

City of Kodiak Regular Council Meeting Agenda for August 8, 2013
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

- I. Call to Order/Roll Call**
 - Pledge of Allegiance/Invocation

- II. Previous Minutes**
 - Approval of Minutes of the July 25, 2013, Regular Council Meeting1

- III. Persons to Be Heard**
 - a. Public Comments (limited to 3 minutes) (486-3231)

- IV. Unfinished Business**
 - a. Second Reading and Public Hearing, Ordinance No. 1310, Amending Kodiak City Code 3.08.025, Allocation of Tax Proceeds, to Eliminate the December 31, 2013, Sunset Date for a Portion of the City Sales Tax.....10
 - b. Authorization of Postage Machine Agreement.....14

- V. New Business**
 - a. First Reading, Ordinance No. 1311, Amending Kodiak City Code 5.40.010, Businesses on City Property Prohibited; Repealing and Reenacting Kodiak City Code Chapter 10.08, Motor Vehicle and Driving Offenses—Rules of the Road; Enacting Kodiak City Code Chapter 10.16, Stopping, Standing, and Parking; Repealing and Reenacting Kodiak City Code 10.40.010, Impoundment; Repealing Kodiak City Code 10.44.020, Failure to Obey Citation; Repealing and Reenacting Kodiak City Code 10.44.030, Vehicle and Traffic Offenses—Fine Schedule; to Provide for a Civil System for Parking Enforcement24
 - b. Resolution No. 2013–25, Appropriating Funds for Additional Construction Expenses Related to the Shelikof Pedestrian Improvement Project44
 - c. Authorization of Professional Services Contract for Pillar Mountain Slide Analysis, Project No. 8013/11-0748
 - d. Authorization to Purchase Baranof Track and Field Bleachers, Project No. 9001/12-0568
 - e. Authorization of Bid Award for Annual Sidewalk, Curb, and Gutter Repairs, Project No. 5003/14-0174
 - f. Authorization of Bid Award for Harbor Projects 2013, Project No. 14-0278
 - g. Authorization of Bid Award for Demolition of Old Kodiak Police Station and 1118 Mission Road Buildings, Project No. 4035/13-0690
 - h. Authorization of the Re-plat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, Including the Vacation of Portions of the Stellar Way Right-of-Way According to KIBC 16.60, Creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision96

- VI. Staff Reports**
 - a. City Manager
 - b. City Clerk

- VII. Mayor’s Comments**

VIII. Council Comments

IX. Audience Comments (limited to 3 minutes) (486-3231)

X. Executive Session to Discuss the Terms of the City Manager's Employment Contract124

XI. Adjournment

DRAFT

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, JULY 25, 2013
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, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniaziowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

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

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the July 11, 2013, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Public Comments

None

IV. UNFINISHED BUSINESS

a. None

V. NEW BUSINESS

a. First Reading, Ordinance No. 1310, Amending Kodiak City Code 3.08.025, Allocation of Tax Proceeds, to Eliminate the December 31, 2013, Sunset Date for a Portion of the City Sales Tax

Mayor Branson read Ordinance No. 1310 by title. There is language in the City's sales tax code that states the special allocations of sales tax currently appropriated to roads, parks, and harbor capital improvements will expire by December 31, 2013, unless extended or deleted. Staff discussed the implications of the sunset provision with Council at their July 9, 2013, work session, and Council voiced consensus to bring an ordinance forward to remove the sunset provision. This ordinance will amend sections (a) and (b) of KCC 3.08.025 to remove the sunset provision. If passed by Council, the new ordinance will go into effect in enough time to avoid implementation of the sunset provision on December 31, 2013.

Councilmember Haines MOVED to pass Ordinance No. 1310 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

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

b. Resolution No. 2013–23, Authorizing Payment of Fiscal Year 2014 Nonprofit Organization Grants

Mayor Branson read Resolution No. 2013–23 by title. Each year the City Council authorizes grant payments to local nonprofit organizations. The types and levels of funding are based on the City Council’s nonprofit funding policy guidelines adopted by Resolution No. 2011–10. The policy also stipulates the total amount available for nonprofit grants in a given fiscal year, which equals the maximum of one percent of budgeted general fund revenues, exclusive of any fund balance appropriations. The amount budgeted for FY2014 for nonprofit grant payments is \$158,800. The City received 17 applications from nonprofit organizations that provide services to Kodiak, for a total requested amount of \$120,671. Council reviewed the applications at the July 9, 2013, work session and indicated support to award requested funding to all FY2014 applicants.

Councilmember Walker MOVED to adopt Resolution No. 2013–23.

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

c. Resolution No. 2013–24, Requesting the Governor and Legislature to Develop a Long-Term Solution to Ensure Full and Uninterrupted Ferry Service to Kodiak

Mayor Branson read Resolution No. 2013–24 by title. Mayor Branson and City Council members have expressed serious concern over the recent news that the return to service date for the M/V Tustumena was delayed again. The Tustumena was removed from service for scheduled repairs on November 1, 2012, at the Seward Ship Dry-dock. The latest delay is to correct repairs that didn’t meet safety inspection requirements. The Tustumena has been out of service for almost ten months, causing economic harm to the communities it serves. The Kodiak community businesses, especially the tourism-based businesses, have experienced cancellations due to the lack of ferry service. Other businesses that rely on the ferry to transport fish, equipment, and supplies have also been affected.

Councilmember Whiddon MOVED to adopt Resolution 2013–24.

Councilmember Whiddon said he strongly supports this resolution. He stated the ferry delay has had an adverse affect for Kodiak. He stated that the Council should work with the Alaska Municipal League (AML) and Southwest Alaska Municipal Conference (SWAMC) to align strategies to address the ferry delay with the Legislature and Governor.

Councilmember Walker said he supports this resolution and voiced his concern about the ferry delay. He said the delay will negatively impact the construction projects on the island, as well as travel for school based activities.

Mayor Branson shared the information she received from the Marine Highway System General Manager Captain John Falvey about the ferry delay and the proposed schedule for the Kennicott to substitute some the Tustumena's scheduled trips for the remainder of the year. She said a press release is scheduled for Friday.

Councilmember Haines said that the Kennicott will not be able to dock at certain locations due to its size. He stated it is not an optimal solution to replace the Tustumena's ferry schedule with the Kennicott for several locations in Alaska.

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

d. Authorization of Change Order No. 2 to Aleutian Homes Water and Sewer Phase V, Segment A, Project No. 7026/10-03

Aleutian Homes Water and Sewer Replacement Phase V, Segment A is a continuation of the upgrade of utilities, pavement, and sidewalks in the Aleutian Home Area. The award for construction for this segment of the upgrade project was issued to Brechan Enterprises, Inc. on March 18, 2013. Change Order No. 2 is for rock trench excavation, sanitary sewer service connect, footing drain services, resetting fence, and modular block retaining wall.

Councilmember Bishop MOVED to authorize Change Order No. 2 to Brechan Enterprises in the amount of \$87,675, with funds coming from the Water Capital Improvement Fund, Aleutian Homes Water and Sewer Project, Phase V Segment A, Project No. 7026/10-03, and authorize the City Manager to sign the documents on behalf of the City.

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

e. Authorization of Vehicle Purchase for Kodiak Police Department

This action authorizes the replacement of one older and high mileage police patrol vehicle that has been recommended for replacement in FY2014 with a 2014 model all-wheel-drive Police Utility Vehicle. The existing vehicle has been in service beyond its useful life and has been evaluated for replacement, consistent with the Council's Vehicle Replacement Policy.

Councilmember Davidson MOVED to authorize the City to attach to the State of Alaska Light Duty Contract to purchase one 2014 model year Ford all wheel drive Police Utility Vehicle in the amount of \$25,830, with funds coming from the FY2014 Kodiak Police Department Operation Budget, Uniform Patrol Sub-department, Machinery and Equipment line item.

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

f. Authorization of Ambulance Purchase

One of the three ambulances used in the Fire Department, a 1997 International, was evaluated and identified for replacement. Staff submitted a grant through the State of Alaska Code Blue Phase 11 funding, and in 2012 the City was notified of a partial award of up to \$35,000 to be applied toward the replacement cost of a new ambulance. In April of this year, staff was informed that reallocated USDA funds in the amount of \$61,000 were also available for the ambulance purchase. The Code Blue and USDA grants provide combined funding of \$96,000, and the City's matching grant funding of \$105,000 will cover the remaining cost to purchase a new ambulance.

Councilmember Haines MOVED to authorize purchase of a 2013 North Star 167-1 ambulance through Braun NW in the amount of \$201,000, with funds coming from the FY2014 General Capital Project Fund, Fire Department Ambulance Replacement Account.

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

g. Authorization of Fire Truck Purchase

One of the fire pumper trucks used in the Fire Department, a 1986 E-One Cyclone pumper, was evaluated and identified for replacement in 2011 and was budgeted as a capital purchase in the FY2012 budget. Staff looked for grant funding, and the City Council identified the pumper as one of its state legislative priorities during that time, but no funding was available. In October 2012, the fire pumper was decommissioned due to severe mechanical, pump, and electrical issues that were not cost effective to fix. The City's budget identifies a replacement fire pumper as a capital purchase in the amount of \$450,000.

Councilmember Walker MOVED to authorize purchase of a replacement fire pumper manufactured by the Pierce Manufacturing Company through its distributor, Hughes Fire Equipment, in the amount of \$450,000, with funds coming from the General Capital Project Fund, Fire Department Engine Account.

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

h. Authorization of Bid Awards for Furniture, Fixtures, and Equipment for the New Library, Project No. 6012/12-02

This recommendation is to authorize the awards of two contracts for furniture, fixtures, and equipment (FF&E) for the new library facility. The first is the authorization to award a procurement bid contract to Capital Office Systems in the amount of \$251,554.97, and the second is to authorize a sole source procurement contract for the custom fabrication of the circulation desk to Demco Interiors in the amount of \$48,348.90.

Councilmember Davidson MOVED to authorize award of the bid procurement contract for furniture, fixtures, and equipment to Capital Office Systems in the amount of \$251,554.97, and a separate procurement contract to Demco Interiors for the circulation desk for the quoted price of \$48,348.90, with funds coming from the Building Improvement Fund, New Library, Project No. 6012/12-02 and authorize the City Manager to execute the contracts on behalf of the City.

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

i. Authorization of Document Production Equipment Lease

The City's contract with its current vendor for document production equipment (copy machines) for City Hall, Kodiak Police Department (KPD), Harbor, and Library ended in April 2013, and the contract has been carried over on a month-to-month basis until a new contract is authorized. A request for proposals for a new five-year lease was issued in March 2013. Two proposals were received and were opened and scored in June 2013. One proposal was submitted by Frontier Business Systems, the City's current vendor, for Konica machines and one proposal was submitted by OfficeTECH for Xerox machines. Frontier Business Systems received 74 points and OfficeTECH received 84 points.

Councilmember Haines MOVED to authorize a sixty-month lease agreement with OfficeTECH/Xerox Corporation for:

- 1 Xerox Colorqube 9303 in the amount of \$462.75 monthly, with funds coming from the General Fund, Non-Departmental, Administration Account;
- 1 Xerox W7855PT with professional finisher in the amount of \$229.37 monthly and two Xerox Colorqube 8700 machines in the amount of \$80.50 each monthly, with funds coming from the General Fund, Police, Police Support Services Account;
- 1 Xerox W7855PT in the amount of \$171.23 monthly, with funds coming from the Enterprise Fund, Boat Harbor, Administration Account; and
- 1 Xerox 5855A in the amount of \$195.47 monthly, with funds coming from the General Fund, Library, Administration Account

and authorize the City Manager to sign the lease on behalf of the City.

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

j. Authorization of Postage Machine Agreement

The City Hall postage machine is leased from Pitney Bowes through an ongoing rental agreement. The agreement was originally entered into under the City Code Chapter 3.12.070(c) through the Western States Contracting Alliance (WSCA). At the time the packet was prepared, Pitney Bowes was the only known vendor who supplies postage machines suitable to meet the City's needs and participates in the WSCA. Pitney Bowes offered the City the option of upgrading to a new postage machine, while at the same time lowering the monthly lease payment from \$529.30 to \$474.81. The total cost of a five-year rental agreement would go from \$31,758.00 to \$28,488.60 for an overall savings of \$3,269.40. Recently, staff received an unsolicited proposal from another vendor that also participates in the WSCA. Due to the late arrival of this proposal, staff recommends the Council postpone action until the August 8, 2013, meeting.

Councilmember Whiddon MOVED to approve the five-year postage machine replacement agreement with Pitney Bowes for the total amount of \$28,488.60 for the five-year term begin-

ning August 1, 2013, through July 31, 2018, with funds coming from the Finance Department, Utilities operating budget in the General Fund.

Councilmember Davidson MOVED to postpone the vote on this motion until the August 8, 2013, regular meeting.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniaziowski announced that the Planning and Zoning Commission approved the City's land application to lease land for composting. Manager Kniaziowski thanked Public Works Director Mark Kozak for his work on the land application packet. Manager Kniaziowski said she was pleased to meet with the Kodiak Island Borough (KIB) staff, Peter Olson, CH2MHill and Sara Barton, the consultant of the composting community outreach program. She said it was good to have all the key players together; they created a 12-month outline of objectives and those responsible to meet the objectives.

Manager Kniaziowski said she has been asked about the water supply in Kodiak and reported it is satisfactory at this time. She checked with the Public Works Director and he indicated the daily usage is 4.5 million gallons, which is manageable. Manager Kniaziowski said if the warm weather continues for the next month they will review the water supply again.

She said the Library construction is moving along as planned. She is working with staff on a transition plan to relocate to the new Library.

Manager Kniaziowski said the Shelikof Road slide repair is progressing as planned and should be open to thru traffic within the next two weeks. She said the Aleutian homes repair is on schedule with a projected completion by mid-September.

She indicated the work on the baseball outfield is progressing. She said the turf will be installed mid-August and should be completed by mid-September.

She said the Downtown Revitalization Committee will be scheduled soon and Police Chief T.C. Kamai will attend to give an overview of the legal parameters for the downtown area.

b. City Clerk

City Clerk Marlar informed the public of the next scheduled Council work session and regular meeting.

Clerk Marlar announced the October 1, 2013, election preparation is occurring in the Clerk's Office. She indicated to the public they will need to be registered to vote by September 1, 2013, to vote in the October 1, 2013, election. She informed citizens if they have moved from an area in the Borough to the City they will need to register to vote within the City. She stated the two-year

Mayoral seat and two three-year Councilmember seats will be up for election in October. The candidate packets are available in the Clerk's office. The declaration of candidacy opens on August 1, 2013, and closes on August 15, 2013, at 4:30 p.m. Clerk Marlar let the public know the City needs election workers. She encouraged the public to call the Clerk's office if they have any questions.

VII. MAYOR'S COMMENTS

Mayor Branson said she was disappointed with the ferry delay and has discussed her concerns with Borough Mayor Selby. She said they plan to discuss their concerns together with the Governor and the Department of Transportation Commissioner regarding the delay and the replacement of the ferry for southwest Alaska. She mentioned that the Alaska Marine Highway System has a board seat available and encouraged local applications.

Mayor Branson congratulated the U.S.C.G. on their anniversary and thanked them for the service they provide. She voiced appreciation of the Council supporting the nonprofits and the quality of life that the nonprofits bring to the community. She mentioned that several of the nonprofits have coordinated grief services for the recent tragedies in the community.

Mayor Branson said she was pleased with the progress of the Library building, stated Jerry Laktonen's artwork has been hung in the building, and she stated she looks forward to the next tour of the building.

She announced Relay for Life was occurring this weekend. She said the donations go to the American Cancer Society. She plans to walk to honor those affected by cancer and encouraged the public to participate.

VIII. COUNCIL COMMENTS

Councilmember Walker stated he has been out reviewing the construction projects and expressed his appreciation to Manager Kniazowski for work on these projects. He thanked Chief of Police T.C. Kamai and Fire Chief Rome Kamai for their hard work and dedication. He said his thoughts and prayers go out to the two families who have lost children. He shared that there will be a dinner fundraiser for the Matuatia family at the Elks Lodge next Thursday.

Councilmember Bishop offered his condolences to the two families who have lost children. He encouraged everyone to practice safety in their daily activities.

Councilmember Haines expressed his condolences to the families who have lost children. He said he appreciates the nonprofits within the community and the services they provide. He shared his concern regarding the delay of the Tustemena. He said he feels it is the time to let the Legislature know how important the ferry system is for the community and is pleased the Council has adopted the Resolution No. 2013-24.

Councilmember Saravia thanked Chief of Police T.C. Kamai and Fire Chief Rome Kamai for the services they provide. He shared his condolences for the families who have recently lost a child. He gave a fishing update.

Councilmember Davidson expressed his condolences to the families who have recently lost a child. He asked campers to be aware of the dryness of the ground when they start camp fires. He commented on the adverse affect to Kodiak’s economy with the delay of the Tustemena. He said it would be helpful to quantify the impact of the Tustumena delay to the Department of Transportation.

Councilmember Whiddon said his thoughts and prayers go out to the families who have recently lost a child. He said he was pleased with the promptness of the construction projects. He expressed his appreciation for the quick response of KEA workers and the fire department when the transformer exploded this week. He expressed his gratitude and thanked the U.S.C.G. for their 223 years of service.

IX. AUDIENCE COMMENTS

None

X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 8:29 p.m.

CITY OF KODIAK

MAYOR


ATTEST:

CITY CLERK

Minutes Approved:

UNFINISHED BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager 
Date: August 8, 2013

Agenda Item: IV. a. Second Reading and Public Hearing, Ordinance No. 1310, Amending Kodiak City Code 3.08.025, Allocation of Tax Proceeds, to Eliminate the December 31, 2013, Sunset Date for a Portion of the City Sales Tax

SUMMARY: The current language in the City's sales tax code states the special allocations of sales tax currently appropriated to roads, parks, and harbor capital improvements will expire by December 31, 2013, unless extended or deleted. Staff discussed the implications of the sunset provision with Council at their July 9 work session, and Council voiced consensus to bring an ordinance forward to remove the sunset provision. Council also reviewed and discussed the ordinance when it was introduced at the regular meeting on July 25. This ordinance amends sections (a) and (b) of KCC 3.08.025 to remove the sunset provision. If passed by Council, the new ordinance will go into effect in enough time to avoid implementation of the sunset provision on December 31, 2013. Therefore, staff recommends Council adopt Ordinance No. 1310.

PREVIOUS COUNCIL ACTION:

- May 27, 1993, Council adopted Ordinance No. 964, which dedicated a portion of sales taxes collected to fund road improvements and capital equipment, park construction and capital improvements, and port and harbor capital improvements.
- June 12, 2003, Council approved Ordinance No. 1155, which extended the special 2% sales tax allocation to fund road improvements and capital equipment, park construction and capital improvements, and port and harbor capital improvements until December 31, 2013, unless further extended.
- July 9, 2013, Council reviewed and discussed the pending sunset provision to KCC 3.08.025 and, by consensus, requested staff to bring a Code amendment forward to eliminate the sunset provision.
- July 25, 2013, Council discussed Ordinance No. 1310 and advanced to second reading and public hearing.

DISCUSSION: The Kodiak City Council initiated the City's first sales tax in 1956 to be used for boat harbor construction and streets. Since that time, the City has amended the sales tax code many times. The amendments that are of concern today are 1993 and 2003 ordinances that established three special revenue funds for capital improvements.

In 1993, Council adopted an ordinance that allocated a portion of the sales tax collected to special funds for roads, parks, and the harbor. The funds were identified for use in capital improvements and

ATTACHMENTS:

Attachment A: Ordinance 1310

PROPOSED MOTION:

Move to adopt Ordinance 1310.

AUGUST 8, 2013
Agenda Item IV. a. Memo Page 3 of 3

**CITY OF KODIAK
ORDINANCE NUMBER 1310**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING
KODIAK CITY CODE 3.08.025, ALLOCATION OF TAX PROCEEDS, TO ELIMINATE
THE DECEMBER 31, 2013, SUNSET DATE FOR A PORTION OF THE CITY SALES
TAX**

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

Section 1: Kodiak City Code 3.08.025, Allocation of sales tax proceeds, is hereby amended to read as follows:

3.08.025 Allocation of sales tax proceeds. (a) One-sixth of the sales taxes collected under paragraph (b) of section 3.08.010 of this chapter and one-eleventh of the sales taxes collected under paragraph (a) of section 3.08.010 of this chapter shall be allocated to a separate fund or account to be appropriated and utilized solely for road improvements and capital equipment and for park construction and capital improvements, provided, however, that the total amount of sales taxes allocated to the foregoing fund with respect to any one fiscal year shall not exceed \$500,000. This tax ~~will be collected until December 31, 2013, unless further extended by the City Council~~ and is to be allocated as follows:

(1) Ninety percent for road improvements and capital equipment;
and

(2) Ten percent for park construction and capital improvements.

(b) One-sixth of the sales taxes collected under paragraph (b) of section 3.08.010 of this chapter and one-eleventh of the sales taxes collected under paragraph (a) of section 3.08.010 of this chapter shall be allocated to a separate fund or account to be appropriated and utilized solely for harbor capital improvements constructed by or on behalf of the city, provided, however, that the total amount of sales taxes allocated to the foregoing fund with respect to any one fiscal year shall not exceed \$500,000. This tax ~~will be collected until December 31, 2013, unless further extended by the City Council~~ and is to be allocated for port infrastructure maintenance, repair, replacement, and capital equipment.

(c) Five-elevenths of the sales taxes collected under subsection 3.08.010(a) shall be allocated to a separate fund or account to be appropriated and utilized solely for increased development of the tourist industry, and is to be allocated as follows:

(1) Seventy percent or less to a council approved tourism program;

(2) Twenty percent or more for tourism enhancement projects, such as beautification within the city, development of which shall be solely at the council's discretion; and

(3) Ten percent for the administrative costs associated with such programs.

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

(d) The balance of sales taxes collected shall be deposited to the general fund of the city to be appropriated as determined by the council.

(e) There will be an annual public hearing scheduled to discuss the following fiscal year's priorities for the expenditures of the road and harbor dedicated sales tax revenues.

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: July 25, 2013

Second Reading & Public Hearing:

Effective Date:

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

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager *AK*
Thru: Mary Munk, Finance Director *mm*
Date: August 8, 2013

Agenda Item: IV. b. Authorization of Postage Machine Agreement

SUMMARY: The City Hall postage machine is rented from Pitney Bowes through an ongoing rental agreement. The agreement was originally entered into under the City Code Chapter 3.12.070 (c) through the Western States Contracting Alliance (WSCA). WSCA, a cooperative purchasing group, has contracts with two providers (Pitney Bowes and Neopost) for postage machine rentals who are both represented in Alaska. Pitney Bowes has proposed an option of upgrading to a new postage machine, while at the same time lowering the monthly rental payment from \$529.30 to \$480.26. The total cost of a five-year rental agreement would go from \$31,758.00 to \$28,815.60 for an overall savings of \$2,942.40. Additionally, Neopost has submitted a proposal for a comparable postage machine with similar features at a total cost for a five-year rental agreement in the amount of \$34,195.44. Staff recommends Council authorize the replacement agreement with Pitney Bowes for a total of \$28,815.60 for the five-year rental term from August 2013 through July 2018.

PREVIOUS COUNCIL ACTION:

- January 15, 2009, Council authorized a five-year postage machine rental agreement with Pitney Bowes in the amount of \$31,758.00 for the entire term of the rental.
- July 25, 2013, Council postponed approval of the postage rental agreement until staff could analyze the last minute proposal for a Neopost postal machine received after the Council packet was published.

BACKGROUND: WSCA was formed in October 1993 by state purchasing directors from fifteen western states. The primary purpose was to establish the means by which participating states could join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of quality products and services.

DISCUSSION: The City's original agreement with Pitney Bowes to rent a postage machine was approved under a provision of the City's purchasing code that allows the purchase of goods or services without bidding when other units of government have established the lowest responsible bidder or vendor whose products or services meet the City's needs or specifications.

The City received two proposals: one from Pitney Bowes and one from Mail Finance (Neopost), both of which participate in the WSCA contract. The two proposals compare like equipment and features with a cost of \$34,195.44 for the Neopost proposal and \$28,815.60 for Pitney Bowes for a five-year rental. This new five-year agreement would also fall under City Code 3.12.070(c) Exceptions to bidding requirements, because both vendors supply postage machines suitable to meet the City's needs and participate in WSCA.

With the authorization of the rental agreement with Pitney Bowes, the City will save \$2,942.40 over the current five-year rental agreement. The Pitney Bowes proposal is \$5,379.84 lower than the Neopost proposal, as well. The replacement machine is a Connect+ 2000 Series designed for the mid- to high-capacity mailroom. It is simple to operate with a touch-screen and other easy-to-use applications. Its standard process color printing can simultaneously print messages and postage indicia. The Connect+ 2000 also enables users to download software updates, send reports, check postage rates and get support, right on the machine. It has the capability to print the City's return address and logo on all envelopes saving on the cost of pre-printed envelopes. The current machine doesn't have this capability.

Staff believes a replacement rental agreement with Pitney Bowes will upgrade the current postage machine to a machine that will allow the City to take advantage of the newest technology and save money. Therefore, staff recommends Council authorize the five-year rental agreement with Pitney Bowes for a total of \$28,815.60 for the five-year term.

ALTERNATIVES:

1. Authorize the replacement rental agreement with Pitney Bowes, which is staff's recommendation, because it provides the City with an up-to-date postage machine with the latest technology at a lesser cost.
2. Do not authorize the agreement, which is not recommended because the City will not have access to improved technology.
3. Authorize the Neopost agreement, which is not recommended, because the proposed cost for the five-year term is greater than the Pitney Bowes agreement for a comparable machine.

