

City of Kodiak Regular Council Meeting Agenda for January 12, 2012
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

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<p>DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, DECEMBER 8, 2011
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Randall C. Bishop, Charles E. Davidson, Terry J. Haines, and John B. Whiddon were present and constituted a quorum. Councilmembers Josefina F. Rosales and Gabriel T. Saravia were absent. City Manager Aimée Kniazowski, Deputy Clerk Matthew Gandel and Administrative Assistant Catherine Perkins were also present.

After the Pledge of Allegiance, Salvation Army Sergeant Major Dave Blackater gave the invocation.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the November 4, 17, and 18, 2011, special meetings as presented.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

III. PERSONS TO BE HEARD

a. Public Comments

None

IV. UNFINISHED BUSINESS

a. Authorization of a Fisheries Analyst Contract

The City Council and Borough Assembly agreed to work together to identify and hire a fisheries consultant/analyst to help the community stay informed and able to respond to marine policy issues in a timely and unbiased manner. Over the past six months, the City, Borough, their fisheries sub-committee, and the managers developed a process to identify and select a qualified fisheries analyst to serve both the City and Borough. The managers worked with the selected consultant, Denby Lloyd of Alaska Resource Consultancy, to develop a contract that met the needs of both bodies and the consultant.

Clerk's Note: The motion to authorize the City Manager to execute a contract with Alaska Resource Consultancy for fisheries analyst services is already on the floor from the November 17, 2011, special meeting.

Councilmember Davidson MOVED to amend the motion to authorize the City Manger to execute a contract with Alaska Resources Consultancy for fisheries analyst services by inserting

at the end of the motion: "funds in the amount of \$20,000 shall be budgeted in the next FY2012 supplemental budget in the General Fund, Legislative, Professional Services account."

Councilmember Davidson said he understood there had been some disagreement in the community over whether or not a fisheries analyst was needed, but he felt having a consultant would help the Council to make more informed decisions.

Councilmember Whiddon said he hoped having a consultant working jointly for the City and Borough would allow the two governments to adopt more cohesive positions on fisheries issues.

Councilmember Haines agreed with Councilmember Whiddon, and said it was important for the Council to be aware of what was happening with Kodiak's greatest resource.

The roll call vote on the amendment was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The amendment passed

The roll call vote on the main motion was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

V. NEW BUSINESS

a. **First Reading, Ordinance No. 1293, Ratifying and Confirming All Actions Taken By the Council at the Special Meeting of the Council Held on November 9, 2010**

Mayor Branson read Ordinance No. 1293 by title. In early November 2011 the City Clerk discovered that, due to a 2007 amendment to the City Charter, newly elected officials could not take office or take legislative actions until the next regular Council meeting following certification of the October election and taking the oath of office. This discovery affected actions taken at the November 9, 2010, Council meeting. The November 9, 2010, Council meeting was a special, not regular, meeting, because it was not held on the second or fourth Thursday of the month. Because of this, the terms of the Councilmembers elected in October 2010 did not officially begin until the next regular meeting, which was held December 9, 2010. Three Councilmembers who were in office in October 2010 were present at the November 9, 2010, meeting, along with a Councilmember who was elected in October 2010. Therefore, a quorum was not present, and Ordinance No. 1293 is necessary to ratify the actions taken at the November 9, 2010, meeting.

Councilmember Haines MOVED to pass Ordinance No. 1293 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

b. **First Reading, Ordinance No. 1294, Authorizing the Renewal of a Lease Between the City of Kodiak and Ocean Beauty Seafoods, Inc., for Property Located in Gibson Cove**

Mayor Branson read Ordinance No. 1294 by title. Ocean Beauty Seafoods, Inc. has leased City property in Gibson Cove since 2003. They provided a written request to extend the lease for an additional five years through 2016.

Councilmember Whiddon MOVED to pass Ordinance No. 1294 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

c. Resolution No. 2011-41, Authorizing a Vehicle and Equipment Replacement Fund Policy

Mayor Branson read Resolution No. 2011-41 by title. During the past year a group of City staff and Council members developed a vehicle and equipment replacement fund policy to establish a fund and implementation procedures to help offset costs of future City vehicle and equipment replacements. A draft of the policy was reviewed by the City Council at the annual planning session in February 2011. Council agreed to move the policy forward for adoption by resolution once staff could determine the best way to establish the fund.

Councilmember Bishop MOVED to adopt Resolution No. 2011-41.

Councilmember Whiddon asked if the policy would be retroactively applied to the existing fleet of vehicles, or only apply to newly purchased vehicles.

Manager Kniazowski said that the policy would apply only to vehicles purchased after January 1, 2012, because to retroactively apply it to the existing fleet would require approximately \$3 million be deposited in the fund.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

d. Resolution No. 2011-42, Authorizing Acceptance of a 2011 State Homeland Security Program Grant, Grant No. 11SHSP-GR34076

Mayor Branson read Resolution No. 2011-42 by title. The City has been awarded a State Homeland Security Program Grant to provide funding assistance to the Fire Department Level A hazardous materials team for personal protective equipment replacement. The grant in the amount of \$25,000 will offset costs associated with replacing Level A suits, boots, and gloves.

Councilmember Haines MOVED to adopt Resolution No. 2011-42.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

e. Resolution No. 2011-43, Certifying the FY2012 Shared Fisheries Business Tax Program Application to Be True and Correct

Mayor Branson read Resolution No. 2011-43 by title. Resolution No. 2011-43 certifies that the City of Kodiak's FY2012 Shared Fisheries Business Tax Program application is true and correct. This resolution adopts the long form using the standard method application for FY2012. This is the eleventh year that the long form using the standard method application has been used.

Councilmember Bishop MOVED to adopt Resolution No. 2011-43.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

f. Resolution No. 2011-44, Creating a Happy Holiday Season by Establishing a Festive Spirit; Appropriating Voluntary and Reasonable, or Obligatory and Unreasonable, Sums From Everyone's Pay and Credit to Defer the Fiscal Obligations Thereof; and Containing a Severability Clause, an Indemnification Clause, and a Santa Claus

Mayor Branson read Resolution No. 2011-44 by title. In the spirit of the holiday season, Resolution No. 2011-44 creates a Department of Holiday Celebration and wishes a happy holiday season and prosperous new year to everyone in Kodiak.

Councilmember Davidson MOVED to adopt Resolution No. 2011-44.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

g. Authorization of Vacation of Property Lines Between Lots 6B-1A and 6B-1B, U.S. Survey 2538, and the Vacation of the Radial Antenna Easement on Lot 6B-1B, U.S. Survey 2538

The City filed a request with the Borough to consolidate two lots into one and to vacate an existing radial antenna easement on one of the lots in preparation for construction of the new library on the "Barn" site. The Borough Planning and Zoning Commission gave preliminary approval at their November 16, 2011, meeting. The City Council must approve the vacation of easements within the City according to Kodiak Island Borough Code 16.60.060.

Councilmember Davidson MOVED to authorize the vacation of property lines between the two City-owned parcels, Lots 6B-1A and 6B-1B, U.S. Survey 2538, and the vacation of the radial antenna easement on Lot 6B-1B, U.S. Survey 2538.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

h. Authorization of Change Order No. 2 for the UV Water Treatment Facility Construction, Project No. 7023/03-14

Council awarded the UV Water Treatment Facility contract to Jay-Brant General Contractors in the amount of \$3,540,794 at the January 13, 2011, regular meeting. Change Order No.1 was a no-cost, no-change to the contract to eliminate retainage and modify the schedule of values,

which was approved by the City Manager. Change Order No. 2 consists of three items identified during construction to date.

Councilmember Haines MOVED to authorize Change Order No. 2 for the UV Water Treatment Facility Construction in the amount of \$25,862, with funds coming from the Water Capital Improvement Fund, UV Water Treatment Facility Construction, Project No. 7023/03-14.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

i. Appointment of City Representative to the Kodiak Fisheries Advisory Committee

At the May 26, 2011, Council meeting, the Council adopted Resolution No. 2011-14, which re-established a joint Kodiak Fisheries Advisory Committee. The resolution reduced the committee to 11 voting seats and four non-voting/ex-officio seats, including Councilmember Saravia as the Kodiak City Council representative. Resolution No. 2011-14 also provided for future appointments to be made by motion. Councilmember Terry Haines has volunteered to replace Councilmember Gabriel Saravia as the City's ex-officio member of the committee.

Councilmember Davidson MOVED to appoint Terry Haines to the Kodiak City Council representative seat on the Kodiak Fisheries Advisory Committee.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

j. Appointments to City Advisory Boards

Several seats expire on various City advisory boards at the end of December 2011. Except for the Personnel Board, whose members are appointed by the Council, and the Employee Advisory Board, whose members are elected by City employees, members of advisory boards are appointed by the Mayor and confirmed by the Council. At the December 6, 2011, work session, Councilmembers interviewed applicants and considered applications.

Mayor Branson appointed Nick Szabo, Anne Kalcic, and Stormy Stutes to regular seats on the Port and Harbors Advisory Board, with terms ending December 31, 2014, and David Jentry and Denby Lloyd to alternate seats on the Port and Harbors Advisory Board ending December 31, 2012.

Councilmember Davidson MOVED to appoint Curtis Law and Patricia Olsen to the Personnel Board for terms ending December 31, 2014, and confirm the Mayoral advisory board appointments to the Port and Harbors Advisory Board as stated.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

k. Election of Deputy Mayor

Under the provisions of City Charter Article II, Section 2, the City Council shall elect one of its members as Deputy Mayor no sooner than thirty days, nor more than sixty days, from the beginning of the newly-elected Councilmembers' terms. The Deputy Mayor serves a one-year term and acts as Mayor in the Mayor's absence. If a vacancy occurs in the office of Mayor, the Deputy Mayor serves until another Mayor is elected by the Council.

Councilmember Davidson MOVED to elect Councilmember Whiddon as Deputy Mayor.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

VI. STAFF REPORTS

a. City Manager

City Manager Kniazowski reported on recent discussions with the Borough on the problem of leachate at the landfill. She said that she had recently attended the Kodiak Island Borough Mayors Conference with Mayor Branson, and said it was very productive and always interesting finding out what is going on in other communities. She said that former Mayor Carolyn Floyd was going to be inducted into the Alaska Women's Hall of Fame. She reminded the public and Council of the upcoming work session with Senator Gary Stevens and Representative Alan Austerman to discuss the 2012 legislative session. She wished everyone a merry Christmas and happy holidays.

b. City Clerk

Deputy Clerk Gandel informed the public of the next scheduled Council work session and regular meeting. He wished everyone happy holidays and a happy new year.

VII. MAYOR'S COMMENTS

Mayor Branson reported on her attendance at the Kodiak Island Borough Mayors Conference, which was also attended by Senator Stevens and Representative Austerman who spoke about the state budget and capital projects. She said she attended a recent meeting of the Fisheries and Oceanic Research Board, where there was discussion of passing a resolution being drafted by Borough Mayor Selby in support of the Coastal Zone Management Program. She said she was happy to hear that former Mayor Floyd would be inducted into the Alaska Women's Hall of Fame on March 1, 2012. She reported that she had met with Borough Mayor Selby about the landfill leachate problem, and said it was a very productive meeting.

Mayor Branson said that it was an honor to be elected as Mayor, to follow in the footsteps of former Mayor Floyd, and to work with her fellow elected officials. She said she was looking forward to the challenges, discussions, and setting a strategic vision to make Kodiak a better place to live. She said her goals as Mayor of Kodiak were to have more joint work sessions with the Kodiak Island Borough to help encourage cooperation on capital projects and municipal taxes, and encourage involvement with the Alaska Municipal League, Southwest Alaska Municipal Conference, and other groups that could assist the City with new ideas. She said the theme for her term as Mayor was "Everybody can make a difference," and encouraged all

citizens of Kodiak to do whatever small things they could to make a difference in the community. She repeated the theme in Tagalog, Spanish, and Alutiiq. She said she appreciated all City staff members and department heads and thanked them for their hard work and dedication. She wished everyone a happy holiday and a safe and happy new year.

VIII. COUNCIL COMMENTS

Councilmember Haines thanked Borough Mayor Selby for his work on the Coastal Zone Management Program. He expressed thanks for being voted onto the City Council and said he was looking forward to being on the Council and working with the Borough. He wished everyone happy holidays.

