

City of Kodiak Regular Council Meeting Agenda for September 12, 2013
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

I. Call to Order/Roll Call	
Pledge of Allegiance/Invocation	
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Approval of Minutes of the August 8, 2013, Regular Council Meeting.....	1
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b. Proclamation: Declaring Hispanic Heritage Month.....	14
c. Public Comments (limited to 3 minutes) (486-3231)	
IV. Unfinished Business	
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b. Resolution No. 2013–27, Accepting a Legislative Grant for the Monashka Pumphouse Upgrades	46
c. Authorization of Vehicle Purchases for the Harbor and Public Works Departments.....	54
d. Authorization of Change Order No. 7 for Baranof Park Improvement Project, Project No. 12-05/9001	68
e. Authorization of Amendment No. 2 to the Professional Services Contract for Biosolid Consultation, Project No. 7517.....	98
f. Authorization of City Manager’s Employment Contract.....	102
VI. Staff Reports	
a. City Manager	
b. City Clerk	
VII. Mayor’s Comments	
VIII. Council Comments	
IX. Audience Comments (limited to 3 minutes) (486-3231)	
X. Adjournment	

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<p>DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, AUGUST 8, 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 Kniazowski, 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 25, 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. 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

Mayor Branson read Ordinance No. 1310 by title. 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.

Councilmember Davidson MOVED to adopt Ordinance 1310.

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

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

b. Authorization of Postage Machine Agreement

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.

[Clerk's Note: the motion to approve the five-year postage machine replacement agreement with Pitney Bowes for the total amount of \$28,488.60 beginning August 1, 2013, through July 31, 2018, with funds coming from the Finance Department, Utilities operating budget in the General Fund was made at the July 25, 2013, meeting and is on the floor for further discussion.]

Councilmember Davidson MOVED to amend the motion to authorize a five-year replacement agreement with Pitney Bowes for the five-year term beginning August 1, 2013, through July 31, 2018, with funds coming from the Finance Department, Utilities operating budget in the General Fund by striking \$28,488 and inserting \$28,815.

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

The roll call vote on the main motion, as amended, was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The main motion passed.

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 Enforcement**

Mayor Branson read Ordinance No. 1311 by title. An amendment to District Court Criminal Rule 8 for minor offenses by the Alaska Supreme Court seriously impacted the police depart-

ment'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 City Code that City 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 common driving offenses occurring within the City.

Councilmember Haines MOVED 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.

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

b. Resolution No. 2013–25, Appropriating Funds for Additional Construction Expenses Related to the Shelikof Pedestrian Improvement Project

Mayor Branson read Resolution No. 2013–25 by title. 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. Approximately a week later, 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. Resolution No. 2013–25 would authorize the transfer of \$100,000 from the Pavement Repair project into the Shelikof Pedestrian Improvement project for these construction related expenses.

Councilmember Bishop MOVED to adopt Resolution No. 2013–25.

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

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

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 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 be done to identify and mitigate potential risk of damage to Pier III from a slope failure.

Councilmember Haines MOVED 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.

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

d. Authorization to Purchase Baranof Track and Field Bleachers, Project No. 9001/12-05

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 was issued on June 28, 2013, to obtain quotes from bleacher manufacturers. Following City Code Chapter 3.12 for 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.

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

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

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 the approved FY2014 budget. Bids were issued in June and opened on July 29, 2013. Two bids were received.

Councilmember Whiddon MOVED 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.

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

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

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 Transi-

ent 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.

Councilmember Haines MOVED 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.

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

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

This recommendation is to authorize the 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.

Councilmember Davidson MOVED 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.

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

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

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.

Councilmember Whiddon MOVED 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 Sub-

division and authorize the Mayor and City Manager to sign the replat documents prior to recording.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski stated the Kodiak Island Borough Assembly will consider authorizing a new license agreement for short-term land use for Class B composting, which will be located at the south dump site. Manager Kniazowski stated that a long-term land use agreement will be pursued for Class A composting at a later date.

She stated the Kodiak Island Borough will close Egan Way for students to have a safe ingress and egress to get to school with all the current construction projects in the area. She said this closure will be published through various media in the upcoming weeks. She stated the road closure will not affect the new Library project progress.

Manager Kniazowski shared that the Downtown Kodiak Revitalization Special Committee will have an initial meeting on Monday, August 8, 2013. Chief of Police T.C. Kamai will be presenting the policing strategies for downtown.

Manager Kniazowski stated that Barbara Rudio, the City's previous Library Director, will be interim Library Director while the transition is occurring to recruit and fill the Library Director position. There are two finalists for the Library Director position and they are currently interviewing. She said the new Library project is progressing on schedule. She commented on the beautification of the facility. She commented that Engineer Glenn Melvin worked with Paul Converse to mill the trees from this site and use them as support posts with a decorative element in the new Library. She shared that the grand opening is scheduled for mid-December.

She mentioned the quarterly capital projects were highlighted at the Council work session on Tuesday.

Manager Kniazowski will be out of town from August 14-23, 2013, and will attend the Alaska Municipal League summer meetings in Valdez, AK. The Acting City Manager will be Chief of Police T.C. Kamai, and the Acting Emergency Service Director will be Fire Chief Rome Kamai and Deputy Fire Chief Jim Mullican in her absence.

b. City Clerk

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

Clerk Marljar informed the public that the last day to file nominating petitions for the Mayoral two-year term and the Councilmember three-year terms is August 15, 2013, at 4:30 p.m. at the

Clerk's Office. She stated that the voter registration is open until September 1, 2013, and is available in the City Clerk's Office through Friday, August 30, 2013.

VII. MAYOR'S COMMENTS

Mayor Branson thanked Manager Kniazowski and staff for the informative quarterly capital projects overview at Tuesday's work session. She thanked Grant Shield and his company for doing litter pick up and his encouragement to keep Kodiak clean by giving incentives such as scholarships.

Mayor Branson said she and Borough Mayor Selby met with Representative Alan Austerman and staff and Senator Gary Steven's staff to set up a meeting with the Governor and Department of Transportation Commissioner Patrick Kemp. Mayor Branson said the Governor has accepted and scheduled a meeting for next Tuesday. She thanked Representative Austerman's staff for helping to set the meeting and assist in the development of questions for the meeting. She stated they are prepared to ask the following questions: what will be the realistic repair and replacement time; is the Tustemena the next priority ferry to be pushed by the administration; is \$10 million sufficient for the new ferry, including the design; will the Southwest communities be included in the design of the new ferry; and will the \$40 million in the Governor's marine highway vessel fund be sufficient in the FY2015 budget. Mayor Branson said she plans to discuss the ferry with the transportation policy makers at the Alaska Municipal League meetings in Valdez, AK later this month. She said she looks forward to answers and receiving ferry service back to Kodiak.

She announced that the Downtown Kodiak Revitalization Special Committee will be meeting Monday. She thanked Manager Kniazowski and Chief of Police T.C. Kamai for helping to set the agenda for the meeting. She announced that the meeting is open to the public.

VIII. COUNCIL COMMENTS

Councilmember Davidson asked the public to be cautious of school children on the roads when driving.

Councilmember Whiddon had no comments.

Councilmember Haines complimented the Kodiak Library; he said it was the coolest Library in the state. He said that the usage of the tree trunks in the library is impressive and he complimented the compass rose by artist Jerry Laktonen. He thanked Mayor Branson and Mayor Selby for scheduling the meeting with the administration to discuss the replacement of the Tustemena for Kodiak. He said it has been fun to watch the Harbor dredge project, and the contactors are doing great job.