FINANCIAL IMPLICATIONS: This rental agreement is budgeted in the FY2014 budget and the Finance, Utility operating budget. The annual budget detail for this line item is \$6,360 and the annual cost for the replacement rental agreement is \$5,763.12. The Pitney Bowes replacement rental agreement is lower than the FY2014 budget.

LEGAL: Acquisition of the new Pitney Bowes postage machine is consistent with City Code Chapter 3.12.070(c), Contract, Purchase, and Sale Procedures. Section (c) states that an exception to the bidding requirements may take place when contracts for property or services where other units of government, through their formal bidding process, have established the lowest responsible bidder and where the

property or service meets or exceeds the city's specifications, when the best interests of the City would be served and is in accordance with City and state laws.

STAFF RECOMMENDATION: Staff recommends Council authorize the five-year replacement rental agreement with Pitney Bowes in the amount of \$28,815.60 for the five-year term of the agreement with funds coming from the Finance Department, Utility Division operating budget in the General Fund.

CITY MANAGER'S COMMENTS: Staff evaluated the proposals from Neopost and Pitney Bowes and believe the Pitney Bowes agreement costs less and their machine best serves our needs. The new five-year agreement with Pitney Bowes and the upgraded machine are good for City operations. The new machine will be user friendly, less expensive, and more versatile than the one we currently rent. I support staff's recommendation and would like Council to authorize the rental.

ATTACHMENTS:

Attachment A: Pitney Bowes Proposal

Attachment B: Neopost Proposal

Clerk's Note: The motion to approve a five-year postage machine replacement agreement with Pitney Bowes, for the total amount of \$28,815.60, is already on the floor. It was postponed at the July 25, 2013, meeting. If the Council is ready to move forward with this recommendation, the motion may be further discussed before the roll call vote.

PROPOSED MOTION:

The motion is on the floor for discussion before vote.

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ATTACHMENT A

WSCA/NASPO Term Rental Installment Option A Agreement

Account # 60

Your Business Information

Agreement Number

CITY OF KODIAK

Full Legal Name of Customer	DBA Name of Customer	Tax ID # (FEIN/TIN)	
PO BOX 1397	KODIAK	AK	99615-1397
Billing Address: Street	City	State	Zip+4
		15405845874	
Billing Contact Name	Billing Contact Phone #	Billing CAN #	
710 MILL BAY RD	KODIAK	AK	99615-6340
Installation Address (If different from billing address): Street	City	State	Zip+4
		50153280206	
Installation Contact Name	Installation Contact Phone #	Installation CAN #	
Fiscal Period (from - to)	Customer PO #	Delivery CAN #	

Your Business Needs

Qty	Business Solution Description	Check Items to be included in customer's payment
1	Mail Stream Solution - 1	<input checked="" type="checkbox"/> Equipment Maintenance (1st year included) <i>Provides service coverage including certain parts and labor</i>
1	Connect+ 2000 Series	<input type="checkbox"/> Software Maintenance (1st year included) <i>Provides revision updates and technical assistance</i>
1	Connect+ Series Meter	<input checked="" type="checkbox"/> Soft-Guard® Subscription (Included with your meter rental) <i>Provides postal and carrier updates</i>
1	180/115 LPM Feature	<input checked="" type="checkbox"/> IntelliLink® Subscription/Meter Rental <i>Provides simplified billing and includes () resets per year</i>
1	15 lb Interfaced Weighing	(X) Confirmation Services () Purchase Power®
1	300 Dept Accounting – INVIEW TMR required	Electronic access to postal confirmation service Receive an invoice for postage, consolidated bills and enhanced management reporting information
1	Color Graphics Printing	
1	e-Return Receipt Feature	
1	15 in. Display – High Res Apps Center	
1	Connect+ 2000 Color Printer	
1	Connect+ Drop Stacker	
	Additional Items on following page	

Your Payment Plan

Number Of Months	Monthly Amount *	() Required advance check of \$ received
First 60	\$480.26	Tax Exempt# State Tax (if applicable)
		() Tax Exempt Certificate Attached
		() Tax Exempt Certificate Not Required

(*Does not include any applicable taxes)

Your Signature Below

By signing below, you agree to be bound by this Term Rental Installment Option A Agreement (this "Rental"). This Rental is made and entered into pursuant to your State's/Entity's Participating Addendum, which is made in connection with the WSCA/NASPO Contract # ADSPO11-00000411-7 ("Agreements"), all of which are available at www.pb.com/states. The terms and conditions of the Agreements govern this transaction, and in the event of any inconsistency with this Rental, the Agreements will supersede this Rental. This Rental will be binding on PBGFS only after PBGFS has completed its credit and documentation approval process and an authorized PBGFS employee signs below.

WN2012MAIL0004

Customer Signature	Date	State's/Entity's Participating Addendum #
Print Name	Title	Email Address

Sales Information

Curtis W Lynn II	021	
Account Rep Name	District Office	PBGFS Acceptance

Equipment Vendor Pitney Bowes Inc. for Sales and Service call 1-800-322-9000

(C0174681 2)

Page 1

See www.pb.com/states for additional terms and conditions

WSCA / NASPO Term Rental Installment Option A Agreement (Version 3/13)

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WSCA/NASPO Term Rental Instalment Option A Agreement

Account # 60

Your Business Information

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Agreement Number

CITY OF KODIAK

Full Legal Name of Customer DBA Name of Customer Tax ID # (FEIN/TIN)

PO BOX 1397 **KODIAK** **AK** **99615-1397**

Billing Address: Street **City** **State** **Zip+4**

15405845874

Billing Contact Name **Billing Contact Phone #** **Billing CAN #**

710 MILL BAY RD **KODIAK** **AK** **99615-6340**

Installation Address (if different from billing address): Street **City** **State** **Zip+4**

50153280206

Installation Contact Name **Installation Contact Phone #** **Installation CAN #**

Fiscal Period (from - to) **Customer PO #** **Delivery CAN #**

Your Business Needs

- 1 **Connect+ VBS Training**
- 1 **Connect+ VBS Welcome Kit**
- 1 **IntelliLink Subscription**
- 1 **15lb Scale Platform/Stand**
- 1 **INVIEW TMR with Web Accounting**
- 1 **INVIEW TMR Connect+ - Single Meter**
- 1 **INVIEW Subscription**
- 1 **INVIEW Training**

Section (A) Dealer Information

Dealer / Inc. Number 6281	Dealer Office Name Office Tech Inc.	Phone # 907-522-5850	Date Submitted
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Section (B) Billing Information

Company Name (if legal name) City of Kodiak	
D/B/A	
Billing Address P.O. Box 1397 / 710 Mill Bay Rd.	
Billing City Kodiak	State AK Zip Code + 4 99615-1397
Billing Contact Name	Contact Phone Number
Billing Contact Title	Contact Fax Number
Billing Contact email Address	Purchase Order Number

Section (C) Installation Information (if different than Billing Information)

Company Name (Full legal name) City of Kodiak	
D/B/A	
Installation Address (No PO Boxes or General Delivery) 710 Mill Bay Rd.	
Installation City Kodiak	State AK Zip Code + 4 99615-6340
Installation Contact Name	Phone Number
Installation Contact Title	Fax Number
Installation Contact email Address	

Section (D) Products

Quantity	Model / Part Number	Description (Include Serial Number, if applicable) <input type="checkbox"/> See additional listed products on attached continuation schedule
1	IN750 AF	Base, w/ Mixed Size Feeder, Sealer, Drop Tray, Ink Ctry. & LAN cable
1	MSTA	IN STACKER FOR IN750 base
1	INWP 10	IN SERIES 750 base 10 lb. Weight Platform
1	ISDU300	300 Department upgrade - IN Series 750 base
1	INRLD	IN Series Remote Label Dispenser with Stand

Section (E) Lease Payment Information & Lease Payment Schedule

Tax Status <input type="checkbox"/> Taxable <input checked="" type="checkbox"/> Tax-Exempt Certificate attached	Period	# of Months	Monthly Payment (plus applicable taxes)
	First	12	429.74
	Next	48	604.97
	Next		
	Next		
Billing Frequency <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Annually			
Billing Method <input type="checkbox"/> Standard <input type="checkbox"/> Government Payment in Arrears			
	Current Lease Number		
	New Lease Number		

Section (G) Postage Meter & Postage Funding Information

Main Post Office Name Kodiak	Post Office City / Zip Code 99615
Postage Funding Method <input type="checkbox"/> Bill Me <input type="checkbox"/> Prepay by Check <input type="checkbox"/> ACH Debit Attach ACH Authorization Form	<input type="checkbox"/> OMAS / CPU OMAS Agency Code <input type="checkbox"/> Attach USPS C/P1 Authorization Letter
Postage Funding Account <input checked="" type="checkbox"/> POC <input type="checkbox"/> TMS <input checked="" type="checkbox"/> New <input type="checkbox"/> Existing Funding Account Number	

Section (H) Services

Rate Protection: <input checked="" type="checkbox"/> Online Postal Rates <input type="checkbox"/> RCP (Shipped Update) <input type="checkbox"/> None	Current Product
iMeter Apps: <input checked="" type="checkbox"/> Online Postal Expense Management <input type="checkbox"/> Online E-Services <input checked="" type="checkbox"/> Online E-Services with Electronic Return Receipt	
Software: <input type="checkbox"/> Software Advantage	Current Product
Dealer Services: <input checked="" type="checkbox"/> Maintenance <input checked="" type="checkbox"/> Installation / Training	

Section (F) ACH Direct Debit for Lease Payments (Attach Voided Check)

Bank Name	Bank Contact Name
Bank City, State	Bank Contact Phone Number
Bank Routing Number	Bank Account Number

Section (I) Approval

Existing customers who currently fund the Postage account by ACH Debit will not be converted to netFunds/TotalFunds unless indicated here

This document consists of a Product Lease ("Lease") with MailFinance Inc. and/or a Postage Meter Rental Agreement ("Rental Agreement") and an Online Services and Software Agreement with Neopost USA Inc., and a netFunds/TotalFunds Account Agreement with Mailroom Finance, Inc. Your signature constitutes an offer to enter into the Lease and, if applicable, the other agreements, and acknowledges that you have received, read, and agree to all applicable terms and conditions (versions D-03-11) which are also available at <http://www.neopostus.com/terms/Dealer-Lease-03-11.pdf>, and that you are authorized to sign the agreements on behalf of the customer identified above. The applicable agreements will become binding on the companies identified above only after an authorized individual accepts your offer by signing below, or when the equipment is shipped to you.

Authorized Signatory	Print Name and Title	Date Accepted
Accepted by Neopost USA and its Affiliates		Date Accepted

Section (D) Product Continuation Schedule (Continued)

Quantity	Model / Part Number	Description (Include Serial Number, if applicable)
6	1 IN67ADV	IN 6/7 Series AD Slogan (via Download)
7	1 IN750ERR	IN Series 750 Feature & Activation Kit - Includes Bar Code
8		Scanner, IN-Series 750 E-RR Rate File (200) & Delivery Con-
9		firmation labels (200) & Signature Confirmation labels and
10		(500) & Certified Labels
11		
12	1 AS-SIOC	Address Printer, Shuttle Head, Full Color, 4000/hr
13	1 INDS4	Dynamic Scale (Weights & Measures)
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Product Lease Agreement Continuation Schedule

MailFinance Inc. • 478 Wheelers Farms Road • Milford, CT 06461
Form L51186e-03-11 revision 08/11

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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager
Thru: T.C. Kamai, Chief of Police *OK for TC*
Date: August 8, 2013

Agenda Item: V. a. **First Reading, Ordinance No. 1311, Amending Kodiak City Code 5.40.010, Businesses on City Property Prohibited; Repealing and Reenacting Kodiak City Code Chapter 10.08, Motor Vehicle and Driving Offenses—Rules of the Road; Enacting Kodiak City Code Chapter 10.16, Stopping, Standing, and Parking; Repealing and Reenacting Kodiak City Code 10.40.010, Impoundment; Repealing Kodiak City Code 10.44.020, Failure to Obey Citation; Repealing and Reenacting Kodiak City Code 10.44.030, Vehicle and Traffic Offenses—Fine Schedule; to Provide for a Civil System for Parking Enforcement**

SUMMARY: An amendment to District Court Criminal Rule 8 for minor offenses by the Alaska Supreme Court seriously impacted the police department's ability to enforce parking rules in the city. This ordinance would create a civil penalties section to remedy this and allow the Police Department to resume parking enforcement in the City. This ordinance also proposes increasing the fine amount for parking violations to \$20 per violation. This sum will enhance cost recovery and support a new civil penalties section of Code City that staff will administer. In addition, this ordinance adopts, by reference, Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road, and promotes consistency and continuity when enforcing all common driving offenses occurring within the City. Staff recommends Council advance Ordinance No. 1311 to second reading and public hearing at the next regular or special Council meeting.

PREVIOUS COUNCIL ACTION: Earlier this year, Council was briefed on the effects Alaska Supreme Court Order No. 1794 would have on the City parking supervision program. Council was also informed that staff had begun to work with the City Attorney to develop solutions for continuing parking supervision within the city. Staff introduced this proposed ordinance at the July 23, 2013, work session where Council expressed consensus to bring the ordinance forward.

BACKGROUND: In December 2012, the Alaska Supreme Court issued Order No. 1794 amending and adopting a new District Court Criminal Rule 8 for minor offenses. A review of Order No. 1794 revealed that the majority of the amendments made would not affect the Kodiak Police Department because they involved administrative matters such as citation formatting, procedures for processing citations and collecting fines. However, one portion would; Rule 3(g) provides: an officer must deliver a citation to the defendant personally in accordance with Alaska Statute 12.25.175-190. This meant that under the new rule, citations may not be served by any of the following:

AUGUST 8, 2013
Agenda Item V. a. Memo Page 1 of 5

- By certified mail
- By being left on a vehicle or the door of a house
- By an officer, other than the issuing officer
- By a process server

In other words, the adoption of this rule made the practice of leaving a parking citation on an unattended motor vehicle no longer permissible. Based on this rule change, the Chief of Police was left with the following choices:

- Suspend all efforts to enforce local parking rules
- Require police and community service officers to wait next to vehicles that were parked in violation of local parking rules for the purpose of personally serving citations
- Make all local parking rules not subject to District Court Rules

The Chief of Police believes that suspending parking enforcement was not a solution. Parking can be a contentious issue within the City. Each year the police department responds to dozens of parking complaints, and each year they issue dozens of citations for parking violations, making enforcement necessary. The Chief also believes that it's not practical for members of the police department to have to wait next to a vehicle for an undetermined amount of time to issue a parking ticket. This would be a poor use of resources. Instead, the Chief worked with the City Attorney to create a civil penalties section that establishes a mechanism to enforce local parking rules outside the jurisdiction of the District Court.

Under this new civil system, a parking ticket would become a violation. All current local parking violations would remain in effect. Violations would carry fines, but no point assessment would be made against the violator's driver's license. In this new civil system, violators would have the choice of resolving the violation by paying the fine amount at the police station within 30 days of the date of the violation, or appealing the violation before an administrative hearing officer within the same time frame.

The administrative hearing officer would be appointed by the City Manager. The role of the administrative hearing officer would be to exercise judgment to the weight of evidence supporting or refuting the violation, and exercise independent judgment on legal issues raised by the parties involved. Hearings may be governed by such rules and procedures as the hearing officer may establish, except that the violator may appear in person or by telephone. They may also present witnesses and evidence at the hearing and cross examine opposing witnesses. Under this system, the violator may appeal the final decision of the hearing officer to the superior court within 30 days after the date the final decision was made.

Also proposed in this ordinance is a recommendation that city parking fines be increased from \$10 to \$20 a violation. Staff acknowledges that by establishing this civil system to address local parking violations, they will be taking on greater administrative responsibilities to facilitate this program. Costs associated with implementing this new system, which were once shared with the District Court, will be

performed entirely by city staff. The recommendation to increase the fine amount is deemed necessary to enhance cost recovery efforts in support of enforcing local parking rules.

This ordinance also proposes adopting by reference Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road. This chapter contains all of the rules and regulations for the most common driving offenses, to include, but not limited to: traffic control devices; rights of way; pedestrian rights and duties, turning, starting and stopping; and speed restrictions.

This change is requested by the Chief of Police to achieve consistency and continuity in addressing driving offenses currently being enforced in the city. At the present time the city has adopted portions of this chapter but not all of it. If approved, this ordinance would incorporate by reference all of Title 13 AAC Chapter 02 and enhance the police department's traffic enforcement efforts. By incorporating this chapter into City Code, any fines and fees collected would be remitted to the city and help with the city's cost recovery efforts when enforcing common driving offenses.

DISCUSSION:

Establishing Civil Penalties Section: In December 2012, the Alaska Supreme Court issued Order No. 1794 amending and adopting a new District Court Criminal Rule 8 for minor offenses. A review of the order revealed that the majority of the amendments would not impact the police department. However, one portion would; Rule 3(g) provides: an officer must deliver a citation to the defendant personally in accordance with Alaska Statute 12.25.175-190.

The Chief worked with the City Attorney to create a civil penalties section that establishes a mechanism to enforce local parking rules outside the realm of the District Court.

This proposed civil system provides a violator with the option of paying the fine amount, or appealing the violation to an administrative hearing officer designated by the City Manager. This system also allows the violator to contest the final decision of the administrative hearing officer to the superior court.

Increasing Fines: Staff acknowledges that by establishing a civil penalties system to address local parking violations, they will be taking on greater administrative responsibilities. Costs associated with implementing this new system, which were once shared with the District Court, will be performed entirely by city staff. The recommendation to increase fines from \$10 to \$20 per violation is deemed necessary to enhance cost recovery efforts in support of enforcing local parking rules.

Adoption of Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road: This ordinance also proposes adopting by reference Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road. This chapter contains all of the rules and regulations for the most common driving offenses, to include, but not limited to: traffic control devices; rights of way; pedestrian rights and duties, turning, starting and stopping; and speed restrictions.

This change is requested by the Chief of Police to achieve consistency and continuity in addressing common driving offenses being enforced in the city. At the present time the city has adopted portions of this chapter but not all of it. If approved, this ordinance would incorporate by reference all of Title 13 AAC Chapter 02 and enhance the police department's traffic enforcement efforts. By incorporating this chapter in its entirety into city code, fines and fees would be remitted to the city and help with the city's cost recovery efforts for enforcing common driving violations.

ALTERNATIVES:

1. Authorize this ordinance, in which case parking supervision would resume, and continuity and consistency would be enhanced through the adoption of expanded "Rules of the Road," and the city would be in better position to recover its costs through increased fines. This is the recommendation staff makes to Council.
2. Do not authorize this ordinance. The city's parking supervision program would be unenforceable; the police department would continue to experience problems with consistency and continuity in its traffic enforcement program. Community quality of life, health and safety would be negatively impacted.

LEGAL: The City Attorney worked with staff to review the impacts of the Alaska Supreme Court actions, recommended these repeals and enactments, and prepared Ordinance No. 1311 to reestablish adequate traffic and parking enforcement in the City.

STAFF RECOMMENDATION: Staff recommends Council advance Ordinance No. 1311 to second reading and public hearing at the next regular or special Council meeting.

CITY MANAGER'S COMMENTS: The changes the state made to the District Court Criminal Rule 8 seriously limited KPD's ability to enforce local parking plans and regulations. The only way to provide continued enforcement is to amend the Code to allow for a local civil process, which Ordinance No. 1311 provides. I support Police Chief Kamai's approach and recommend Council advance this ordinance through to adoption and implementation. I've also attached copies of the two parking resolutions that set plans for the Harbor and downtown areas per Council's request. Both plans seem to be working well.

ATTACHMENTS:

- Attachment A: Ordinance No. 1311
- Attachment B: Resolution No. 2011-01, Revised Harbor Parking Plan with maps
- Attachment C: Resolution No. 2012-29, Revised Downtown Parking Plan with map

PROPOSED MOTION:

Move to pass Ordinance No. 1311 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

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**CITY OF KODIAK
ORDINANCE NUMBER 1311**

AN ORDINANCE AMENDING KODIAK CITY CODE 5.40.010, BUSINESSES ON CITY PROPERTY PROHIBITED; REPEALING AND REENACTING KODIAK CITY CODE CHAPTER 10.08, MOTOR VEHICLE AND DRIVING OFFENSES—RULES OF THE ROAD; ENACTING KODIAK CITY CODE CHAPTER 10.16, STOPPING, STANDING AND PARKING; REPEALING AND REENACTING KODIAK CITY CODE 10.40.010, IMPOUNDMENT; REPEALING KODIAK CITY CODE 10.44.020, FAILURE TO OBEY CITATION; REPEALING AND REENACTING KODIAK CITY CODE 10.44.030, VEHICLE AND TRAFFIC OFFENSES—FINE SCHEDULE; TO PROVIDE FOR A CIVIL SYSTEM FOR PARKING ENFORCEMENT

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

Section 1: Kodiak City Code 5.04.010, Businesses on city property prohibited, is hereby amended to read as follows:

5.04.010 Businesses on city property prohibited. Except where permitted under the provisions of this chapter, no person may park, place, erect, or construct a building, structure, tent, trailer, bus, or other enclosure, or a stand or table, on a street, alley, sidewalk, parking lot, or other public place in the city for the purpose of displaying for sale, selling, or soliciting the sale of goods or services, nor may any person park a vehicle bearing a for sale sign in any city parking lot or other public place for a purpose of soliciting buyers or otherwise offering the vehicle for sale. It shall be conclusively presumed that any vehicle bearing a for sale sign which is parked in a city parking lot for more than 48 consecutive hours is parked with a purpose of soliciting buyers or otherwise offering the vehicle for sale (see also section **10.16.020(f)(3) of this code** ~~10.08.030(f)(3)~~).

Section 2: Kodiak City Code Chapter 10.08, Motor Vehicle Driving Offenses—Rules of the Road, is hereby repealed and reenacted to read as follows:

**CHAPTER 10.08
MOTOR VEHICLE AND DRIVING OFFENSES—
RULES OF THE ROAD**

- 10.08.010 Rules of the road
- 10.08.020 Basic rule and maximum speed limit
- 10.08.030 Limited use of vehicular ways and areas
- 10.08.040 Skateboards and similar devices

10.08.010 Rules of the road. (a) Except as provided in subsection (b) of this section, 13 AAC Chapter 02, titled "Motor Vehicle and Driving Offenses: Rules of the Road," is adopted by reference, subject to the local amendments set forth in this chapter.

(b) The following provisions of 13 AAC Chapter 02 are not adopted by reference in subsection (a) of this section:

(1) Article 8 of 13 AAC Chapter 02, titled "Stopping, Standing and Parking."

(2) 13 AAC 02.480, "Unattended motor vehicle."

10.08.020 Basic rule and maximum speed limit. 13 AAC 02.275(b) is amended to read as follows:

(b) Except when a special hazard exists that requires a lower speed for compliance with (a) of this section, the maximum lawful speed on city streets is twenty (20) miles per hour, and no person may drive a vehicle at a speed in excess of this maximum limit, unless a different maximum limit is otherwise posted.

10.08.030 Limited use of vehicular ways and areas. 13 AAC 02.482(a) is hereby amended to read as follows:

(a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in AS 28.90.990(a)(30) when it is designated for use by a different mode of travel than used by a pedestrian, rider of a bicycle, or driver of a vehicle.

10.08.040 Skateboards and similar devices. (a) No person may ride or operate a skateboard, unicycle, coaster, scooter, roller skates, in-line skates, or a similar device upon any sidewalk, plaza, parking lot or vehicular way or area within or immediately adjacent to the area bounded by Center Avenue from West Rezanof Drive to and including the Alaska Marine Highway System ferry dock (also known as City of Kodiak Pier 1), Marine Way from Center Avenue to West Rezanof Drive, and West Rezanof Drive from Marine Way to Center Avenue. The area described in the foregoing sentence includes St. Paul's Plaza, the ferry dock and the parking area immediately adjacent to it, the small boat harbor parking lots on the south side of Marine Way, and the west side of West Rezanof Drive.

(b) Every person using a device described in subsection (a) of this section on a sidewalk, public path, roadway or other public property, where not prohibited, shall use such device in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and surface, and shall obey all traffic control devices. Every person using a device described in subsection (a) of this section on a sidewalk or public path shall yield the right-of-way to a pedestrian

(c) Every person using a device described in subsection (a) of this section on a roadway shall obey all traffic control devices applicable to vehicles and bicycles on a roadway except those which by their nature can have no application to the device.

(d) An officer issuing a citation for a violation of this section may seize and impound as evidence or instrumentality of the offense a device utilized by the cited offender in violation of this section. A device seized under this subsection

shall not be returned to the offender or owner until and unless the violation has been properly adjudicated by a court of competent jurisdiction, and the offender or owner provides evidence of the adjudication.

Section 3: Kodiak City Code Chapter 10.16, Stopping, Standing and Parking, is hereby enacted to read as follows:

CHAPTER 10.16
STOPPING, STANDING AND PARKING

- 10.16.010 Stopping, standing and parking
- 10.16.020 Additional parking regulations
- 10.16.030 Restricted parking; designation
- 10.16.040 Limited time parking
- 10.16.050 Parking in city parking lots
- 10.16.060 Motor vehicles used as living or sleeping accommodations
- 10.16.100 Notice of violation
- 10.16.110 Owner of vehicle presumed responsible for violation
- 10.16.120 Civil penalties for parking violations
- 10.16.130 Appeals

10.16.010 Stopping, standing and parking. Article 8 of 13 AAC Chapter 02, titled "Stopping, Standing and Parking," and 13 AAC 02.480, titled "Unattended motor vehicle," are adopted by reference, subject to the local amendments set forth in this chapter.

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

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

- (1) Washing the vehicle if the person parking the vehicle is a dealer, agent, or employee of a garage, filling station, or car wash;
- (2) Repairing or performing maintenance work on the vehicle except repairs or maintenance work necessitated by an emergency;
- (3) Displaying the vehicle for sale or hire in the regular course of the person's business except that a motor bus, sightseeing vehicle, airline service vehicle, or taxicab may park in accordance with the provisions of 13 AAC 02.372 (see also sections 5.04.010 and 5.04.015 of this code);
- (4) Storing or parking, without being attended by a driver, a vehicle to be used for hire to another person; or
- (5) Commercial advertising.