Councilmember Davidson congratulated all the newly elected officials and the new Deputy Mayor. He acknowledged that there are challenges ahead both financially and otherwise and encouraged everyone to sign the petition supporting the Coastal Zone Management Program. He wished everyone a happy holiday season.

Councilmember Whiddon thanked everyone for nominating him as Deputy Mayor and mentioned various accomplishments by City Council in the past year. He complimented the staff for work on the Vehicle Equipment Replacement Fund. He said he was looking forward to working closely with the Council as well as the Borough Assembly. He wished everyone a merry Christmas and a safe happy holiday season.

Councilmember Bishop congratulated the Mayor and Deputy Mayor on being elected and said he was excited to be part of the Council and excited for what they can do to improve the City. He wished everyone happy holidays, a merry Christmas, and happy near year.

IX. AUDIENCE COMMENTS

None.

X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

The meeting adjourned at 8:28 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: January 12, 2012

Agenda Item: III.a. Proclamation: Mentoring Month

SUMMARY: This proclamation encourages all citizens, businesses, public and private agencies, and religious and educational institutions to support mentoring in our community and give young people the gift of time and friendship through Big Brothers Big Sisters or other mentoring programs.

ATTACHMENTS:

Attachment A: Proclamation: Mentoring Month

PROCLAMATION

Declaring Mentoring Month

WHEREAS, everyone remembers someone special – a neighbor, teacher, relative, or friend who broadened their horizons and brought a little magic into their lives; and

WHEREAS, one way to return the favor is to mentor a child; and

WHEREAS, every adult has something to offer, and a few hours a month can make a big difference in a child's life; and

WHEREAS, research has shown that children engaged in mentoring programs are more likely to finish high school and become productive and positive members of their community; and

WHEREAS, January has been designated as National Mentoring Month, calling on adults to get involved with mentoring programs.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim January 2012, as:

Mentoring Month

in Kodiak and encourage all citizens, businesses, public and private agencies, and religious and educational institutions to support mentoring in our community and give young people the gift of time and friendship through Big Brothers Big Sisters or other mentoring programs.

Dated this 12 day of January 2012.

City of Kodiak

Pat Branson, Mayor

MEMORANDUM TO COUNCIL

Date: January 12, 2012

Agenda Item: III.b. Proclamation: Stalking Awareness Month

SUMMARY: This proclamation encourages the citizens of Kodiak to be aware of the nature, criminality, and potential lethality of stalking, and applauds the efforts of the many victim service providers, police officers, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking.

ATTACHMENTS:

Attachment A: Proclamation: Stalking Awareness Month

PROCLAMATION

Declaring Stalking Awareness Month

WHEREAS, 3.4 million people over the age of 18 are stalked each year in the United States, and nearly 75% of victims are stalked by someone they know; and

WHEREAS, 3 in 4 women killed by an intimate partner had been stalked by that intimate partner; and

WHEREAS, many stalking victims are forced to protect themselves by relocating, changing their identities and jobs, and obtaining protection orders; and

WHEREAS, there is a need for great public awareness about the nature, criminality, and potential lethality of stalking; and

WHEREAS, communities can better combat stalking by adopting multidisciplinary responses by teams of local agencies and organizations and by providing more and better victim services; and

WHEREAS, Kodiak Women's Resource and Crisis Center is joining forces with victim service providers, criminal justice officials, and concerned citizens throughout Kodiak Island and the United States to observe National Stalking Awareness Month and to promote the 2012 theme, "Stalking: Know It. Name It. Stop It."

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim January 2012, as:

Stalking Awareness Month

in Kodiak and applaud the efforts of the many victim service providers, police officers, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking.

Dated this 12 day of January 2012.

City of Kodiak

Pat Branson, Mayor

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UNFINISHED BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager & Debra Marlar, City Clerk *DM*

Date: January 12, 2012

Agenda Item: IV.a. **Second Reading and Public Hearing, Ordinance No. 1293, Ratifying and Confirming All Actions Taken By the Council at the Special Meeting of the Council Held on November 9, 2010**

SUMMARY: In early November 2011 the City Clerk discovered that, due to a 2007 amendment to the City Charter, newly elected officials could not take office or take legislative actions until the next regular Council meeting following certification of the October election and taking the oath of office. This discovery affected actions taken at the November 9, 2010, Council meeting. The November 9, 2010, Council meeting was a special, not regular, meeting, because it was not held on the second or fourth Thursday of the month. Because of this, the terms of the Councilmembers elected in October 2010 did not officially begin until the next regular meeting, which was held December 9, 2010. Three Councilmembers who were in office in October 2010 were present at the November 9, 2010, meeting, along with a Councilmember who was elected in October 2010. Therefore, a quorum was not present, and Ordinance No. 1293, which was introduced at the December 8, 2011, meeting must be adopted to ratify the actions taken at the November 9, 2010, meeting. Staff and the City Attorney recommend Council adopt Ordinance No. 1293 in the second reading.

PREVIOUS COUNCIL ACTION: The Council adopted Resolution No. 07-8 at the March 29, 2007, meeting, authorizing the City to submit to the qualified voters of the City at the October 2, 2007, election the question of amending Article X, Section 2 of the Kodiak City Charter to provide that the term of office of Mayor or Councilmember begins at the next regular Council meeting following the certification of the election and upon taking the oath of office.

DISCUSSION: Prior to 2007 City Charter Article X, Section 2 provided that the term of office of the Mayor or a Councilmember began on the first Tuesday after their election. This provision did not conform to other Charter and election code provisions that required the election to be certified and that elected officials take the oath of office before their term began. Proposition No. 2 was approved by voters at the October 2007 election. This proposition amended the Charter to provide that the term of office of the Mayor or a Councilmember begins at the next regular Council meeting following the certification of the election and upon taking the oath of office. At the time this amendment was prepared and subsequently passed, the City's routine practice had been to reschedule the regular business of its November meetings to accommodate the annual Alaska Municipal League meetings and the Thanksgiving holiday, which typically fall on the second and fourth Tuesdays in November.

During a discussion with the City Attorney about the requirement of holding at least one meeting a month, the City Attorney clarified that newly-elected officials did not begin their terms of office following certification of the election and taking the oath of office until the next regular meeting held on the second or fourth Thursday of the month. The rescheduling of the business of a regular meeting to a day that is not the second or fourth Thursday of the month creates a special, not regular, meeting.

The City Clerk researched Council attendance at November Council meetings since 2007 to ensure a quorum of the Council in office in October was also present at the November meeting, since the terms of office for newly-elected officials did not officially begin until the next regular meeting held on the second or fourth Thursday. The attendance at the November 9, 2010, meeting included three Councilmembers who were in office in October 2010 and one newly-elected Councilmember whose term did not officially begin until December 9, 2010. Adoption of Ordinance No. 1293 will ratify the actions taken at the November 9, 2010, meeting.

ALTERNATIVES: Based on legal advice received from the City Attorney, the only alternative the Council has is to pass Ordinance No. 1293. This will ratify and confirm the actions taken at the November 9, 2010, meeting.

LEGAL: The City Attorney advised that Council should adopt an ordinance to correct the fact that the November 9, 2010, meeting lacked a quorum. He also drafted Ordinance No. 1293.

CITY CLERK COMMENTS: The City Clerk recommends that the Council pass ordinance No. 1293 in the second reading following public hearing at this meeting. The Clerk also recommends further amendment to City Charter X, Section 2 to provide language that enables the City's elected officials to begin their terms of office upon certification of the election and taking the oath of office. Upon the Council's concurrence, the Clerk will work with the City Attorney to draft a resolution for the Council's approval at a future meeting to include a proposition on the October 2012 ballot that, if passed, will enable elected officials to begin their terms of office upon meeting City Code requirements.

CITY MANAGER'S COMMENTS: As mentioned above, it's been a routine practice of the City to reschedule Council meetings in November due to staff and Council attendance at the annual AML meetings and the Thanksgiving holiday. No one was aware that the language in Article X, Section 2 of the Charter could impact actions taken at rescheduled November meetings. Because of this Charter requirement there was not a quorum at the November 9, 2010, meeting, and Council must adopt Ordinance No. 1293 to ratify the actions taken at that meeting.

Debbie and I will work with the City Attorney to bring a resolution to Council for approval to place an amendment to this Charter provision on the ballot at the 2012 election. In the meantime, we recommend that Council adopt Ordinance No. 1293.

ATTACHMENTS:

Attachment A: Ordinance No. 1293 and minutes from the November 9, 2010, meeting

Attachment B: Resolution No. 07-8

PROPOSED MOTION:

Move to adopt Ordinance No. 1293.

**CITY OF KODIAK
ORDINANCE NUMBER 1293**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK RATIFYING
AND CONFIRMING ALL ACTIONS TAKEN BY THE COUNCIL AT THE SPECIAL
MEETING OF THE COUNCIL HELD ON NOVEMBER 9, 2010**

WHEREAS, Kodiak City Charter Article X, Section 2, as amended by the City voters in 2007, provides that a councilmember’s term begins at the next regular council meeting following the certification of the election and upon taking the oath of office; and

WHEREAS, at the November 9, 2010, special meeting of the council, it was erroneously believed that the terms of council members elected at the October 5, 2010, regular city election began at the October 28, 2010, regular council meeting, where the election was certified, rather than at the next regular council meeting following certification of the election, which was not held until December 9, 2010; and

WHEREAS, because the terms of council members elected at the October 5, 2010, regular city election had not begun at the time of the November 9, 2010, special meeting of the council, a quorum of the council was not present at that meeting; and

WHEREAS, the absence of a quorum of the council at the November 9, 2010, special meeting of the council calls into question the validity of actions taken at that meeting; and

WHEREAS, it is in the best interest of the city that actions taken at the November 9, 2010 special meeting of the council be ratified and confirmed.

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

Section 1: All actions taken by the council at the November 9, 2010, special meeting of the council, as recorded in the minutes of that meeting, which are attached hereto and incorporated by reference herein, are hereby ratified and confirmed.

Section 2: 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: December 8, 2011
Second Reading:
Effective Date:

**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF KODIAK
HELD TUESDAY, NOVEMBER 9, 2010
IN THE EMERGENCY OPERATIONS CENTER**

I. MEETING CALLED TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Carolyn L. Floyd called the meeting to order at 6:48 p.m. Councilmembers Charles E. Davidson, Josefina F. Rosales, Gabriel T. Saravia, and Thomas D. Walters were present and constituted a quorum. Councilmembers Patricia B. Branson and John B. Whiddon were absent. City Manager Aimée Kniazowski and City Clerk Debra L. Marlal were also present.

Mayor Floyd led the Pledge of Allegiance.

II. PREVIOUS MINUTES

Councilmember Walters MOVED to approve the minutes of the October 28, 2010, regular meeting as presented.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, and Walters in favor. Councilmembers Branson and Whiddon were absent. The motion passed.

III. PERSONS TO BE HEARD

a. Public Comments

None

IV. UNFINISHED BUSINESS

- a. 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**

Mayor Floyd read Ordinance No. 1279 by title. 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. 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 set fines for related violations.

Councilmember Walters MOVED to adopt Ordinance No. 1279.

Mayor Floyd closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, and Walters in favor. Councilmembers Branson and Whiddon were absent. The motion passed.

V. NEW BUSINESS

a. Authorization of Change Order No. 13, Kodiak Police Station, Project No. 04-23, Alternate No. 1 – Kodiak Jail

This change order authorizes Roger Hickel Contracting, INC. to proceed with three contractor change order requests to Alternate No. 1 Kodiak Jail construction.

Councilmember Saravia MOVED to authorize Change Order No. 13 Kodiak Police Station, Project No. 04-23, Alternate No. 1 – Kodiak Jail Construction, in the amount of \$12,230, with funds to come from Public Safety Building Fund Police Station project account.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, and Walters in favor. Councilmembers Branson and Whiddon were absent. The motion passed.

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski reminded the Council she will be out of town November 10 through 19. She informed the Council of her meeting with Senator Gary Stevens and Representative Alan Austerman where they discussed the City's capital improvements list. She noted that both voiced support of the City's new library project. Manager Kniazowski updated the Council on the KANA conduit bond, which is scheduled to close November 12. She reported on her attendance at the Kodiak Work Force Regional Advisory meeting.

b. City Clerk

City Clerk Marljar informed the public of the next scheduled Council work session and regular meeting and reminded the Council she would be out of the office for the next three weeks.