Councilmember Walker thanked Engineer Glenn Melvin for the capital projects presentation at the work session. He thanked Mayor Branson, the Kodiak Island Borough, and the Kodiak Island School District for participating and addressing the concerns of the ferry delay. He thanked Senator Gary Stevens and Representative Alan Austerman for their support. He indicated that the memorial service for Rex Matautia will be on Saturday.

Councilmember Saravia thanked Manager Kniazowski and the department heads for their work and dedication. He voiced his appreciation for the Library opening in December. He asked that the public be careful driving with school beginning.

Councilmember Bishop congratulated Chastity Starrett for becoming the new Executive Director at Discover Kodiak. He commented that he tries to review Facebook to keep current on community highlights. He said the Zimmerman case that has had national media coverage encouraged him to review the stand-your-ground law and the case doctrine with the exemptions. He read the upcoming inserts as they applied to Alaska that will go into effect in September. He encouraged everyone to have a great remainder of the summer.

IX. AUDIENCE COMMENTS

None

X. EXECUTIVE SESSION TO DISCUSS THE TERMS OF THE CITY MANAGER'S EMPLOYMENT CONTRACT

Annually, the City Council reviews the performance of the City Manger and discusses the terms of an 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 held in executive session.

Councilmember Davidson MOVED to go into executive session.

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

The Council entered into executive session at 8:24 p.m. The regular meeting reconvened at 9:14 p.m. The Council took no action.

XI. ADJOURNMENT

Councilmember Whiddon 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 9:16 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

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PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: September 12, 2013

Agenda Item: III. a. Proclamation: Recognizing Kodiak's Seafood Processing Workers

SUMMARY: This proclamation recognizes the hard work of seafood processing workers and the positive contribution they make to the community.

ATTACHMENTS:

Attachment A: Proclamation: Recognizing Kodiak's Seafood Processing Workers

**PROCLAMATION
RECOGNIZING KODIAK'S
SEAFOOD PROCESSING WORKERS**

WHEREAS, the commercial fishing industry is the backbone of the Kodiak economy; and

WHEREAS, Kodiak is among the top fishing ports in the nation; and

WHEREAS, approximately 390 million pounds of seafood crossed Kodiak's docks in 2012, with an ex-vessel dollar value that exceeded \$205 million as reported by the Alaska Department of Fish and Game; and

WHEREAS, approximately one fourth of Kodiak's workforce is employed in the seafood processing sector; and

WHEREAS, Kodiak Island seafood processing workers handled the 390 million pounds of the seafood harvested, as well as a significant amount of sport/recreational-caught seafood; and

WHEREAS, the City of Kodiak acknowledges the monumental contribution of its seafood processing workers.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim September 12, 2013, as

Seafood Processing Workers Day

in Kodiak and urge all citizens to acknowledge the extraordinary efforts and dedication of Kodiak's seafood workers.

Dated this 12th day of September 2013.

City of Kodiak

Pat Branson, Mayor

MEMORANDUM TO COUNCIL

Date: September 12, 2013

Agenda Item: III. b. Proclamation: Declaring Hispanic Heritage Month

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

ATTACHMENTS:

Attachment B: Proclamation: Declaring Hispanic Heritage Month

PROCLAMATION

Declaring Hispanic Heritage Month

Hispanics: Serving and Leading Our Nation With Pride and Honor

WHEREAS, September 15 through October 15 is the time in the United States when Hispanic Heritage Month is recognized; and

WHEREAS, there are currently over 50 million Latinos in the United States, representing the fastest growing and largest minority in this country; and

WHEREAS, Hispanics own more than 2.3 million businesses, and the purchasing power of the Hispanic community in the United States exceeds one trillion dollars; and

WHEREAS, Hispanic Americans have been a long and integral part of our nation's history; and

WHEREAS, Latinos have served in all branches of the Armed Forces and have bravely fought in every war in the history of the United States; and

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

WHEREAS, this occasion provides an opportunity for Hispanic Americans to share their cultural heritage with people of all backgrounds.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim September 15 through October 15, 2013, as

Hispanic Heritage Month

in Kodiak and urge all citizens to celebrate the rich history and recognize the important contributions of Hispanic Americans in Kodiak.

Dated this 12th day of September 2013.

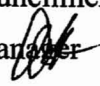
City of Kodiak

Pat Branson, Mayor

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UNFINISHED BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager 
Thru: T.C. Kamai, Chief of Police
Date: September 12, 2013

Agenda Item: **IV. a. Second Reading and Public Hearing, 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 creates 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 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. Council reviewed Ordinance No. 1311 and advanced it to public hearing and second reading at the August 8, 2013, meeting. Staff recommends Council adopt the ordinance tonight following the public hearing.

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. Council further reviewed and discussed the ordinance at the August 6, August 8, and September 10, 2013, meetings.

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 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 of Police 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 of Police 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 adopt Ordinance No. 1311.

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 Chief of Police 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 adopt Ordinance No. 1311.

**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: August 8, 2013

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


MAYOR

ATTEST:


CITY CLERK

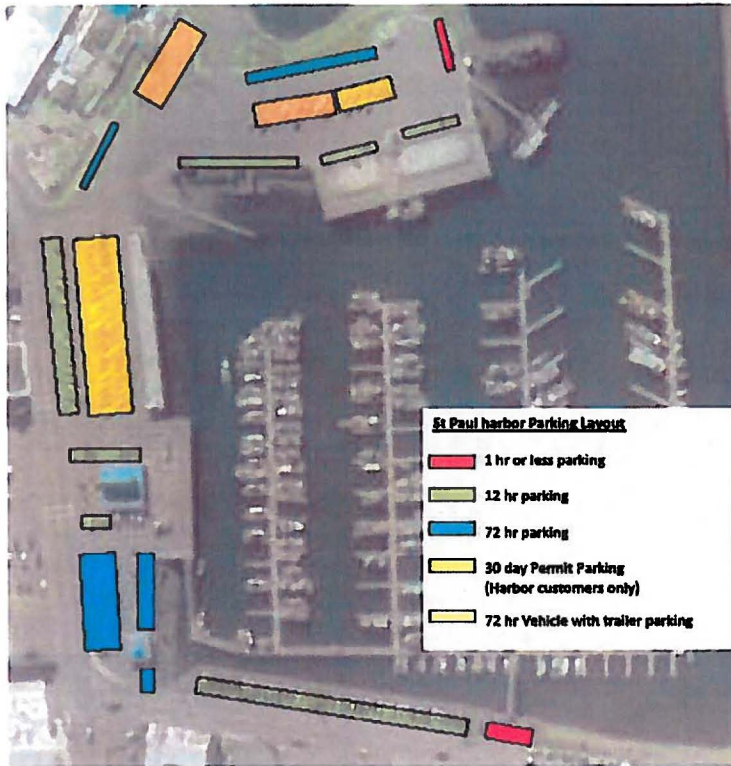
Adopted: March 31, 2011



Attachment 1

Attachment 1

St Paul Harbor Parking Layout, 3-1-2011

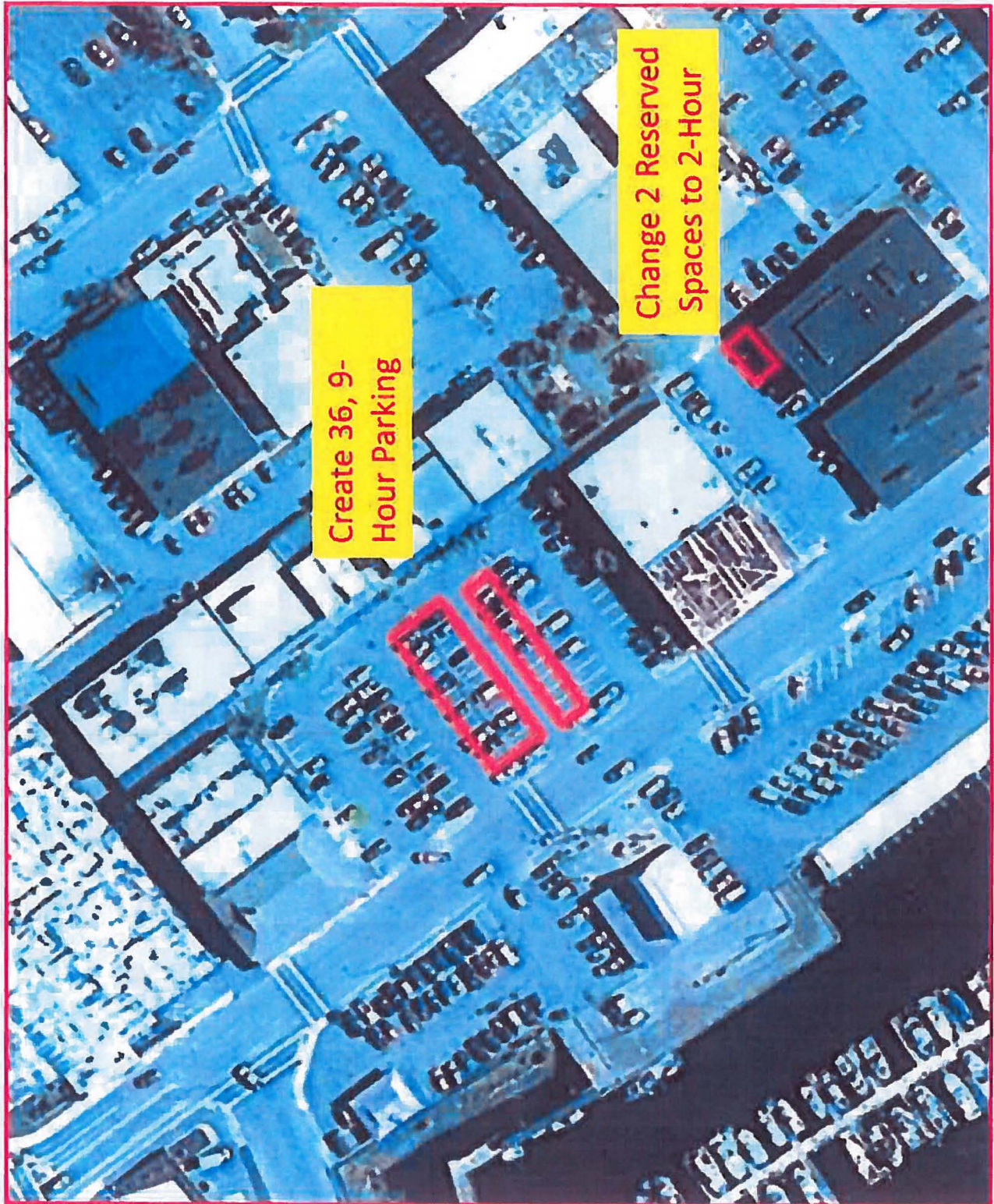


Attachment 2

Attachment 2

St Herman Harbor Parking Layout 3-1-2011



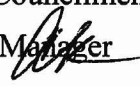


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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: September 12, 2013

Agenda Item: V. a. Resolution No. 2013–26, Appointing Members to the Kodiak Fisheries Development Association

SUMMARY: The term for the joint City-Borough seat on the Kodiak Fisheries Development Association (KFDA) held by Stosh Anderson expired in July 2013. He sent an email to the Borough Clerk indicating his willingness to be reappointed to the KFDA board. (Attachment B) The Borough Assembly made the reappointment at their August 15, 2013, meeting. The term for the City crab processor seat held by Mike Woodruff also expired in July 2013, and he has requested reappointment. (Attachment B) There were no other applicants for these seats, and staff recommends Council authorize the reappointment of Stosh Anderson and Michael Woodruff to the KFDA board of directors for another term by adopting Resolution No. 2013–26.

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

- August 22, 2009, adopted Resolution No. 2009–22 appointing Linda Freed to a vacant joint City-Borough seat
- September 24, 2009, adopted Resolution No. 2009–26 appointing Albert Tyler Schmeil to a vacant joint City-Borough seat
- August 26, 2010, adopted Resolution No. 2010–25 reappointing Mike Woodruff to the City’s crab processor seat
- October 28, 2010, adopted Resolution No. 2010–28 reappointing Stosh Anderson to the joint City-Borough seat
- August 25, 2011, adopted Resolution No. 2011–30 reappointing Jeff Stephan to a City seat and Albert Tyler Schmeil to a joint City-Borough seat
- August 9, 2012, adopted Resolution No. 2012–23 reappointing Linda Freed to the joint City-Borough seat

DISCUSSION: The Kodiak Fisheries Development Association was created jointly by the City of Kodiak and the Kodiak Island Borough in 2007 as the region’s eligible crab community entity (ECCE). The KFDA is made up of seven directors: two appointed by the City, two appointed by the Borough, and three appointed jointly.

Stosh Anderson was reappointed to one of the three joint seats in August 2010 and his term expired in July 2013. The Borough received confirmation that Mr. Anderson would continue to serve for another term, and the Assembly reappointed him to the joint seat at their August 15, 2013, meeting. The Council reappointed Michael Woodruff to the City crab processor seat in August 2010 and Mr. Woodruff has requested reappointment. The KFDA bylaws require members remain in office until their successors are appointed.

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

STAFF RECOMMENDATION: Staff recommends Council adopt Resolution No. 2013–26.

CITY MANAGER’S COMMENTS: Stosh Anderson’s and Michael Woodruff’s terms on the KFDA board expired in July 2013. They are both willing to be reappointed, and I recommend the City Council adopt this resolution. With this appointment, KFDA will have a full complement of Directors.

ATTACHMENTS:

Attachment A: Resolution No. 2013–26

Attachment B: Reappointment Requests From Stosh Anderson and Michael Woodruff

Attachment C: KFDA Member List

PROPOSED MOTION:

Move to adopt Resolution No. 2013–26.

**CITY OF KODIAK
RESOLUTION NUMBER 2013–26**

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

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

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

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

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

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

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

WHEREAS, Mike Woodruff has requested reappointment to the City's crab processor representative seat and Stosh Anderson has requested reappointment to a joint appointee seat on the KFDA board; and

WHEREAS, the Kodiak Island Borough reappointed Stosh Anderson at its August 15, 2013, regular meeting.

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

City Appointees

Crab Processor Rep. – Mike Woodruff (7/16)

Crab Harvester Rep. – Jeff Stephan (7/14)

Joint Appointees

Stosh Anderson (7/16) (joint appointment)

Linda Freed (07/14) (joint appointment)

Albert Tyler Schmeil (07/14) (joint appointment)

Borough Appointees

Crab Processor Rep. – Tuck Bonney (07/15)

Crab Harvester Rep. – Jerry Bongen (07/15)

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

Marlar, Debra

From: Nova Javier [njavier@kodiakak.us]
Sent: Thursday, August 01, 2013 10:17 AM
To: Marlar, Debra
Subject: FW: KFDA

Hi Deb,

Stosh is a joint appointee on the KFDA. I will present his reappointment to the Assembly on August 15.