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

10.16.030 Restricted parking; designation. For the purpose of 13 AAC 02.340, the following official traffic control devices have the following meanings:

(a) Parking is prohibited next to a curb that is painted red.

(b) A curb that is painted yellow designates the adjacent parking space as a taxi or loading zone.

(c) A parking space designated with a sign bearing the federal handicapped symbol, and with the federal handicapped symbol painted on the parking space, is a designated handicapped zone.

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

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

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

(1) Establish time limits for parking in city parking lots;

(2) Designate city parking lots for paid parking, and establish fees for paid parking in city parking lots; and

(3) Designate city parking lots for permit parking, and the fees and qualifications for obtaining a permit.

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

10.16.060 Motor vehicles used as living or sleeping accommodations. No person may occupy or utilize any motor vehicle or trailer as living quarters or sleeping accommodations while the motor vehicle or trailer is parked on any public or private property in the corporate city limits, nor may any person park or leave standing a motor vehicle or trailer utilized or prepared for utilization as living quarters or sleeping accommodations through having been connected to any water, sewer, electric, or other utility lines or having been rendered incapable of immediate movement under its own power through the use of jacks, blocks, leveling devices or any other devices, except as provided in section 14.20.030 of this code.

10.16.100 Notice of violation. A vehicle parked, stopped or standing in violation of this chapter is a public nuisance. Upon discovery of a vehicle abandoned, parked, stopped or standing in violation of this chapter, a police officer or community service officer may issue a notice of violation, and deliver it to the

operator of the vehicle or affix it to the vehicle if it is unattended at the time of issuance. The notice of violation shall identify the vehicle, the nature of the violation and the means of resolving it.

10.16.110 Owner of vehicle presumed responsible for violation. It shall be presumed that a vehicle which is found to be parked, stopped or standing in violation of this title has been so operated by the registered owner thereof or has been operated by another person with the consent of the registered owner, the vehicle to which a citation pertains being a public nuisance for which the registered owner holds legal responsibility. That presumption may be rebutted by presentation of satisfactory evidence that the vehicle was being operated by another person at the time of the violation without the consent of the registered owner and beyond the control of the registered owner.

10.16.120 Civil penalties for parking violations. (a) A person who violates a provision of this chapter pertaining to parking, standing or stopping a vehicle shall be subject to a civil penalty in the amount stated in the following table:

Code Section	Description of Violation	Penalty
10.16.010	Adoption by reference of state statutes and regulations regarding stopping, standing and parking	Corresponding amount in state traffic bail forfeiture schedule
10.16.020	Additional parking regulations	\$20.00
10.16.040	Limited time parking	\$20.00
10.16.050	Parking in city parking lots	\$20.00
10.16.060	Motor vehicles used as living or sleeping accommodations	\$100.00

(b) In addition to any other penalty provided by law, a person who fails to resolve a notice of violation under this chapter within the time stated on the face of the notice shall be subject to a civil penalty in the amount of \$15.00 in addition to any other penalty provided by law. Failure to resolve a notice of violation within 30 days after imposition of this civil penalty may also result in legal and collection fees. A notice of violation is resolved by payment of the amount due under this section on the earlier of:

- (1) The date the payment is received at the Kodiak Police Department; or
- (2) The legible postmark date on a payment received at the Kodiak Police Department.

10.16.130 Appeals. (a) A person who has been issued a notice of violation for vehicle parking, stopping or standing in violation of this chapter may appeal that action to the a hearing officer designated by the city manager by completing a violation appeal form approved by the city manager and delivering the form to the city manager no later than 30 days after the date of the notice of violation.

(b) The hearing officer shall schedule an appeal hearing no more than 10 business days after the date of delivery of the violation appeal form.

(c) The appeal hearing shall be conducted informally and may be governed by such rules and procedures as the hearing officer may establish, except that:

(1) Each party may appear in person or by telephone.

(2) Each party may present witnesses and evidence.

(3) Each party or the party's counsel may cross examine opposing witnesses on matters relevant to the issues, impeach witnesses regardless of which party first called the witness to testify, and rebut evidence against the party.

(4) Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule which makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be considered provided there are guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.

(5) The hearing shall be open to the public.

(6) An electronic recording shall be made of the hearing.

(d) The hearing officer may exercise independent judgment as to the weight of evidence supporting or refuting the notice of violation or impoundment, and may exercise independent judgment on legal issues raised by the parties.

(e) No later than 15 days following the hearing the hearing officer shall issue a written decision based on findings and conclusions adopted by the hearing officer. Such findings must be in writing and must be reasonably specific so as to provide interested persons and, where appropriate, reviewing authorities, a clear and precise understanding of the reasons for the decision entered. The decision, findings of fact and conclusions of law shall be forwarded to all parties to the appeal. A final appealable decision must indicate that it is a final order and that a party disputing the decision has 30 days to appeal.

(f) A final decision issued under subsection (e) of this section may be appealed to the superior court within 30 days after the date the decision was issued. For the purposes of this section the date of issuance is the date upon which the decision was mailed or delivered to the parties.

Section 4: Kodiak City Code 10.40.010, Impoundment, is hereby repealed and reenacted to read as follows:

10.40.010 Impoundment. A police officer or community service officer may direct the removal and impoundment by towing to an approved impound area or facility of a motor vehicle that is:

(a) Abandoned, wrecked, dismantled, or inoperative;

(b) Involved in a collision or a police investigation;

(c) Located or standing upon any street or alley right-of-way or public property in violation of the provisions or this title;

(d) Located or standing upon any street or alley right-of-way or public property and found to be mechanically unsafe to operate;

(e) The driver of which is found to be incapacitated or is taken into custody for an offense involving driving under the influence of intoxicating liquor or drugs, reckless driving, negligent driving, or any felony;

(f) Located on private property for over 24 hours without the consent of the owner or person in control of the property notifies after written notice to the chief of police requesting its removal; or

(g) The subject of four or more unresolved citations for parking, stopping or standing in violation of this title.

Section 5: Kodiak City Code 10.44.020, Failure to obey citation, is hereby repealed.

Section 6: Kodiak City Code 10.44.030, Vehicle and traffic offenses; fine schedule, is hereby repealed and reenacted to read as follows:

10.44.030 Vehicle and traffic offenses; fine schedule. (a) Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment of a fine in the amount listed below. The fine amounts listed below are doubled for violations committed within a highway work zone, as that term is defined in AS 28.90.990 and 13 AAC 40.010(b).

(b) Pursuant to AS 28.15.131 and 13 AAC 04.008, a citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is presented to an inspection official within the time allowed. If the required repair is not made, the offense may be disposed of without court appearance upon payment of the fine amount listed.

Code Section	Description of Violation	Penalty
10.08.010	Adoption by reference of 13 AAC Chapter 02, titled "Motor Vehicle and Driving Offenses: Rules of the Road," subject to local amendments.	Corresponding amount in state traffic bail forfeiture schedule
10.08.040	Skateboards and similar devices: First offense Second offense Third and subsequent offenses	\$20.00 \$40.00 \$60.00
10.12.030	Transportation of hazardous material	\$20.00
Chapter 10.28	Snowmobiles and other off-road vehicles	\$20.00
10.32.100	Confinement of loads	\$50.00
10.32.110	Removal of dirt and debris	\$50.00
Chapter 10.36	Abandoned vehicles	\$100.00

Section 7: This ordinance shall be effective upon the date that is one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date:

**CITY OF KODIAK
RESOLUTION NUMBER 2011-01**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK
ESTABLISHING TIME LIMITS AND PERMIT REQUIREMENTS FOR
PARKING IN PARKING LOTS AT ST. PAUL HARBOR AND ST. HERMAN
HARBOR**

WHEREAS, KCC 10.08.055 authorizes the Council by resolution to establish time limits for parking in city parking lots, designate city parking lots for paid parking, establish fees for paid parking in city parking lots, designate city parking lots for permit parking, and establish the fees and qualifications for obtaining a permit; and

WHEREAS, the Council has determined that it is in the best interest of the public and the users of City harbor facilities to establish time limits for parking in City parking lots and designate City parking lots for permit parking at St Paul Harbor and St. Herman Harbor.

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

Section 1. Time limits for parking in City parking lots at St. Paul Harbor shall be as shown on Attachment 1 to this resolution, which is incorporated by reference herein.

Section 2. Time limits for parking in City parking lots at St. Herman Harbor shall be as shown on Attachment 2 to this resolution, which is incorporated by reference herein.

Section 3. No person may park a vehicle in the City parking lots at St. Paul Harbor and St. Herman Harbor that are designated for 30-day vehicle parking on Attachments 1 and 2, respectively, unless the vehicle bears a current permit issued by the Harbormaster under this section; provided that a permit shall not be required to park a vehicle, and shall not authorize the parking of a vehicle, in a parking lot at St. Paul Harbor during the Crab Festival.

The Harbormaster shall administer the permit program, which shall be subject to the following terms and conditions:

1. Application for a permit shall be made in writing on a form provided by the Harbormaster at the Harbormaster's office.
2. Permit applications will be accepted only from slip holders and paid-up transient vessel operators; except that, permits may be issued to the general public in the 30-day lot north of Ramp 1, St. Herman Harbor.
3. The fee for parking in 30-day permit areas is \$1.00 per day, payable at the harbor office or designated self-pay kiosks.
4. No person may be issued more than two permits.
5. Permits are subject to the following regulations:

- a. No permit may be used for the parking of a for hire vehicle.
- b. No permit may be used to park a vehicle that is inoperable or that does not bear a current registration tag.
- c. A permit does not guarantee the availability of a parking space.
- d. No permit may be used to park a vehicle longer than 23 feet, or a trailer.

Section 4. This resolution shall become effective upon adoption.

CITY OF KODIAK

Casalyne Floyd
MAYOR

ATTEST:

Debra Martin
CITY CLERK

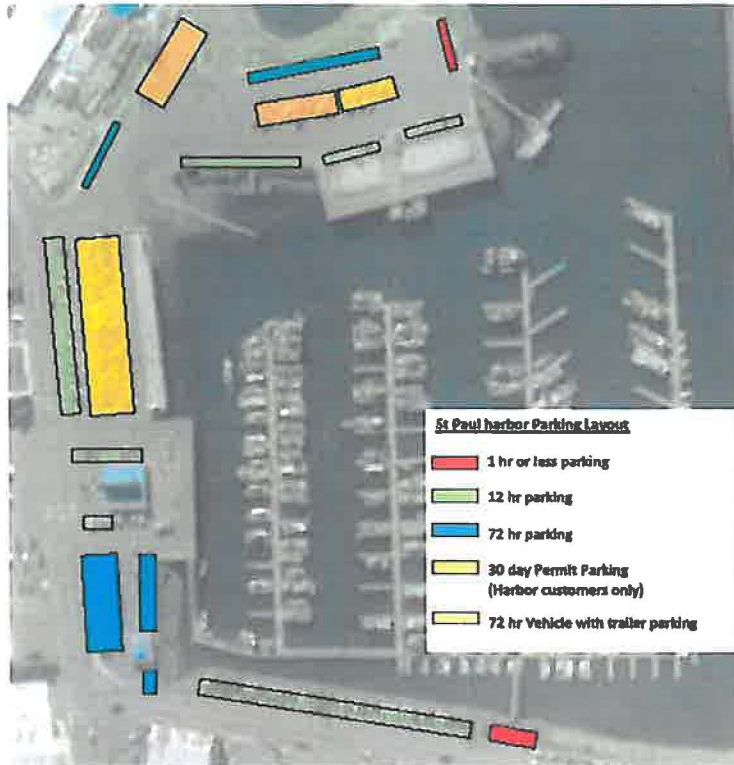
Adopted: March 31, 2011



Attachment 1

Attachment 1

St Paul Harbor Parking Layout, 3-1-2011



Attachment 2

Attachment 2 St Herman Harbor Parking Layout 3-1-2011



**CITY OF KODIAK
RESOLUTION NUMBER 2012-29**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING REVISIONS TO THE DOWNTOWN PARKING PLAN

WHEREAS, KCC §10.08.055 authorizes the Council by resolution to establish time limits for parking in City parking lots, designate City parking lots for paid parking, establish fees for paid parking in City parking lots, and designate City parking lots for permit parking, and

WHEREAS, Council adopted a parking plan for the downtown parking lots in the 1990s that provided 566 free off-street parking spaces with more 2-hour parking spaces and limited longer-term parking, which met the needs of the downtown businesses at that time; and

WHEREAS, the Council authorized designation of paid, permit parking in several areas adjacent to the City's harbors for harbor users by resolution in 2011 which may have displaced some downtown business users; and

WHEREAS, the City has received numerous complaints from businesses and tenants of the main downtown parking lots after having received parking citations due to enforcement of the existing parking plan; and

WHEREAS, the complainants identified the current plan as having inadequate provisions for longer-term parking to meet business, employee, and tenant needs in the downtown lots; and

WHEREAS, the Kodiak Police Department conducted a study of the large downtown parking lots in July 2012 to identify usage patterns and found that the majority of 2-hour parking spaces were underutilized, that there is a need for more 9-hour parking spaces in the Mall parking lot, and that parking signage should be improved; and

WHEREAS, the July review showed that parking needs in the downtown lots have changed since the downtown parking plan was implemented in the 1990s; and

WHEREAS, based on City staff's findings and recommendations, the Council has determined that it is in the best interest of the public and the users of the downtown parking lots to revise the downtown parking plan.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the City's Downtown Parking Plan will be revised as follows:

- 1) The designation of 36, 2-hour parking spaces in the downtown Mall parking lot will be increased to 36 9-hour parking spaces, with the location of these parking spaces to be designated by staff; and

- 2) Elimination of 2 reserved parking spaces located in the State Courthouse parking and the creation of two additional 2-hour parking spaces in the same location; and
- 3) Permit staff to improve parking regulatory signage throughout the downtown area.



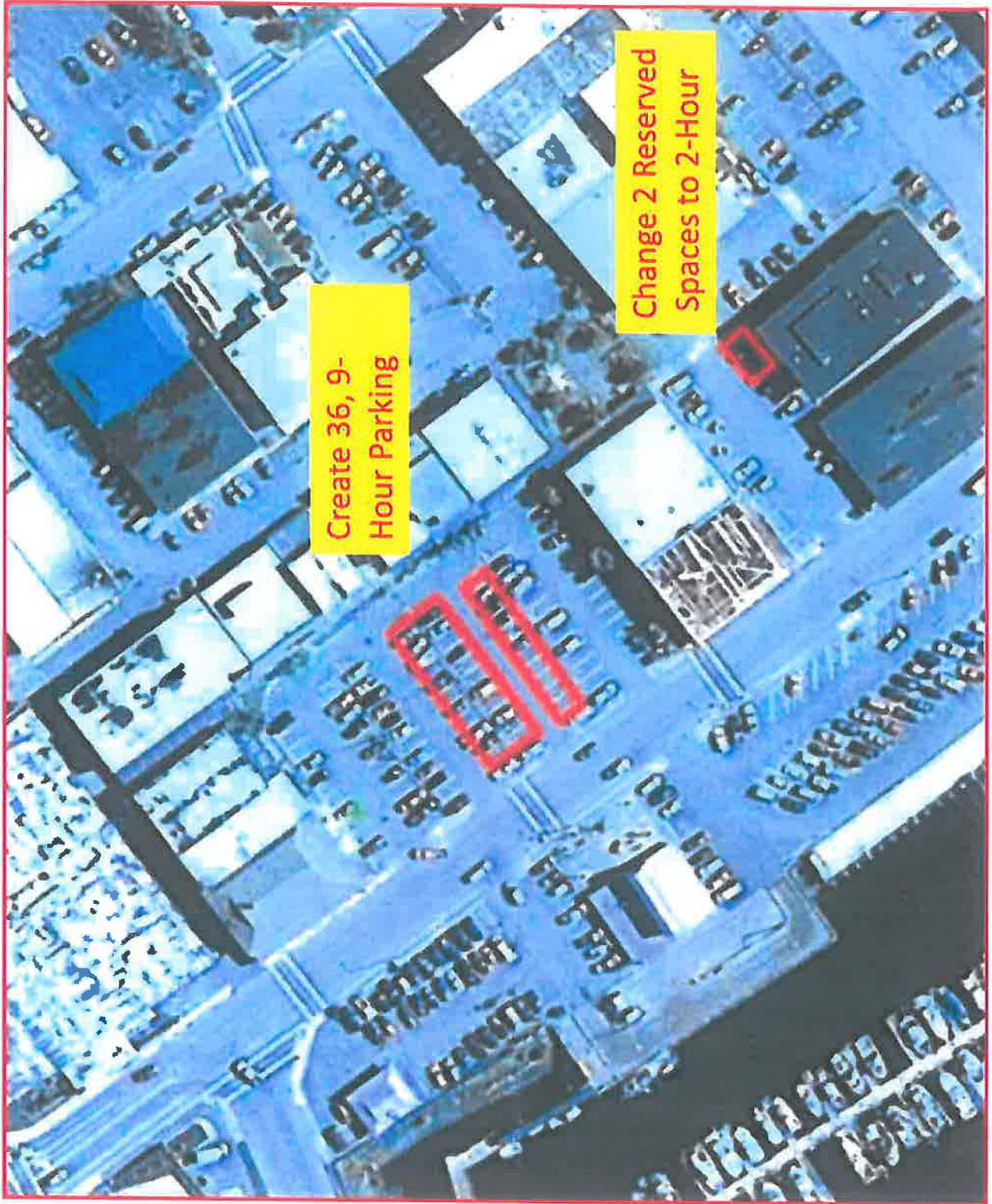
CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

Adopted: September 27, 2012



MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

Thru: Glenn Melvin PE, City Engineer and Mark Kozak, Public Works Director

Date: August 8, 2013

Agenda Item: V. b. **Resolution 2013–25, Appropriating Funds for Additional Construction Expenses Related to the Shelikof Pedestrian Improvement Project**

SUMMARY: The Shelikof Street Pedestrian Improvement project was awarded to Brechan in September 2012. The major rock cut that was a critical part of the project was completed in mid-May. Roughly one week later on the night of May 20, there was a rock slide just below the Petro Star fuel tanks. Council approved an emergency repair contract with Golder Associates at the June 13 meeting. That approval depleted funds budgeted for the project and could not cover additional costs associated with the ongoing work, including costs to bring the shotcrete crew to Kodiak and other costs expected to complete the repairs. Therefore, staff recommends that Council authorize the transfer of \$100,000 from the Pavement Repair project into the Shelikof Pedestrian Improvement project by adopting Resolution 2013–25 so these and other construction related expenses can be covered.

PREVIOUS COUNCIL ACTION:

- August 2011: Council adopted Resolution 2011–27, accepting a \$1,600,000 legislative grant for pedestrian improvements and parking improvements between Pier II and downtown
- October 2011: Council awarded final design of the Pedestrian Improvements to DOWL/HKM
- September 27, 2012: Council awarded the construction contract to Brechan Enterprises
- June 13, 2013: Council authorized an emergency repair contract to Golder Associates

DISCUSSION: On the night of May 20, 2013, a section of the rock cut below the Petro Star fuel tank broke loose creating a rock and dirt slide. This was in the area of a fault that was laying in a different direction from the surrounding rock. On June 13, 2013, Council approved the emergency repair contract to Golder Associates to repair the slide area, including covering the remaining rock cut with a shotcrete wall. However, the approval for that work did not include additional costs to complete repairs such as bringing the shotcrete crew to Kodiak from Seattle to perform the work, including costs for transportation, housing, and equipment. Staff also expects additional costs from Brechan as they perform repair related tasks.

The City has paid for the initial work performed on the project, but must also cover costs associated with the repair-related work not known when Council approved the emergency repair authorization to Golder Associates in June. As a consequence, the budget for the Shelikof Pedestrian Improvement project, Project No. 8016/13-10, has been depleted, and additional funds must be appropriated to cover costs

associated with the specialty crew and other costs related completing the emergency repairs. The attached resolution authorizes the transfer of \$100,000 from the Pavement Repairs project to the Shelikof Pedestrian Improvement project to complete this work.

ALTERNATIVES:

1. Adopt Resolution 2013–25, which authorizes the transfer of funds from the Street Repairs project to the Shelikof Pedestrian Improvement project to cover projected remaining costs to complete the Shelikof Street project repairs. This is staff’s recommendation because it will reestablish the project fund and allow costs to be charged to and paid for through the correct fund.
2. Do not adopt Resolution 2013–25, which is not recommended because additional funds must be budgeted to the project to complete the emergency repairs and pay for the various costs associated with that work.

FINANCIAL IMPLICATIONS: The project requires additional funds to cover all costs associated with the specialty repairs needed to complete the project. Staff recommends Council authorize the transfer of \$100,000 in funds from Pavement Repairs, Project No. 5025, to the Shelikof Pedestrian Improvement project, Project No. 8016, by adopting the attached resolution. This transfer will exhaust funds budgeted for pavement repairs so the work planned for FY2014 will have to wait until FY2015.

LEGAL: Article 5 of the City Charter requires an appropriation of funds outside the budget process to be made by resolution.

STAFF RECOMMENDATION: Staff recommends Council adopt Resolution 2013–25.

CITY MANAGER’S COMMENTS: This slide was completely unexpected and has been addressed as expeditiously as possible. Staff has been working closely with Golder Associates, DOWL, and Brechan to complete the repairs. Despite the emergency nature of the repairs, work has been going very well. The project budget was used up with the award of the Golder contract in June. Funds must be reallocated from another project to continue the work and pay for the costs associated with the repairs. Staff feels a transfer of \$100,000 will be adequate to complete the work and this reappropriation must be done by resolution. Therefore I encourage Council to adopt Resolution 2013–25.

ATTACHMENTS:

Attachment A: Resolution 2013–25

PROPOSED MOTION:

Move to adopt Resolution 2013–25.

**CITY OF KODIAK
RESOLUTION NUMBER 2013-25**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK
APPROPRIATING FUNDS FOR ADDITIONAL CONSTRUCTION EXPENSES
RELATED TO THE SHELIKOF IMPROVEMENT PROJECT**

WHEREAS, in 2008 the City identified the need for pedestrian improvements from Pier II to downtown along Shelikof Street; and

WHEREAS, the City received state legislative grants in 2009 and 2011 through the state's cruise ship excise tax fund for pedestrian improvements along Shelikof Street; and

WHEREAS, Brechan Enterprises was awarded the bid in September 2012 to provide these improvements; and

WHEREAS, the major rock cut, which was a critical part of the project, was completed in mid-May 2013 and the geo-tech report indicated the rock should have remained stable; and

WHEREAS, a section of the rock cut gave way on May 20, 2013, that encroached into Petro Star's property; and

WHEREAS, the City awarded an emergency engineering and construction services contract to Golder Associates Inc. to complete the rock slide repairs as soon as possible; and

WHEREAS, this specialty work required to bring a shotcrete crew to Kodiak to perform the work, which includes costs for transportation, housing, equipment rental, and other expenses; and

WHEREAS, an additional appropriation is needed to fund these and other repair related expenses; and

WHEREAS, Article 5 of the City of Kodiak Charter requires an appropriation of funds outside the budget process to be made by resolution.

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

Section 1. The Fiscal Year 2014 Capital Project Budget is amended by appropriating the use of additional funds in the amount of \$100,000 from the Street Improvement Capital Project Fund to the Cargo Improvement Capital Fund as follows:

Appropriation / Use of Fund Balance:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
5025 Pavement Repairs		
301.001.390.100 5025.6	Transfer from General Fund	\$100,000
100.190.198.490.300	Transfer to St. Capital Imp. Fund	\$(100,000)

Expense Account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
8016 Shelikof Pedestrian Improvements		
307.001.390.100 8016.6	Transfer from General Fund	\$(100,000)
100.190.198.490.307	Transfer to Cargo Capital Imp. Fund	\$100,000

Section 2. The City Manager is authorized to execute all related documents.

Section 3. This resolution shall become effective upon adoption.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager *AK*
Thru: Glenn Melvin, City Engineer, and Marty Owen, Harbormaster *MNO*
Date: August 8, 2013

Agenda Item: V. c. **Authorization of Professional Services Contract for Pillar Mountain Slide Analysis, Project No. 8013/11-07**

SUMMARY: As the City has moved forward with the Pier III replacement project it was discussed by the PN&D design team, Project Manager Roe Sturgulewski, and City staff that it was prudent to review the Pillar Mountain slide history to determine if additional study needed to be performed with regard to the slide area and how it relates to the Pier III project. The former City Engineer made a recommendation in 2002 that the City should perform additional geotechnical analysis to quantify the risks of slope failure. The City did not pursue the study and further analysis was not considered. Since the Pier III replacement project is the largest project for the City and is located near the slide area, it is recommended that an analysis should be done to identify and mitigate potential risk of damage to Pier III from a slope failure. Staff recommends that Council authorize the professional services contract with Golder Associates for engineering assessment of the Pillar Mountain slide area as it relates to the Pier III replacement project in an amount not to exceed \$45,000.

PREVIOUS COUNCIL ACTION: There was no previous Council action taken regarding a study of the Pillar Mountain slide area following the former City Engineer's recommendation in 2002. At the June 11, 2013, work session, Council was advised that the slide analysis be done given the proximity of the new pier to the slide area.

DISCUSSION: The initial framework for this action regarding the Pillar Mountain slide area is included in the former City Engineer's memo to Council dated October 3, 2002 (Attachment C). It provides a historical perspective of the slide and studies dating back to the late 1950s. The memo presents reasoning for the need for further study of the slide and how further study is necessary to more accurately quantify the risk of slope failure. It is recommended that Council review this memo to become familiar with historic slide activity, slide monitoring, assessment of previous studies, and the 2002 recommendations.