VII. MAYOR'S COMMENTS

Mayor Floyd commented on her attendance at a recent Fisheries and Oceanic Research Board meeting. She expressed condolences on the passing of Gene Sundberg and Wyatt Allen.

VIII. COUNCIL COMMENTS

Councilmember Walters commended the Kodiak Kiwanis Club for providing blinking reflective buttons for children and urged caution during the dark mornings. He provided an update on Alaska Aerospace Development Corporation activities.

Councilmember Davidson expressed his appreciation of being back on the City Council.

Councilmember Rosales wished the community a nice Thanksgiving holiday.

Councilmember Saravia urged the City Council to prepare for the upcoming North Pacific Fishery Management Council meeting. He also urged drivers to be watchful for children on the roadway.

IX. AUDIENCE COMMENTS

None

X. EXECUTIVE SESSION

Annually, the City Council reviews the performance of the City Clerk. In accordance with the Open Meetings Act, the City Clerk does not object to the evaluation being done in executive session.

Councilmember Saravia MOVED to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct the City Clerk's annual performance evaluation.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, and Walters in favor. Councilmembers Branson and Whiddon were absent. The motion passed.

The Council entered into executive session at 7:10 p.m. The special meeting reconvened at 7:24 p.m. The Council took no action.

XI. ADJOURNMENT

Mayor Floyd adjourned the meeting at 7:25 p.m.



CITY OF KODIAK

Carolyn Floyd
MAYOR

ATTEST:

Delna Mantu
CITY CLERK

Minutes Approved: December 9, 2010

**CITY OF KODIAK
RESOLUTION NUMBER 07-8**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING THE CITY TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY AT THE OCTOBER 2, 2007, CITY ELECTION THE QUESTION OF AMENDING ARTICLE X, SECTION 2 OF THE KODIAK CITY CHARTER TO PROVIDE THAT THE TERM OF OFFICE OF MAYOR OR COUNCILMEMBER BEGINS AT THE NEXT REGULAR COUNCIL MEETING FOLLOWING THE CERTIFICATION OF THE ELECTION AND UPON TAKING THE OATH OF OFFICE

WHEREAS, Article XIII, Section 1 of the Kodiak City Charter provides that the Council by resolution may propose and submit or provide for the submission of Charter amendments to the qualified voters of the City at any regular or special election held not less than two months after passage of the resolution; and

WHEREAS, Article X, Section 2 of the Kodiak City Charter provides that the terms of office of the Mayor and Councilmembers shall begin on the first Tuesday after their election; and

WHEREAS, under current practice, the term of office of the Mayor or a Councilmember does not begin until after the election has been certified and the official has taken the oath of office, and these events occur later than the first Tuesday after an election; and

WHEREAS, it is in the best interest of the City of Kodiak and its residents to amend Article X, Section 2 of the Kodiak City Charter to provide that the term of office of Mayor or Councilmember begins at the next regular Council meeting following the certification of the election and upon taking the oath of office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska:

Section 1: The City shall submit the following proposition to the qualified voters of the City at the regular election to be held in the City on October 2, 2007. The proposition must receive an affirmative vote from a majority of the qualified voters voting on the question to be approved.

PROPOSITION NO. 2

**AMENDMENT OF KODIAK CITY CHARTER ARTICLE X, SECTION 2
CONCERNING THE TIME WHEN THE TERM OF OFFICE OF MAYOR OR
COUNCILMEMBER BEGINS**

Shall Article X, Section 2 of the Kodiak City Charter be amended to read as follows?

Section 2 Three-year-terms; elections at large; nonpartisan elections. The mayor and councilmembers shall be elected for terms of two and three years, respectively, and shall serve thereafter until their respective successors are elected and qualify; provided that, if fewer councilmembers are elected and qualify in any year than provided for in this section (because of failure of other candidates to file or for other cause), then lots shall be cast in a meeting of the council and

under its direction to determine which of the councilmembers whose terms are about to expire shall continue to serve.

The term of office of mayor or councilmember begins at the next regular council meeting following the certification of the election and upon taking the oath of office. If the mayor-elect or a councilmember-elect fails to qualify within one month after the beginning of the term, the candidate's election shall be void.

The mayor and councilmembers shall be elected at large by the qualified voters of the entire City by secret ballot. The election shall be nonpartisan and no party designation or emblem shall be placed on the ballot.

Section 2: The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other propositions, and the following words shall be added as appropriate and next to ovals provided for marking the ballot for voting by hand or machine:

PROPOSITION NO. 2

- Yes
- No

Section 3: This resolution shall become effective upon the earlier to occur of the following: (i) the date on which the United States Department of Justice issues its non-objection under the Voting Rights Act of 1965 to the changes effected by the proposition that is to be submitted to the voters under this resolution; and (ii) the date immediately following the last date on which the United States Department of Justice could object to the changes effected by the proposition that is to be submitted to the voters under this resolution under the Voting Rights Act of 1965, provided that no objection to any such change has been issued before that date. The clerk is authorized to determine the effective date of this resolution, which shall be set forth in the permanent records of City resolutions.



CITY OF KODIAK

Carolyn Floyd
MAYOR

ATTEST:

Delna Manley
CITY CLERK

Adopted: March 29, 2007

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: January 12, 2012

Agenda Item: IV.b. **Second Reading and Public Hearing, Ordinance No. 1294, Authorizing the Renewal of a Lease Between the City of Kodiak and Ocean Beauty Seafoods, Inc., for Property Located in Gibson Cove**

SUMMARY: Ocean Beauty Seafoods, Inc. has leased City property in Gibson Cove since 2003. They provided a written request to extend the lease for an additional five years through 2016. Staff believes the lease extension is beneficial to the City. Due to the value of the lease, the City Charter requires the lease to be approved by ordinance. Therefore, staff recommends Council adopt Ordinance No. 1294.

PREVIOUS COUNCIL ACTION:

- November 1, 2003, Council authorized a three-year lease agreement with Ocean Beauty Seafoods, Inc.
- November 1, 2006, Council approved a five-year lease agreement with Ocean Beauty Seafoods, Inc. by adopting Ordinance No. 1214.
- December 8, 2011, Council adopted Ordinance No. 1294 in the first reading and moved the ordinance to second reading.

DISCUSSION: The City property on Tract C-1 in Gibson Cove has been leased to Ocean Beauty Seafoods, Inc. since 2003. Section 1 of the lease provides an option to renew the lease for an additional five years at the discretion of the City.

Ocean Beauty has requested a five year extension (Attachment B) as provided for in the lease document. Staff believes an extension of the lease under the same terms and conditions would be beneficial to the City because the lease payments provide revenue to the City. Per KCC 3.28.020 (b), half of the rental receipts for this property are deposited into the General Fund and half into the Enhancement Fund.

Staff recommends the lease be extended for five years under the same terms and conditions, including the annual 1% increase each year. The monetary value of the lease extension exceeds \$30,000, which requires Council to approve the lease through an ordinance, per the City Charter.

ALTERNATIVES:

1. Adopt Ordinance No. 1294 in the second reading following public hearing, which is staff's recommendation and is consistent with the term in Section 1 of the lease.
2. Fail to adopt Ordinance No. 1294, which is not recommended due to the value of the lease to the City and the stated intent to renew the lease from the lessee.

FINANCIAL IMPLICATIONS: This lease generates revenue of more than \$82,000 per year. Per Chapter 3.28 of the City Code, half of the revenue received from this lease is placed in the General Fund and half goes to the Enhancement Fund. The monetary value of this lease exceeds \$30,000 and is therefore subject to the requirements of City Charter, Article V, Section 17, requiring Council to approve the lease extension by ordinance.

LEGAL: The City attorney reviewed the lease language and drafted the attached ordinance.

STAFF RECOMMENDATION: Staff recommends Council adopt Ordinance No. 1294 in the second reading following public hearing.

CITY MANAGER'S COMMENTS: Continuation of this lease is a benefit to the City, so I recommend Council authorize the lease extension by adopting Ordinance No. 1294.

ATTACHMENTS:

- Attachment A: Ordinance No. 1294
- Attachment B: Letter from Ocean Beauty requesting lease extension, dated October 31, 2011
- Attachment C: Lease extension document, 2011-2016
- Attachment D: Ocean Beauty lease 2006-2011

PROPOSED MOTION:

Move to adopt Ordinance No. 1294.

**CITY OF KODIAK
ORDINANCE NUMBER 1294**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK
AUTHORIZING THE RENEWAL OF A LEASE BETWEEN THE CITY OF KODIAK
AND OCEAN BEAUTY SEAFOODS, INC., FOR PROPERTY LOCATED IN GIBSON
COVE**

WHEREAS, pursuant to Ordinance Number 1214, the City entered into a lease agreement (“Lease”) with Ocean Beauty Seafoods, Inc. (“Ocean Beauty”) of property described as Tract C-1, Alaska Tideland Survey 1408, Plat No. 92-41, and certain improvements located thereon (“Property”) for a term of five years commencing November 1, 2006; and

WHEREAS, Section 1 of the Lease provides that Ocean Beauty has the option to renew the Lease for an additional five years at the discretion of the City; and

WHEREAS, it is in the best interest of the City to authorize a renewal of the Lease for an additional five years.

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

Section 1: Notwithstanding anything to the contrary in Kodiak City Code Chapter 18.20, the Council of the City of Kodiak hereby authorizes the renewal of the Lease for an additional five years on the same terms and conditions as the original Lease. Nothing herein or in the Lease authorizes any subsequent renewal of the Lease.

Section 2: The Lease authorized by this ordinance is subject to the requirements of City Charter Section V-17. Therefore, if one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading: December 8, 2011
Second Reading:
Effective Date:



Oct. 31, 2011

Pat Branson, Mayor
City of Kodiak
710 Mill Bay Road

Dear Madam Mayor and Members of the City Council,

Ocean Beauty Seafoods would like to exercise our option to renew our lease on the Gibson Cove Property found under item 1.0 of the Recitals of the 2006 lease. This renewal would be for an additional five years.

There is no intention to change the status of the property over the next five years as it will still be used as a warehouse/storage area.

If there are any questions please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Blott".

Timothy J. Blott
Ocean Beauty Seafoods



KODIAK FACILITY

P.O. BOX 1457 • KODIAK, ALASKA 99615 • (907) 486-5791 • FAX (907) 486-8244
P.O. BOX 70739 • SEATTLE, WASHINGTON 98127-1539 • (206) 285-6800 • FAX (206) 281-0820

**AMENDMENT TO CITY OF KODIAK AND OCEAN BEAUTY
SEAFOODS, INC.
GIBSON COVE LEASE,
TRACT C-1, ALASKA TIDELAND SURVEY 1408, PLAT NO. 92-41**

WHEREAS, Lessor and Lessee entered into a Lease Agreement effective as of November 1, 2006, for a term of five (5) years, ending on October 31, 2011; and

WHEREAS, pursuant to Recitals, Section 1 of the Lease Agreement, dated November 1, 2006, the Lease may be renewed for an additional five years at the discretion of the City of Kodiak; and

WHEREAS, the City Council of the City of Kodiak desires to extend the Lease Agreement with Ocean Beauty Seafoods, Inc. for an additional five years: and

WHEREAS, the Lessor has requested and agrees to an extension of the Lease Agreement, including payment of the 1 percent annual rental rate increase as established in Recitals, Section 2 of the Lease Agreement; and

WHEREAS, all other terms and provisions of the Lease Agreement shall remain unchanged during the extended five year term of the Lease Agreement.

NOW THEREFORE, the City Council of the City of Kodiak agrees to extend the Lease Agreement with Ocean Beauty Seafoods, Inc. for an additional five years ending on October 31, 2016.

IN WITNESS WHEREOF, the parties executed this instrument the day and month first above written.

CITY OF KODIAK

OCEAN BEAUTY SEAFOODS, INC.