Thank you,
Nova

From: stosh anderson [mailto:stosh_a@hotmail.com]
Sent: Thursday, August 01, 2013 12:38 AM
To: Nova Javier
Cc: Jerry Bongen; Linda Freed
Subject: KFDA

Neva.... I understand that my term to serve on the FFDA Board is up for appointment. I will serve an additional term if the governing bodies so desire.

stosh anderson

I Michael Woodruff would like to be reappointed to the Kodiak Fisheries Development Association as the crab processor association member for the board. I am still part owner of Alaska Fresh Seafoods and I am interested in staying on the KFDA. Thank you for your time.

Mike Woodruff



KODIAK ISLAND BOROUGH / CITY OF KODIAK

**KODIAK FISHERIES DEVELOPMENT ASSOCIATION
BOARD OF DIRECTORS**


NAME	TERM	PHONE	EMAIL
CITY APPOINTEES			
Crab Processors Representative			
Mike Woodruff	7/2013	486-8100	mwoodruff62@yahoo.com
Crab Harvester Representative			
Jeff Stephan	7/2014	486-4568	jstephan@ptialaska.net
JOINT APPOINTEES			
Stosh Anderson	7/2013	486-3673	stosh_a@hotmail.com
Linda Freed	7/2014	486-5314	freed@gci.net
Albert Tyler Schmeil	7/2014	486-8587	tmschmeil@gci.net
BOROUGH APPOINTEES			
Crab Processors Representative			
Tuck Bonney	7/2015	486-3329	tbonney@npsi.us
Crab Harvester Representative			
Jerry Bongen	7/2015	486-6245	jbongen@mac.com

KFDA bylaws state: Directors shall be appointed by joint resolution of the Borough Assembly and City Council. Appointments shall take place annually at July meetings of the Borough Assembly and City Council. Directors shall have staggered three (3) year terms of office, assigned by a random selection method at the first Board meeting, such that as close as possible to one third (1/3) of the Board is up for appointment each year. Directors shall serve until their successors are appointed and qualified.

STAFF:

CITY MANAGER, AIMEE KNIAZIOWSKI 486-8640 akniaziowski@city.kodiak.ak.us

OFFICE OF THE CITY MANAGER
710 MILL BAY ROAD, ROOM 219
KODIAK, AK 99615

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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: September 12, 2013

Agenda Item: V. b. Resolution No. 2013-27, Accepting a Legislative Grant From the State of Alaska for the Monashka Pumphouse Upgrades

SUMMARY: The Monashka reservoir and pumphouse provide the primary sources of water for the City of Kodiak's public water system. The pumphouse was constructed in the early 1970s, and since that time only minor changes have been made, such as adding additional pumps and the replacement of the original motor start systems. The City did a feasibility study to evaluate the facility, and the final report concluded that the pumphouse could not be rebuilt due to structure deficiencies; it had to be replaced. The City Council identified the Monashka Pumphouse project as its No. 1 legislative funding priority for FY2014 and requested state funding assistance. The state legislature awarded the City an FY2014 legislative grant in the amount of \$500,000 to help fund the replacement (Attachment B). Staff recommends the Council adopt Resolution No. 2013-27, which formally accepts the FY2014 legislative grant in the amount of \$500,000 for Monashka Pumphouse Upgrades.

PREVIOUS COUNCIL ACTION:

- October 2010, Council approved a contract with CH2MHill to complete the Monashka Pumphouse Upgrade Feasibility Study
- December 2012, Council accepted an Alaska Municipal Matching Grant (AMMG) for \$420,000 that was transferred from the UV project to the Monashka design and construction project
- January 2014, Council named Monashka Pumphouse project as the No. 1 City priority on City's FY2014 state CIP list
- FY2013, Council approved additional capital project funding for the project in the amount of \$425,000
- February 2014, Council approved a contract amendment with CH2MHILL for additional pre-design and design work on pumphouse project

DISCUSSION: Staff began to develop a funding plan for the Monashka pumphouse project soon after the project feasibility study that would determine if the facility could be refurbished or replaced was initiated. Staff prepared and submitted AMMG questionnaires to the state Department of Environmental Conservation (DEC) to help fund the project each year from 2011-2014. The project did not score high enough to qualify for funding through that program during that time. However, the City received DEC permission to transfer some remaining funds from the AMMG used for the City's UV water treatment project. This was because the UV project was very successful, and the project came in on the low end of

the construction cost estimate. The City received authorization from DEC in August 2012 to transfer \$420,000 of remaining grant funds to the Monashka project, and Council accepted the grant in December 2012. Staff also submitted an Alaska Drinking Water loan questionnaire in FY2014 and received approval for a low interest loan of up to \$6 million. This loan application has not been submitted at this time while staff continues to look for grant-based funding.

The City requested funding support directly from the state legislature during the FY2014 legislative session and was approved for \$500,000, which is the action up for Council approval at this time. The City also received approval to transfer the remaining AMMG funds from the UV project to the Monashka project once the UV project is completely closed out. We are in the process of closing the UV project and expect the remaining funds would be available to move to the Monashka project within a few months.

Currently, staff is finishing the final report for the New Monashka Pump House Feasibility Study. This report reviewed locations where a new facility could be built and basic layout and pump system design. The final project pre-design review and report will identify the configuration of pumps and sizing, electrical, emergency backup and monitoring and controls. Once the review is complete, staff will request Council approval for a final design contract with CH2MHill in October.

Staff also submitted an AMMG questionnaire for FY2015 and should know if the request is successful with additional funding from the AMMG program by December when Governor Parnell issues his budget.

ALTERNATIVES:

1. Adopt Resolution No. 2013–27, which allows the City Manager to sign the legislative grant offer and accept the \$500,000 grant. Staff recommends this alternative to allow the design and construction of the project to begin while reducing our use of our capital improvement funds.
2. Do not adopt the resolution. This is not recommended, since the City benefits from the use of these funds to keep user rates lower while continuing with the upgrading of critical aging water infrastructure.

FINANCIAL IMPLICATIONS: Project number 11-05/7029 is budgeted in the FY2014 Water Capital Improvement Fund. The total project budget to date is \$1,070,000. This budget does not reflect this legislative grant or any of the additional AMMG funds that will become available by the end of the year.

LEGAL: N/A.

STAFF RECOMMENDATION: Staff recommends Council adopt Resolution No. 2013–27, accepting the state legislative grant in the amount of \$500,000 for the purpose of Monashka Pumphouse Upgrade, Project No. 11-05/7029

CITY MANAGER’S COMMENTS: I certainly support accepting this legislative grant award since it was the City’s number one priority for state funding for FY2014. I support staff’s constant efforts to find grant money, which limits the amount of money we may have to borrow through the Alaska Drinking Water loan program, which helps reduce the impact to ratepayers. I recommend Council adopt Resolution No. 2013–27.

ATTACHMENTS:

Attachment A: Resolution No. 2013–27

Attachment B: State notification of approval of legislative grant for \$500,000

PROPOSED MOTION:

Move to adopt Resolution No. 2013–27.

**CITY OF KODIAK
RESOLUTION NUMBER 2013-27**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK ACCEPTING
A LEGISLATIVE GRANT FOR THE MONASHKA PUMPHOUSE UPGRADES**

WHEREAS, the Monashka pumphouse is one of the most critical pieces of Kodiak's infrastructure that provides almost the entire water supply for the City of Kodiak's public water system; and

WHEREAS, the Monashka pumphouse was constructed in the early 1970s, and only limited changes have been made to the building and pumping system since it was built; and

WHEREAS, the City of Kodiak identified the upgrades of Monashka pumphouse as its number one priority on the FY2014 state capital funding request list; and

WHEREAS, the City of Kodiak actively lobbied for state funding assistance for completed design and replacement/upgrades of this facility; and

WHEREAS, the Alaska State Legislature approved an FY2014 Designated Legislative Grant to the City of Kodiak in the amount of \$500,000; and

WHEREAS, the City of Kodiak will use these funds for the completed design and replacement/upgrades for the Monashka pumphouse, which will upgrade a key piece of Kodiak's infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that an Alaska State Legislature FY2014 Designated Legislative Grant in the amount of \$500,000 is hereby accepted, and the City Manager is authorized to execute the grant agreement and related documents.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, Alaska 99811-0809
Main: 907-465-4731
Programs fax: 907-5867



June 28, 2013

Aimee Kniazowski, City Manager
City of Kodiak
710 Mill Bay Road
Kodiak, AK 99615

RE: 2014 Designated Legislative Grant

Dear Ms. Kniazowski:

I am pleased to notify the City of Kodiak has been appropriated a FY 2014 Designated Legislative Grant per AS 37.05.315, Grants to Municipalities for the purpose of Monashka Pumphouse Upgrades. The amount of state funding appropriated for this grant is \$500,000.