Project manager, Roe Sturgulewski, is also in support of this study, his recommendation memo is attached (Attachment A). He discussed this with the Council during the work session on June 11, 2013,

project update. He also has discussed the issue with the Pier III design consultant PN&D, and they concur with the recommendation.

The Golder Associates proposal for the study is attached (Attachment B). It outlines a three phase approach which includes LiDAR imagery, new ground reconnaissance, and analysis incorporating rock structure. The LiDAR imagery and new ground reconnaissance will begin immediately to establish the baseline for the rock structure analysis. LiDAR imagery is a relatively new technology using digital imagery which provides a detailed look at the rock surface of the slide area. The detailed 3D Imagery will allow Golder to accurately cut sections, model rock profiles, and study tension cracks known from previous reconnaissance. The analysis will help the City identify and mitigate potential risks of slide activity given the proximity of the new Pier III to the slide area. The Golder proposal provides a detailed scope of work, work plan, and estimated cost for the work. The result of Golder's work will be integrated into a written report which will be made available to the City for planning related to the Pier III project.

ALTERNATIVES:

1. Authorize the professional services contact with Golder Associates. Staff and the project manager recommend this alternative as it will finalize previous work and provide an updated analysis of the slide risk potential.
2. Do not authorize the contract. This is not recommended because if left undone, the City would be unable to complete its due diligence to update and quantify the potential risk of Pier III damage as a result of major a slide on Pillar Mountain.

FINANCIAL IMPLICATIONS: At over \$33 million, the project budget for Pier III is more than adequate to award this contract.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council authorize the professional services contract with Golder Associates to perform an analysis of the stability of the Pillar mountain slide area as it relates to work associated with Pier III replacement in an amount not to exceed \$45,000, with funds coming from the Cargo Development Fund, Pier III project, Project No. 8013/11-07.

CITY MANAGER'S COMMENTS: I support the recommendation of our staff and project manager, Roe Sturgulewski, to complete this analysis. Pier III is the largest and most complex project the City has undertaken. Given its proximity to the slide area on Pillar Mountain, it is prudent to complete this analysis as we move forward with the design and construction of Pier III. I recommend we also share information from this study with the State Department of Transportation so they can apply the appropriate information to their operations and maintenance of Rezanof Drive and its ROW.

ATTACHMENTS:

- Attachment A: Recommendation memo from Roe Sturgulewski, dated July 29, 2013
- Attachment B: Golder Associates Proposal letter dated July 29, 2013
- Attachment C: Memo from former City Engineer regarding slide study, dated October 3, 2002

PROPOSED MOTION:

Move to authorize a professional services contract with Golder Associates to perform an analysis of the Pillar Mountain slide area as it relates to the Pier III replacement work in an amount not to exceed \$45, 000, with funds coming from the Cargo Development Fund, Pier III project, Project No. 8013/11-07 and authorize the City Manager to execute the documents on behalf of the City.



Memorandum

TO: Aimee Kniazowski
FROM: Roe Sturgulewski
DATE: July 29, 2013
RE: Kodiak Pier III
 Recommendation for Approval Pillar Mountain Golder Associates

This is to recommend approval of a professional services contract with Golder Associates in the time and materials not to exceed amount of \$45,000 to document and evaluate the Pillar Mountain slide area.

Previous studies have looked at the stability of this slope and come to different conclusions. PND, the Engineer of Record for the Pier 3 project, has recommended additional engineering analysis be done to evaluate the risk. Howard Weston, PE, former City Engineer, was commissioned by the City to review the PND geotechnical report. He also recommends additional engineering analysis be performed.

The study area is upslope of the City's Pier 2 and Pier 3 complex. The high point of the slide area is between the two Piers. The new Pier 3 location is proposed to be on the airport side edge of the existing slide area. Review done about thirty years ago raised the issue of deep global stability failure. The latest study done by Golder Associates in 2003 noted minimal slope movement and focused on surface raveling and rock fall. The limited engineering effort contemplated doing additional engineering evaluation to better understand the risk of a future slope failure. This additional investigation was not funded nor performed. The findings of the study and subsequent discussions with Golder, indicate much of the rock fall is based on winter freeze/thaw action, coupled with additional loading of the upper horizon material during rainy seasons. This has led to surface failure of different proportions. Discussions have occurred that much of this risk could be mitigated through a preventative maintenance program by the State of Alaska to remove rock in the right-of-way behind the gabions and provide an open retention area for collecting the continuing rock falls.

The State has recognized the need to remove material and has arranged for a contractor to take out material. They are also initiating a larger project to do a more comprehensive removal and upgrade. We investigated the possibility to see if their effort would satisfy the issues raised in the initial review, but it does not appear they have the same focus.

While the most definitive way to quantify the slide risk would include an extensive geotechnical field boring and exploration program, engineering analysis using onsite observation and other data acquisition, as noted in the Golder proposal, can be used to provide increased validation of their hypothesis. Golder proposes a three-phased approach.

The first phase is onsite observation by an experienced geologist prior to establishment of the quarrying operation proposed by the State of Alaska. This is being done to get a clearer understanding of the makeup and location of the existing talus and other factors. This will help identify the source of the rock falling from the slope.

The second phase would be to acquire LIDAR survey information for the area. This effort would be performed by a subconsultant, currently working for the Borough on other tasks. Their current mobilization will result in cost savings for this data acquisition. Use of the data would be two-fold. LIDAR provides survey data that eliminates the effects of vegetation. The primary purpose for this effort would be to provide data for use in engineering analysis by Golder in order to better understand the slope failure potential and help quantify the risk of major slope failure. A secondary benefit is that the data would provide a detailed baseline understanding of the slope. This information could be compared to existing data and, more importantly, would be able to serve for comparison in the future to better understand soil transport.

The third phase involves engineering analysis to quantify the risk of slope failure. While the results of this study cannot be known in advance, the expectation of the project team is that the results will likely validate the preliminary conclusions defined in the 2003 Golder report. At the minimum, it will help the City better understand the risks associated with the pier construction. In the less than likely event the study identifies a significant risk element, the acquired data will provide a framework to potentially mitigate the concern.

Please contact me at (907) 343-3013 if you have any questions.

July 29, 2013

P1300823

Mr. Glenn Melvin
City of Kodiak
2410 Mill Bay Road
Kodiak, Alaska 99615

RE: PROPOSAL TO PROVIDE AN ENGINEERING ASSESSMENT OF THE CURRENT STABILITY OF THE PILLAR MOUNTAIN SLIDE IN KODIAK, ALASKA

Dear Glenn:

At your request we have prepared this proposal to provide further geologic and engineering evaluations of the Pillar Mountain Slide. The slide area is located south of the City of Kodiak along Rezanof Drive and is adjacent to and above the new pier you are planning to construct. In 2002 Golder Associates Inc. (Golder) conducted a geologic reconnaissance of this slide. In the brief report of this reconnaissance, the significant rock fall risk at the site and the lack of any clear indications of any deep-seated movement of the slope were both noted. The work proposed herein is to further assess the possibility of deep-seated movements of this slope using new technology than had not been previously available. This proposal presents the cost and approach for assessment of the slide.

1.0 SCOPE OF WORK

1.1 LiDAR Imagery Acquisition

Since the 2002 report, LiDAR imagery and newer rock engineering analytical procedures have become more available. The proposed scope would include acquiring and analyzing LiDAR data to document and identify surface features in the slide area. Old slide surfaces, loose boulders, ground cracks, rock exposures, and other features could likely be identified on the LiDAR imagery.

A ground control survey will be performed using a Kodiak-based survey firm (yet to be determined) to tie the features on the LiDAR to GPS coordinates. This should make it possible to use periodic acquisitions of LiDAR data to monitor any significant future movements or slides on Pillar Mountain.

1.2 New Ground Reconnaissance

Because the current gabion rock fall containment system has some damage and is nearly full in some locations, it needs at least some maintenance. As a first step in this work a geologist familiar with the slope, will conduct a new reconnaissance of the slide area to:

- Document the condition of the gabion walls and note the amount of rock fall currently being retained.
- Note any changes in the surface of the slope since the 2002 inspection.

A second inspection may be needed to document the results of any maintenance done on the gabion walls. We understand that the Alaska Department of Transportation and Public Facilities (ADOTPF), who controls the right of way where the gabion wall is located, plan to do some maintenance there this summer.



1.3 Analyses incorporating Rock Structure

R&M's stability checks were undertaken in 1982 assuming a series of failure planes. They assigned various strength parameters to shallow and more deep-seated failure planes. We propose updating this analysis based using Phases 2 software developed by Rocscience – which allows for the inclusion of rock structure and strength estimates for pervasive bedding and fractures, and for the intact strength of the rock in the geological model. While this is still a 2D analysis, Phases 2 uses a modern code that has the advantage of providing a method to validate the assumed rock mass failure mechanism envisaged by our team.

Once we have an accurate 3D survey done in LiDAR, it will be possible to cut accurate sections for input into the Phases 2 model. Previous observations indicated a series of tension cracks that exist at the top of the failed scarp suggesting that there may still be some instability developing in the slope over time. The 1982 study analyzed a series of discrete failure planes that varied from shallow to deep-seated. We plan on back analyzing the existing failure area in 2D using the code provided in Phases 2 to generate a representative rock mass failure. Once we have validated the rock mass failure mechanism and updated strength criteria for the rock mass, we will superimpose seismic loading to determine the worst-case event. Depending on the results, and if the failure is significant (impacts the highway below and infrastructure further downslope), we may model the stabilizing influence of potential mitigating measures.

The result of this work will be integrated into our report and any conclusion regarding required mitigation measures.

2.0 PROPOSED PROJECT STAFF

This project will be managed and coordinated by Bucky Tart, a Principal Geotechnical Engineer. Bob Dugan, a Principal Geologist who did the 2002 reconnaissance, will perform the 2013 ground reconnaissance. He will also lead the analyses of the LiDAR data. Both he and Bucky are from the Anchorage office of Golder Associates.

The rock engineering analyses will be done under the direction of Paul Schlotfeldt, a Senior Rock Engineer from our Squamish, BC office. These analyses will be reviewed and checked by both Bucky and Bob.

3.0 PROPOSED WORK PLAN

The work of the Golder team would consist of the following:

- Perform a geologic reconnaissance of the Pillar Mountain Slide Area.
- Acquire and analyze LiDAR imagery of the slide area.
- Acquire ground control for the LiDAR.
- Perform stability analyses incorporating rock structure.
- Prepare a geologic/engineering report presenting our findings.

The reconnaissance and LiDAR would be started as soon as possible after notice to proceed (NTP). The ground reconnaissance should be complete within two weeks of the NTP. We should have the LiDAR data within a month of NTP. The report should be available about 3 months after NTP. We will likely have some preliminary information for you as we progress.

4.0 COST ESTIMATE

The costs for this work have been calculated based on our *Standard rates according to the Golder Professional Rate Schedule for Calendar Year 2013* for engineering design and other professional services required. A copy of this rate schedule is attached.

We have also attached the City of Kodiak Agreement for Professional Services we used to perform the Periodic Dam Safety Inspections PN 05-03/7034 for you earlier this year. We assume this agreement with the included changes would be used for the work in this proposal.

Our estimated cost breakdown for the scope of work outlined above is as follows:

- Site reconnaissance - \$5,000
- LiDAR Acquisition - \$13,140
- Ground Control Survey - \$5800
- Engineering Analyses - \$11,000
- Report Preparation - \$9,000
- **JOB TOTAL - \$43,940**

5.0 CLOSING

These costs are our best estimate at this time for performing the evaluation of the Pillar Mountain Slide. If additional work is necessary beyond that described in our scope then we may request your approval for additional funds.

If you are in agreement with our scope of work and estimated costs, we can do this work under the Terms and Conditions in our current contract with the City of Kodiak.

Sincerely,
GOLDER ASSOCIATES INC.



Rupert G. Tart, Jr., PE
Principal and Senior Consultant

Attachments: City of Kodiak Agreement for Professional Services
Golder Associates Inc. 2013 Rate Schedule

RGT/mlp



536 E. Fireweed Ave.
Palmer, Alaska 99645-6628
Tel: 907.746.1405

www.kodiakmapping.com

PILLAR MOUNTAIN SLIDE ZONE
KODIAK ALASKA

JUNE 16, 2013

Bob Dugan
Andrew Garrigus
Golder Associates, Inc.
2121 Abbott Road, Suite 100
Anchorage, AK 99507

Mr. Dugan

Thank you for the opportunity to propose on your Pillar Mountain Slide Zone project. Kodiak Mapping, Inc. (KMI) has taken the time to develop a comprehensive acquisition plan which we've outlined in the attached scope of work.

The project flight plan and methodologies were developed with consideration to the extreme vertical grade of the project area. The acquisition plan was constructed to achieve the highest level of product accuracy and point density while still maintaining a minimum safe flight altitude.

Your project was planned in conjunction with other acquisition projects in the region. Your project cost will benefit from reduced mobilization rates for both acquisition and control, but it will also be confined by the other project's schedule. We anticipate that the Kodiak Island Borough will collect data during the month of August and mobilization decisions will be based on their projects magnitude and geographic location.

We look forward to the possibility of working with you on this project.

Regards,

Jeremy Smith

Jeremy Smith
Lead Acquisition Specialist
Kodiak Mapping, Inc.

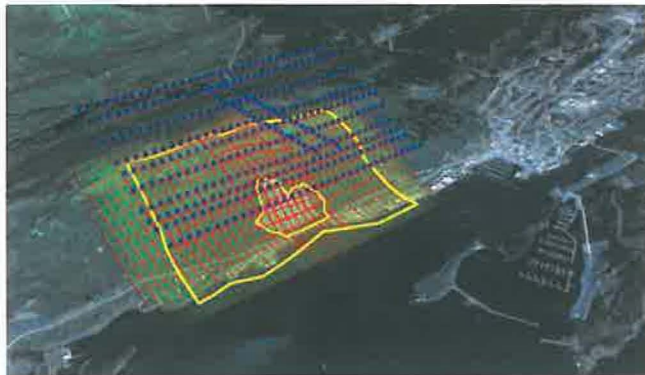


PROJECT ABSTRACT



Kodiak Mapping (KMI) was tasked with planning the aerial acquisition of LiDAR and Ortho Photography for the Pillar Mountain slide zone near the City of Kodiak. The area of interest is approximately 2000-ft either side of the landslide scar on the southern face, and extends from the approximate waterline to the summit of the ridge.

APPROACH & PLANNING



KMI has prepared the following project parameters based on our understanding of the project goals.

We will simultaneously acquire LiDAR and Digital Imagery to produce a LiDAR derived Bare Earth Surface in LAS format with approximately 45 – 75 points per meter. Point Density will vary throughout the project with more emphasis given to the scar and the steeper faces of the slope. Digital Imagery will be acquired simultaneously to support the generation of a 1.5-inch pixel orthophoto.

LiDAR Collection

We propose a LiDAR nominal point density of 25 points per meter native. We have stepped each flight-line to account for the elevation changes in the project area. Additionally, we have planned our flight lines at with 60%- 80% overlap to increase aggregate point densities in focus areas. The region in the vicinity of the scar should exceed 75-ppm density while areas on the summit of the ridgeline and along the shore may only see an aggregate value of 45-ppm.

Aerial Photography

In addition to the LiDAR data KMI will simultaneously collect digital metric quality 4-band imagery. The imagery will be used in conjunction with the LiDAR to support surface model production, including the generation of break lines, and man-made planimetric features, etc.. The imagery that we will collect will be controlled using post photo identification points. The pixel resolution of the imagery collected during the LiDAR mission will be approximately 1.5-inch. pixel.

Project Control

KMI will utilize USKH, Inc. for the ground control component of this project.

This project will require that 4 photo identification points be measured after the project is flown. This control will be used for the Aero-Triangulation of the photography as well as a control basis for LiDAR adjustments.

During the flight missions KMI will run two GPS base stations at the Kodiak Airport.

SCHEDULE & TIMELINE

The LiDAR and aerial photography is planned for acquisition immediately following and NTP and receipt of contract. Photo ID control points will be selected after acquisition from the project imagery.

Mapping will be completely no later than 6 weeks from time of acquisition and receipt of suitable control.

DELIVERABLES

KMI will provide the following products for this project:

- LAS point cloud data: All Points, First return data, and Bare-Earth return in LAS format.
- Orthophoto – Natural Color RGB with a 1.5-inch pixel resolution, tiled to 250 MB (tile naming and sizing can be adjusted to accommodate project requirements)
- Orthophoto – Color Infrared Imagery NIR with a 1.5-inch pixel resolution, tiled to 250 MB (tile naming and sizing can be adjusted to accommodate project requirements)

PROJECT ESTIMATE

Project Costs will be provided at a later date. We are currently waiting to receive subcontractor fees for the ground control component of the project.

Thank you for the opportunity to provide possible solutions for your project. If we did not sufficiently address any of your concerns in our scope of work we would be happy to make the necessary revisions to facilitate your needs. If you have any questions regarding this proposal or its technical content please contact me directly.

Regards,

Jeremy Smith

Jeremy Smith
Kodiak Mapping, Inc.
P:907.746.1405

MEMORANDUM

TO: Linda L. Freed
City Manager

FROM: Howard K. Weston, P.E.
City Engineer



DATE: October 3, 2002

RE: Pillar Mountain Slide



Thirty-five survey monuments were set on Pillar Mt. above and around the slide area in 1978. The monuments were re-surveyed twice more in 1978, three times in '79, twice in '80, and once in '86. It has been suggested that the location of the monuments be surveyed again. This led me to take another look at the Pillar Mountain slide.

The existing monuments have limitations such that another stand-alone survey would not serve any constructive purpose at this time. However, I do believe it is time to take another serious look at the Pillar Mountain slide.

History of the Pillar Mt. Slide

The following is taken from the "Pillar Mountain Slope Stability Study, Final Project Report" by R&M Consultants, Inc. dated July 1982.

3.2 Prior to 1971

A bedrock exposure with active rockfall has existed for many years at the toe of the Pillar Mountain Slide and is flanked to the northeast and southwest by prehistoric landslide debris. The stability of these debris is low; fresh slump features and continuous open ground fractures in the revegetated slide debris are clearly visible in a 1962 air photo extending 1200 feet northeast of the rockfall area along the Abbert Highway and varying from elevation 300 feet near the rockfall area to elevation 175 feet northeast of City Dock 2.

In 1962, the area of apparent rockfall consisted of an irregular exposure of bedrock approximately 1400 feet wide and up to approximate elevation 300 feet. Partially revegetated shallow surface deformation scars extending up to elevation 750 feet are clearly visible on airphotos as are several lineaments on the slope above the rockfall area that became open ground fractures in 1971 (see Section 3.3).

Prior to 1957 or 1958, the Abbert Highway was constructed along the flank of Pillar Mountain and cut across the face of the Pillar Mountain Slide at an elevation of 125 to 160 feet (Karchadoorian and Slater, 1978). This highway was

subsequently abandoned due to rockfall related maintenance problems and relocated along the beach at the base of the mountain.

3.3 December 1971

The City of Kodiak and others have long been using the flanks of Pillar Mountain as a source of borrow rock for riprap and fill material. Excavations into bedrock have generally been made without producing any detrimental effects. In 1971 a quarry was developed along the abandoned highway; excavated material was utilized in construction of City Dock 3. Approximately 300,000 cubic yards of material had been removed by the contractor before Sunday, December 5, 1971, when large amounts of rock debris began falling from a vertical gully in the exposed bedrock above the abandoned highway. The gully progressively raveled over the next four days from an elevation of 300 feet to approximately 775 feet. Aerial observations of the slope revealed that the gully was developing along the northeast lateral scarp of a major sliding block. Several days after the onset of slide activity, heavy rockfall was noted in from the center and southwestern edge of the sliding block. On Thursday, December 9, extensive development of open transverse ground fractures was noted on the slope above the rockfall area up to an elevation of approximately 1125 feet. Ground inspection on December 9 and again on December 14 revealed that these fractures were widening. Rockfall activity peaked in intensity on Friday, December 17 and then tapered off. At the culmination of the December 1971 event, [an] estimated 600,000 cubic yards of rock had fallen.

3.4 Post-1971

Activity of the Pillar Mountain Slide has remained low in the years following 1971. Small showers of rock and occasional large blocks intermittently fall from the face of the bedrock exposure. Protective gabion walls constructed at the base of the rockfall area prevent most of the falling debris from rolling onto the Abbott Highway. Many of the ground fractures upslope of the rockfall area observed during the present study have become partially to completely filled with slope wash soils and are revegetated; however, many fractures still appear open and fresh.

The Last 20 Years

The slide has continued to ravel in the 20 years since the 1982 R&M Report. The quantity of rockfall has been relatively small. The rock collecting behind the gabion wall has effectively reduced the height of the barrier. Rocks rolling down the debris slope are able to bounce over the gabion wall with greater frequency than in the past. It is expected that the gabion wall barrier will continue to become less effective with time and more and more rock will land on the highway.

Existing Monuments

R&M placed approximately 20 survey monuments on Pillar Mountain in 1971 and 1972. Ecklund Survey placed an additional 35 monuments in the vicinity in 1978. The accuracy of these surveys was ± 0.3 feet (± 3.6 inches). By the time of the 1982 R&M report, the best that could be concluded from the survey data was that maybe there had been some slope movement. The data was simply too imprecise to allow small movements to be detected with any degree of confidence.

The last survey data we have is dated 1986. That data indicates that Point 2, closest to the top of the mountain, was located less than one inch to the side of its original position. This is less than the accuracy level of the survey, so this point can not be considered to have moved. Point 26, just above the rockfall area, was located about 3 inches uphill and 10 inches to one side of its original position. Obviously movement uphill and sideways does not make sense and is likely just survey error.

Plots of the measured "movement" of Points 2 and 26 are attached. These plots clearly show the futility of evaluating small slope movements with this survey technique.

Findings and Recommendations of the 1982 R&M Report

The 1982 R&M Report was the culmination of an extensive engineering investigation. The inconclusive nature of the findings is clear in the Report's summary statement (emphasis added):

The interpreted aerial extent of the Pillar Mountain Slide is shown on Figure A-02. **However available evidence presented here are not sufficient to definitely determine the failure mechanism(s) and subsurface geometry of the Slide.** Apparent movement zones occur at 96-106 feet and 176-190 feet. Possible zones occur at 272-286 feet, and 414-424 feet. The possibility of deeper zones of movement has not been eliminated. The orientation of these zones is is not known [emphasis in original]; their orientation may be similar to Joint set F presented in Section 9.0 has been made under these limitations, with the intent of supporting meaningful conclusion on which to base future decisions and actions.

As implied, the mechanisms may be complex since movements (based on inclinometer data) may be occurring at several depths within DH No. 1-80. Further, analysis of the ground fractures clearly reveals domains of upslope and downslope facing scarps. **Near-surface toppling has been documented, translation sliding may be occurring, and the possibility remains that "sackung" type movement as described by Radbruch-Hall, (1978) may be occurring.**

In other words, the studies found that the rock slide really did happen; a bigger slide might be occurring; and a really big catastrophic slide might be possible. R&M handled the inconclusive findings by proposing a stabilization method that would stop the rockfall and stabilize any large or catastrophic slide that might be occurring. R&M's solution was to excavate the upper portion

of the slide area and place it, as a buttress, on the lower part of the slide. The buttress would fill the area between Pier II and Pier III and extend 600 feet up the mountain. R&M estimated that roughly 3 to 4 million cubic yards of rock would have to be moved with the project cost being on the order of \$20,000,000.

Limitations of the Previous Study

The objective of the previous study was to determine if action needed to be taken to protect people and property. This objective was not met. Construction of a buttress was recommended on the basis of technically tenuous data. The cost of the buttress was so outrageously high that its construction was clearly not justified by the inconclusive findings.

The three slope failure types R&M reports may be possible are:

1. The toppling and raveling of rock from the face of the mountain as occurred in the past and is still occurring;
2. A larger deep-seated slide that could cover the road with a large quantity of rock; and
3. A massive deep-seated slide that could fail suddenly and plunge into the water creating a tsunami.

The gabion wall adequately controls the toppling and raveling. R&M recommended the expensive buttress to control the larger slides. The limitation of the report was that the risk of sliding was not quantified. Without knowing the level of risk, it is impossible to rationally decide whether the cost of the buttress is acceptable. Furthermore, the buttress would only lower the risk of sliding, not eliminate the risk. And again, the amount the buttress would lower the risk was not quantified.

For example: If the risk of a massive landslide that would cause extensive loss of life is high and a buttress would reduce the risk significantly, then it would be justified to spend tens of millions of dollars on constructing a buttress. On the other hand, if the risk of a catastrophic slope failure is low to begin with and a buttress would only marginally reduce the risk, then obviously construction of a multi-million dollar buttress is not justified.

The previous study has placed the City of Kodiak in a very uncomfortable position. The R&M report leaves a perception of pending catastrophe hanging over our heads with a recommendation to construct an extremely expensive buttress. Past City Councils have obviously decided not to take any action, but this is contrary to the recommendations of the R&M report prepared as the culmination of an extensive exploration and analysis program.

A New Slope Study

Based on my review of the previous work and my knowledge of the local geology, I predict that a thorough analysis of the existing data, that takes advantage of the advancements in rock mechanics and earthquake engineering developed over the last 20 years, will find that the risks of a significantly dangerous slide occurring, particularly a slide that could generate a tsunami, are

so low that no further action will be required. I expect that an analysis could be performed with sufficiently accuracy without any new field explorations.

If my prediction is correct, then the 'do nothing' approach taken for the last 20 years will be shown to be justified. If I am mistaken and there is a significant risk of a tsunami generating slide, that can be prevented, then the Council will be justified in funding the construction of the buttress.