AIMÉE KNIAZIEWSKI Date
City Manager
710 Mill Bay Road
Kodiak, AK 99615

Name Date
1100 W. Ewing St.
Seattle, WA 98107

ATTEST:

WITNESS:

DEBRA L. MARLAR
City Clerk

LEASE AGREEMENT

This Lease Agreement is made and entered into at Kodiak, Alaska, this 1st day of November 2006, between the City of Kodiak ("Lessor" or "the City"), and Ocean Beauty Seafoods, Inc., a Washington corporation ("Lessee").

WITNESSETH

WHEREAS, the City is the owner of the following-described parcel of real property (the "Property"), consisting of approximately 5.0 acres, upon which are located certain improvements, including a crab/fish processing plant of approximately 14,080 square feet, a compressor equipment building of approximately 1,600 square feet, a dock with approximately 330 linear feet of docking space, and three hydraulic cranes, and a second dock ("ice house dock") with approximately 200 linear feet of docking space, and an ice house with one North Star Model 60 (30-ton) icemaker and one North Star Model 20 (7.5-ton) icemaker:

Tract C-1, Alaska Tideland Survey 1408, Plat No. 92-41

WHEREAS, Lessee desires to lease the Property for the purpose of operating a warehouse;

NOW, THEREFORE, in consideration of the mutual undertakings herein, the City hereby leases to Ocean Beauty, and Ocean Beauty hereby leases from the City, the above-described property on the following terms and conditions:

RECITALS

1. **Term.** The term of this Lease Agreement shall be for five (5) years, beginning on November 1, 2006. The Lessee has the option to renew the lease for an additional five (5) years at the discretion of the Lessor.
2. **Rental.** Lessee agrees to pay as and for rent the sum of Seventy Eight Thousand Nine Hundred Dollars (\$ 78,900.00) the first year of the lease. Rental payments will increase by one (1) percent each subsequent year of the lease. Payment will be made in equal monthly installments. Rent shall be paid in advance monthly and the first rental payment shall be due and payable on the effective date of this Lease Agreement and monthly thereafter. If the effective date of this Lease Agreement shall be other than the first day of the month, the rent for the first and last months of this Lease Agreement shall be prorated accordingly.
3. **Utilities.** Lessee shall pay all costs of electricity, water and other utilities used on or associated with the Property.
4. **Taxes.** Lessee shall pay all real and personal property taxes associated with or attributed to Lessee's leasehold interest or personal property on the Property.
5. **Lessee's Acceptance of Property.** Lessee acknowledges having inspected or

having been given the full opportunity to inspect the Property and the improvements, equipment and other personal property thereon, and hereby accepts the same in their present condition. No representation, statement or warranty, express or implied, has been made by or on behalf of Lessor as to the condition of the foregoing, or as to the use that may be made of it. In no event shall Lessor be liable for any defect or condition, present or future, in or on the Property or the improvements, equipment and other personal property thereon, for any claims or damages arising therefrom, or for any limitation, present or future, on the use thereof.

6. Use by Lessee. Lessee shall abide by all applicable federal, state and local statutes, regulations and ordinances, and shall not cause or permit any nuisance or similar offensive use on the Property.

7. Right to Enter and Inspect. Lessor shall have the right, at reasonable times and upon giving reasonable advance notice, to enter the Property to inspect the same.

8. Care of Property. Lessee will keep the Property neat and clean and in a sanitary condition, and will at all times preserve it, and upon termination of this Lease Agreement will surrender the Property, in as good a condition and repair as it is now or may hereafter be put into, reasonable use and wear and tear excepted. If Lessee fails to keep and preserve the property in said condition and state of repair, Lessor may, at its option, put or cause the same to be put into the condition and state of repair agreed upon, and in such case Lessee shall be liable for the full cost thereof. Nothing in this Lease Agreement shall be construed as requiring Lessee to repair, restore or reconstruct the Property if, through no fault of Lessee, it is damaged or destroyed by earthquake, tidal wave, mud or earth slide or other act of God, against which Lessee was not required to maintain casualty insurance for Lessor's benefit.

9. Alterations, Additions, Improvements and Fixtures. It is contemplated that in order to fully utilize the Property in accordance with this Lease Agreement, Lessee may find it prudent and necessary to construct improvements thereon or to make major alterations, additions or improvements. Lessee shall not make any such alterations, additions or improvement without the advance written consent of Lessor; however, Lessor shall not unreasonably refuse or delay such consent. All leasehold improvements, including alterations, additions and general improvements, shall become the property of Lessor upon termination or expiration of this Lease Agreement except removable trade fixtures. Lessee shall not be entitled to any credit against or abatement of rent or to any other consideration other than that which may be provided by Section 18.12.370 or 18.20.350 of the Kodiak City Code, as a consequence of constructing improvements on the Property. At the termination of this Lease Agreement, all structures associated with the Property shall be left in good and usable operating condition with all domestic heating and hot water remaining a part thereof.

10. Liens and Encumbrances. Lessee shall maintain the Property free and clear of all liens or encumbrances. If, at any time during or after the term of this Lease Agreement, alien or encumbrance is filed against the Property or any part thereof in connection with any activity, obligation or alleged obligation of Lessee, its officers, employees or other agents, Lessee shall, at its sole expense, obtain the release and

discharge of the same by payment, bonding in the name of and on behalf of Lessor, or otherwise within thirty (30) days after receipt of notice thereof. If Lessee fails to procure the discharge of any such lien or encumbrance, Lessor may, at its option, terminate this Lease Agreement without further notice to Lessee and without prejudice to any other remedies available to it under this Lease Agreement or by operation of law.

11. **Assignment.** This Lease Agreement may not be assigned, nor may the Property be sublet without the advance written consent of Lessor. Lessor may refuse its consent to any proposed sublease without the necessity of an explanation or statement of reasons, but will not unreasonably withhold consent to an assignment hereof, provided such assignment does not result in the release of any persons otherwise liable for or guaranteeing Lessee's obligations hereunder.

12. **Fire or Other Casualty.** The risk of fire or other casualty affecting Lessee's intended use of the Property shall be borne solely by Lessee and in no event shall any such casualty result in the termination or abatement of rent under this Lease Agreement. Notwithstanding the foregoing, however, if the Property is destroyed by fire or other casualty or so substantially damaged as to preclude Lessee's normal operations for more than thirty (30) days, then Lessee may terminate this Lease Agreement by giving prompt written notice to Lessor, and Lessor may terminate this Lease Agreement by giving prompt written notice to Lessee. If the Property is damaged or destroyed by fire or other casualty with respect to which Lessee has procured and paid for casualty insurance for the benefit of Lessor, then upon reaffirming the Lease Agreement, Lessee may require the proceeds of such insurance to be devoted to the repair, reconstruction, or restoration of the Property. Any insurance proceeds not so used shall become the sole property of Lessee.

13. **Insurance.** (a) Lessee shall obtain and maintain in full force and effect during the term of this Lease Agreement, and any renewals or extensions hereof, adequate insurance to protect both Lessor and Lessee against comprehensive public liability, products liability and property damage. At a minimum, such policies of insurance shall cover the following risks:

(i) Commercial general liability insurance written on an occurrence (as opposed to a claims made) basis with minimum limits of liability in an amount of not less than One Million Dollars (\$1,000,000) general aggregate limit for personal injury or death, property damage (including water damage and sprinkler leakage) and premises liability, which insurance shall contain a contractual liability endorsement covering the matters set forth herein;

(ii) Workers' compensation insurance covering all of Lessee's employees, which insurance shall contain an express waiver of any right of subrogation against Lessor; and

(iii) Fire and comprehensive casualty insurance covering the Property and all improvements, equipment and other personal property belonging to Lessor and associated therewith, in the amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000) (replacement cost).

(b) All policies of liability insurance to be obtained and furnished by

Lessee hereunder shall list Lessor as an additional insured. All such policies of insurance shall be issued by a financially responsible company or companies authorized to issue such policy or policies and licensed to do business in Alaska, and shall contain endorsements providing that any such insurance shall not be subject to cancellation, termination or material change except after ten (10) days' prior written notice by registered mail to Lessor by the insurance company.

(c) The original policy or policies, or duly-executed certificates for the same, stating that the insurance carrier shall give Lessor ten (10) days' written notice prior to cancellation, material alteration or failure to renew, together with satisfactory evidence of payment of the premium therefore, shall be delivered to Lessor on or before the occupancy date of this Lease Agreement and, upon renewal of such policies, not less than ten (10) days prior to the expiration of the term of any such coverage. The minimum limits of any insurance coverage required hereunder to be carried by Lessee shall not otherwise limit Lessee's liability under this Lease Agreement.

(d) Neither the provisions of this paragraph, nor any other provisions of this Lease Agreement shall be construed to require that Lessee obtain liability insurance as to either environmental matters or punitive damages or casualty insurance as to earthquakes, mudslides, earth slides or tidal waves.

14. Disclaimer of Warranties. Lessee acknowledges that the improvements, fixtures, equipment or any other personal property associated with the Property are of a size, design, capacity and manufacture satisfactory to Lessee's intended use and purposes. Lessee further acknowledges that Lessor is not a manufacturer of the Property or a dealer in similar property and has not made and does not make any representation, warranty or covenant, express or implied, with respect to the condition, quality, durability, suitability or merchantability of the Property. Lessee agrees that Lessor shall not be liable for any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the Property, by any inadequacy thereof or defect therein, or by any incident in connection therewith.

15. Indemnification. Lessor shall not be liable for any injury or death to any person or for any loss or damage to any property or for any other loss or damage, including loss or damage resulting from business interruption, on or about the Property from any cause whatsoever, except for the negligence or willful misconduct of the Lessor. Lessee assumes liability for and agrees to indemnify, save and hold Lessor harmless from any and all claims arising out of its use of the Property, and any operations necessary or incidental thereto, including claims for damage, death or injury to any person, persons or property arising from any act or omission of, or the use, possession or occupancy of the Property by Lessee, its officers, employees, agents, invitees, visitors or other persons. Lessee's obligation of indemnification shall extend to and encompass costs and reasonable attorneys' fees associated with the defense of any such claim or action.

16. Termination. Notwithstanding the provisions of Lease Section 1, should Lessee fail to perform any of Lessee's obligations hereunder, Lessor may terminate this Lease Agreement upon thirty (30) days' notice to Lessee unless the default is cured to the reasonable satisfaction of Lessor within said 30-day period or, in the case of a default

which cannot with due diligence be cured within a 30-day period, Lessee promptly commences within said 30-day period and diligently and continuously prosecutes to completion all steps necessary to cure the default to the reasonable satisfaction of Lessor. Lessee shall have a period of sixty (60) days after termination or expiration of this Lease Agreement to remove its trade fixtures, personal property or fish processing equipment from the Property; rent shall be prorated to the date of removal. Any of Lessee's property remaining on the Property sixty (60) days after termination or expiration may be disposed of by Lessor and Lessee hereby expressly waives any claims, damages or causes of action arising out of such disposal, and agrees to indemnify and hold Lessor harmless from any and all such claims asserted by third parties. Notwithstanding such termination, Lessor shall be entitled to rent for the full calendar month in which the termination takes effect. Notices shall be effective when received.

17. Condemnation. If all or any part of the Property is taken under the power of eminent domain, or if Lessor sells or transfers all or any part of the Property under threat of condemnation, and the taking, sale or transfer renders the Property totally or partially inaccessible or unusable, this Lease Agreement shall terminate on the date of the taking, sale or transfer. Lessor may retain the condemnation award or consideration for sale or transfer.

18. Non-Authorized Use of Abutting Property. The substantial amount of City-owned property abutting the Property is not available for use by Lessee. Should Lessee utilize any part of this abutting property for any purpose, Lessor may, at its discretion, assess an additional charge for such unapproved use, equal to the greater of One Thousand Dollars (\$1,000) or Two Dollars (\$2) per square foot per month, times the duration of the encroachment. The assessment of such an additional charge shall not, however, authorize a continuation of the encroachment. Furthermore, if the duration of the encroachment cannot otherwise be determined, it shall be deemed to have begun three (3) months prior to its discovery by Lessor.

19. Nonwaiver. The failure of Lessor to insist upon the strict performance of any of the provisions of this Lease Agreement shall not be construed as a waiver or relinquishment of any such breach, or any other provision of this Lease Agreement, and the same shall remain in full force and effect.