In order to receive grant funds, a grant agreement must be executed. Please provide the following information within 30 days:

- A scope of work for this project which includes a brief project description, proposed timeline and budget narrative. Enclosed is the Total Project Snapshot (TPS). The TPS is to be used as a reference for writing the brief project description. In the project description, describe the tasks and/or activities that will be accomplished with this grant funding.
- Completed Signatory Authority Form

Upon receipt of the requested information, I will prepare and send the grant agreement for signature.

The latest Designated Legislative Handbook is available online at:

<http://commerce.alaska.gov/dnn/dcra/GrantsSection/DLGrants.aspx> and should answer any questions you have regarding management and use of grant funds. Congratulations on this award. I look forward to working with you to ensure the success this project. If you have any additional questions, please contact me via phone at (907)465-4731 or email robin.park@alaska.gov.

Sincerely,

Robin Park
Grants Administrator II
Enclosure

**Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)**

Grant Recipient: Kodiak

Federal Tax ID: 92-6000083

Project Title:

Project Type: Remodel, Reconstruction and Upgrades

Kodiak - Monashka Pumphouse Upgrades

State Funding Requested: \$5,700,000
Future Funding May Be Requested

House District: 35 / R

Brief Project Description:

As one of the City of Kodiak's most critical pieces of infrastructure, the Monashka pumphouse provides almost the entire water supply for the City of Kodiak's public water system. The pumphouse, built in the early 1970s has deteriorated and the pumps used to pump the water are of 1940s vintage. It is critical that Kodiak upgrade the building and pumps as soon as possible.

Funding Plan:

Total Project Cost:	\$6,800,000
Funding Already Secured:	(\$1,100,000)
FY2014 State Funding Request:	<u>(\$5,700,000)</u>
Project Deficit:	\$0

Funding Details:
 FY 2011-2012: City budgeted \$595,000 of local funds to project
 FY 2013: Received \$420,000 through MMGP transfer from other Kodiak project (UV water treatment plant project)
 FY 2013: \$84,000 in local Cityfunds to meet the required 30% match for MMG

Detailed Project Description and Justification:

The Monashka pumphouse provides almost the entire water supply for the City of Kodiak's public water system, averaging 4.73 million gallons per day but produces up to 10 million gallons per day during peak fish processing seasons. The pumphouse was constructed in the early 1970s, and only limited changes have been made to the building and pumping system since it was built. The two story concrete building houses an electrical room and four single speed pumps of 1940s vintage for which parts are no longer made. The building is experiencing significant separation of wall panel connections and floor and roof systems. Some repairs to the old pumps require specialty machining which is costly since parts are no longer made. The electrical system and pump motor starts are inadequate and out-of-date. Bats continue to infest the upper floor of the building causing damage as they burrow into walls and electrical components despite ongoing efforts to remove them. The City has been working to identify the scope of the upgrades needed to this critical facility since 2009. The total project upgrades to date are estimated to be \$6.8 million. So far the City has secured \$1.1 million in local funds, one reassigned state grant, and is working to authorize a reappropriation of additional unused grant money from the UV water treatment plant project. The City continues to make applications to the MMGP and recently completed a questionnaire for a Clean Water Loan for this project. Recent information provided by structural engineers working on the feasibility study indicates possible compromise to the structural and seismic stability of the building which may require even more work than initially expected. The critical need for this facility and the unknown nature of the repairs and upgrades make this an absolutely critical project for the City of Kodiak. Therefore, the City of Kodiak is requesting state funding assistance for completed design and replacement/upgrades of this facility in the amount \$5,700,000.

For use by Co-chair Staff Only:

\$500,000
Approved

2:01 PM 5/9/2013

Project Timeline:

April 2013: Complete final feasibility study & fieldwork, focusing on building seismic stability & pump replacements
June 2013: Complete pre-design
February 2014: Complete design
April 2014: Bid Ready
Spring/summer 2014: Construction

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

City of Kodiak

Grant Recipient Contact Information:

Name: Aimee Kniazowski
Title: City Manager
Address: 710 Mill Bay Road
Kodiak, Alaska 99615
Phone Number: (907)486-8640
Email: akniazowski@city.kodiak.ak.us


Has this project been through a public review process at the local level and is it a community priority? Yes No

For use by Co-chair Staff Only:

2:01 PM 5/9/2013

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MEMORANDUM TO COUNCIL

To: Mayor and City Councilmembers
From: Aimée Kniazowski, City Manager 
Thru: Mark Kozak, Public Works Director and Marty Owen, Harbormaster
Date: September 12, 2013

Agenda Item: V. c. Authorization of Vehicle Purchases for the Harbor and Public Works Departments

SUMMARY: The Public Works Department budgeted for the replacement of an existing maintenance pickup and one one-ton flat bed chassis in FY2014. The Harbor Department budgeted to replace one existing pickup in the Boat Harbor Enterprise Fund for FY2014. The existing vehicles have been through a mechanical evaluation by the City maintenance shop and are recommended for replacement. The City advertised the bid for these replacement vehicles in July, and two bids were received on August 29, 2013. Therefore, staff recommends Council approve the purchase of the two half-ton 4x4 pickups for Public Works and Harbor Department and the one-ton flatbed truck from Kodiak Motors in the amount of \$72,480.

PREVIOUS COUNCIL ACTION: The City Council adopted a vehicle and equipment replacement policy in 2011 and a vehicle and equipment replacement fund in 2012. Council adopted the FY2014 budget in June 2013 with these vehicles included. Staff made a brief presentation to Council on the purchases at the September 10, 2013, work session.

DISCUSSION: The Public Works shop does mechanical evaluations on all City vehicles and equipment up for replacement. Using a mechanical and structural evaluation method, each unit is evaluated first for safety issues and second for significant mechanical issues requiring major repair costs. Staff then weighs the cost of the estimated repair or component replacement against the potential additional years of service. The Kodiak environment affects the rate of structural deterioration of the frames on smaller vehicles, which often determines the remaining service life of the unit. As each vehicle or piece of heavy equipment is evaluated, staff weighs the risk of extending the time in service. The shop mechanics evaluate the equipment and vehicles prior to budget preparation each year, which means that most vehicles or equipment would be evaluated by April for nomination in the coming CIP and inclusion in the budget. If a piece of equipment or vehicle is extended one year, that piece typically remains in service for 18 months to two years before it is actually replaced. The City modified bid specs to accept the current year models in an effort to save cost and improve delivery times.