I propose that a new analysis be performed to quantify the risks. The scope would be limited to a few days of site observations and a review and re-analysis of the existing data. It is possible, but in my opinion not likely, that additional field exploration or monitoring may be required to more accurately quantify the risks of slope failure. If the analysis finds that more exploration is necessary, and cost effective, the scope and cost of that exploration will be determined for our budgeting purposes.

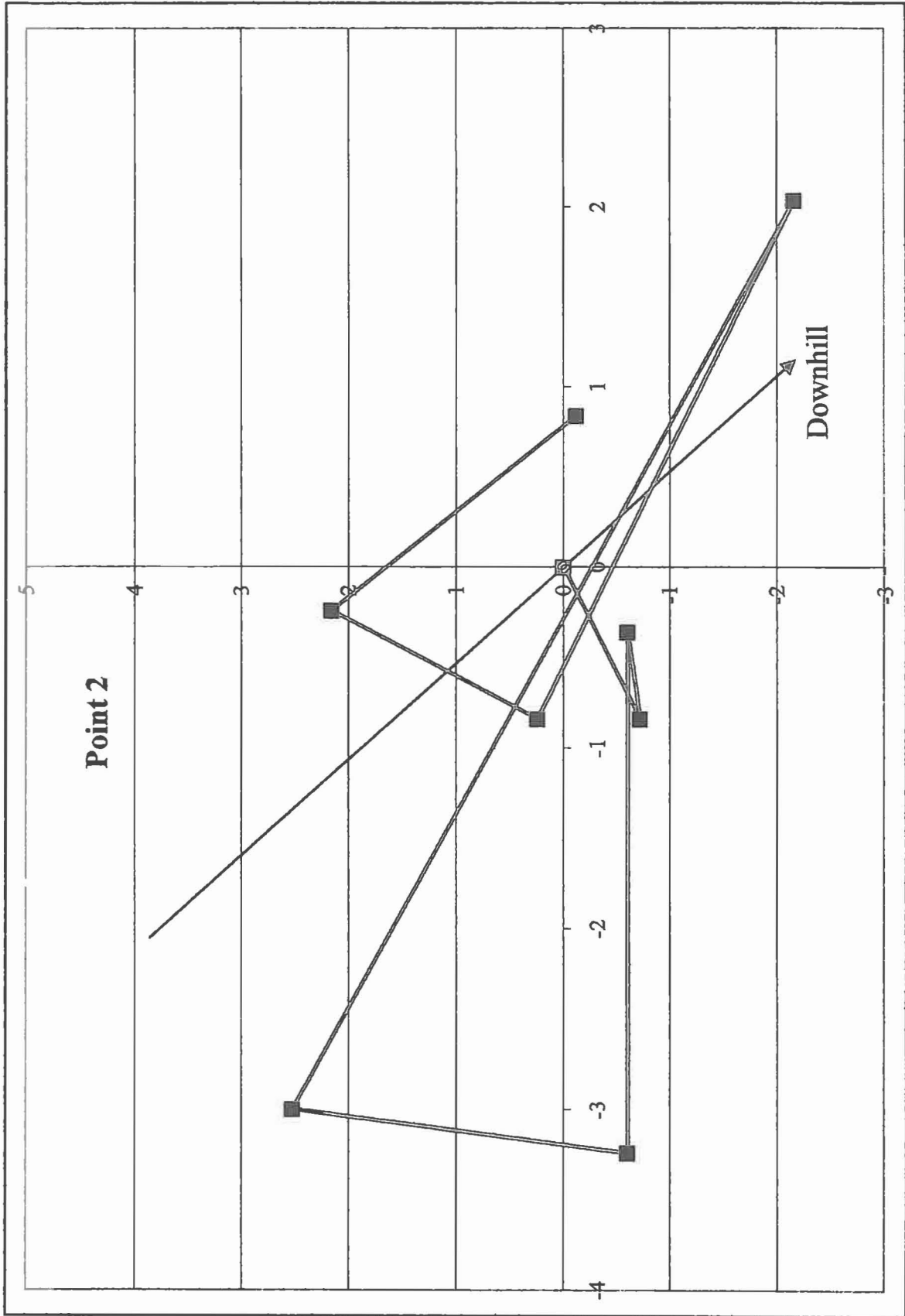
Recommendations

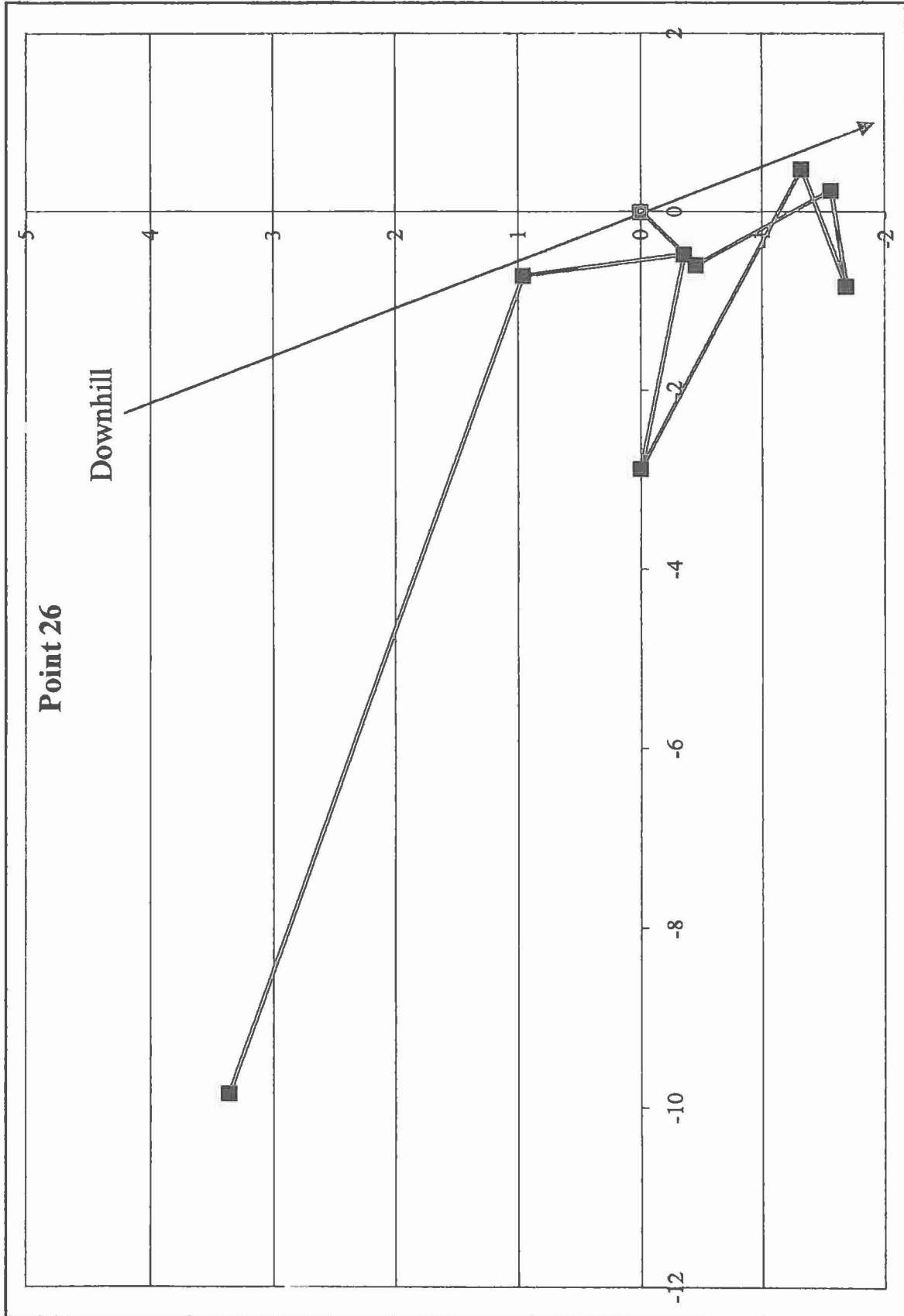
I recommend Golder Associates be contracted to do a new analysis of the Pillar Mountain slide. Golder is one of preeminent rock mechanics and geotechnical engineering firms in the world. This type of analysis is exactly in-line with the expertise of the company. I have discussed the Pillar Mountain slide with Bucky Tart and Frank Shuri of Golder Associates and they have reviewed the 1982 R&M report. They agree with the approach I am proposing.

I recommend that an expenditure of \$5,000 be authorized at this time to have one of Golder's senior geologists visit Pillar Mountain and observe the existing condition of the slide. The slide observations would be easiest at this time of year when the grass and leaves are down and before the area has any snow cover. The purpose of the site observation would be to look for any change in the surface features since the last thorough exploration of the site. This is a prudent precedence to re-analyzing the existing data. This work could be funded using the Engineering Department's professional services account and should only be performed if we intend to fund the new analysis.

I recommend an additional \$35,000 be authorized in the next supplemental budget to fund Golder's analysis of the data, preparation of a report, and a presentation of the findings to the City Council.

Computer-
attached





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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

Thru: Charlie Powers, Parks and Recreation Director
Glenn Melvin PE, City Engineer

Date: August 8, 2013

Agenda Item: V. d. **Authorization to Purchase Baranof Track and Field Bleachers, Project No. 9001/12-05**

SUMMARY: The final phase of the Baranof Park Improvement Project included several elements to be executed including a field turf baseball outfield, security lighting and cameras, skate park ramps, tennis court repairs, and permanent bleachers at Joe Floyd Track and Field. In preparation for executing the bleacher element, a Request for Quotes (RFQ) was issued on June 28, 2013, to obtain quotes from bleacher manufacturers. Following City Code Chapter 3.12 for the open market purchases greater than \$25,000, the City received four submittals. The responses were relatively competitive. The most responsive as well as the apparent low cost bidder was Southern Bleacher Company of Graham, Texas with a quote of \$64,840. This supplier was one of three recommended by DA Hogan. Staff is recommending Council approve the purchase of bleachers from Southern Bleacher Company in the amount of \$64,840.

PREVIOUS COUNCIL ACTION: Council's actions to date have been to approve contracts and associated change orders for the design and construction of the track and two fields. The scope of the overall Baranof Improvement Project has been defined by the state grants and approved by Council following discussions with the Parks and Recreation Advisory Board as follows:

- February 26, 2013, the Parks & Recreation Advisory Board made a presentation to Council on Baranof Park project priorities, including their top priority to install turf in the baseball outfield area. Council asked the board to revisit the list with more updated cost estimates and to make an updated recommendation/presentation to Council.
- June 11, 2013, the Parks & Recreation Advisory Board presented their recommendations on the Baranof Park project priorities based on updated cost estimates. The Parks and Recreation Advisory Board's main priority remained the installation of synthetic turf in the baseball outfield in the 2013 construction season followed by other project components such as bleachers, cameras, and skate park improvements as funding allowed.

DISCUSSION: The final phase of the Baranof Park Improvement Project includes several elements to be executed including a field turf baseball outfield, security lighting and cameras, skate park ramps,

tennis court repairs, and permanent bleachers at the track and field. A RFQ was issued at the end of June and four quotes from various suppliers were received on July 29, 2013. The four quotes responses were as follows:

Southern Bleacher Company	\$64,840.00
Nor-Pac Seating Company, Inc.....	\$67,900.00
Outdoor Aluminum Inc.....	\$100,000.00
International Design & Construction LLC ..	\$112,315.00

Southern Bleacher Company was the apparent lowest cost bidder and staff recommends Council approve the purchase from that company.

Need for Permanent Bleachers at the Track and Field: Parks and Recreation currently manage seven fields and three other outdoor facilities that require bleachers for spectator seating. To date, this need has been satisfied with an insufficient inventory of portable bleacher assemblies of different sizes, which must be relocated multiple times during the course of various seasons. The constant relocation of bleachers causes damage to the bleachers themselves, risk during transport, and unreasonable labor impacts. Additionally, the bleachers are not handicap compliant and present hazards due to the lack of grab rails and gaps between foot treads. The installation of permanent bleachers (Attachment A) with a seating capacity of approximately 700 people will significantly reduce operational costs and risks to the department. The bleachers will also complement the nature of the park itself as it is has a relatively low profile and fits within the current footprint established between the skate park/tennis court and track. The bleachers will be handicap and code compliant and add a nice finishing touch to the athletic use of the portion of the park that has the most spectator demand.

Staff is recommending Council approve the purchase of bleachers from Southern Bleacher Company. Staff will proceed with the purchase and installation of the bleachers upon approval.

Impact to Remaining Elements within final phase of Baranof Improvement Project: The timing for approval of the bleachers is appropriate. The largest element of the overall project was the multipurpose synthetic outfield which has made it past the highest risk phase of construction without issue, namely excavation. All contemplated change orders for the outfield have been priced and are within the project budget. Additional funds will not be needed thereby freeing up the other elements to move forward. The other elements are in process and fall within the City Manager’s purchasing authority.

ALTERNATIVES:

1. Authorize the purchase of bleachers from Southern Bleacher Company, which is recommended by staff because it will provide a code compliant bleacher system, reduce operational costs and risk, and provide a vital component to a very important community asset.

2. Do not authorize the purchase of the bleachers, which is not recommended as it does not meet community need and is operationally problematic.

FINANCIAL IMPLICATIONS: At the time of this memo and pending pay requests already encumbered, the City has \$1,806,619 remaining in the project budget, of which \$85,000 was identified for new bleachers. The funds are adequate to cover the purchase of the bleacher system and the purchase meets the state's grant reimbursement requirements.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council authorize the purchase of bleachers as identified in (Attachment A) from Southern Bleacher Company in the amount of \$64,840, with funds coming from Parks Capital Improvement Fund, Baranof Park Improvements, Project No. 9001/12-05

CITY MANAGER'S COMMENTS: The existing bleachers at the track and field complex are inadequate and don't meet code or ADA compliance minimums. Therefore, I support staff's recommendation to purchase a new 700 seat capacity bleacher complex from Southern Bleacher Company. Once approved, staff will arrange the purchase and install them upon arrival.

ATTACHMENTS:

Attachment A: Schematic design bleacher drawings

PROPOSED MOTION:

Move to authorize the purchase of bleachers from Southern Bleacher Company in the amount of \$64,840, with funds coming from Parks Capital Improvement Fund, Baranof Park Improvements, Project No. 9001/12-05.

The anchors are rated in an average (class 5) soil condition. Again, higher capacities can be expected in harder soils and lower capacities in softer soils. The rating is mainly useful as a reference for anchor selection. It is the only way to insure the exact capacity of each installation. This is true for all anchors on the market today.

INSTALLATION
The anchor should be installed in the soil to the depth specified and add a reasonable safety factor.

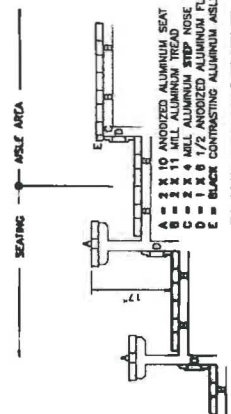
DRIVING THE ANCHOR
The anchor should be driven to the depth of the hole. In any application, the angle of the installation should closely match the angle of the guyline. Start by inserting the drive steel into the anchor body. Use a sledge hammer, fence post driver or a power driven jackhammer to drive the anchor to the proper depth. Fill the hole made by anchor with soil. This will not allow water to seep down to the anchor, causing wedge out or loosening of the anchor.



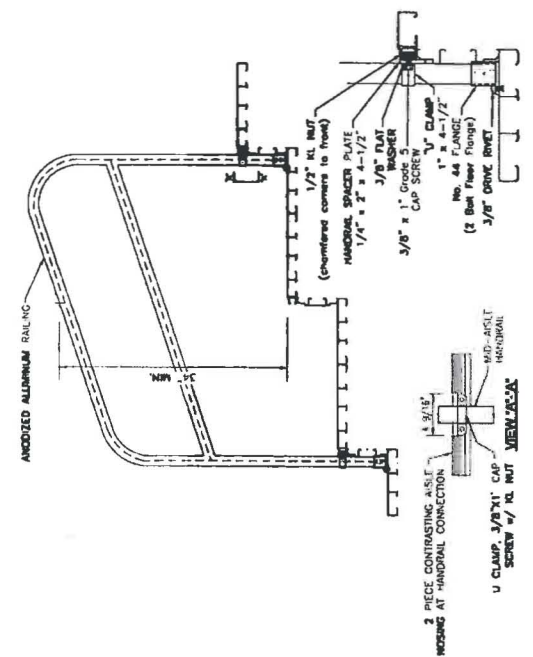
Anchor Capacity and Driving the Anchor

DUCIBELL MODEL #	RATED CAPACITY	DRIVE ROD DIAMETER	MINIMUM DEPTH OF INSTALLATION
40	2,000 lbs.	1/2"	20"
60	3,000 lbs.	3/4"	30"
80	4,000 lbs.	1"	40"
100	5,000 lbs.	1 1/4"	50"

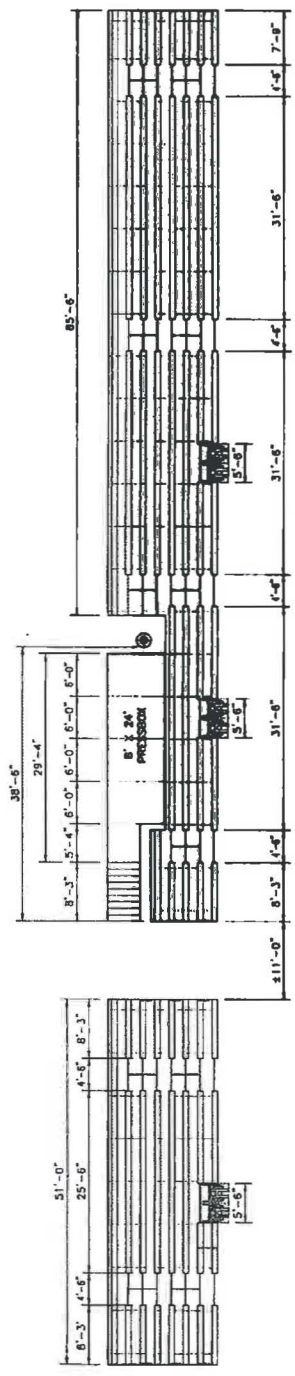
ANGLE FRAME UNITS MUST BE ANCHORED TO RESIST WIND LOADS, AS PRESCRIBED BY BUILDING CODE.



PLANK ARRANGEMENT 8" X 34"



MID-AISLE INSTALLATION DETAIL NOT TO SCALE



213 TOTAL NET 18" SEATS & TOTAL NET 39" WHEELCHAIR SPACES
216 TOTAL SEATING CAPACITY

696 TOTAL SEATING CAPACITY

477 TOTAL NET 18" SEATS & TOTAL NET 39" WHEELCHAIR SPACES
481 TOTAL SEATING CAPACITY

NOT FOR CONSTRUCTION

Southern
BLANCHARD COMPANY
10000 1st Avenue, Anchorage, Alaska 99503
Phone: (907) 561-1111 Fax: (907) 561-1112

CITY OF KODIAK
SEATING LAYOUT
8" XSE X 34" TREAD / 4, 8, 16 ROW

KODIAK, ALASKA

22" x 34" (1:12.17 = 1/2" indicated scale)

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Council Members
From: Aimée Kniaziowski, City Manager *AK*
Thru: Mark Kozak, Public Works Director, and Glenn Melvin PE, City Engineer
Date: August 8, 2013

Agenda Item: V. e. Authorization of Bid Award for Annual Sidewalk, Curb, and Gutter Repairs, Project No. 5003/14-01

SUMMARY: Annually, the City issues bids for the repair and replacement of damaged sections of sidewalk, curb, and gutters at various locations throughout the City. Actual quantities of each bid item will vary in response to need and approved FY2014 budget. Bids were issued in June and opened on July 29, 2013. Two bids were received. Staff recommends Council authorize the bid award to Belarde Custom Concrete, the low bidder, in the amount of \$65,310.

PREVIOUS COUNCIL ACTION: The City puts this project out to bid on an annual basis, and the City Council makes the award to the lowest responsible bidder.

DISCUSSION: During the course of winter maintenance, some sidewalks and curbs are damaged from snow removal and, through freezing and thawing cycles, the concrete structures shift. This project is used to correct damaged areas that may create a hazard to pedestrian use of the sidewalks as well as drainage and ADA compliance issues. Both the water and sewer fund contribute funds to this project for replacement of sidewalk, curb and gutters that need repair or replacement from sewer and water repair work.

The project runs from August 9, 2013, through June 30, 2014. Areas of work are identified and then given to the contractor for repair or replacement. This project has evolved into the current format in order to reduce the amount of engineering, design and survey required. As staff becomes aware of areas that need repair or replacement, the work is coordinated with the contractor. Work is then laid out in the field with the contractor and performed on a unit price basis.

The project went out to bid in June and bids were opened on July 29, 2013. Two bids were received. The bid results are summarized below and complete bid tabulation is attached (Attachment A).

Belarde Custom Concrete.	\$65,310.00
DRW Construction.....	\$73,797.10
Public Works Director Estimate	\$75,380.00

AUGUST 8, 2013
Agenda Item V. e. Memo Page 1 of 2

ALTERNATIVES:

1. Award the Sidewalk Curb and Gutter project to the lowest bidder. This is the recommended option; it allows us to keep our pedestrian walkway safe and accessible to the community.
2. Not award and just hire out small repairs as necessary. This option is not recommend because of the difficult process of handling each repair separately and complying with Alaska Department of Labor requirements.
3. Not award, this would allow continual deterioration of existing facilities and increase the risk for liability claims against the City. This approach is not recommended.

FINANCIAL IMPLICATIONS: There is \$127,900 available in the Street Improvement Capital Fund, Annual Sidewalk, Curb, and Gutter project which is adequate to approve this bid award.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council award the Annual Sidewalk Curb and Gutter project, Project No. 5003/14-01 to Belarde Custom Concrete in the amount of \$65,310, with funds coming from the Street Improvement Capital Fund, Annual Sidewalk Curb and Gutter project, Project No. 5003/14-01.

CITY MANAGER'S COMMENTS: I support the staff recommendation to award the annual sidewalk, curb, and gutter bid to Belarde Custom Concrete as the lowest bidder. They have performed this work for us in the past, and Public Works has been pleased with their work.

ATTACHMENTS:

Attachment A: Bid Tabulation Sheet.

PROPOSED MOTION:

Move to authorize the bid award for the annual sidewalk, curb, and gutter project to Belarde Custom Concrete in the amount of \$65,310, with funds coming from the Street Improvement Capital Fund, Annual Sidewalk Curb and Gutter project, Project No. 5003/14-01 and authorize the City Manager to execute the award documents on behalf of the City.



Bid Tab

2013 Sidewalk, Curb and Gutter

PN 14-01

Attachment: A

Bid Date: Monday, July 29, 2013

Bid Item	Description	Quantity	Units	Engineers Estimate	Belarde Custom Concrete Company	DRW Construction	
1	Removal of Sidewalk	2450	square foot	\$2.00	\$4,900.00	\$7.00	\$17,150.00
2	Removal of curb and gutter	540	linear foot	\$12.00	\$6,480.00	\$9.00	\$4,860.00
3	Curb and gutter	540	linear foot	\$50.00	\$27,000.00	\$47.00	\$25,380.00
4	PCC Sidewalk	270	square yard	\$100.00	\$27,000.00	\$75.00	\$20,250.00
5	PCC Curb Ramp	50	square yard	\$120.00	\$6,000.00	\$100.00	\$5,000.00
6	Detectable Warnings	50	square foot	\$80.00	\$4,000.00	\$66.00	\$3,300.00
Grand Total				\$75,380.00	\$65,310.00	\$73,797.10	

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager *AK*
Thru: Lon White, Deputy Harbormaster & Glenn Melvin, City Engineer *MTO*
Date: August 08, 2013

Agenda Item: V. f. Authorization of Bid Award for Harbor Projects 2013, Project No. 14-02

SUMMARY: Four harbor facilities need minor repair. Years of use plus damage done by the State ferry M/V Kennicott require heavy-lift cranes and other equipment to remove and install pile and lift and repair fender units. There are several components of this project at four different city-owned facilities: Pier II, Dock 1 (St. Paul Harbor), L-Float (St. Herman Harbor), and the Channel Transient Float (CTF). They all require equipment (i.e, cranes on barges) which are not available to the Harbor Department's in-house maintenance team. Pier II repairs have been deferred two years awaiting contractor availability. Two bids were received on July 31, 2013, and staff recommends Council authorize award of the bid to the lowest responsible bidder, Western Marine Construction for \$75,925.

PREVIOUS COUNCIL ACTION: Council approved funding for these repairs in several Harbor accounts over several fiscal years.

DISCUSSION: There are four Harbor facilities at which repairs are needed. All were included in one bid for improved bid responses and similar repairs and equipment needed. Damage to Pier II was sustained to fender unit "F" in July 2011 by the M/V Kennicott. The incident was well documented (Attachment B). Bids were solicited after the incident, but the sole bidder was unavailable due to other project commitments. The repair work needed includes lifting the fender, replacing three broken timbers, repairing possible damage to the steel frame, and reinstalling the fender. The Alaska Marine Highway System (AMHS) will reimburse the City for repair to the damage caused by the M/V Kennicott.

The CTF requires the removal of two steel pilings from the southwest end of the Channel Transient Float. These piles were originally at the end of CTF which is/was located on submerged property owned by Petro Marine Services (PMS). Twenty-seven feet of CTF was recently removed by the harbor department; only the pile remain to be extracted to make room for PMS's new floating fuel dock to be installed late this summer.

Dock 1 in St. Paul Harbor has two broken wood piles. They will be replaced with the salvaged piles from CTF.

One steel pile at the end of finger L25/26 in the St. Herman Harbor broke three feet above the mud line and must be replaced.