20. Notices. Notice shall be sufficiently given according to the terms of this Lease Agreement when mailed via first class mail, postage prepaid, to the parties at the addresses set forth below, or at such other address as a party designates in writing:

City of Kodiak
Post Office Box 1397
Kodiak, AK 99615

Ocean Beauty Seafoods, Inc.
1100 W. Ewing St.
Seattle, WA 98107

ATTN: City Manager

ATTN: Tony Ross

21. Modification. No modification or amendment of this Lease Agreement shall be binding unless made in writing and signed by the parties.

22. **Binding Effect.** This Lease Agreement shall be binding upon the parties and their respective successors and assigns.

23. **Severability.** If a court of competent jurisdiction finds any provision of this Lease Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other person(s) or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Lease Agreement in all other respects shall remain valid and enforceable.

24. **Entire Agreement.** This Lease Agreement contains the entire agreement between the parties as of this date, and supersedes all prior written or oral agreements regarding this subject matter.

25. **Governing Law.** This Lease Agreement shall be governed and construed by the laws of the State of Alaska.

26. **Attorneys' Fees and Costs.** If either party commences an action against the other party arising out of or in connection with this Lease Agreement, the prevailing party shall be entitled to have and recover from the losing party its reasonable attorneys' fees and costs of suit.

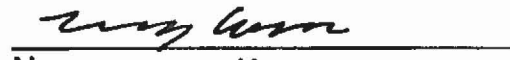
27. **Construction of Agreement.** The rule of construction that an instrument shall be construed more strictly against the party who drafted the same shall not apply to this Lease Agreement since both parties have had legal counsel available or have had the opportunity to seek independent advice.

IN WITNESS WHEREOF, Lessor and Lessee have hereunto set their hands and seals, the day and year first above written.


LESSOR:
CITY OF KODIAK

LESSEE:
OCEAN BEAUTY SEAFOODS, INC.


Name: Linda L. Freed
Title: City Manager


Name: Tony Ross
Title: Secretary

Attest:


Debra L. Marlar
City Clerk

NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: January 12, 2012

Agenda Item: V.a. Resolution No. 2012-01, Support of Coastal Zone Management Program

SUMMARY: A group of municipal organizations has organized to place the restoration of Alaska's coastal zone management program on a statewide ballot initiative. Municipal organizations, especially coastal communities, have been asked to show support for this effort by signing petitions circulating around the state and by adopting resolutions. If Council wishes to show formal support from the City of Kodiak for restoration of the state's coastal zone management program, Council should adopt Resolution No. 2012-01.

DISCUSSION: After being in place for more than 30 years, Alaska's coastal zone management program expired in the summer of 2011 when the legislature failed to agree to extend the program. In response, the Alaska Sea Party, a group of municipal organizations, formed to prepare a ballot initiative to restore the state's program by putting the measure on the statewide ballot.

On December 6, 2011, Lieutenant Governor Mead Treadwell certified the application to begin collecting signatures for a statewide ballot initiative to restore Alaska's coastal zone management program. The goal is to gather the necessary signatures (26,000) by the start of the legislative session on January 17, 2012, to encourage legislators to pass a substantially similar law. If the legislature fails to act, the initiative would appear on next year's statewide election ballot.

The initiative establishes a 13-member Alaska Coastal Policy Board to oversee development of the new program. The program's aims include balancing competing demands on coastal resources and uses, providing Alaskans with a strong voice in state and federal coastal activities, and establishing a coordinated permit review process.

Resolution No. 2012-01 is a formal statement of support from the City of Kodiak for restoration of that program.

ALTERNATIVES: Council may adopt, amend, or fail to pass Resolution No. 2012-01.

CITY MANAGER'S COMMENTS: The state's coastal zone management program gave Alaskans a seat at the table along with state and federal agencies to coordinate, review, and comment on the development of coastal areas. The program worked well for many years, but efforts to extend the

program failed this last summer. Kodiak Island Borough Mayor Jerome Selby and Juneau Mayor Bruce Botelho have been key organizers of the effort to get this issue on the ballot. The Alaska Municipal League and the Southwest Alaska Municipal Conference also support restoration of the coastal zone management program. Petitions have been circulating in Kodiak, and Mayor Branson wanted to bring this resolution of support forward for Council consideration.

ATTACHMENTS:

Attachment A: Resolution No. 2012-01

Attachment B: Alaska Sea Party Web Site Information

PROPOSED MOTION:

Move to adopt Resolution No. 2012-01.

**CITY OF KODIAK
RESOLUTION NUMBER 2012-01**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK IN SUPPORT
OF THE COASTAL ZONE MANAGEMENT PROGRAM**

WHEREAS, the FY2011 Alaska Legislative Session closed without an agreement to continue a federal/state/local agreement to provide input on coastal activities in the State of Alaska; and

WHEREAS, the State and local governments and coastal districts wish to have a meaningful voice in the development of our coastal lands and waters; and

WHEREAS, a Coastal Zone Management Program offers local governments and districts the opportunity to influence decisions that impact our coastal resources; and

WHEREAS, a Coastal Zone Management Program gives Alaskans the means to address the unique conditions existing along our coastline in a way that the federal government cannot; and

WHEREAS, having a Coastal Zone Management Program in place reduces litigation by providing the means for effective cooperation among federal, state, and local governments and Alaska's citizens; and

WHEREAS, a Coastal Zone Management Program streamlines project authorizations by coordinating federal, state, and local government permitting actions; and

WHEREAS, a Coastal Zone Management Program enhances diverse and responsible economic development through resolution of disputes among conflicting and competing uses and demands for coastal resources; and

WHEREAS, a Coastal Zone Management Program could bring local knowledge to bear on development decisions, but does not allow for a local veto of development projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the City of Kodiak supports the Alaska Coastal Zone Management Program Initiative promoted by the Alaska Sea Party.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

Kniazowski, Aimee

From: Kathie Wasserman [kathie@akml.org]
Sent: Thursday, December 08, 2011 9:17 AM
Attachments: DOC528.pdf

I hope you all heard the good news! Tuesday evening (late), the Lt. Governor certified the petition that will now go out for signatures in order to get the Coastal Management Program on the 2012 ballot (or hopefully, spur the Legislature and the Administration to do something before that happens). So,.....now is your opportunity to help, because we have a lot to do in very little time.

First of all, to get yourself acquainted with the whole petition drive, you can find most of the information you would want on the website www.alaskaseaparty.org.

Secondly, the petition drive needs financial support in order to get to all of the districts to gather signatures. We have had quite a few municipalities commit funding, as well as Native organizations, fishing organizations, etc. In order for a municipality to send money, you must first draw up an ordinance to appropriate the money specifically for the Alaska Coastal Management Initiative. The ordinance must have the required two hearings. Then, within 30 days of sending the money to: Alaska Sea Party

217 2nd Street, Suite

200

Juneau, Alaska 99801

you must fill out and submit form 15-5. You can also speak to a real live person by calling (907) 957-

4540.

So, again, if you want to carry a petition around for signatures (we ONLY need 26,000 signatures) PLEASE call the above number or sign up on the web page. If you municipality would like to help fund this endeavor, appropriate the funds through an ordinance and then send in the APOC 15-5 form (attached). Call me if you have any problems.

Kathie Wasserman
Executive Director
Alaska Municipal League
217 2nd Street, Suite 200
Juneau, Alaska 99801
907-586-1325
fax 907-463-5480

Welcome!

The *Alaska Sea Party* is a statewide grassroots organization comprised of municipal leaders and concerned citizens whose sole mission is to actively support the responsible development, protection, and conservation of Alaska's coastal resources through a robust *coastal management program*.

[Click here to visit the coastal management initiative site.](#)

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[Coastal Management](#)

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[Contact](#)

December 28th: The first completed signature books are coming back in! We're making progress, let's keep at it!

December 21st: The first round of signature books has been printed! It's time to make history!

Alaska needs a new coastal management program

Please join us in supporting the citizen's coastal management program initiative and give Alaskans a meaningful voice in protecting Alaska's interests and values in the development of our coastal lands and waters.

When Alaska lost its coastal management program in the 2011 legislative session, we lost an important tool to influence and shape coastal development. The Alaska Sea Party is a grassroots group of Alaskans that are promoting a ballot initiative to recreate an Alaska coastal management program. We plan to gather 26,000 signatures by January 17, 2012 so Alaskans can vote on the initiative in the 2012 election.

Why a Coastal Management Program is Important:

- Gives Alaskans a meaningful voice in coastal development
- Balances competing demands on coastal resources and uses
- Gives Alaska power over federal coastal development decisions
- Establishes a coordinated permit review process

We're prepared to go all the way, and with your help, Alaska will reclaim its voice.



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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

Date: January 12, 2012

Agenda Item: V.b. **Resolution No. 2012-02, Rescinding Resolution No. 2011-39 and Adopting a Revised FY2013 State Capital Improvement Program List**

SUMMARY: Following the meeting between Senator Gary Stevens, Representative Alan Austerman, the City Manager, and Council on December 28, 2011, Council indicated support to add a request to fund a new fire engine to the City's list of capital funding priorities for FY2013. If Council wishes to update the state Capital Improvement Program (CIP) request list for FY2013, they must rescind Resolution No. 2011-39 and adopt a new resolution identifying the revised list as identified in Resolution No. 2012-02 (Attachment A).

PREVIOUS COUNCIL ACTION: Council adopted Resolution No. 2011-39 on November 17, 2011. The resolution requested state funding support for a list of three prioritized capital projects. At the December 28, 2011, meeting, Council indicated support to add a request to fund a replacement fire engine needed by the Kodiak Fire Department (KFD).

DISCUSSION: Senator Stevens and Representative Austerman met with the City Council last month. They discussed upcoming legislative issues, the impacts of redistricting to business in the upcoming legislature, and they reviewed the City's FY2013 CIP list. They discussed funding strategies for City projects, including the replacement of Pier III, the City's top priority. Both legislators will remain in key leadership positions in the upcoming session, which will benefit Kodiak.

Based on the discussion at the December meeting, staff prepared a revised resolution to amend the recently adopted FY2013 CIP list to include a fourth priority, a funding request of \$400,000 to replace the City's 26-year-old fire engine. Engine 3 has exceeded its recommended 20-year replacement schedule and is showing multiple problems with the fire pump, chassis, cab, and motor (see Attachment C). Due to the overall condition, it is often out of service. When operational, Engine 3 is used as a "third out" response vehicle and may move up in a response category if the first and/or second response vehicles are out of service. The open cab design no longer meets safety standards, and KFD personnel cannot ride in the two back positions. The City needs this third engine response capability within the City limits and in response to local Mutual Aid agreements.

Staff will send an approved copy of Resolution No. 2012-02 to the Kodiak delegation as soon as it is adopted for their use in promoting these four important community projects.

ALTERNATIVES:

1. Adopt the revised list of state funding requests for FY2013 as discussed and identified in Resolution No. 2012-02. The list reflects Council's direction and will provide the delegation with important information to use when promoting Kodiak's funding needs this legislative session. This is staff's recommendation.
2. Decide to allow the original state funding request list to stand as listed in Resolution No. 2011-39.

FINANCIAL IMPLICATIONS: There are no direct financial implications in adopting the revised CIP list in this resolution. However, the entire community will benefit if the City receives state funding assistance for any of these important projects.

CITY MANAGER'S COMMENTS: I support the request to add funding for a replacement fire engine to the City's FY2013 CIP list. Engine 3 is in poor condition and requires ever more maintenance. It isn't practical to rebuild or repair the engine due to its design and overall condition. We need this third engine to maintain adequate response capabilities, and replacement costs are excessive and cannot be easily met by the City at this time. Council indicated support for adding this to the request list for FY2013, which requires adoption of the attached resolution. I recommend we approve the list as shown in Resolution No. 2012-02.

ATTACHMENTS:

- Attachment A: Resolution No. 2012-02, Rescinding Resolution No. 2011-39 and Adopting a Revised FY2013 State Capital Improvement Program List
- Attachment B: Resolution No. 2011-39, Adopting the FY 2013 Prioritized State Capital Improvement Program List
- Attachment C: Memo from Fire Chief Rome Kamai, Equipment Replacement Request, dated December 15, 2011

PROPOSED MOTION:

Move to adopt Resolution No. 2012-02.