The vehicle replacement policy estimates replacement of a maintenance pickup at 12 years. Public Works Pickup # 14 was purchased in 1999. The vehicle is 14 years old, and during its evaluation in April 2013 the following items were identified:

- 1) Major oil leaks in both the front and rear engine crankshaft seals. Repair would require removal and engine overhaul.
- 2) 4X4 transfer case is leaking and should be repaired. There is an issue with the electronic controller with codes, so additional investigation into this problem is needed.
- 3) Rocker panels on both sides have rust through
- 4) Vehicle frame from rear axles to tail gate is severely rusted and falling apart. Replaced the bed on this vehicle earlier because it had rusted through.
- 5) Interior wear on seat

The one-ton flatbed is used as a salter during winter and is exposed to excessive salt on a continuous basis. The vehicle is washed after every use and stored inside during the winter. However, this continued exposure to the salt leads to even more aggressive corrosion problems than on other vehicles. This is why the City's replacement policy shows an eight-year life span for these vehicles. Flat bed salter # 12 was used for ten winters. When the shop evaluated this vehicle in April 2013, the following items were identified:

- 1) Back half of the vehicle has severe rust and corrosion problems, particularly the frame hangars and axle mounts.
- 2) Suspension is worn out from heavy loads and needs to be replaced.
- 3) Front cross members under the engine are flaking rust.
- 4) Brake lines need replacing again.
- 5) Front shock and wheel wells rusting and falling apart. This has a lot to do with running chains all winter.
- 6) Steering system is loose and sloppy from the use of chains on the front tires. Chains create extra vibration and components wear prematurely within the steering system.
- 7) Slight engine oil leaks
- 8) Minor interior wear

The flatbed on this vehicle rusted out, so the shop built a stainless steel flatbed frame and wood deck. This frame will be removed, and the original bed will be reinstalled prior to surplusing this vehicle. The stainless flat bed will be installed on the replacement chassis. Over the years staff has found that the flatbeds that come with these vehicles will not stand up to the use as a salter. This stainless flatbed should last through several vehicles.

Harbor #10 is used as a harbor patrol/maintenance vehicle. It was evaluated on August 6, 2103, and the following items were identified:

- 1) Transmission, rear pinion seals leaking
- 2) Engine rear main seal leaking oil, oil pan leaking

- 3) Engine has excessive internal wear based on oil consumption
- 4) Both valve covers have oil leaks
- 5) Rear of frame has severe rust
- 6) Spring hangars and shackles severely rusted

ALTERNATIVES:

1. Award the bid to the low responsible bidder, Kodiak Motors, in the amount of \$22,919 for each half-ton pickup truck and \$26,642 for the one-ton 4x4 dual rear wheel flatbed for a total of \$72,480.
2. Reject the bids and not purchase the new vehicles. This is not recommended, since mechanical evaluations of these vehicles have identified numerous mechanical and structural issues.

FINANCIAL IMPLICATIONS: The funding for replacing the vehicles was approved in the FY2014 budget. The two Public Works vehicles are budgeted for replacement in the Street Department, Machinery and Equipment Account No. 100.160.162.470.126. The Harbor vehicle is budgeted in the Boat Harbor Enterprise Fund, Administration, Machinery and Equipment Account No. 510.520.100.470.126.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council approve the purchase of all three replacement vehicles from Kodiak Motors for a total expenditure of \$72,480 broken down as follows: the purchase of one half-ton 4x4 pickup and one one-ton 4x4 dual wheel chassis flatbed for a total of \$49,561, with funds coming from the Public Works Street Department, Machinery and Equipment Account No. 100.160.162.470.126; and one half-ton 4x4 pickup truck for \$22,919, with funds coming from the Boat Harbor Enterprise Fund, Administration, Machinery and Equipment Account No. 510.520.100.470.126.

CITY MANAGER'S COMMENTS: I support staff's recommendation that Council authorize the purchase of the three working vehicles for the Harbor and Public Works departments as outlined in this memo. The vehicle replacements are in the FY2014 budget. Staff evaluated the condition of the existing equipment and determined that all three vehicles should be replaced. The replacement is also consistent with the City's vehicle and equipment replacement policy.

ATTACHMENTS:

- Attachment A: Kodiak Motors Bid Forms
- Attachment B: Kendall Ford of Wasilla Bid Forms
- Attachment C: PW Maintenance Pickup #14 Mechanical Evaluation
- Attachment D: Flatbed Salter # 12 Mechanical Evaluation
- Attachment E: Harbor Pickup # H 10 Mechanical Evaluation

PROPOSED MOTION:

Move to authorize the purchase of vehicles from Kodiak Motors for a total amount of \$72,480 as follows: one half-ton 4x4 pickup and one one-ton 4x4 dual wheel chassis flatbed for a total of \$49,561, with funds coming from the Public Works Street Department, Machinery and Equipment Account and one half-ton 4x4 pickup truck for \$22,919, with funds coming from the Boat Harbor Enterprise Fund, Administration, Machinery and Equipment Account.

Attachment: A, Kodiak Motors Bid # 524


Invitation to Bid-524

July 26, 2013

Liability Copies of Business License and City Sales Tax Registration enclosed.

Bid price valid for 30 days.

Submitted by: _____ Dated: August 28, 2013


Signature _____ Kodiak Motors, Inc.
Business Name

President
Title _____ 201 Center Ave
Address

907-486-3204
Telephone _____ Kodiak, AK 99615
City, State, Zip

Invitation to Bid-524

July 26, 2013

BID FORM

TO: Aimee Kniazowski, City Manager
 City of Kodiak
 710 Mill Bay Road, Room #219
 PO Box 1397
 Kodiak AK 99615

Any exceptions to the published bid specifications must be listed by item.

In compliance with your Invitation to bid for Bid No. 524 dated July 26, 2013, the undersigned hereby proposes to provide the following:

Bid amount

1. (2) 2013 or 2014, ½ ton, 4 wheel drive, pickup trucks, with an 8ft fleet side style bed

1. 45,838

2. (1) 2013 or 2014, 1 ton, 4 wheel drive, dual rear wheel, chassis truck

2. 26,642

(Turn in Page 6 & 7 in as part of your bid)

Attachment: B, Kendall Ford Bid # 524

Invitation to Bid-524


July 26, 2013

Liability Copies of Business License and City Sales Tax Registration enclosed.

Bid price valid for 120 days.

Submitted by:

Dated: 27 Aug 13

 Kendall Ford of Wasella
 Signature Business Name

CAW 2701 E Mt Village Dr
 Title Address

907-352-5677 Wasella, AK 99654
 Telephone City, State, Zip

Invitation to Bid-524

July 26, 2013

BID FORM

TO: Aimee Kniazowski, City Manager
City of Kodiak
710 Mill Bay Road, Room #219
PO Box 1397
Kodiak AK 99615

Any exceptions to the published bid specifications must be listed by item.

In compliance with your Invitation to bid for Bid No. 524 dated July 26, 2013, the undersigned hereby proposes to provide the following:

Bid amount

1. (2) 2013 or 2014, ½ ton, 4 wheel drive, pickup trucks, with an 8ft fleet side style bed

1. 23,256 ea.

2. (1) 2013 or 2014, 1 ton, 4 wheel drive, dual rear wheel, chassis truck

2. 26,581 ea.

(Turn in Page 6 & 7 in as part of your bid)

CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
1 of 2 pages

Costs are estimated at (check one)

- Less than \$10,000
- Greater than \$10,000

The Following Signatures are required:

Vehicle Maint. Supervisor
 Department Head:
 City Manger: _____

This purchase is requested to be funded in Fiscal Year	Fiscal Year : FY 2014
Prepared by: Mark Kozak, Billy Juhlin	Date: 3/28/13
Department: Public Works Streets	
Nomination Name: Half Ton 4X4 Pickup with 8 foot bed	

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Unit ID Number	14
Year – Make - Model	1999 Ford F-150 4X4 Pickup
Engine Size – Fuel Type	Gas 4.2 L
Current Mllege	79,302.4
Body Condition	Fair with a small amount of rust
License Plate No.	XXV 984
VIN or Serial Number	2FT2F1827XCA04440

FUNCTION: WRITE A BRIEF SUMMARY OF HOW THIS UNIT HAS BEEN USED AND HOW OFTEN.
This vehicle is used as a maintenance pickup. The vehicle contains a full set of utility tools for support of water, sewer and street maintenance. The pickup is used daily by the crew.