Staff opened two bids on July 31, 2013; one from Western Marine Construction and the other from Pacific Pile & Marine. Both companies have provided quality work for the City of Kodiak in the past. Western Marine Construction is currently doing the dredge work in Kodiak harbors for the Army Corp of Engineers. The bids for Harbor Projects 2013 were:

Western Marine Construction.....	\$75,925.00
Pacific Pile & Marine.....	\$230,000.00
Engineer’s Estimate	\$95,000.00

ALTERNATIVES:

1. Award the bid to the lowest bidder, Western Marine Construction which is recommended. This will provide cost reductions to the project and allow the project to move forward while the contractor is working on other projects within the harbor.
2. Do not authorize award of the bid, which is not recommended. This would further delay repairs, delay AMHS reimbursement for damage to Pier II, and impact the installation schedule of Petro Marine Services’ new floating fuel dock. This approach is not recommended.

FINANCIAL IMPLICATIONS: These individual repairs are budgeted in various accounts. Funding for repairs for Pier II will come from the Cargo Fund, Cargo Terminal, Pier II repair and maintenance line item, account 500.510.302.450.540. Funding for the work to the CTF is coming from the Harbor and Port Capital Improvement Fund, Channel Transient Float project, Project No. 8521. Repairs to Dock 1 fender piling are funded through the Boat Harbor Fund, Boat Harbor Administration repair and maintenance line item account, account number 510.520.100.450.510. Funding for the replacement piles at St. Herman Harbor will come from the Harbor and Port Capital Improvement Fund, SHH Repairs, Project No. 8520.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends City Council award the Harbor Projects 2013, Project No. 14-02 to Western Marine Construction in the amount of \$75,925, with funds coming from a combination of various Harbor Department accounts as listed above.

CITY MANAGER’S COMMENTS: These repairs have been needed for some time. It was in the City’s best interest to bundle the various projects into one bid. I support staff’s recommendation that Council approve this bid award to Western Marine Construction.

ATTACHMENTS:

Attachment A: Bid Tabulation Sheet

Attachment B: Incident Report, M/V Kennicott, July 24, 2011

PROPOSED MOTION:

Move to authorize the bid award for Harbor Projects 2013, Project No. 14-02, to Western Marine Construction in the amount of \$75,925, with a combination of funds coming from the Harbor and Port Capital Improvement Fund, Project No. 8520 and 8521; the Boat Harbor Fund, repair and maintenance line item; and the Cargo Fund, Cargo Terminal repair and maintenance line item; and authorize the City Manager to execute the necessary documents on behalf of the City.



Bid Tab

Harbor Projects 2013

Attachment A

PN 14-02

Bid Date: Wednesday, July 31, 2013

Bid Item	Description	Quantity	Units	Engineers Estimate	Western Marine Construction	Pacific Pile & Marine, L.P.
1	Pier 2 Fender Repair	1	Lump Sum	\$38,000.00	\$40,425.00	\$52,000.00
2	CTF Demolition	1	Lump Sum	\$21,000.00	\$9,500.00	\$49,000.00
3	Dock 1 Fenders	1	Lump Sum	\$16,000.00	\$13,500.00	\$75,000.00
4	L25/26 Finger Pile Replacement	1	Lump Sum	\$20,000.00	\$12,500.00	\$54,000.00
Grand Total				\$95,000.00	\$75,925.00	\$230,000.00



CITY OF KODIAK
HARBORMASTER
403 MARINE WAY, KODIAK, AK 99615
TELEPHONE (907) 486-8080
FAX (907) 486-8090

CASE NUMBER: 3780

INCIDENT REPORT

SUBJECT: Pier 2 Damage/ KENNICOTT		DATE 7-24-11	TIME:2055
NAME/VESSEL: KENNICOTT		SLIP #	OIN N6513
OWNER: Alaska Marine Highway System		PHONE NO.	
STREET ADDRESS Box 25535			
CITY: Juneau		STATE: AK	ZIP CODE: 99802-5535
WEATHER: Calm/ Clear			
REPORTED/RCVD BY: Ryan Emmert H 10			

SYNOPSIS: On July 24th at 2055 the ferry KENNICOTT damaged fender unit "F" at Pier 2 while making an approach.

DETAILS: While maneuvering to berth at Pier 2 the KENNICOTT approached at an angle and fast rate of speed impacting fender unit "F" causing damage. The vessel Chief Mate Gary Palmer reported the vessels bow thruster malfunctioned. Harbor Officer Ryan Emmert (H10) observed the incident and notified Deputy Harbormaster White via phone.

Photos of the damage were taken by H10 and an accident report was completed by Gary Palmer. The fender was inspected by H10. The transition plate was bent and broke loose, sheering its connection bolt and the transition plate landing was bent. Two 24"x12"x12" treated fender timbers were crushed and broke, a third was crushed approximately 30%. One sign was damaged. H10 positioned line and orange cones at the damaged fender for public safety then delivered the damaged transition plate the Harbormasters repair shop.

7-25-11, Harbor maintenance staff repaired and reinstalled the transition plate. Deputy Harbormaster White inspected the damage and took additional photos. To replace the broken and crushed timbers (3 each) the fender unit will need to be removed at which time a further inspection of the fender and pin piles can be conducted to verify if additional damage occurred from the incident. Estimated cost to repair known damage is \$10,000 to \$25,000, assuming a land based crane is available to lift the fender out of the water. If not, a crane barge operation will likely exceed \$40,000.

Case is pending further investigation and repairs.

Harbor Officer: _____ Officer #: _____ DATE: _____

APPROVED AS TO CONTENT:

Harbormaster / Deputy Harbormaster *Lon A. White* DATE: *7-25-11*

037-010 RYAN M. 1

The operator of any vessel involved in an accident within the Kodiak Harbor resulting in the death or injury of any person or damage to property in excess of \$100 shall immediately give oral notice of the accident to the Harbormaster or, if he is not available to the Kodiak Police Department. In addition the operator shall within 24 hours after the accident file a written report with the Harbormaster

OPERATOR'S NAME & ADDRESS STATE OF ALASKA KENNICOTT	AGE 7554 N. TONGASS HWY KETCHIKAN, AK	OWNER'S NAME & ADDRESS STATE OF ALASKA KENNICOTT 907-228-7282
---	---	--

OPERATORS EXPERIENCE ___ Under 20 hrs. ___ 100-500 hrs. ___ 20-100 hrs. <input checked="" type="checkbox"/> Over 500 hrs	RENTED BOAT ___ Yes <input checked="" type="checkbox"/> No	NUMBER OF PERSONS ON BOARD 135 PASSENGERS 54 CREW
--	--	---

VESSEL No. 1		
OFFICIAL NUMBER OF BOAT 1063644	AK OR OTHER NUMBER IMO 9145205	MAKE & MODEL OF BOAT FERRY

TYPE OF BOAT ___ Comm. Fish ___ Open Motorboat ___ Comm. Tow ___ Comm. Freight ___ Cabin Motorboat ___ Comm. Charter ___ Sale <input checked="" type="checkbox"/> Other	HULL MATERIAL ___ Wood ___ Aluminum <input checked="" type="checkbox"/> Steel ___ Fiberglass ___ Other (Specify)
--	---

ENGINE DATA ___ Outboard ___ Inboard Gasoline <input checked="" type="checkbox"/> Inboard Diesel ___ Inboard - Outdrive ___ Other (Specify)	BOAT DATA 2 No. of Engines 6595 Horsepower Diesel type of Fuel 1998 Year Boat Was Built 382 Length O.A. 85 Width Beam 175" Depth
--	---

ACCIDENT DATA			
DATE OF ACCIDENT 7/24/2011	TIME ___ A.M. 2:05 P.M.	NAME OF BODY OF WATER PORTS OF KODIAK	LOCATION OF NEAREST LANDMARK FISHERMANS PIER

LOCATION (Give precise location)

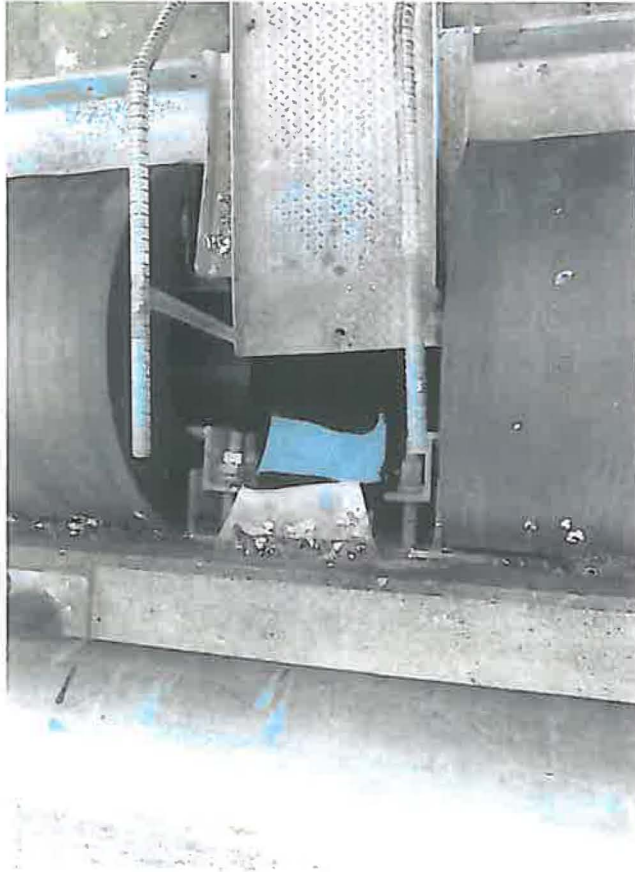
WEATHER <input checked="" type="checkbox"/> Clear ___ Fog ___ Snow ___ Cloudy ___ Rain ___ Hazy	WATER CONDITIONS ___ Strong Current ___ Very Rough <input checked="" type="checkbox"/> Calm ___ Rough ___ Choppy	VISIBILITY <input checked="" type="checkbox"/> Good ___ Fair ___ Poor
---	--	--

WIND <input checked="" type="checkbox"/> None ___ Light 0-6 mph) ___ Moderate (7-14 mph) ___ Strong (15-25 mph) ___ Storm (over 25 mph)	WEATHER ENCOUNTERED ___ As Forecast ___ Not as Forecast <input checked="" type="checkbox"/> No Forecast Obtained
---	--

ACCIDENT DATA	
OPERATION AT TIME OF ACCIDENT ___ Cruising ___ At Anchor ___ Fueling ___ Skin Diving ___ Fishing ___ Hunting ___ Towing ___ Drifting ___ Tied to Dock <input checked="" type="checkbox"/> Approaching Dock ___ Being Towed ___ Other (Specify)	TYPE OF ACCIDENT ___ Grounding ___ Hit by Boat or Propeller ___ Flooding ___ Collision with fixed object ___ Fire or Explosion ___ Collision with floating object ___ Falls in Boat ___ Collision with vessel ___ Capsizing ___ Falls Overboard ___ Sinking ___ Other (S ADDITION WITH DOCK WOODEN FENDER)

WHAT IN YOUR OPINION CAUSED THE ACCIDENT			
___ Weather Conditions ___ Restricted Vision ___ Improper Loading	___ Hazardous Waters ___ No Proper Lookout ___ Fault of Machinery	___ Excessive Speed ___ Fault of Hull ___ Overloading	<input checked="" type="checkbox"/> Fault of Equipment, LOSS OF BOW THRUSTER ___ Other (Specify)

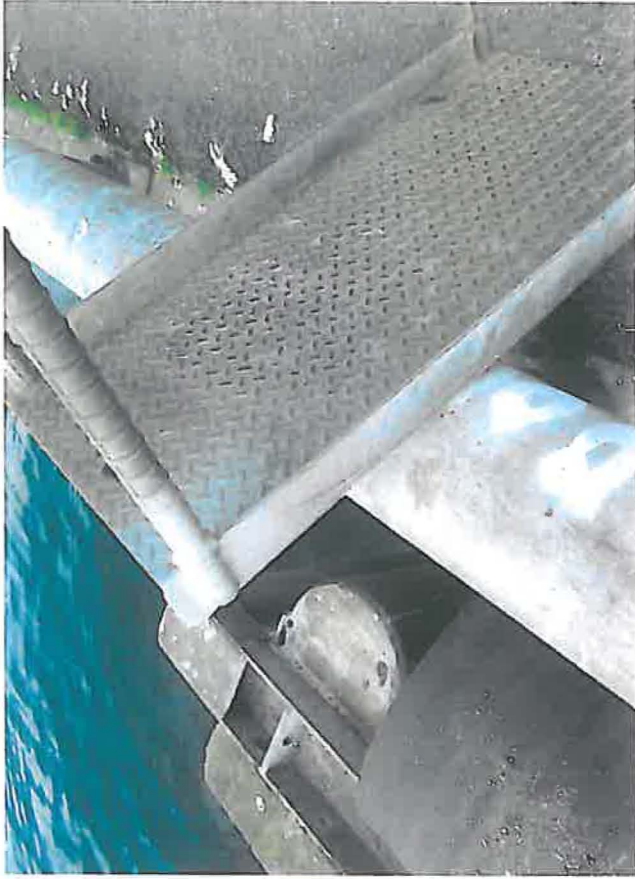
Pier 2, Kennicott Damage 7-24-11



Pier 2, Kennicott Damage 7-24-11



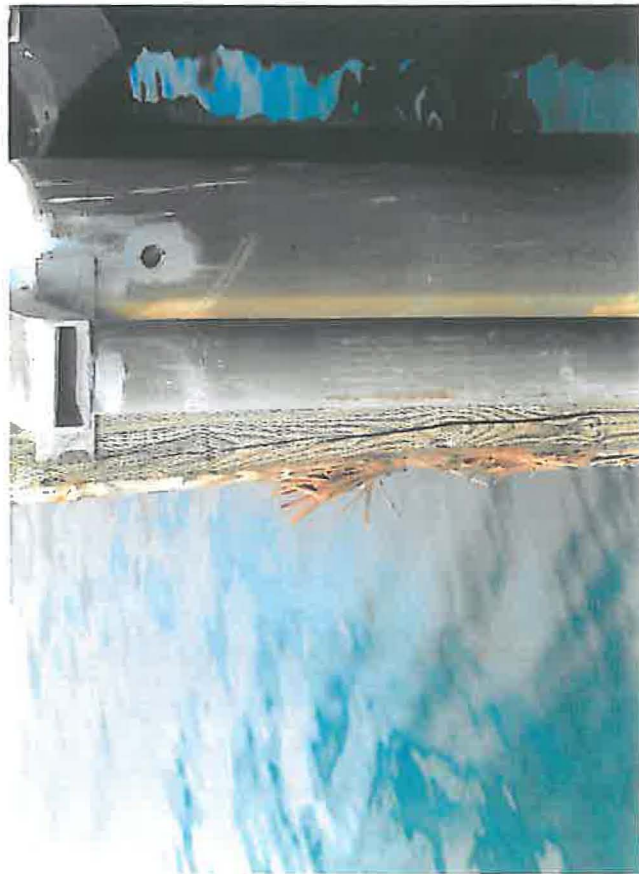
Pier 2, Kennicott Damage 7-24-11



Pier 2, Kennicott Damage 7-24-11

7/25/2011 3:31:31 PM

Pier 2, Kennicott Damage 7-24-11




Pier 2, Kennicott Damage 7-24-11

7/25/2011 3:31:41 PM

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager 
Thru: Glenn Melvin, City Engineer
Date: August 8, 2013

Agenda Item: V. g. Authorization of Bid Award for Demolition of Old Kodiak Police Station and 1118 Mission Road Buildings, Project No. 4035/13-06

SUMMARY: This memo recommends the authorization of award of a single contract to demolish the old Kodiak police station building and the abandoned house at 1118 Mission Road. Project bids were received on July 29, 2013, and publically read at the City Manager's office. The City received five bids. The bids have been reviewed, and Golden Alaska LLC is considered to be the lowest responsible bidder per Kodiak City Code Section 3.12.080. Staff recommends Council authorize the bid award to Golden Alaska LLC for the demolition of both structures for a total lump sum amount of \$349,551.

PREVIOUS COUNCIL ACTION:

- In early 2004 Council selected USKH to prepare a feasibility study for the replacement of aging City facilities, including the old Kodiak police station building.
- In September 2005 a Hazardous Material Report for Municipal Buildings was prepared by USKH for the City and included the fire station, the old police station and jail, and the library.
- On December 13, 2012, Council authorized a professional A/E services contract for old Kodiak Police Station Building Demolition Project No. 13-06.

DISCUSSION: Former Building Official, Leonard Kimball, sent a letter to the property owner on August 21, 2001, identifying the Mission Road house as a dangerous building. Notifications were sent to the property owner on several occasions over the years, but no response was received. The house continued to deteriorate, becoming a more serious hazard and neighbors continued to complain about the condition of the property. After consultation with the City Attorney, the Public Works Building Division filed court paperwork on January 10, 2012, (Attachment B) designating the property as a dangerous building.

The City appropriated funds to assess the level of hazardous materials in the building, and Council approved a contract with TC Enterprises on April 18, 2012, for \$6,475. In 2012 funding for the house demolition was combined with the capital project to demolish the old Kodiak police station and jail. This was done to improve the potential number of bidders. The key concern as the demolition moves forward is to ensure procedures are followed so the City can file the lien on the Mission Road property to cover all City costs associated with the assessment and demolition. The City's long-term plan has

been to demolish the old police station building to reduce liability and costs and to make more space available for construction of a new fire station in that immediate area. The demolition of that building required special engineering analysis, because it shares a wall and other utilities with the fire station.

The demolition project was bid in June, and five bids were submitted on July 29, 2013 (Attachment A). The engineer's estimate for the project was \$530,000 and fell within the range of bids. The bid average for the five bids was \$462,689. All bids were reviewed and found to be responsive; therefore, staff recommends the project be awarded to the lowest bidder, Golden Alaska LLC.

ALTERNATIVES:

1. Authorize the bid award to Golden Alaska Excavating LLC. Staff believes this alternative will allow the demolition to be performed before the onset of winter weather and will meet the project goal.
2. Do not authorize award of the contract. This alternative is not recommended because it would allow known dangers to persist, create additional costs for the City, and impact completion of the project.

FINANCIAL IMPLICATIONS: The Council approved funding for this project in the FY2014 budget is \$615,500. The current balance, \$580,299, is sufficient for this award and leaves sufficient contingency funding for City administration costs and possible change orders.

LEGAL: The legal implications regarding this project are specific to the demolition of the house on Mission Road. The process used is consistent with City Code and Section 402 of the 1997 Uniform Code of Abatement of Dangerous Buildings, which the City used to file the required court documents. The City will place a lien on the property once the demolition is complete and all costs are known. The value of the lien will include all expenses associated with the house demolition.

STAFF RECOMMENDATION: Staff, recommends Council authorize a contract with Golden Alaska Excavating LLC in the amount of \$349,551, with funds coming from the General Capital Projects Fund, Demolition of Old Kodiak Police Station and 1118 Mission Road, Project No. 4035/13-06.

CITY MANAGER'S COMMENTS: The demolition of these two buildings is important and beneficial to the City despite the costs associated with each. The old police station and jail has been vacant since KPD services transitioned to the new facility. We've incurred expenses with boiler problems and frozen pipes despite winterizing the building, and we've paid for insurance and utilities. It will be good to have this building torn down and done so in a way that does not compromise the shared wall and utilities with the fire station. The Mission Road house is not owned by the City, but we are ultimately responsible to remove it as an identified dangerous building. It is in very bad shape and has become a nuisance and a danger. As mentioned above, we will file a lien on the property for all costs associated with the work

and legal actions the City has incurred. Therefore, I recommend Council authorize a contract with Golden Alaska LLC to remove both buildings as outlined.

ATTACHMENTS:

- Attachment A: City of Kodiak Bid Tabulation, Demolition of Old KPD Building and 1118 Mission Road House
- Attachment B: Recording of 1118 Mission Road as a Designation of a Dangerous Building

PROPOSED MOTION:

Move to award the bid for Demolition of Old Kodiak Police Station and 1118 Mission Road to Golden Alaska Excavating LLC in the amount of \$349,551, with funds coming from the General Capital Projects Fund, Demolition of Old Kodiak Police Station and 1118 Mission Road, Project No. 4035/13-06 and authorize the City Manager to execute the documents on behalf of the City.

AUGUST 8, 2013
Agenda Item V. g. Memo Page 3 of 3



CITY OF KODIAK BID TABULATION

Project Name: Demolition of Kodiak Police Dept. and 1118 Mission Rd. Buildings
PN 13-06

Date: July 29, 2013
Time: 2:00 p.m.
Date of Invitation: June 28, 2013
Opened By: Aimée Kniaziowski

Addendum No.	Date Issued
Addendum No. 1	July 11, 2013
Addendum No. 2	July 16, 2013
Addendum No. 3	July 22, 2013

BIDDER	TOTAL LUMP SUM BID	LUMP SUM
ENGINEERS ESTIMATE	\$ 530,000.00	
	1. Demolition of Old KPD Bldg	1. \$ 450,000.00
	2. 1118 Mission Rd. Building:	2. \$ 80,000.00
GOLDEN ALASKA EXCAVATING LLC	\$ 349,551.00	
<input checked="" type="checkbox"/> Addendums Acknowledged	1. Demolition of Old KPD Bldg	1. \$ 331,551.00
<input checked="" type="checkbox"/> Bid Bond & Business License	2. 1118 Mission Rd. Building:	2. \$ 18,000.00
<input checked="" type="checkbox"/> Contractors Certificate		
CENTRAL ENVIRONMENTAL INC.	\$ 371,895.00	
<input checked="" type="checkbox"/> Addendums Acknowledged	1. Demolition of Old KPD Bldg	1. \$ 286,650.00
<input checked="" type="checkbox"/> Bid Bond & Business License	2. 1118 Mission Rd. Building:	2. \$ 85,245.00
<input checked="" type="checkbox"/> Contractors Certificate		
RED HOOK CONSTRUCTION LLC	\$ 459,000.00	
<input checked="" type="checkbox"/> Addendums Acknowledged	1. Demolition of Old KPD Bldg	1. \$ 375,000.00
<input checked="" type="checkbox"/> Bid Bond & Business License	2. 1118 Mission Rd. Building:	2. \$ 84,000.00
<input checked="" type="checkbox"/> Contractors Certificate		
BRECHAN ENTERPRISES	\$ 534,000.00	
<input checked="" type="checkbox"/> Addendums Acknowledged	1. Demolition of Old KPD Bldg	1. \$ 468,000.00
<input checked="" type="checkbox"/> Bid Bond & Business License	2. 1118 Mission Rd. Building:	2. \$ 66,000.00
<input checked="" type="checkbox"/> Contractors Certificate		
ANDERSON CONSTRUCTION LLC	\$ 599,000.00	
<input checked="" type="checkbox"/> Addendums Acknowledged	1. Demolition of Old KPD Bldg	1. \$ 551,000.00
<input checked="" type="checkbox"/> Bid Bond & Business License	2. 1118 Mission Rd. Building:	2. \$ 48,000.00
<input checked="" type="checkbox"/> Contractors Certificate		

JK

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A

2012-000377-0

Recording Dist: 303 - Kodiak
2/10/2012 10:55 AM Pages: 1 of 1



CC

DESIGNATION OF DANGEROUS BUILDINGS

Kodiak Recording District 303

Pursuant to Section 402 of the 1997 Uniform Code for the Abatement of Dangerous Buildings, which has been incorporated into the Kodiak City Code by KCC 14.04.010,G, I Douglas Mathers, in my capacity as Building Official of the City of Kodiak herby certify that the building described below is a dangerous building and the owner thereof has been so notified.

DESCRIPTION OF PROPERTY:

Parcel #1: Lot 2, Paul's Subdivision, United States Survey 1681, according to plate 40-1 located in the Kodiak Recording District, Third Judicial District, State of Alaska

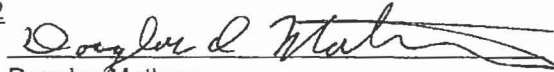
Parcel # 2: Lot 2 Block 35A East Addition to The Townsite Of Kodiak, United States Survey Number 2538B, according to plat 86-6, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

DESCRIPTION OF BUILDING:

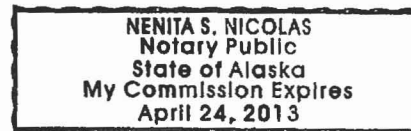
One abandoned single family dwelling

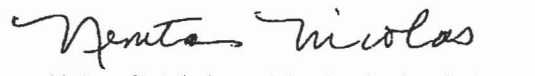
OWNER OF RECORD:

Dolores Kairiuak aka Dolores Kairaiuak
Dated January 10, 2012


Douglas Mathers,
Building Official,
City of Kodiak

After Recording, please return to:
Douglas Mathers
City of Kodiak
PO Box 1397
Kodiak AK
99615




Notary Public in and for the State of Alaska
My commission Expires 4-24-13

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

Thru: Mark Kozak, Public Works Director

Date: August 8, 2013

Agenda Item: V.h. **Authorization of the Re-plat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, Including the Vacation of Portions of the Stellar Way Right-of-Way According to KIBC 16.60, Creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision**

SUMMARY: The Steller Way Improvement Project, Project No. 03-15, began in the summer of 2004. As part of the improvement the City negotiated with the owner of 816 Rezanof Drive to purchase approximately 727 square feet of property in exchange for a portion of the vacated Right-of-Way (ROW). The property purchase agreement was signed and the property assessment was adjusted. The City was responsible for replatting of the property and vacated ROW. The preliminary work was completed; however, the replat work was not. The property owner called this spring and requested that the City complete the work so he could utilize the property for further development.

PREVIOUS COUNCIL ACTION:

- Council approved the Steller Way Improvement Project Assessment District in April 2004.
- Council approved the construction contract with Brechan in May 2004.