**CITY OF KODIAK
RESOLUTION NUMBER 2012-02**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK
RESCINDING RESOLUTION NO. 2011-39 AND ADOPTING A REVISED FY2013
STATE CAPITAL IMPROVEMENTS PROGRAM LIST**

WHEREAS, the City of Kodiak uses a Capital Improvements Program planning process to identify the capital improvement project needs of the community; and

WHEREAS, this identification and planning process plays a vital role in directing the City's administration and is utilized as a long-range planning and policy setting tool for City infrastructure maintenance and enhancement; and

WHEREAS, the City of Kodiak is committed to paying its way to the greatest extent possible, but the cost of some of the City's capital project needs are greater than the resources available locally; and

WHEREAS, the Kodiak City Council previously adopted Resolution No. 2011-39 on November 17, 2011, which identified and prioritized the City's three primary capital improvement projects for submission to the Alaska State Legislature and Governor for funding consideration due to their significance and/or magnitude; and

WHEREAS, the City Council wishes to revise the FY2013 Capital Improvements Program List adopted by Resolution 2011-39 to reflect an additional capital request for FY2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the following infrastructure replacement/improvement projects are considered of primary importance and are hereby adopted as the City of Kodiak's FY2013 State capital improvement project list:

1. Planning, Permitting and Design Costs for Pier III Replacement	Funding Request: \$2,500,000
--	-------------------------------------

Pier III is one of the City of Kodiak's main cargo piers and its only facility for handling containerized cargo. Pier III is a critical piece of infrastructure to sustain the local economy and enable future development in Kodiak. The current pile-supported structure will reach the end of its design life within the next 4-5 years. The existing pier experiences corrosion, wear, and limited capacity, and requires extensive maintenance to keep it operational. Replacement costs are currently estimated to be between \$25-33 million, depending on the type of dock structure selected. This year the City must select the optimal dock alignment and complete geotechnical work and a wave motion study to determine the appropriate structure type (sheetpile bulkhead or pile supported). Once complete, these steps will help further refine preliminary cost estimates and design and permitting work can begin. The City needs to complete final design in 2012. The project will be funded through a combination of local Port

and Harbor revenues, tenant fees, General Fund revenues, and State and Federal grants. The City of Kodiak is requesting \$2,500,000 in funding support to assist with completion of planning, permitting, and design costs for this critical piece of infrastructure.

2. Phase 3 Pedestrian Improvements

Funding Request: \$5,000,000

Pedestrian Improvements Pier II to Downtown

The City identified the need for pedestrian improvements from Pier II to downtown Kodiak to accommodate the increasing number of cruise ship passengers arriving annually and to improve facilities for local residents and businesses that use the street and pier year round. The project was started in 2009, and Phase 2 of this project, construction of an ADA accessible sidewalk, improved lighting and parking, and utility relocates is scheduled to be completed in 2012. The City is now planning Phase 3 of the project, which will carry pedestrian improvements further along Shelikof Street from Jack Hinkle Way to Marine Way by rehabilitating the sidewalk and associated tasks such as ROW acquisition and mapping, geotechnical investigation, improved lighting, utility relocates, landscaping, benches, signage, a walkway along the harbor side of the street, and additional off-street parking to direct pedestrian traffic out of this congested roadway. The City of Kodiak is requesting State funding assistance for planning, permitting, design, and construction through the cruise ship excise tax for \$5,000,000 to complete Phase 3 of the project.

3. Phase 2 Baranof Park Improvements

Funding Request: \$1,750,000

Baranof Park is a regional recreational facility that serves not only City residents, but the entire region. The Park serves as an important educational facility for both the Kodiak Middle School and the Kodiak High School, neither of which has outdoor educational facilities. The total project requires the replacement of the aging track, replacement of two playing fields, necessary drainage improvements, fencing, and some utility improvements, with an estimated total cost of \$7 million. At least half of the needs for this project are due to Kodiak Island Borough School District use of the facility. The City has completed 95% engineering plans and bid specifications for this project. Phase 1, which includes removal and replacement of the deteriorating synthetic surface track and turf infield area used for football, soccer, physical education classes, and other sports, and replacement with a new synthetic track and synthetic surface infield better suited to multi-purpose use is expected to be completed during 2012. Phase 2 includes the installation of synthetic surface D zones and the adjacent baseball infield and is estimated to cost up to \$2 million. The project will be funded with City of Kodiak funds and grants, but the City requires funding assistance to complete this phase of the project. The community is requesting funding support for \$1,750,000 to assist with constructing Phase 2 of this important community and school district facility.

4. Fire Apparatus Replacement

Funding Request: \$400,000

The City of Kodiak must replace its aging Fire Engine 3, a 1986 E-Once Cyclone Pumper that was purchased in 1986. Engine 3 has exceeded its recommended replacement schedule of 20 years by more than 5 years, and is showing problems in multiple areas, including the

fire pump, chassis, cab, and motor. Due to its condition and recurring maintenance needs, it must often be taken out of service. The three-sided cab is no longer a recommended configuration due to the increased rollover safety standards, and Fire Department personnel cannot ride in the two back positions. When operational, Engine 3 is used as a “third out” response vehicle and may move up in a response category if the first and/or second response vehicles are out of service. The City of Kodiak needs this third engine response capability within the City limits and in response to local Mutual Aid agreements. The estimated cost to replace this engine is \$450,000, an amount that exceeds the City’s resources. The City of Kodiak is requesting state funding assistance in the amount of \$400,000, with the remainder of the funds coming from local appropriations.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

**CITY OF KODIAK
RESOLUTION NUMBER 2011-39**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK ADOPTING
THE FY2013 PRIORITIZED STATE CAPITAL IMPROVEMENTS PROGRAM LIST**

WHEREAS, the City of Kodiak uses a Capital Improvements Program planning process to identify the capital improvement project needs of the community; and

WHEREAS, this identification and planning process plays a vital role in directing the City's administration and is utilized as a long-range planning and policy setting tool for City infrastructure maintenance and enhancement; and

WHEREAS, the City of Kodiak is committed to paying its way to the greatest extent possible, but the cost of some of the City's capital project needs are greater than the resources available locally; and

WHEREAS, the Kodiak City Council has identified and prioritized capital improvement projects for submission to the Alaska State Legislature and Governor for funding consideration due to their significance and/or magnitude.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the following infrastructure replacement/improvement projects are considered of primary importance and are hereby adopted as the City of Kodiak's FY2013 State capital improvement project list:

1. Planning, Permitting and Design Costs for Pier III Replacement **Funding Request: \$2,500,000**

Pier III is one of the City of Kodiak's main cargo piers and its only facility for handling containerized cargo. Pier III is a critical piece of infrastructure to sustain the local economy and enable future development in Kodiak. The current pile supported structure will reach the end of its design life within the next 4-5 years. The existing pier experiences corrosion, wear, and limited capacity, and requires extensive maintenance to keep it operational. Replacement costs are currently estimated to be between \$ 25-33 million, depending on the type of dock structure selected. This year the City must select the optimal dock alignment and complete geotechnical work and a wave motion study to determine the appropriate structure type (sheetpile bulkhead or pile supported). Once complete these steps will help further refine preliminary cost estimates and design and permitting work can begin. The City needs to complete final design in 2012. The project will be funded through a combination of local Port and Harbor revenues, tenant fees, General Fund revenues, and State and Federal grants. The City of Kodiak is requesting \$2,500,000 in funding support to assist with completion of planning, permitting, and design costs for this critical piece of infrastructure.

**Phase 3 Pedestrian Improvements
Pedestrian Improvements Pier II to Downtown**

Funding Request: \$5,000,000

The City identified the need for pedestrian improvements from Pier II to downtown Kodiak to accommodate the increasing number of cruise ship passengers arriving annually and to improve facilities for local residents and businesses that use the street and pier year round. The project was started in 2009 and Phase 2 of this project, construction of an ADA accessible sidewalk, improved lighting and parking, and utility relocates is scheduled to be completed in 2012. The City is now planning Phase 3 of the project, which will carry pedestrian improvements further along Shelikof Street from Jack Hinkle Way to Marine Way by rehabilitating the sidewalk and associated tasks such as ROW acquisition & mapping, geotechnical investigation, improved lighting, utility relocates, landscaping, benches, signage, a walkway along the harbor side of the street, and additional off street parking to direct pedestrian traffic out of this congested roadway. The City of Kodiak is requesting State funding assistance for planning, permitting, design, and construction through the cruise ship excise tax for \$5,000,000 to complete Phase 3 of the project.

2. Phase 2 Baranof Park Improvements

Funding Request: \$1,750,000

Baranof Park is a regional recreational facility that serves not only City residents, but the entire region. The Park serves as an important educational facility for both the Kodiak Middle School and the Kodiak High School, neither of which has outdoor educational facilities. The total project requires the replacement of the aging track, replacement of two playing fields, necessary drainage improvements, fencing, and some utility improvements, with an estimated total cost of \$7 million. At least half of the needs for this project are due to Kodiak Island Borough School District use of the facility. The City has completed 95% engineering plans and bid specifications for this project. Phase 1, which includes removal and replacement of the deteriorating synthetic surface track and turf infield area used for football, soccer, physical education classes, and other sports and replacement with a new synthetic track and synthetic surface infield better suited to multi-purpose use is expected to be completed during 2012. Phase 2 includes the installation of synthetic surface D zones and the adjacent baseball infield and is estimated to cost up to \$2 million. The project will be funded with City of Kodiak funds and grants, but the City requires funding assistance to complete this phase of the project. The community is requesting funding support for \$1,750,000 million to assist with constructing Phase 2 of this important community and school district facility.



CITY OF KODIAK

Pat Puan

MAYOR

ATTEST:

Debra Moulton

CITY CLERK

Adopted: November 11, 2011

**Kodiak Fire
Department**

Memo

To: Aimee Kniazowski, City Manager
From: Rome Kamai, Fire Chief
CC:
Date: 12/15/2011
Re: Fire Engine and Ambulance replacement request

Aimee:

The fire department has 2- vehicles that are currently beyond their recommended replacement schedule per established standards used in the City, and the municipal fire industry. The first vehicle is an ambulance; requiring replacement every 10 years. It was due for replacement in 2007. The second vehicle is a fire pumper; requiring replacement every 20 years. It was due for replacement in 2006.

The fire pumper is a 1986 E- Once Cyclone Pumper (see attached photos). This pumper is designated as Engine – 3 (E-3), and was purchased for approximately \$150,000.00 It is currently out of service due to corrosion of chassis parts. E-3 is depended upon as a third out response vehicle, or in the event the first and/or second response vehicles are out of service- it moves up in response category.

E- 3 is over its recommended replacement schedule by 5 years, and is showing its age and wear in multiple areas to include the fire pump, chassis, cab, and motor. The three sided cab is no longer a recommended configuration due to the increased rollover safety standards. Currently personnel are not allowed to ride in the twp positions. The City's Maintenance Shop Supervisor has evaluated E-3 and has recommended replacement.

The cost to replace this pumper is approximately \$450,000.00

Efforts have been sought to alleviate the direct local funding burden by applying for Federal grant assistance through a program know as the **Assistance to Firefighter Grants (AFG)**. If selected as a grantee the City of Kodiak will be responsible for a 5% cache match or \$22,500.00, while the AFG match will be \$427,500.00

If the fire department is not successful with being an AFG grantee, the total cost to replace E- 3 will be channeled through the City's adopted Equipment Replacement Policy process.





The Ambulance is a 1997 International chassis ambulance (see attached photos). This ambulance is designated as Medic – 3 (M-3). It is currently used as the primary outgoing medevac ambulance, and third out ambulance to multiple EMS request.

M-3 is over its recommended replacement schedule by 4 years, and is showing its age and wear in multiple areas to include electrical system, chassis, body, and patient treatment compartment area. The City's Maintenance Shop Supervisor has evaluated M-3 and has recommended replacement.

The cost to replace this ambulance is approximately \$175,000.00

Efforts have been sought to alleviate the direct local funding burden by applying for State grant assistance through a program known as the **State of Alaska Code Blue Project (Code Blue)**. If selected as a grantee the City of Kodiak will be responsible for a 25% cache match or \$43,750.00, while the Code Blue match will be \$131,250.00 this amount would be an aggregate amount based on Federal funding via the USDA.

Unfortunately the USDA was not able to provide the **Code Blue** project the usual and customary funding amount. The **Code Blue** committee reduced the City's award to \$35,000. This funding is available for up to 2 years.

