill Bay Road Kodiak, AK 99615

CLIENT requests and authorizes CH2M HILL, INC. (hereinafter "CH2M HILL") to perform the following Services:

Scope of Services

See attached proposal letter dated October 8, 2010.

Compensation

Compensation by CLIENT to CH2M HILL will be on a Lump Sum Basis in the amount of \$175,000. Amount invoiced each month will be based on estimate of percentage of completion multiplied times the lump sum amount.

Schedule

See attached proposal letter dated October 8, 2010.

Other Terms

None

Services covered by this AGREEMENT will be performed in accordance with the Provisions and any attachments or schedules. This AGREEMENT supersedes all prior agreements and understandings and may only be changed by written amendment executed by both parties.

CLIENT:

Signature _____

Name (printed) _____

Title _____

Date _____

CH2M HILL, INC.:

Signature

Name (printed) Floyd J. Damon, P.E.

Title V.P. Sr. Project Manager

Date 10/8/10

PROVISIONS

1. Authorization to Proceed

Execution of this AGREEMENT by CLIENT will be authorization for CH2M HILL to proceed with the Services, unless otherwise provided for in this AGREEMENT.

2. Cost Opinions

Any cost opinions or Project economic evaluations provided by CH2M HILL will be on a basis of experience and judgment, but, since CH2M HILL has no control over market conditions or bidding procedures, CH2M HILL cannot warrant that bids, ultimate construction cost, or Project economics will not vary from these opinions.

3. Standard of Care

The standard of care applicable to CH2M HILL's services will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar services at the time CH2M HILL's services are performed. CH2M HILL will re-perform any services not meeting this standard without additional compensation.

4. Termination

This AGREEMENT may be terminated for convenience on 30 days written notice or if either party fails substantially to perform through no fault of the other and does not commence correction of such nonperformance within 5 days of written notice and diligently complete the correction thereafter. On termination, CH2M HILL will be paid for all authorized work performed up to the termination date plus termination expenses, such as, but not limited to, reassignment of personnel, subcontract termination costs, and related closeout costs.

5. Payment to CH2M HILL

Monthly invoices will be issued by CH2M HILL for all Services performed under this AGREEMENT. CLIENT shall pay each invoice within 30 days. Interest at a rate of 1-1/2 percent per month will be charged on all past-due amounts.

In the event of a disputed billing, only that disputed portion will be withheld from payment, and the undisputed portion will be paid. CLIENT will exercise reasonableness in disputing any bill or portion thereof. No interest will accrue on any disputed portion of the billing until mutually resolved.

6. Limitation of Liability

CH2M HILL's liability for CLIENT's damages will, in the aggregate, not exceed \$100,000. This Provision takes precedence over any conflicting Provision of this AGREEMENT or any document incorporated into it or referenced by it. In no event shall CH2M HILL, its affiliated corporations, officers, employees, or any of its subcontractors be liable for any incidental, indirect, special, punitive, economic or consequential damages, including but not limited to loss of revenue or profits, suffered or incurred by CLIENT or any of its agents, including other contractors engaged at the project site, as a result of this Agreement or CH2M HILL's performance or non-performance of services pursuant to this Agreement.

Limitations of liability provided herein will apply whether CH2M HILL's liability arises under breach of contract or warranty; tort, including negligence; strict liability; statutory liability; or any other cause of action, and shall include CH2M HILL's officers, affiliated corporations, employees, and subcontractors.

7. Severability and Survival

If any of the provisions contained in this AGREEMENT are held illegal, invalid or unenforceable, the other provisions shall remain in full effect. Limitations of liability shall survive termination of this AGREEMENT for any cause.

8. No Third Party Beneficiaries

This AGREEMENT gives no rights or benefits to anyone other than CLIENT and CH2M HILL and has no third party beneficiaries except as provided in Provision 10.

9. Materials and Samples

Any items, substances, materials, or samples removed from the Project site for testing, analysis, or other evaluation will be returned to the Project site unless agreed to otherwise. CLIENT recognizes and agrees that CH2M HILL is acting as a bailee and at no time assumes title to said items, substances, materials, or samples. CLIENT recognizes that CH2M HILL assumes no risk and/or liability for a waste or hazardous waste site originated by other than CH2M HILL.