DISCUSSION: As part of the Steller Way Improvement project, the City requested to purchase a section of property from the owner of 816 Rezanof Drive. The existing cul-de-sac at the end of Steller could not be developed due to the slope of the terrain without extensive retaining walls and completely blocking off of access to the back of 816 Rezanof. By purchasing a section of property from 816 Rezanof, the City was able to build a turnaround and provide access to the back of 816 Rezanof. The existing driveway is pretty much in the same location as it was prior to the project.

Part of the purchase agreement was that the City would vacate a portion of the ROW and convey it to newly created Lot 1A and Lot 9B. The preliminary work was completed, and the first steps of the Planning and Zoning process were completed. Staff does not know why the replat was not finalized or the necessary signatures gathered.

Mr. Frank Abena, the owner of Lot 1 A, 816 Rezanof, called the Public Works Department this spring and requested the City complete the work per the property agreement. Mr. Abena provided some of the

information to staff who contacted St Denny Survey and requested that he refresh the work on the original replat and submit to the Borough to go to the Planning and Zoning Commission for approval.

The replat was heard on the July 17 Planning and Zoning meeting, and the Commission approved the replat based on the previous recommendations from January 2004 and the fact that the work was completed in 2004 and 2005.

ALTERNATIVES: There is only one alternative for Council to consider, which is to authorize the City Manager and Mayor to sign the replat, creating Lot 1B, Block 30 East Addition, US Survey 2538 B and Lot 9B, Block 31 East Addition, US Survey 2538. That is staff's recommendation to complete the Planning & Zoning process, the City's obligation on this issue, and the property owner's request.

FINANCIAL IMPLICATIONS: Because this was a street improvement project, funds from the Street Capital Improvement Fund, Project No. 5029/13-03 were used to pay for the \$5,250 cost of replatting and Borough fees.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council approve the replatting of the above mentioned lots and the vacation of a portion of the Steller Way ROW and authorize the City Manager and Mayor to sign the replat documents so they can be recorded.

CITY MANAGER'S COMMENTS: I support staff's request to close out this replat and recommend Council authorize the actions.

ATTACHMENTS:

- Attachment A: Kodiak Island Borough Planning and Zoning Packet and Approval
- Attachment B: City of Kodiak Agreement to Purchase Right-of Way

PROPOSED MOTION:

Move to approve the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of Stellar Way Right-of-Way According to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision and authorize the Mayor and City Manager to sign the replat documents prior to recording.

**KODIAK ISLAND BOROUGH
PLANNING & ZONING COMMISSION
MINUTES**

July 17, 2013 Regular Meeting

6:30 p.m. in the Assembly Chambers

CALL TO ORDER

CHAIR TORRES called to order the July 17, 2013 regular meeting of the Planning and Zoning Commission at 6:34 p.m.

PLEDGE OF ALLEGIANCE

CHAIR TORRES led the pledge of allegiance

ROLL CALL

Commissioners present were Alan Torres, Alan Schmitt, Rick Vahl, Kathy Drabek, Frank Peterson, and Jennifer Richcreek.

A quorum was established.

C) Case S13-028. Request Preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision. The applicant is the City of Kodiak and the agent is Mark Kozak. The location is 816 Rezanof Drive & 816 Stellar Way Right-of-Ways and the zoning is R3-Multi-family Residential & R2-Two-family Residential

Lydick reported this subdivision application is for the purpose of tying up loose administrative ends left dangling for a number of years. It is a request for a vacation and replat is a reprise of Case S04-023. The Stellar Way improvement and re-alignment project precipitated the request. The project was completed in the 2004, early 2005 time period. The Planning & Zoning Commission held a public hearing on this request January 19, 2004 and was granted approval unanimously by the Commission. The vacation and re-plat had acquired all the necessary approvals to proceed to the final Plat process, but for unknown reasons, the City of Kodiak did not complete the paperwork. Forty-five public hearing notices were mailed on June 11, 2013. No negative comments were returned. Staff recommended approval.

COMMISSIONER SCHMITT **Moved** to grant preliminary approval, approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision, and to adopt the findings in that staff dated July 5, 2013 as "Findings of Fact" for Case No. S13-028.

The public hearing was opened: There was no public testimony. The regular meeting was opened.

There were no questions or discussion

FINDINGS OF FACT

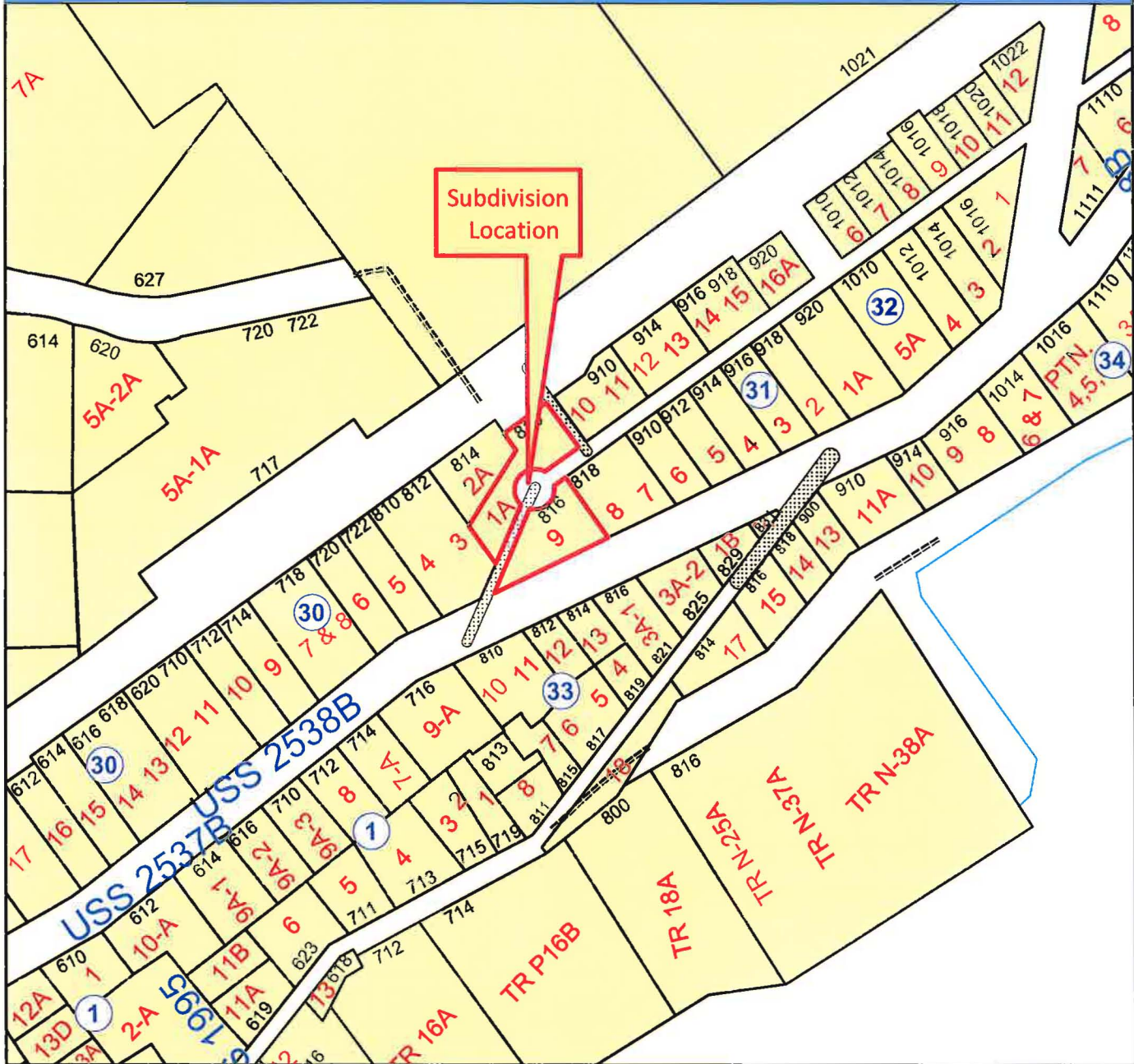
1. This plat meets the minimum standards of survey accuracy and proper preparation of plats required in Title 16 of the Borough Code.
2. This plat meets all the requirements of Title 17 of the Borough Code.

3. This plat provides a subdivision of land that is consistent with adopted Borough plans for this area.

ROLL CALL VOTE ON MOTION CARRIED 6-0.

Current Location
Case No. S13-028
Applicant: City of Kodiak
Agent: Mark Kozak

Request: Preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision.



Public Hearing Notice Vicinity Map



Kodiak Island Borough GIS
<http://www.kodiakak.us/gis> (907) 486-9337

Community Development Department
This map is provided for informational purposes only and is not intended for any legal representations.

==== Access Roads
[Dotted Pattern] Unconstructed Right of Ways

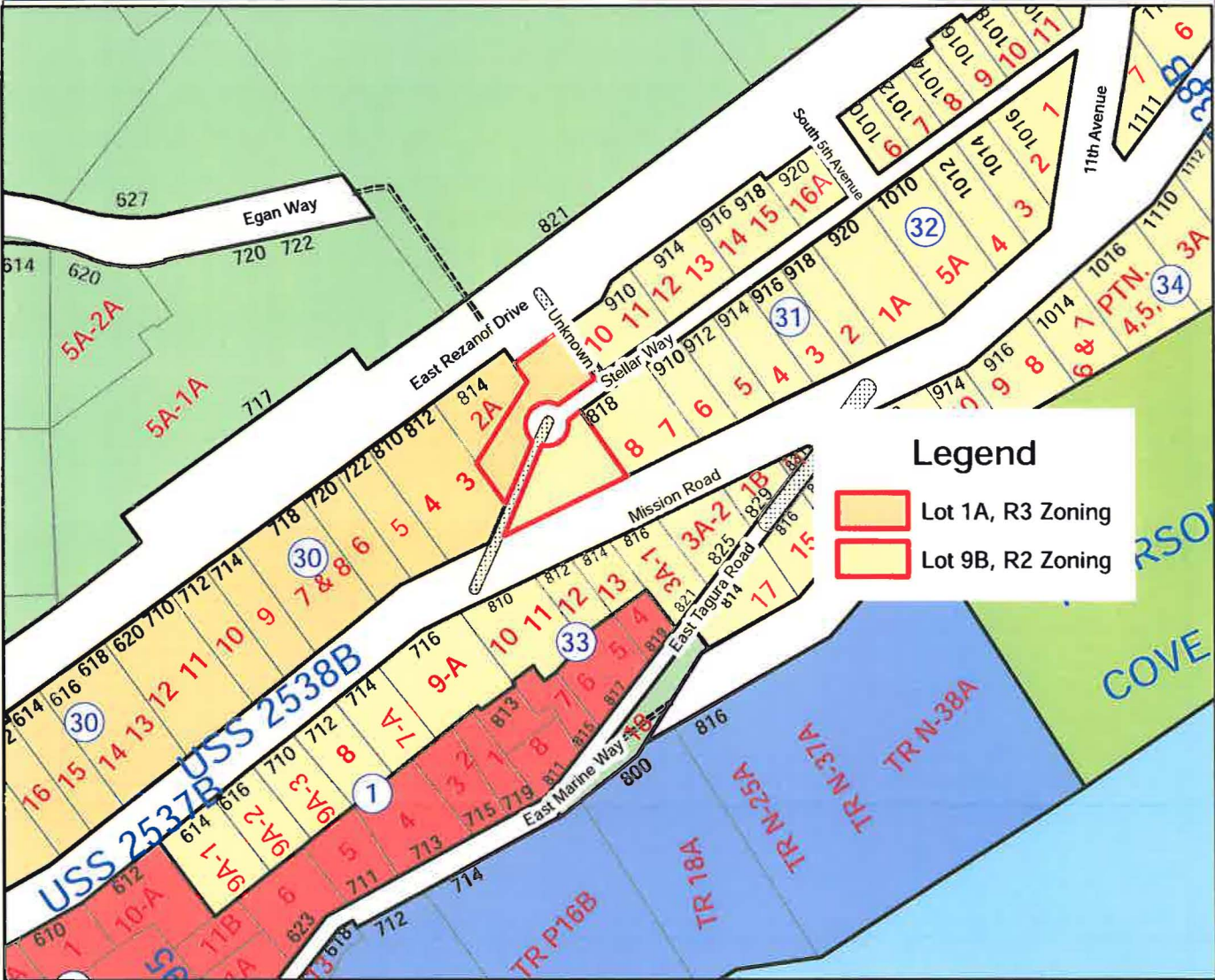


Kodiak Island Borough Zoning Map



Current Zoning
Case No. S13-028
Applicant: City of Kodiak
Agent: mark kozak

Request: Preliminary approval, according to KIBC 16.40, of the subdivision of Lot 24A, U.S.S. 3098, creating Lots 24-A1 and 24-A2, U.S.S. 3098; and, Preliminary approval, according to KIBC 16.60, of the vacation of a 15 foot utility easement along the west lot line Lot 24, U.S.S. 3098.



Legend

- Lot 1A, R3 Zoning
- Lot 9B, R2 Zoning

Zoning Legend

- | | | | |
|---|--|---|--|
| Public Use Lands | Rural Residential 1 | Multi Family Residential | Light Industrial |
| Watershed | Rural Residential 2 | Business | Rural Neighborhood Commercial |
| Conservation | Single Family Residential | | |

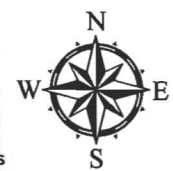
Image Overlay
Case No. S13-028
Applicant: City of Kodiak
Agent: Mark Kozak

Request: Preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision.



Public Hearing Notice Vicinity Map

0 45 90 180 270 360 Feet



Unconstructed Right of Ways

Access Roads

Unconstructed Right of Ways

Kodiak Island Borough GIS
<http://www.kodiak.us/gis> (907) 486-9337

Community Development Department
This map is provided for informational purposes only and is not intended for any legal representations.



Kodiak Island Borough Community Development Department
710 Mill Bay Rd. Rm 205, Kodiak, AK 99615
Ph. (907) 486 - 9362 Fax (907) 486 - 9396
<http://www.kodiakak.us>

Submit by Email

Print Form

Subdivision Application

Kodiak Island Borough Code Title 16

Applicant Information:

Property Owner / Applicant: CITY OF KODIAK 14881
Prop ID 14901

Mailing Address: 710 MILL BAY ROAD

Phone Number: 486-8065

Other Contact email, etc.: MARK KOZAK

Agent &/or Surveyor: ST. DENNY SURVEYING INC.

Mailing Address: 326 CENTER ST - SUITE 102

Phone Number: 907-481-3500

Other Contact email, etc.: stdenny@gci.net

Property Information:

Current Legal Description(s): 816 Rezanof
816 Stellar
STELLAR WAY RIGHT OF WAY - LOT 1A BLOCK 30 LOT 9 BLOCK 31 EAST ADDITION
U.S. SURVEY 2538 B

Proposed Legal Description(s): LOT 1B BLOCK 30 EAST ADDITION U.S. SURVEY 2538 B
LOT 9B BLOCK 30 EAST ADDITION U.S. SURVEY 2538 B

Are you requesting a waiver of any subdivision requirement according to KIBC 16.110.010?

Yes
 No

Date: 6-3-2013

Signature: *Mark S. Denny*

Payment Verification

Fee Payable in Cashier's Office Room # 104 - Main floor of Borough Building *CA 5015*

Waiver Plat per KIBC 16.10.050: \$ 75.00

Abbreviated Plat per KIBC 16.30: \$300.00

Preliminary Plat per KIBC 16.40 (maximum 12 lots): \$350.00

Preliminary Plat per KIBC 16.40 (more than 12 lots): \$ to be determined by CDDA to determine number of lots proposed

Vacation Plat per KIBC 16.60: \$350.00

PAID

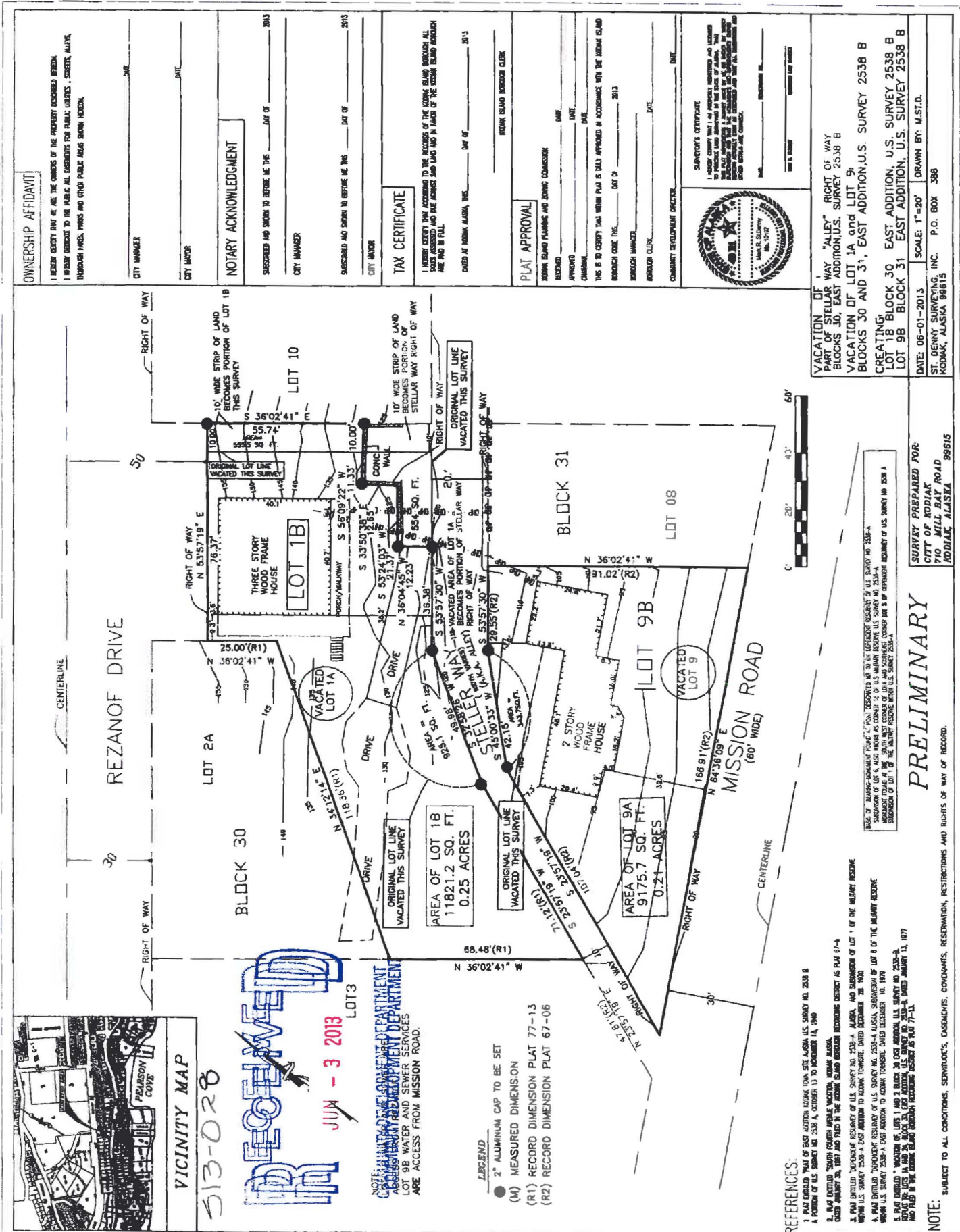
MAY 03 2013

KODIAK ISLAND BOROUGH
FINANCE DEPARTMENT

Date: Jun 3, 2013

CDD Staff: *M. Golin*

513-028



OWNERSHIP AFFIDAVIT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREIN
I HEREBY DECLARE TO THE PUBLIC ALL EASEMENTS FOR PUBLIC UTILITIES, STREETS, ALLEYS,
THROUGH PANEL FRAMES AND OTHER PUBLIC AGENCIES SHOWING HEREON.

CITY MANAGER
DATE

NOTARY ACKNOWLEDGMENT

SUBSCRIBED AND SHOWN TO BEFORE ME THIS _____ DAY OF _____ 2013
CITY MANAGER

SUBSCRIBED AND SHOWN TO BEFORE ME THIS _____ DAY OF _____ 2013
CITY MANAGER

TAX CERTIFICATE

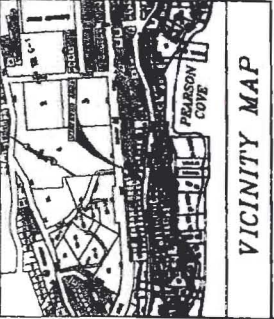
I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE ALASKA BOARD OF EQUALIZATION ALL
TAXES DUE ON THIS PROPERTY HAVE BEEN PAID TO THE FULL EXTENT OF THE RECORDS
DATE OF RECORD ALASKA, THIS _____ DAY OF _____ 2013

PLAT APPROVAL

ALASKA BOARD OF PLANNING AND ZONING COMMISSION
RECEIVED _____ DATE
APPROVED _____ DATE
CHIEF CLERK _____ DATE
THIS IS TO CERTIFY THAT WHEN THIS PLAT IS DULY APPROVED IN ACCORDANCE WITH THE ALASKA BOARD
OF PLANNING AND ZONING COMMISSION, THE DATE OF RECORD SHALL BE THE DATE OF RECORD
DATE OF RECORD ALASKA, THIS _____ DAY OF _____ 2013



VACATION OF "ALLEY" RIGHT OF WAY
PART OF STELLAR WAY, EAST ADDITION, U.S. SURVEY 2538 B
VACATION OF LOT 1A AND LOT 9
BLOCKS 30 AND 31, EAST ADDITION, U.S. SURVEY 2538 B
CREATING:
LOT 18 BLOCK 30 EAST ADDITION, U.S. SURVEY 2538 B
LOT 9B BLOCK 31 EAST ADDITION, U.S. SURVEY 2538 B
DATE: 08-01-2013 SCALE: 1"=20' DRAWN BY: M.ST.D.
ST. DENNY SURVEYING, INC. P.O. BOX 388
KODIAK, ALASKA 99615



VICINITY MAP
S13-028

RECEIVED
JUN - 3 2013

NOTES:
1. ALUMINUM CAP TO BE SET
(M) MEASURED DIMENSION
(R1) RECORD DIMENSION PLAT 77-13
(R2) RECORD DIMENSION PLAT 67-06
ZLR2:END

REFERENCES:

1. PLAT 67-06 PART OF EAST ADDITION KODIAK TOWN SITE ALASKA U.S. SURVEY NO. 2538 B
A PORTION OF U.S. SURVEY NO. 2538 B, OCTOBER 13 TO NOVEMBER 14, 1940
2. PLAT 77-13 "YOUNG FARMER AGENCIES VACATION, KODIAK ALASKA"
DATED JANUARY 30, 1987 AND FILED IN THE KODIAK ISLAND RECORDS DEPARTMENT AS PLAT 77-13
WITHIN U.S. SURVEY 2538 A EAST ADDITION TO KODIAK TOWNSHIP, DATED DECEMBER 28, 1970
3. PLAT 67-06 "YOUNG FARMER AGENCIES VACATION, KODIAK ALASKA"
DATED JANUARY 30, 1987 AND FILED IN THE KODIAK ISLAND RECORDS DEPARTMENT AS PLAT 67-06
WITHIN U.S. SURVEY 2538 A EAST ADDITION TO KODIAK TOWNSHIP, DATED DECEMBER 28, 1970
4. PLAT 67-06 "YOUNG FARMER AGENCIES VACATION, KODIAK ALASKA"
DATED JANUARY 30, 1987 AND FILED IN THE KODIAK ISLAND RECORDS DEPARTMENT AS PLAT 67-06
WITHIN U.S. SURVEY 2538 A EAST ADDITION TO KODIAK TOWNSHIP, DATED DECEMBER 28, 1970
5. PLAT 67-06 "YOUNG FARMER AGENCIES VACATION, KODIAK ALASKA"
DATED JANUARY 30, 1987 AND FILED IN THE KODIAK ISLAND RECORDS DEPARTMENT AS PLAT 67-06
WITHIN U.S. SURVEY 2538 A EAST ADDITION TO KODIAK TOWNSHIP, DATED DECEMBER 28, 1970

PRELIMINARY

SURVEY PREPARED FOR:
CITY OF KODIAK
710 MILL BAY ROAD
KODIAK, ALASKA 99615

NOTE:
SUBJECT TO ALL CONDITIONS, SERVITUDE'S, EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

MEMORANDUM

DATE: July 5, 2013, 2003
TO: Planning and Zoning Commission
FROM: Community Development Department
SUBJ: Information for the July 17, 2013 Regular Meeting

CASE: S13-028

APPLICANT: City of Kodiak
AGENT: Mark Kozak

REQUEST: Preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision.

LOCATION: 816 Rezanof Drive & 816 Stellar Way.

ZONING: R3-Multi-family & R2-Two-family zoning districts.

Forty-five (45) public hearing notices were mailed on June 11, 2013.

Date of site visit:	Various
1. Minimum lot size:	7,200 Square Feet
Compliance:	Yes
2. Minimum lot width:	60 Lineal Feet
Compliance:	Yes
3. Existing land uses:	Residential
Compliance:	Yes
4. Existing structure(s) on the property:	Yes
Compliance with setbacks:	Yes
Compliance with other zoning regulations:	Yes
Encroachments:	No
5. Topography:	
Provides good building sites:	Yes
Provides good parking areas:	Yes
Allows driveway construction to meet	

- | | | |
|----|---|---|
| | maximum slope requirement: | Yes |
| 6. | Physical Features: | |
| | Wetlands, streams, drainage courses: | No |
| | Need for driveway/access restrictions: | No |
| | Adequate line of sight: | Yes |
| | Adequate access for additional traffic volume: | Yes |
| | Adequate access from a safety standpoint: | Yes |
| | Neighborhood character: | Medium / High Density Residential |
| | Double frontage lots: | Yes |
| | Flag lots: | No |
| | Adequate access for fire apparatus: | Yes |
| | Utility installation meets Title 13: | Yes |
| | Common wall or zero-lot line: | No |
| | Frontage on dedicated public right-of-way: | Yes |
| | Other road and utility improvements required before final approval: | No |
| 7. | Existing Plat Restrictions: | No |
| | Compliance: | N/A |
| 8. | <u>Applicable Regulations:</u> | The following sections of Title 16 of the Borough Code and the Kodiak Island Borough Coastal Management Program are applicable to this request: |

KIBC 16.40.060 Procedure

A. The community development department director shall review the preliminary subdivision plat for completeness within five working days of receipt. If the plat does not meet the requirements of KIBC 16.40.020 through 16.40.050, the community development department director shall notify the subdivider and surveyor in writing stating the additional information required.