The City of Kodiak is now responsible for a much higher cache match; \$140,000.00 total.

The request to replace M- 3 will now be channeled through the City's adopted Equipment Replacement Policy process.




1997 International ambulance (M-3)



Thank you.

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager 
Thru: Mary Munk, Finance Director
Date: January 12, 2012

Agenda Item: V.c. Acceptance of the FY2011 Comprehensive Annual Financial Report

SUMMARY: Each year the City Council retains a qualified accounting firm to perform an annual audit of the City's financial records and accounting practices. The City Charter and the City Code require the Council to accept the comprehensive annual financial report. Council typically accepts the audit by motion. Staff recommends Council approve the Fiscal Year 2011 audit in accordance with Kodiak City Code 3.24.020 and accept the FY2011 Comprehensive Annual Financial Report.

PREVIOUS COUNCIL ACTION: The Fiscal Year 2011 budget was adopted by the City Council on May 27, 2010, Ordinance No. 1274. The annual audit expense was budgeted in the General Fund, Finance Administration Department, Professional Services. The budget amount for the Fiscal Year 2011 audit was \$45,000. At the January 10, 2012, work session, Mikunda, Cottrell & Co. is scheduled to give a presentation of the audit and review the FY2011 Comprehensive Annual Financial Report.

BACKGROUND: Article V, Section 21 of the City Charter requires an annual audit of the accounting and financial records of the City by independent certified public accountants. This charter section requires the auditor to examine all funds of the City in accordance with generally accepted auditing standards and the standards set forth in the Government Accountability Office's Government Auditing Standards. In addition, the auditor must conduct the compliance examinations required by the Single Audit Act Amendments of 1996, the related U.S. Office of Management and Budget's Circular A-133, and the State of Alaska Audit Guide and Compliance Supplement for State Single Audits. The standards governing Single Audit engagements require the independent auditor to report not only on the fair presentation of financial statements, but also on the audited government's internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of grants.

DISCUSSION: The City of Kodiak solicited the services of qualified firms of certified public accountants to audit its financial statements for the fiscal year ending June 30, 2008, 2009, and 2010, with the option to audit the City's financial statements for two subsequent fiscal years. The City of Kodiak contracted with Mikunda, Cottrell & Co. for auditing services. The fees for services, not including travel expenses, have been \$40,200 for 2008, \$41,025 for 2009, \$42,000 for 2010, and \$45,000 for 2011.

FINANCIAL IMPLICATIONS: Compliance with Kodiak City Code Section 3.24.020 is required. It states that “upon council’s acceptance of the annual financial report, necessary budgetary/accounting entries shall be recorded in the succeeding fiscal year for all outstanding encumbrances and incurred obligations, as disclosed in the prior fiscal year’s annual financial report.”

STAFF RECOMMENDATION: Staff recommends that the City Council accept the FY2011 Comprehensive Annual Financial Report by motion.


CITY MANAGER’S COMMENTS: The annual audit is a financial requirement of the City. Staff prepared for and worked closely with the auditors as they gathered information during the summer and while preparing the final report. I want to thank Finance Director Mary Munk and her staff for their work during the audit and for their ongoing professionalism and attention to detail. I recommend Council accept the FY2011 Comprehensive Annual Financial Report.

NOTES: The City Council was issued a copy the FY2011 Comprehensive Financial Annual Report. These reports should be brought to the work session and regular meetings for review and discussion.

PROPOSED MOTION:

Move to accept the City’s FY2011 Comprehensive Annual Financial Report.

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniaziowski, City Manager 
Thru: T.C. Kamai, Chief of Police
Date: January 12, 2012

Agenda Item: V.d. Authorization to Purchase a Kodiak Police Department Vehicle

SUMMARY: This authorization enables the Kodiak Police Department (KPD) City Jail Unit to replace its 1996 Ford van, which has been recommended for replacement in FY2012 with a current model year 1/2 ton eight passenger all-wheel-drive (AWD) van. Staff recommends the Council authorize attachment to a State of Alaska contract to purchase this vehicle in the amount of \$26,262, with funds coming from the General Fund, Police, Corrections, Machinery and Equipment account.

PREVIOUS COUNCIL ACTION:

- March 31, 2011, Council adopted Resolution No. 2011-07, Adopting a Vehicle and Equipment Replacement Policy. The resolution formalized the process for evaluating City vehicles and equipment based on objective standards and criteria, including availability of funds, age of the vehicle, mileage, maintenance cost, condition of the vehicle body and mechanical components.
- June 23, 2011, Council approved the FY2012 budget, which included \$36,618 for the purchase of a new or current model year AWD passenger van to replace KPD's 1996 Ford van used to transport prisoners, which is recommended for replacement in FY2012.
- Received FY2012 Department of Corrections capital award to replace jail transport vehicle to be approved in FY2012 Supplemental Appropriation No. 1.

DISCUSSION: The KPD fleet is evaluated by the Public Works Shop Supervisor (PWSS) annually. The PWSS performs a comprehensive evaluation of vehicles relying on industry standards and criteria and makes recommendations about which vehicles can remain in service and which vehicles should be removed from service.

The PWSS evaluation includes the criteria previously discussed as well as a comprehensive physical inspection of the body, vehicle electronics, engine, transmission, frame, and suspension. The PWSS also evaluates the economic benefit of replacing a vehicle or replacing or repairing damage to a vehicle.

The PWSS evaluated City Jail Vehicle #16, a 1996 Ford Econoline van, in calendar year 2011 (see Attachment A). This vehicle has been assigned exclusively to the City Jail for prisoner transport and has accumulated well over 88,000 miles during its years of service. The PWSS observed that this vehicle is experiencing ongoing maintenance issues, which are attributable to age and mileage. The PWSS has

deemed this vehicle to be unreliable. The PWSS has also indicated that there is no economic benefit to retaining this vehicle in service and has recommended it be replaced with a vehicle of similar class. It should be noted that this vehicle was purchased used from a State of Alaska auction and put into service by the jail.

The State of Alaska Department of Transportation and Public Facilities State Equipment Fleet maintains contracts with several light duty vendors in Alaska. Each of these vendors supplies pricing for basic vehicles with additional cost for added options. Cooperative purchasing is authorized on these contracts for qualified political subdivisions. The City of Kodiak is a qualified political subdivision, and attachment to this contract is permitted by Kodiak City Code (KCC) 3.12.070(c).

Staff is recommending the Council authorize attachment to the State of Alaska Light Duty Contract to purchase a current model year 1/2 ton eight passenger AWD van in the amount of \$26,262, with funds coming from the General Fund, Police, Corrections, Machinery and Equipment account (see Attachment B).

ALTERNATIVES:

1. Authorize this transaction in the amount of \$26,262. This is staff's recommendation as it enables KPD to replace the current jail transport vehicle.
2. Do not authorize this transaction. This alternative is not recommended because it would be detrimental to jail operations and against the interest of the City.

FINANCIAL IMPLICATIONS: The Council has approved funds in the current fiscal year for the purchase of this vehicle. By taking advantage of attachment to the State contract the vehicle can be purchased at a reduced cost. In addition, the City received a grant recently that will cover the full replacement cost for this vehicle.

LEGAL: KCC 3.12.070(c) allows the City to acquire vehicles and equipment by attaching to another government's negotiated bid if doing so is in the City's best interest.

STAFF RECOMMENDATION: Staff recommends Council authorize attachment to a State of Alaska contract to purchase this vehicle in the amount of \$26,262, with funds coming from the General Fund, Police, Corrections, Machinery and Equipment account.

CITY MANAGER'S COMMENTS: I support the recommendation to purchase this vehicle by attaching to the State's bid for the vehicle. This vehicle was assessed and recommended for replacement by our Public Works Department, the replacement is consistent with the City's recently adopted vehicle and equipment replacement policy, we received a state grant that will cover the replacement cost of the vehicle, and we can save money by attaching to the State's bid. Thanks to the efforts of Chief Kamai, we received the grant to cover City expenses to replace this transport van.

ATTACHMENTS:

Attachment A: Public Works Vehicle Replacement Recommendation, March 18, 2011

Attachment B: Class 137 Bid Sheet

PROPOSED MOTION:

Move to authorize the purchase of a Kodiak Police Department vehicle in the amount of \$26,262, with the funds coming from the General Fund, Police, Corrections, Machinery and Equipment account.

Capital Outlay Request

City of Kodiak



Department: Public Works Maintenance Shop, Gerald Pherson
Division: Kodiak Police Department
Priority:

Request: 1996 Ford Econoline 350 Vin # 1FTBJS31H1THB21702

Estimated Cost:

Trade-In Kodiak Police Department #16 Corrections

**Justification and/or
Comments**

The Corrections van has approximately 89,000 miles showing on the odometer. It has been used for short trips between the old Police department and courthouse to transport prisoners.

During this year's evaluation we have noticed some areas of major concern. The engine has developed a substantial amount of blow-by. This is due to the engine being worn out, which was likely caused by short trips and not being fully warmed up. The rear frame, shackles, and cross members are heavily rusted. The rust is more than just surface rust and could cause failure at anytime. At some places the metal appears to be rusted though about fifty percent.

Because of the limited amount of use and short trips it was safe to retain this vehicle in the city fleet. With the added mileage that is being demanded of this vehicle more problems are starting to surface. I recommend KPD #16 be replaced in the 2012 fiscal year.



Engine oil in air filter housing, due to excessive engine blow-by.



Engine oil on air filter from engine blow-by.



Condition of leaf springs, frame and shackles.



Sever rust on rear cross member and frame.

City of Kodiak Vehicle Evaluation

- Evaluation date 3/14/11
- City vehicle ID number KPD 16
- Vehicle odometer reading 88716.3
- Vehicle history Prisoner transport
- Vehicle test drive notes Steering and suspension loose needing an overhaul.
- Brake pedal goes nearly to the floor before coming to a stop.
- Assess engine and transmission performance Engine lacks performance showing signs of a major overhaul. Transmission seems to perform well.

Under vehicle inspection

- Front brakes condition, amount remaining RF 70% LF 70%
- Rear brakes condition, amount remaining RR 45% LR 45%
- Brake hoses, lines and cables Brake hoses (Fair) Brake lines (Front lines are worn thru needs replacement. Cables are sticky from lack of use.)
- Suspension and steering components, including tie rods, drag link, ball joints, springs shackles and shocks Front sus (loose needs bushings) Steering (Shaking Signs of wear) Rear springs (Good) Shackles (Very Rusty) Shocks (Fair)
- Condition of frame, frame hangers and body mounts Rear of frame is scaling rust cross member is rusting out. Spring shackle hangers are rusting out.
- Transmission, transfer case and differentials Transmission is leaking at the torque converter seal and at the tail shaft. Rear diff is leaking at the pinion seal.
- Underside of engine and engine compartment Covered in oily dirt from leaks

Under hood inspection

- Check all fluid levels and records Rad (OK) Eng (-1qt) Brk (low) POW (low)
- Check battery and charging system B. 75 V Bitt, Charging 14.5V
- Inspect engine for leaks, exhaust, oil, coolant Oil pan leaks all the way around. Small Exhaust leak at the (pass) manifold
- Inspect power steering, hoses, belts and accessories Steering box leaks at the pitman arm, hoses (good) belt (new) Accessories (Fair)
- Inspect electrical components and wiring Wiring and its coverings are becoming brittle.
- Check cylinder power balance or compression (1) 145psi (2) 150psi (3) 125psi (4) 125psi (5) 135psi (6) 135psi (7) 140psi (8) 160psi
- Check power train control module for codes No Codes

Vehicle exterior

- Check for body damage—fenders, bumpers Minor dings and scratches, Frt Fender RH.