10. Assignments

Neither party shall have the power to or will assign any of the duties or rights or any claim arising out of or related to this AGREEMENT, whether arising in tort, contract or otherwise, without the written consent of the other party. Any unauthorized assignment is void and unenforceable.

11. Integration

This AGREEMENT incorporates all previous communications and negotiations and constitutes the entire agreement of the parties. If CLIENT issues a Purchase Order in conjunction with performance of the Services, general or standard terms and conditions on the Purchase Order do not apply to this AGREEMENT.

12. Force Majeure

If performance of the Services is affected by causes beyond CH2M HILL's reasonable control, project schedule and compensation shall be equitably adjusted.

13. Dispute Resolution

The parties will use their best efforts to resolve amicably any dispute, including use of alternative dispute resolution options.


14. Changes

CLIENT may make or approve changes within the general Scope of Services in this AGREEMENT. If such changes affect CH2M HILL's cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this AGREEMENT.

(This page left intentionally blank.)

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: October 28, 2010

Agenda Item: V.g. Authorization to Cancel the November Regular Meetings and Schedule a Special Meeting for November 9, 2010

SUMMARY: The regularly scheduled Council meetings for November must be cancelled due to November holidays, which conflict with regular meeting dates. The City offices are closed on November 11, which is Veterans Day. The Mayor, some Council members, and staff will be in Juneau for the annual Alaska Municipal League conference November 14-19, and the Thanksgiving holiday falls on the November 25 regular meeting date. Staff discussed the scheduling with Council at the September work session and recommended a special meeting be scheduled for November 9, 2010. The special meeting would be a combined work session and regular meeting.

PREVIOUS COUNCIL ACTION: The City Council cancels regular meetings and schedules special meetings from time to time due to travel and other scheduling conflicts.

LEGAL: KCC identifies the regular meeting schedules are held on the second and fourth Thursdays of each month. If a regular meeting must be cancelled, a special meeting may be scheduled and should be done my motion at a regular or special Council meeting. The attendance requirements do not apply to a special meeting.

PROPOSED MOTION:

Move to cancel the November 11 and 25 regular meetings and schedule a work session and special meeting for November 9, 2010.

October 28, 2010
Agenda Item V.g. Memo Page 1 of 1

(This page left intentionally blank.)

MEMORANDUM TO COUNCIL

To: Mayor Floyd and City Councilmembers

From: Debra Marlar, City Clerk

Date: October 28, 2010

Agenda Item: V.h. Certification of Election

SUMMARY: The City of Kodiak held a regular election October 5, 2010, and voters cast ballots for one one-year City Council position, two three-year City Council positions, and voted on Proposition Numbers 1 and 2. The Canvass Board met October 13, 2010, to tally the votes of the admissible questioned and absentee ballots, together with votes counted on election night. The final results of the October 5, 2010, Municipal City election were:

City Council—One One-Year Term

Pat Branson792
Write-Ins30

City Council—Two Three-Year Terms

John Whiddon551
Charles Davidson506
Terry Haines.....492
Write-Ins11

Proposition No. 1 (Authorizing collective bargaining)

Yes430
No.....469

Proposition No. 2 (Amending City Charter Article X, Section 3)

Yes687
No.....178

Of the 3,743 registered City voters, 1,010 cast eligible City ballots, for a 26.9 percent voter turnout, which is .007 percent lower than last year.

NOTES/ATTACHMENTS:

Attachment A: Certificate of Election

Attachment B: Canvass Report of Final Results

PROPOSED MOTION:

Move to certify the results of the October 5, 2010, regular election and declare Patricia Branson elected to the City Council for a one-year term, John Whiddon and Charles Davidson elected to the City Council for three-year terms, that Proposition No. 1 failed and Proposition No. 2 passed.