C. An accepted preliminary plat shall be sent to official review agencies established by the commission for review and comment. Comment from the review agencies must be submitted in writing to the community development department director nine working days prior to the commission meeting at which the plat will be considered.

E. The commission shall approve or disapprove a plat 60 days after it is filed or shall return it to the applicant for modification or correction, unless the applicant for plat approval consents to an extension of time. The commission shall adopt specific findings of fact and reasons for its action on the plat. The subdivider shall be notified in writing of the action and findings of the commission within five working days.

G. All decisions as to approval or disapproval of a preliminary plat by the commission shall be final unless a request for reconsideration or an appeal is brought pursuant to Chapter 16.90 KIBC.

REVIEW AGENCY COMMENTS

Alaska Communications Systems-Engineering Department-Kenai

Alaska Dept. of Transportation & Public Facilities-Central Region Planning

“The Alaska Department of Transportation and Public Facilities, ADOT&PF, Central Region platting review committee has no comment recently submitted plat:”

City of Kodiak-Building Officials

City of Kodiak-Public Works Department

Fire Marshal

GCI Cable, Inc.

Kodiak Island Borough-Engineering and Facilities Department

Kodiak Island Borough Parks & Recreation Committee

Kodiak Electric Association-Engineering Department

“No comment”

United States Postal Service

Kodiak Island Borough-Information Technology Department

Directs that technical deficiencies be correct prior to final plat approval.

STAFF COMMENTS

This request for a vacation and re-plat is a reprise of Case No. S04-023. The Stellar Way improvement and re-alignment project precipitated the request. The project was completed in the 2004, early 2005 time period.

The Planning and Zoning Commission held a public hearing on this request January 19, 2004. Unanimous approval for the request was granted by the Commission.

The vacation and re-plat had acquired all the necessary approvals to proceed to the Final Plat process, but for unknown reasons, the City of Kodiak did not complete the paperwork.

Rather than duplicating that entire process, staff has attached relevant key documents for the prior case to this staff report.

The original file, with all documentation is available for review in the departmental files.

RECOMMENDATION

Staff recommends approval of this request.

APPROPRIATE MOTION

Should; the Commission agree with staff's recommendation, the appropriate motion is:

Move to grant preliminary approval, approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision, and to adopt the findings in that staff dated July 5, 2013 as "Findings of Fact" for Case No. S13-028.

FINDINGS OF FACT:

1. This plat meets the minimum standards of survey accuracy and proper preparation of plats required in Title 16 of the Borough Code.
2. This plat meets all the requirements of Title 17 of the Borough Code.
3. This plat provides a subdivision of land that is consistent with adopted Borough plans for this area.



Kodiak Island Borough

Community Development Department

710 Mill Bay Road Room 205

Kodiak, Alaska 99615

Phone (907) 486-9363 Fax (907) 486-9396

www.kodiakak.us

June 12, 2013

City of Kodiak
Mark Kozak
710 Mill Bay Road
Kodiak, AK 99615

Re: Case S13-028. Request Preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision.

Dear Mr. Kozak:

Please be advised that the Kodiak Island Borough Planning and Zoning Commission has scheduled the case referenced above for Public Hearing at their July 17, 2013 regular meeting. This meeting will begin at 6:30 p.m. in the Assembly Chambers, 710 Mill Bay Road, Kodiak, Alaska. Attendance at this meeting is not mandatory but recommended.

One week prior to the regular meeting, on Wednesday, July 10, 2013 at 6:30 p.m. in the Borough Conference Room (#121), the Commission will hold a packet review work session for the purpose of reviewing packet materials and staff summaries of cases scheduled for the regular meeting.

The public is welcome to attend the packet review work session; however, the work session is **not** for the purpose of receiving public testimony. Applicants who wish to present testimony and/or evidence related to their case should appear at the Public Hearing during the Regular Meeting and present such information in person.

Please contact the Community Development Department at 486-9363 if we can answer any outstanding questions or provide additional information. In advance, thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Sheila Smith". The signature is written in a cursive style.

Sheila Smith, Secretary
Community Development Department

CC: St. Denny Surveying



Kodiak Island Borough

Community Development Department

710 Mill Bay Road Room 205

Kodiak, Alaska 99615

Phone (907) 486-9363 Fax (907) 486-9396

www.kodiakak.us

TO: PRELIMINARY PLAT REVIEW AGENCIES

Alaska Communications Systems-Engineering Department-Kenai
Alaska Dept. of Transportation & Public Facilities-Central Region Planning
City of Kodiak-Building Officials
City of Kodiak-Public Works Department
Fire Marshal
GCI Cable, Inc.
Kodiak Island Borough-Engineering and Facilities Department
Kodiak Island Borough Parks & Recreation Committee
Kodiak Electric Association-Engineering Department
United States Postal Service
Kodiak Island Borough-Information Technology Department

FROM: Sheila Smith, Secretary

DATE: June 12, 2013

RE: **Case S13-028.** Request preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision.

The Kodiak Island Borough Community Development Department received the enclosed plat for review and action by the Kodiak Island Borough Planning and Zoning Commission at their July 17, 2013 regular meeting. This meeting will begin at 6:30 p.m. in the Assembly Chambers, 710 Mill Bay Road, Kodiak, Alaska. We would appreciate your review and comment regarding this proposed plat.

The week prior to the regular meeting on Wednesday, July 10, 2013 at 6:30 p.m. in the Kodiak Island Borough Conference Room, the Commission will hold a work session to review the packet material for the regular meeting. **Therefore, we will need to receive your comments no later than 5:00 p.m. on Tuesday, July 2, 2013** in order for your comments, suggestions, or requests to be considered by staff and discussed at the packet review work session.

If we do not receive a written response from you by **July 2nd**, we will conclude that you have no requests or suggestions. Our FAX number, should you wish to use it, is 486-9396 or you may email comments to ssmith@kodiakak.us. If you have any questions, please call the Community Development Department at 486-9363.

**KODIAK ISLAND BOROUGH
COMMUNITY DEVELOPMENT DEPARTMENT**
710 Mill Bay Road, Kodiak, Alaska 99615

June 11, 2013

Public Hearing Item 7-C

PUBLIC HEARING NOTICE

A public hearing will be held on **Wednesday, July 17, 2013**. The meeting will begin at 6:30 p.m. in the Borough Assembly Chambers, 710 Mill Bay Road, Kodiak, Alaska, before the Kodiak Island Borough Planning and Zoning Commission, to hear comments if any, on the following request:

CASE: S13-028
APPLICANT: City of Kodiak
AGENT: Mark Kozak
REQUEST: Preliminary approval, according to KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of the Stellar Way right-of-way according to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision.
LOCATION: 816 Rezanof Drive & 816 Stellar Way Right-of-Ways
ZONING: R3-Multi-family Residential & R2-Two-family Residential

This notice is being sent to you because our records indicate you are a property owner/interested party in the area of the request. If you do not wish to testify verbally, you may provide your comments in the space below or in a letter to the Community Development Department. Written comments must be received by 5 pm, July 2, 2013 to be considered by the commission. If you would like to fax your comments to us, our fax number is: (907) 486-9396, or you may email your comments to ssmith@kodiakak.us. If you would like to testify via telephone, please call in your comments during the appropriate public hearing section of the meeting. The local call-in telephone number is 486-3231. The toll free telephone number is 1-855-492-9202.

One week prior to the regular meeting, on Wednesday, July 10, 2013, a work session will be held at 6:30 p.m. in the Kodiak Island Borough Conference Room (#121), to review the packet material for the case.

Kodiak Island Borough Code provides you with specific appeal rights if you disagree with the Commission's decision on this request. If you have any questions about the request or your appeal rights, please feel free to call us at 486-9363.

Your Name: _____ Mailing Address: _____

Your property description: _____

Comments: _____

OWNERSHIP AFFIDAVIT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREIN
I HEREBY DECLARE TO THE PUBLIC ALL EASEMENTS FOR PUBLIC UTILITIES, STREETS, ALLEYS,
ROADS, RAILS, PAVED AND OTHER PUBLIC AREAS BEING HEREON.

CITY MANAGER _____ DATE _____
CITY ATTORNEY _____ DATE _____

NOTARY ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 2013
CITY MANAGER _____
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 2013
CITY ATTORNEY _____

TAX CERTIFICATE

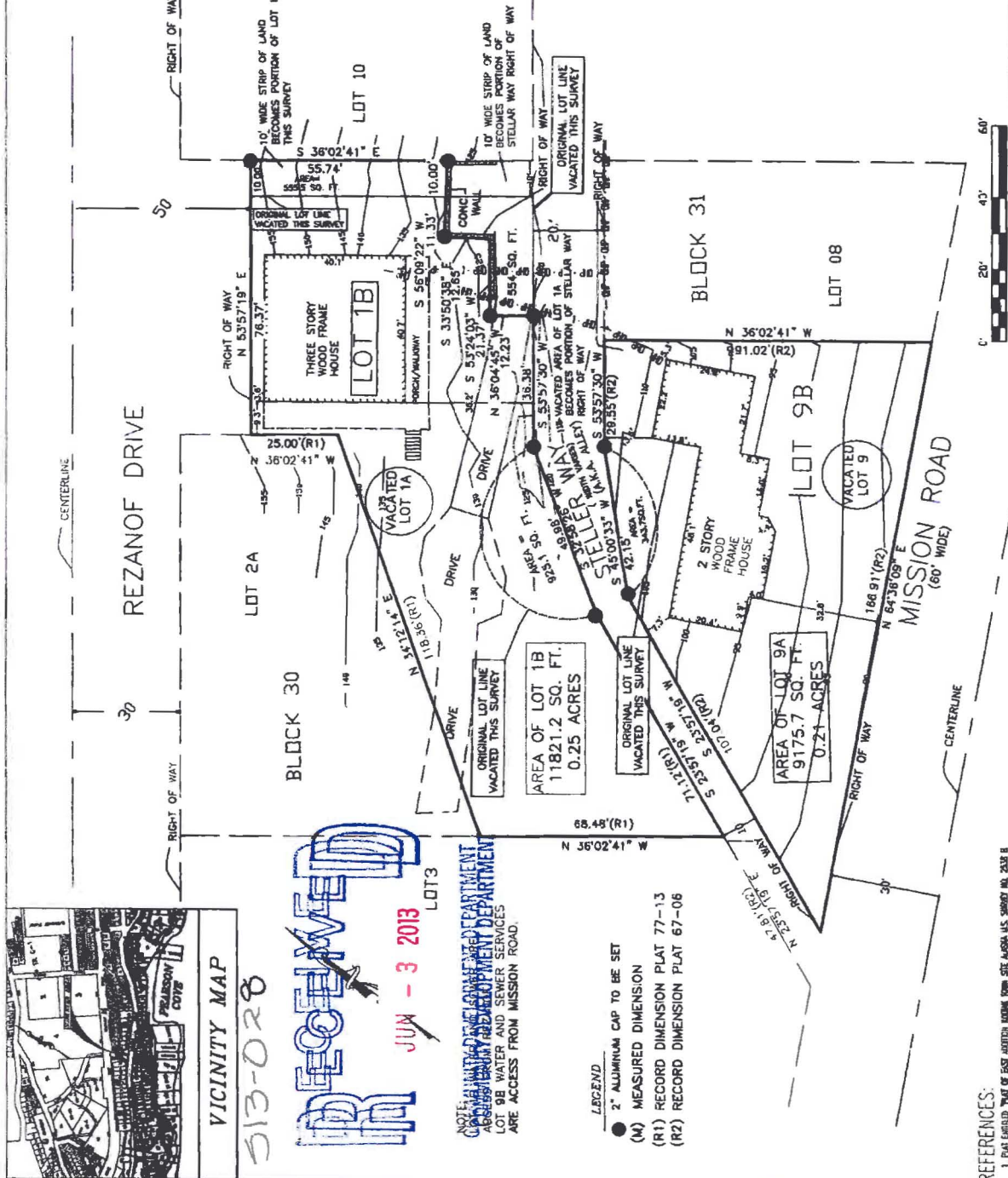
I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE ALEUTIC ISLAND RECORDS IN
VALDEZ, SESSANO AND THE RECORDS OF THE ALEUTIC ISLAND RECORDS
ARE AND IN FULL.
DATED AT ANCHORAGE, ALASKA, THIS _____ DAY OF _____ 2013

PLAT APPROVAL

BEING RELATED PLANNING AND ZONING COMMISSION
RECEIVED _____ DATE _____
APPROVED _____ DATE _____
CHAIRMAN _____ DATE _____
THIS IS TO CERTIFY THAT THIS PLAT IS FULLY APPROVED IN ACCORDANCE WITH THE RECORDS OF THE
EXCLUSION CODE THIS _____ DAY OF _____ 2013
BOOKING NUMBER _____
BOOKING CLERK _____ DATE _____
COMMISSION RECEIVING DIRECTOR _____ DATE _____



SUPERVISOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR AND LICENSED
TO PRACTICE AS SUCH IN THE STATE OF ALASKA. THE
PLAT HEREON IS THE RESULT OF MY PROFESSIONAL SURVEYING
WORK AND I AM NOT PROVIDING ANY OTHER PROFESSIONAL
OR ENGINEERING SERVICES.
DATE: 08-01-2013 SCALE: 1"=20' DRAWN BY: M.S.T.D.
ST. DENNY SURVEYING, INC. P.O. BOX 388
KODIAK, ALASKA 99515



SURVEY PREPARED FOR:
CITY OF KODIAK
710 HILL BAY ROAD
KODIAK, ALASKA 99515

PRELIMINARY

NOTE: SUBJECT TO ALL CONDITIONS, SERVITUDES, EASEMENTS, COVENANTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

M E M O R A N D U M

DATE: January 11, 2005
 TO: Planning and Zoning Commission
 FROM: Community Development Department
 STAFF: Duane Dvorak, Associate Planner
 SUBJ: Information for the January 18th, 2005 Regular Meeting
 CASE: **S04-023**
 APPLICANT: City of Kodiak
 REQUEST: Preliminary approval, in accordance with KIBC 16.60, of a vacation of portions of an un-constructed cul-de-sac at the end of Stellar Way "Alley" Right-of-Way (and other related access easements); and, preliminary approval, in accordance with KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition.
 LOCATION: 816 E. Rezanof Dr. & 816 Stellar Way
 ZONING: R3-Multifamily Residential

Fifty-one (51) public hearing notices were mailed on January 4, 2005.

1.	Minimum lot size:	7,200 Square Feet
	Compliance:	Yes
2.	Minimum lot width:	60 Feet
	Compliance:	Yes
3.	Existing land use(s):	Residential
4.	Existing structures on the property:	Yes
		Residential
	Compliance with setbacks:	N/A
	Compliance with other zoning regulations:	Yes
	Encroachments:	N/A
5.	Topography:	N/A
	Provides good building sites:	N/A
	Provides good parking areas:	N/A
	Allows driveway construction to meet maximum slope requirement:	N/A

6.	Physical Features:	
	Wetlands, streams, drainage courses:	N/A
	Need for driveway/access restrictions:	N/A
	Adequate line of sight:	N/A
	Adequate access for additional traffic volume:	N/A
	Adequate access from a safety standpoint:	N/A
	Neighborhood character:	Mixed Density Residential
	Double frontage lots:	Yes
	Flag lots:	No
	Adequate access for fire apparatus:	Yes
	Utility installation meets Title 13:	N/A
	Common wall or zero-lot line:	No
	Frontage on dedicated public right-of-way:	Yes
	Other road and utility improvements required before final approval:	No
7.	Existing Plat Restrictions:	No
	Compliance:	Yes

APPLICABLE CODE PROVISIONS

Per Kodiak Island Borough Code 16.20.100 Easement. An interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

Per Kodiak Island Borough Code 16.20.260 – Vacation. The act of making legally void any right-of-way, easement, public area, or other public interest.

Per Kodiak Island Borough Code 16.20.160 Plat. A map or chart of a surveyed subdivision of land.

A.

B. Preliminary plat. A map showing the salient features of a proposed subdivision of land submitted to the commission for purposes of preliminary consideration and approval.

C.

Per Kodiak Island Borough Code 16.40 – Preliminary Plat:*in whole*....

Per Kodiak Island Borough Code 16.60.010 – Generally. The commission shall consider the merits of each vacation request and in all cases the commission *shall deem [italics added]* the area being vacated to be of value to the borough or a city unless proven otherwise. The burden of proof shall lie entirely with the petitioner.

Per Kodiak Island Borough Code 16.60.030 – Required application. In submitting a vacation application, the applicant shall submit the following items to the community development department director by the deadline established for the commission agenda (the Friday after the regular monthly meeting) to be considered at the next regular meeting.

- A. A written statement containing reasons in support of the vacation.
- B. A map illustrating the area to be vacated. The map must also show the outer boundary of the property receiving the benefit of the dedication and the location of all known public improvements within the area being vacated.

Per Kodiak Island Borough Code 16.60.060 – Additional Approval required.

- A. A decision to grant a vacation is not effective unless approved by the city council if the vacated area is within a city or by the assembly if the vacated area is within the borough outside a city. The council or assembly shall have thirty (30) days from receipt of the decision to veto the vacation. If the vacation is not vetoed within the thirty (30) day period, the consent of the council or assembly shall be considered to have been given to the vacation.

A veto or approval of a vacation under subsection A of this section is a final legislative decision and is not subject to administrative appeal. However, where a vetoed vacation had received administrative approval in conjunction with the preliminary plat for a subdivision, the preliminary plat approval without the vacation is subject to a petition for reconsideration under section 16.90.010 of this title. (Ord. 90-15 §2 (part), 1990)

COASTAL MANAGEMENT APPLICABLE POLICIES

The KIBCMP does not address minor boundary changes to existing lots and rights-of-way.

REVIEW AGENCY COMMENTS

Alaska Communications Systems-Eng. Dept.-Kenai:

No objection.

Alaska Dept. of Transportation and Public Facilities – Central Region Planning:

(No comment received regarding this action).

Fire Marshal:

(No comment received regarding this action).

GCI Cable Inc.:

(No comment received regarding this action).

City of Kodiak-Building Officials:

(No comment received regarding this action).

City of Kodiak – Public Works Department:

No objection.

Kodiak Island Borough-Eng. & Facilities Dept.:

(No comment received regarding this action).

Kodiak Electric Association-Eng. Dept.:

No Comment

STAFF COMMENTS

SECTION I: RIGHT-OF-WAY VACATION(S)

The petitioner has requested the vacation of two portions of an un-constructed cul-de-sac at the end of Stellar Way. Portion 1, a 925.1 square foot parcel, will be incorporated into proposed Lot 1B, Block 30, East Addition. Portion 2, a 343.7 square foot parcel, will be incorporated into proposed Lot 9B, Block 31, East Addition. In addition, it appears that there is also a vacation of a ten foot wide “strip of land” easement or right-of-way that is to be partially vacated along the west side of proposed Lot 1B, an area of 509.8 square feet.

In apparent exchange for the portion of right-of-way to be vacated along Stellar Way and the “strip of land”, proposed Lot 1B is providing about 727 square feet of lot area which will be dedicated to Stellar Way in order to provide an area for vehicles to turn around at the end of Stellar Way. According to verbal information provided by the applicant, the un-constructed portion of Stellar Way cul-de-sac would have been much more expensive to construct than the new turning area currently being proposed.

The design of the cul-de-sac vacation is intended to provide a transition of right-of-way width to connect Stellar Way with the remainder right-of-way that provides pedestrian access to Mission Road. In the case of the “strip of land”, it appears that this area is no longer required for future access between Rezanof Drive and Stellar Way in lieu of the new stairway improvements being developed by the City of Kodiak farther to the east.

KIBC 16.60 requires the Commission to presume that the vacated area has value to the city unless the petitioner can document otherwise. In this case the petitioner is the city and presumably the city council is aware of this action. In addition, the vacation is required to be reviewed by the city council prior to final plat approval. As a result, staff considers this requirement to be met, however the commission may request additional information of the petitioner if it feels that additional information is required to supplement the record for this case.

SECTION II: SUBDIVISION

The vacation requests described above are providing additional lot area to both of the adjoining lots. Normally when right-of-way is vacated adjoining property owners are required to benefit in equal measure from the vacated land. This appears to be a special circumstance, however with the land trade affecting Lot 1B, and the adjoining public dedication which will continue to support vehicle turning maneuvers. Whereas proposed Lot 9B will no longer be impacted by such maneuvers when the development is complete. Presumably all the affected parties will signify their satisfaction with the subdivision design when they sign off on the final plat.

The vacation benefits both parcels by providing additional lot area. Proposed Lot 9B gains 343.7 square feet and proposed Lot 1B gains 707.9 square feet (net after land trade). In both cases the shape and utility of the lots remains relatively unaffected by this action, the additional land appears to be a simple matter of convenience to both parcels. As a result, staff has not focused on the replat in this case review.

RECOMMENDATION

Staff recommends preliminary approval, in accordance with KIBC 16.60, of a vacation of portions of an un-constructed cul-de-sac at the end of Stellar Way “Alley” Right-of-Way (and other related access easements); and, preliminary approval, in accordance with KIBC 16.40, of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition.

APPROPRIATE MOTION I: RIGHT-OF-WAY VACATIONS

Move to grant preliminary approval of the vacation of portions of the Stellar Way cul-de-sac which will provide 925.1 square feet to proposed Lot 1B, Block 30, East Addition and provide 343.7 square feet to proposed Lot 9B, Block 31, East Addition; and the vacation of a portion of a 10 foot wide “strip of land” easement which will add 509.8 square feet to proposed Lot 1B, Block 30, East Addition, subject to one condition of approval and to adopt the findings in the staff report dated January 11, 2005 as findings of fact in this case.

CONDITIONS OF APPROVAL

1. The vacation must be forwarded to the City Council for review prior to final plat approval.

APPROPRIATE MOTION II: SUBDIVISION

Move to grant preliminary approval of the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition as indicated on the preliminary plat dated November 8, 2004, creating Lots 1B, Block 30 and 9B, Block 31, East Addition, and to adopt the findings in the staff report dated January 11, 2005 as findings of fact in this case.

FINDINGS OF FACT (applicable to both motions)

1. This request for replat meets the minimum data required per Kodiak Island Borough Code 16.40.040, generally.
2. This request for replat meets the minimum design requirements per Kodiak Island Borough Code 16.40.050, generally.
3. This request provides a vacation of a utility easement that is consistent with adopted plans for this area.
4. This request for vacation does not unduly diminish the public’s interests.

5. This request for vacation does not unduly prejudice surrounding private property interests.

Attachment B

AGREEMENT TO PURCHASE RIGHT-OF-WAY
816 Rezanof
East Addition Subdivision, Block 30, Lot 1A

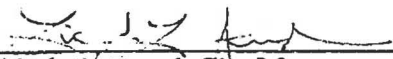
The City of Kodiak will purchase 727.06 square feet of right-of-way in the Northeast corner of Lot 1A, Block 30, East Addition Subdivision for the construction of a vehicle turnaround area. The area is shown in the attached sketch. The actual position of the right-of-way will be determined by survey to be at least 10.0 feet from the back of the house, any future addition on the out of town side can meet the code required 10 foot minimum setback distance. (The actual surveyed area of the acquisition may be less than the 727.06 square feet measured on the drawing, but the total purchase price offered below will not be diminished.)

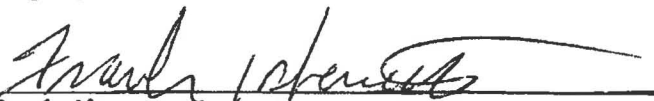
In consideration for the right-of-way the City will:

- Pay the owner \$7.00 per square foot for the property for a total of \$5,089.42 (minimum total price); to be credited toward the assessment on this property;
- Vacate ±925.12 square feet of right-of-way from the cul-de-sac at the end of Steller and convey this property to Lot 1A;
- Pave the steep portion of the driveway shown on the attached sketch with at least a 3-foot wide transition of leveling course between the end of the pavement and the gravel paring area;
- Base the property assessment on a lot size of 10,172 square feet which is the assessment lot size of 10,899 square feet minus the 727 square feet to be acquired; and
- Bear the cost of documenting and recording the property transfers.

City of Kodiak

Property Owner


Linda L. Freed, City Manager
Date: 3/13/04


Frank Abena
Date: March 19 2004

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EXECUTIVE SESSION

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: August 8, 2013

Agenda Item: X. **Executive Session to Discuss the Terms of the City Manager's Employment Contract**

SUMMARY: Annually, the City Council reviews the performance of the City Manger and discusses the terms of a partial employment contract. The Manager's performance review was conducted in April 2013. The City also adopted a new classification and compensation system in April which, by revisions to the Personnel Rules and Regulations, removed the Manager from the pay scale. The next step in the process is to discuss the terms of a new employment contract for the Manager. In accordance with the Open Meetings Act, the City Manager does not object to the discussion being done in executive session.

PROPOSED MOTION:

Move to enter into executive session as authorized by Kodiak City Code Section 2.04.100(b)(2) to discuss the terms of the City Manager's employment contract.

AUGUST 8, 2013
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