JUSTIFICATION: WRITE A BRIEF SUMMARY OF WHY THIS UNTI IS BEING REPLACED. INCLUDE ITEMS SUCH AS HISTORY, CONDITION ASSESSMENT, COSTS, USES, PUBLIC WORKS EVALUATION REPORT, ETC.
The vehicle was inspected and the following significant issue were found. <ol style="list-style-type: none"> 1) There are major oil leaks in both the front and rear engine crankshaft seals. Repair would require removal and engine overhaul. 2) The 4X4 transfer case is leaking and should be repaired. There is a issue with the electronic controller with codes so additional investigation into this problem is needed. 3) Rocker panels on both sides have rust through 4) The vehicle frame from rear axles to tail gate is serverly rusted and falling apart. We replaced the bed on this vehicle earlier because it had rust through. 5) Interior wear, seat

CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
2 of 2 pages

Proposed Dispositions of Replaced Unit as Determined by Vehicle Maintenance Division (check one):

- To General Fleet
- To Surplus Sale

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Year – Make - Model	2013 or 2014 Half Ton 4x4
Engine Size – Fuel Type	V-6 or V-8
Number of Doors	Two
Seating Capacity	2 or 3
Specialty Items	8 foot bed
Color , Police Package, Tires, Transmission, Etc.	Basic Standard Factory package.

REQUESTED NEW UNIT COSTS	
Basic Equipment Costs	\$30,000
Specialty Equipment Cost	\$
Shipping Costs	\$
Total Costs	\$30,000

OPERATIONAL COSTS:

Attach a detailed spreadsheet describing the last five years' annual costs to operate this unit, including fuel consumption, maintenance materials, AND maintenance labor.

CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
1 of 2 pages

Costs are estimated at (check one)

- Less than \$10,000
 Greater than \$10,000

The Following Signatures are required:

Vehicle Maint. Supervisor 
 Department Head: Mark Kozak
 City Manger: _____

This purchase is requested to be funded in Fiscal Year	Fiscal Year : FY 2014
Prepared by: Mark Kozak, Billy Juhlin	Date: March 28, 2013
Department: Public Works Streets	
Nomination Name: One Ton 4X4 Flatbed/Salter	

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Unit ID Number	12
Year – Make - Model	2002, Ford, F-350 Flatbed 4X4
Engine Size – Fuel Type	Gas, 6.8L
Current Mileage	19,406.6
Body Condition	Rough, rust, dents and holes
License Plate No.	XXY 724
VIN or Serial Number	1FDW37SX2EB39555

FUNCTION: WRITE A BRIEF SUMMARY OF HOW THIS UNIT HAS BEEN USED AND HOW OFTEN.
<p>This vehicle has been used since purchased new as a salter in 2002. We also remove the salter units from both salters in the summer and use them for street maintenance as well as share with other departments. The salter is use almost daily from November through April. Quite frequently they are used both morning and evening as we go through the normal daily freeze thaw cycle of our winter. Working conditions also require these vehicles to operate full time with chains on all four wheels and extremely heavy loads.</p> <p>In order to keep ahead with the winter street maintenance it is critical that the salters be dependable and structurally sound for safety and service.</p>

JUSTIFICATION: WRITE A BRIEF SUMMARY OF WHY THIS UNTI IS BEING REPLACED. INCLUDE ITEMS SUCH AS HISTORY, CONDITION ASSESSMENT, COSTS, USES, PUBLIC WORKS EVALUATION REPORT, ETC.
<p>During winter these vehicle are exposed to excessive salt on a continous basis. The vehicle is washed at the end of every use and stored inside during the winter. However this continued exposure to the salt leads to even more aggressive corrosion problems than on other vehicles. This is why we plan for only 8 years of use for these vehicles. This vehicle was used for 10 winters.</p> <p>During evaluation the following were found.</p> <ol style="list-style-type: none"> 1) Whole back half of the vehicle has severe rust and corrosion problems. Particularly the frame hangars and axle mounts. 2) Suspension is worn out from heavy loads and needs to be replaced. 3) The front cross members under the engine are flaking rust. 4) Brake llnes need replacing again.

- 5) Front shock and wheel wells are rusting and falling apart. This has a lot to do with running chains all winter.
- 6) Steering system is loose and sloppy from the use of chains on the front tires. The chains create extra vibration and components wear prematurely within the steering system.
- 7) Slight engine oil leaks.
- 8) Minor interior wear.

**CITY OF KODIAK
 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
 VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
 2 of 2 pages**

Proposed Dispositions of Replaced Unit as Determined by Vehicle Maintenance Division (check one):

- To General Fleet
- To Surplus Sale

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Year – Make - Model	2013 or 2014 One Ton 4x4
Engine Size – Fuel Type	V-8 or V-10
Number of Doors	Two
Seating Capacity	2 or 3
Specialty Items	N/A (salter until is not being replaced)
Color , Police Package, Tires, Transmission, Etc.	Standard Factory package with tow package

REQUESTED NEW UNIT COSTS	
Basic Equipment Costs	\$36,000
Specialty Equipment Cost	\$
Shipping Costs	\$2,000
Total Costs	\$38,000

OPERATIONAL COSTS:

Attach a detailed spreadsheet describing the last five years' annual costs to operate this unit, including fuel consumption, maintenance materials, AND maintenance labor.

CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
1 of 2 pages

Costs are estimated at (check one)

- Less than \$10,000
 Greater than \$10,000

The Following Signatures are required:

Vehicle Maint. Supervisor 
 Department Head: 
 City Manger: _____

This purchase is requested to be funded in Fiscal Year	Fiscal Year : 2014
Prepared by: Gerald Pherson	Date: 8/29/13
Department: Harbor	
Nomination Name: Half-Ton 4X4 Pickup with 8-foot bed	

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Unit ID Number	H10
Year - Make - Model	2001 Ford F-150 4X4 Pickup
Engine Size - Fuel Type	Gas 4.2L
Current Mileage	77,952
Body Condition	Fair with spots rusted through
License Plate No.	XXY711
VIN or Serial Number	1FTZF18251NAS0453

FUNCTION: WRITE A BRIEF SUMMARY OF HOW THIS UNIT HAS BEEN USED AND HOW OFTEN.
This vehicle is used as a harbor patrol pickup. The pickup is used daily by the harbor crew.

JUSTIFICATION: WRITE A BRIEF SUMMARY OF WHY THIS UNIT IS BEING REPLACED. INCLUDE ITEMS SUCH AS HISTORY, CONDITION ASSESSMENT, COSTS, USES, PUBLIC WORKS EVALUATION REPORT, ETC.
Harbor vehicle H10 has approximately 78,000 miles on the odometer. It has been used by the Harbormasters office since it was new. This vehicle has been exposed to the salty atmosphere of the harbor. There are several body panels that have rusted completely through. The frame and critical suspension components have heavy rust that is close to falling. The engine is showing signs of blow-by causing most seals and gaskets to leak.

CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
2 of 2 pages

Proposed Dispositions of Replaced Unit as Determined by Vehicle Maintenance Division (check one):

To General Fleet

To Surplus Sale

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Year – Make - Model	2013 or 2014 Half Ton 4x4
Engine Size – Fuel Type	V-6 or V-8
Number of Doors	Two
Seating Capacity	2 or 3
Specialty Items	8 foot bed
Color , Police Package, Tires, Transmisson, Etc.	Basic Standard Factory package.