October 28, 2010
Agenda Item V.h. Memo Page 2 of 2

CITY OF KODIAK, ALASKA
2010 Municipal Election
Certificate of Election

WE, the undersigned MAYOR and CITY CLERK of the City of Kodiak, Alaska, do hereby certify that the Council of the City of Kodiak, Alaska, in accordance with KCC 2.28.015, have received the report of the Canvass Board for the 2010 Municipal Election, held on the 5th day of October 2010 and have determined that the election was validly held and have certified the following results:

Councilmember, one one-year term

Number of votes cast..... 822

Candidates	Votes Received
Pat Branson	792
Write-ins.....	30

Councilmember, two three-year terms

Number of votes cast:..... 1560

Candidates	Votes Received
John Whiddon.....	551
Charles Davidson	506
Terry Haines	492
Write-ins.....	11

Proposition No. 1, Collective Bargaining Initiative

Number of votes cast:..... 899

Yes	430
No	469

Proposition No.2, Amendment to City Charter Article X, Section 3

Number of votes cast:..... 865

Yes	687
No	178

By the authority vested in us by the laws of the State of Alaska and the Charter and Code of the City of Kodiak, Alaska, we do hereby affix our hand and seal.

MAYOR

CITY CLERK

DATED this 28th day of October 2010

**October 5, 2010, Regular Election
Canvass Report of Final Results**

**(Harbor) (Teen) Admissible
36/618 36/620 Questioned Total Percent**

REGISTERED VOTERS/BALLOTS CAST

REGISTERED VOTERS	1902	1841		3743	
BALLOTS CAST	503	407	100	1010	26.9%

VOTES CAST

City Council, One 1-Year Term

Pat Branson	386	317	89	792	96.4%
Write-ins	16	11	3	30	3.6%
Total	402	328	92	822	100%

City Council, Two 3-Year Terms

Charles Davidson	236	206	64	506	32.4%
Terry Haines	251	193	48	492	31.5%
John Whiddon	277	218	56	551	35.3%
Write-ins	8	3	0	11	.7%
Total	772	620	168	1560	99.9%

City Proposition 1

Yes	189	192	49	430	47.8%
No	246	175	48	469	52.2%
Total	435	367	97	899	100%

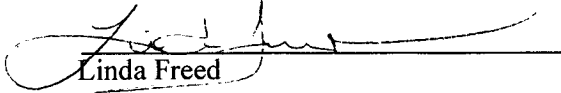
City Proposition 2

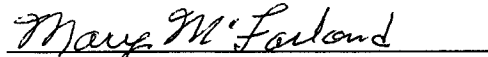
Yes	328	285	74	687	79.4%
No	87	71	20	178	20.6%
Total	415	356	94	865	100%


The ballot count for Precinct 36/618 (Harbormaster Building) was off by one ballot, which does not change the outcome of the election

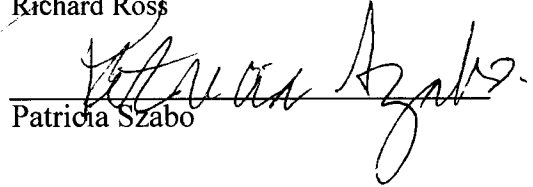
We, the undersigned Canvass Board for the 2010 City of Kodiak Municipal Election held October 5, 2010, hereby certify that the above is a true and correct statement of election results.

Dated this 13th day of October 2010.


Linda Freed


Mary McFarland


Richard Ross


Patricia Szabo

OATH OF OFFICE

MEMORANDUM TO COUNCIL

Date: October 28, 2010

Agenda Item: VII. Oath of Office

SUMMARY: KCC 2.28.080 requires elected officials to take and subscribe to the Oath of Office. The City Clerk will now administer the Oath of Office to the City's re-elected and newly-elected officials.

NOTES/ATTACHMENTS:

Attachment A: Oath of Office

CITY OF KODIAK, ALASKA

Oath of Office

October 28, 2010

I, _____, do solemnly affirm that I will support the Constitution and laws of the United States, the laws of the State of Alaska, the ordinances of the City of Kodiak, and that I will faithfully and honestly perform the duties of Councilmember, so help me God.

CITY OF KODIAK

ATTEST:

Debra L. Marlar, City Clerk