- o Check glass—windows, windshield All glass (good)
- o Check lights—lenses and proper operation lights and lenses (OK)

Vehicle interior

- o Check interior—seats, steering wheel, pedals and panels Interior fair condition
- o Check vehicle controls and accessories All functions and operate

Added notes:

Lower rocker panels very rusty.
door thresholds very rusty

Top of fuel tank has a leak (possibly)

Excessive blowby thru the PCV system

CLASS 137
1/2 TON AWD PASSENGER VAN

Use billing class 137

Minimum Requirements:
 8-passenger seating (including driver)
 Wheel base: 135 Inches
 Overall Length: 218 Inches
 Engine: Gas, V8, 285 HP
 AM/FM Radio
 Heat and Air Conditioning, front and rear
 Vinyl Upholstery
 Rubber Floor Covering
 Hinged Panel Type Rear Passenger Side Door

5.3L / 310HP
Express 1500
CH13406

\$ 25,427.00
Chev/AS&S

AVAILABLE OPTIONS	
0	Cruise Control & Tilt
0	Cloth Seats
1	Power Windows/Locks/Keyless Remote Entry
0	AM/FM with CD Player
0	Carpet Floor Covering
1	Side Sliding Door
0	Shipping to Fairbanks
0	Shipping to Juneau

1=yes
0=no

\$565.00
\$135.00

\$26,127.00

Purchase

Silver Metallic paint 135.

26,262.

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 CLASS 137P AWD
 Kodiak Police Department

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

SELECTED MODEL & OPTIONS

SELECTED MODEL - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

<u>Code</u>	<u>Description</u>
CH13406	2012 Chevrolet Express Passenger AWD 1500 135" 1LS

SELECTED VEHICLE COLORS - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

<u>Code</u>	<u>Description</u>
-	Interior: No color has been selected.
-	Exterior 1: No color has been selected.
-	Exterior 2: No color has been selected.

SELECTED OPTIONS - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

CATEGORY

<u>Code</u>	<u>Description</u>
EMISSIONS	
FE9	EMISSIONS, FEDERAL REQUIREMENTS
ENGINE	
LMF	ENGINE, VORTEC 5.3L V8 SFI FLEXFUEL (310 hp [231.1 kW] @ 5200 rpm, 334 lb-ft of torque [450.9 N-m] @ 4500 rpm) (STD) (Standard on CG13406 and CH13406 models.)
TRANSMISSION	
M30	TRANSMISSION, 4-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED with overdrive, tow/haul mode and internal transmission oil cooler (STD) (Standard on CG13406 or CH13406 models. Reference the Engine/Axle page for availability.)
AXLE	
GU6	REAR AXLE, 3.42 RATIO (Standard on CG13406 or CH13406, CG23406, CG33406, and CG33706 models. Reference the Engine/Axle page for availability.)
PREFERRED EQUIPMENT GROUP	

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Kodiak Police Department

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

SELECTED MODEL & OPTIONS

SELECTED OPTIONS - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

CATEGORY

Code	Description
PREFERRED EQUIPMENT GROUP	
1LS	LS PREFERRED EQUIPMENT GROUP Includes Standard Equipment
WHEELS	
NX7	WHEELS, 4 - 17" X 7" (43.2 CM X 17.8 CM) STEEL Includes steel spare (STD) (Requires CG13406 or CH13406 models.)
PAINT SCHEME	
ZY1	PAINT, SOLID (STD)
PAINT	
50U	SUMMIT WHITE
SEATING ARRANGEMENT	
ZP8	SEATING, 8-PASSENGER, (2-3-3 SEATING CONFIGURATION) (STD) (Standard on CG13406 or CH13406 model only. Available on CG23406 or CG33406 models.)
SEAT TYPE	
AR7	SEATS, FRONT BUCKET WITH VINYL TRIM and outboard head restraints, Includes Inboard armrests (STD) (Requires (**W) interior trim. When ordering a seating arrangement that includes rear seats, Includes rear bench seats with vinyl trim. Head restraints are not available on rear bench seats.)
SEAT TRIM	
93W	MEDIUM PEWTER, CUSTOM VINYL
RADIO	
UM7	AUDIO SYSTEM, AM/FM STEREO with seek-and-scan, digital clock and 2 front door speakers (STD)
ADDITIONAL EQUIPMENT	
V10	COLD CLIMATE PACKAGE Includes engine block heater
K05	ENGINE BLOCK HEATER (Included and only available with (V10) Cold Climate Package which requires (LMF) Vortec 5.3L V8 SFI FlexFuel engine or (L96) Vortec 6.0L V8 SFI FlexFuel engine.)
KG3	ALTERNATOR, 145 AMPS (Included with (C69) rear air conditioning.)

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

SELECTED MODEL & OPTIONS

SELECTED OPTIONS - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

CATEGORY

Code	Description
ADDITIONAL EQUIPMENT	
U80	COMPASS, 8-POINT DIGITAL located in the Driver Information Center (Included and only available with (C69) rear air conditioning.)
C69	AIR CONDITIONING, REAR (Requires (TR9) auxiliary lighting. Includes (C36) rear heater, (U80) digital compass and (KG3) 145-amp alternator. Standard on CG33706 models only. Included with (Y3H) Paratransit Package.)
C36	HEATER, REAR AUXILIARY (Included with (C69) rear air conditioning. Standard on CG33706 models only.)
DH6	VISORS, DRIVER AND FRONT PASSENGER, PADDED WITH CLOTH TRIM and dual vanity mirrors, illuminated on passenger-side (Included and only available with (TR9) auxiliary lighting. Standard on CG33706.)
TR9	LIGHTING, AUXILIARY with reading and underhood lights (Requires (C69) rear air conditioning. Includes (DH6) driver and front passenger visor vanity mirrors. Standard on CG33706 models only.)
UE0	ONSTAR, DELETE (Requires a Fleet or Government order type.) *CREDIT*
VQ2	FLEET PROCESSING OPTION
SPECIAL EQUIPMENT OPTIONS	
5H1	KEY EQUIPMENT, 2 ADDITIONAL SPARE KEYS For a total of 4 vehicle keys for single key system. (Keys will be cut but not programmed) (Not available with SEO (5X8) side cargo and rear door key.)

OPTIONS TOTAL

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

ENTERTAINMENT

- Audio system, AM/FM stereo with seek-and-scan, digital clock and 2 front door speakers

EXTERIOR

- Wheels, 4 - 17" x 7" (43.2 cm x 17.8 cm) steel includes steel spare (Requires CG13406 or CH13406 models.)
- Tires, front P245/70R17 all-season, blackwall (Requires CG13406 or CH13406 models standard tire.)
- Tires, rear P245/70R17 all-season, blackwall (Requires CG13406 or CH13406 models standard tire.)
- Tire, spare P245/70R17 all-season, blackwall (Requires CG13406 or CH13406 models standard tire.)
- Body, standard
- Bumpers, front and rear painted Black with step-pad (Not available when ordered with (V37) front and rear chrome bumpers.)
- Grille, Black composite with single rectangular halogen headlamps
- Headlamps, halogen
- Mirrors, outside manual, Black
- Glass, Solar-Ray deep-tinted (all windows except light-tinted glass on windshield and driver- and front passenger-side glass)
- Glass, swing-out side door windows
- Glass, swing-out rear cargo door windows
- Glass, full-body window package (Includes (A18) swing-out rear cargo door window glass and (A19) swing-out side door window glass.)
- Wipers, front intermittent wet-arm with pulse washers
- License plate kit, front
- Door, swing-out passenger-side, 60/40 split

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

INTERIOR

- Seats, front bucket with vinyl trim and outboard head restraints, includes Inboard armrests (Requires (**W) interior trim. When ordering a seating arrangement that includes rear seats, includes rear bench seats with vinyl trim. Head restraints are not available on rear bench seats.)
- Seating, 8-passenger, (2-3-3 seating configuration) (Standard on CG13406 or CH13406 model only. Available on CG23406 or CG33406 models.)
- Console, engine cover with open storage bin
- Cup holders, 3 on the engine console cover
- Power outlets 2 auxiliary on engine console cover with covers, 12-volt
- Floor covering, full-length Black rubberized-vinyl
- Steering wheel steel sleeve column with theft-deterrent locking feature, Black
- Instrumentation, analog with speedometer, odometer with trip odometer, fuel level, voltmeter, engine temperature and oil pressure
- Driver Information Center includes fuel range, average speed, oil life, tire pressure monitoring, fuel used, ice warning, engine hours, average fuel economy, tachometer, and maintenance reminders. Compass and outside temperature available if equipped.
- Oil life monitor
- Warning tones, headlamp on and key-in-ignition
- Theft-deterrent system, vehicle, PASS-Key III
- Air conditioning, single-zone manual
- Defogger, front and side windows
- Mirror, inside rearview manual day/night
- Headliner, cloth
- Visors, driver and front passenger, cloth, padded (Not available on CG33706 models. Not available with (TR9) auxiliary lighting or (C69) rear air conditioning or (DAA) driver and front passenger vinyl visors or (DH6) driver and front passenger visors padded with cloth trim.)
- Assist handle, front passenger
- Lighting, interior with 2 dome lights defeat switch and door handle-activated switches

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

MECHANICAL

- Engine, Vortec 5.3L V8 SFI FlexFuel (310 hp [231.1 kW] @ 5200 rpm, 334 lb-ft of torque [450.9 N-m] @ 4500 rpm) (Standard on CG13406 and CH13406 models.)
- Transmission, 4-speed automatic, electronically controlled with overdrive, tow/haul mode and internal transmission oil cooler (Standard on CG13406 or CH13406 models. Reference the Engine/Axle page for availability.)
- Rear axle, 3.42 ratio (Standard on CG13406 or CH13406, CG23406, CG33406, and CG33706 models. Reference the Engine/Axle page for availability.)
- Tow/haul mode selector, instrument panel-mounted
- All-wheel drive
- Battery, 600 cold-cranking amps, maintenance-free with rundown protection and retained accessory power
- Alternator, 125 amps (Standard on CG13406 and CH13406. Not available with (C69) rear air conditioning.)
- Frame, ladder-type
- Suspension, front independent with torsion bar (computer selected) and stabilizer bar (Standard and only available on *H13406 model.)
- Suspension, rear hypoid drive axle with multi-leaf springs
- GVWR, 7300 lbs. (3311 kg) (Standard on CG13406 or CH13406 models. Reference the Engine/Axle page for availability.)
- Steering, power
- Brakes, 4-wheel antilock, 4-wheel disc
- Fuel tank capacity, mid-frame and approximately 31 gallons (117.3L)
- Exhaust, aluminized stainless-steel muffler and tailpipe

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CH13406 AWD 1500 135" 1LS

SAFETY

- StabiliTrak, traction assistance and vehicle stability enhancement system
- Brake/transmission shift interlock for automatic transmissions
- Door beams, steel-side
- Daytime Running Lamps
- Air bags, frontal, driver and right-front passenger (Includes passenger-side air bag deactivation switch for models with (C6P) 8800 lbs. (3901 kg) GVWR and above. Always use safety belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)
- Air bags, head/side-curtain provides coverage for first 3-rows only. Enhanced-technology glass is provided for the fourth and fifth rows when equipped with 12- and 15-passenger seating. (Always use safety belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)
- OnStar, 6 months of Directions and Connections plan includes Automatic Crash Response, Emergency Services, Crisis Assist, Stolen Vehicle Assistance including Remote Ignition Block, Remote Door Unlock, Turn-by-Turn Navigation with Destination Download (requires navigation radio) and OnStar eNav (where available), OnStar Vehicle Diagnostics, Roadside Assistance, Remote Horn and Lights, and Hands Free Calling. (Also includes Stolen Vehicle Slowdown. Visit onstar.com for details and system limitations.)
- Automatic Crash Response (Deleted when (UE0) OnStar delete is ordered.)
- Stolen Vehicle Assistance (Deleted when (UE0) OnStar delete is ordered.)
- OnStar Turn-by-Turn Navigation (Deleted when (UE0) OnStar delete is ordered.)
- Child seat anchors all three passenger rear seats have four anchors and two tethers
- Tire Pressure Monitor System (does not apply to spare tires)

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2012 Fleet/Non-Retail Chevrolet Express Passenger AWD 1500 135" 1LS C

WARRANTY INFORMATION

WARRANTY INFORMATION - 2012 Fleet/Non-Retail CH13408 AWD 1500 135" 1LS

WARRANTY
Basic:
3 Years/36,000 Miles

Drivetrain:
5 Years/100,000 Miles

Corrosion:
3 Years/36,000 Miles
Rust-Through
6 Years/100,000 Miles

Emissions:
Gas Engine
2 Years/24,000 Miles
Short Term California
3 Years/50,000 Miles

Roadside Assistance:
5 Years/100,000 Miles

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