REQUESTED NEW UNIT COSTS	
Basic Equipment Costs	\$30,000
Specialty Equipment Cost	\$
Shipping Costs	\$
Total Costs	\$30,000

OPERATIONAL COSTS:

Attach a detailed spreadsheet describing the last five years' annual costs to operate this unit, including fuel consumption, maintenance materials, AND maintenance labor.

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

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

Date: September 12, 2013

Agenda Item: V. d. Authorization of Change Order No. 7 for Baranof Park Improvement Project, Project No. 12-05/9001

SUMMARY: The City of Kodiak holds a contract with Ohno Construction who has performed all the turf related work to date on the Baranof Park Improvement Project. Ohno is 90% complete on the final phase of Field Turf installation which is on the Baranof multipurpose outfield. The project is both on schedule and on budget. Over the course of the project this past summer the City has accumulated various change proposals (CPs #13-18) addressing unforeseen needs of the project. Although the specific changes were unforeseen in the design documents due to programming and site conditions, the amount needed to address a final change order was anticipated as a contingency value in the project budget. Change Order No. 7 represents the final effort for turf installation and contains all associated change proposals and is within the budgeted project contingency. Therefore, staff recommends Council approve Change Order No. 7 to Ohno Construction in the amount of \$65,056.51.

PREVIOUS COUNCIL ACTION:

- April 12, 2012, authorized the bid award for Baranof Park Phase I Improvements to Ohno Construction for \$2,996,811.
- May 31, 2012, authorized Change Order No. 1 for Baranof Park Phase I Improvements to Ohno Construction for \$15,000.
- June 14, 2012, authorized Change Order No. 2 for Baranof Park Phase II Improvements to Ohno Construction for \$1,576,094.
- July 12, 2012, authorized Change Order No. 3 for Baranof Park Improvements to Ohno Construction for \$97,310.
- August 9, 2012, authorized Change Order No. 4 for Baranof Park Phase II Improvements to Ohno Construction for \$53,700.
- October 11, 2012, authorized Change Order No. 5 for Baranof Park Phase II Improvements to Ohno Construction for \$39,930.15.
- 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 advisory board to revisit the list with more updated cost estimates and to make an updated recommendation.

- June 11, 2013, the Parks & Recreation Advisory Board presented their recommendations on the Baranof Park project priorities based on updated cost estimates. The Board's main priority remains the installation of synthetic turf in the baseball outfield in the 2013 construction season.
- June 13, 2013, Approved Change Order No. 6 to Ohno Construction in the amount of \$1,526,000, with funds coming from the Parks Capital Improvement fund, Baranof Park Improvements, Project No. 12-05/9001 and authorized the City Manager to execute the documents on behalf of the City.

DISCUSSION: Work on the Baranof multi-purpose outfield is 90% complete, and Change Order No.7 represents a clean-up change order addressing change order proposals (CPs) #13-18 to close out the contract with Ohno Construction. The project is on time and on schedule, and the change order is within the allocated contingency. Substantial completion is imminent, and owner occupancy is anticipated by September 20, 2013.

ALTERNATIVES:

1. Approve Change Order No. 7 to Ohno Construction which is the recommendation of staff, the project engineer, and the Advisory Board.
2. Do not approve the change order to Ohno Construction. This option is not recommended, because it does not support the P&R Advisory Board recommendation and fails to adequately utilize the project funding.

FINANCIAL IMPLICATIONS: The City had a remaining budget of \$1,815,419 within the Baranof Park Improvement Project. The total budget for baseball outfield was \$1,650,180 including adequate contingency to cover this Change Order No. 7, so the money has already been allocated towards this anticipated clean-up change order.

STAFF RECOMMENDATION: Staff recommends Council approve Change Order No. 7 for the Baranof Park Improvement Project to Ohno Construction in the amount of \$65,056.51, with funds coming from Parks Capital Improvement Fund, Baranof Park Improvements, Project No. 12-05/ 9001 and authorize the City Manager to execute the documents.

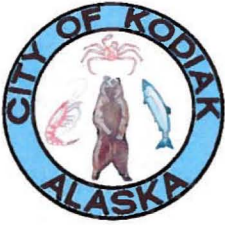
CITY MANAGER'S COMMENTS: This project, the last large portion of the Baranof Park Improvement Project, has gone very well. As staff mentions, the project is on time and within budget. The weather helped keep everything on schedule, and substantial completion is still estimated by September 20, 2013. I support staff recommendation to authorize this change order (Attachment B) to Ohno.

ATTACHMENTS:

- Attachment A: Change Order No. 7
- Attachment B: Change Order Proposals #13-18

PROPOSED MOTION:

Move to authorize Change Order No. 7 for Baranof Park Improvement Project, Project No. 12-05/9001 with Ohno Construction in the amount of \$65,056.51, with funds coming from the Parks Capital Improvement Fund, Baranof Park Improvements, Project No. 12-05/9001 and authorize the City Manager to execute the documents on behalf of the City.



**CITY OF KODIAK
CHANGE ORDER**

CHANGE ORDER NO.: (7)

DATE: August 16, 2013

NAME OF PROJECT: Baranof Park Community Sports Fields and Track Renovation

PROJECT NO.: PN 12-05/9001

CONTRACTOR: Ohno Construction Co.

The following changes are hereby made to the CONTRACT DOCUMENTS:

COP-13 Reconciles the Contractor's initial proposal the final construction documents.....	\$24,811.00
COP-14 Adds a single pedestrian gate	\$1,378.00
COP-15 Modifies Design and detailing for Bullpen Pitcher's Mounds.....	\$21,224.00
COP-16 Over-excavation and Import of Select Fills where unsuitable existing material was encountered during subgrade establishment.....	\$15,024.00
COP-18 Special Equipment and associated additional labor as a result of bedrock deposit encountered with in the limit of work / fence post foundations...	\$2,619.51
<hr/>	
Total, Change Order #7	\$65,056.51

Justification: See Attached

Original CONTRACT PRICE: _____ \$2,996,811.00

The CONTRACT PRICE from prior CHANGE ORDERS: _____ \$6,305,446.15

The CONTRACT PRICE due to this CHANGE ORDER will increase: _____ \$65,056.51

The new CONTRACT PRICE including this CHANGE ORDER: _____ \$6,370,502.66

Additional Calendar Days Requested for this Change Order: _____ 0

Original Contract Completion Date: _____ 8/23/12

Revised Contract Completion Date: _____ 10/12/13



**CITY OF KODIAK
CHANGE ORDER**

Requested by City Engineer

Approved by Department
Head

Ordered by City Manager

Accepted by Contractor

City of Kodiak
 Baranof Park
 Community Fields and Track Improvements
 Change Order Proposal

COP # 13

Please furnish your proposal and include a detailed cost breakdown for performing the changes to the Contract outlined below and/or detailed on the attachments referred to as Storm Drainage Abutment:

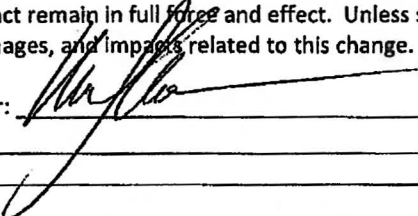
1. Reconcile COP-12/CO-6 pricing (5-26-13) to reflect final engineering drawings (6-7-13).
2. Do not include changes to Bullpen Pitching Mound design negotiated separately.

Reason for Change:
 Change Order was executed while the construction documents remained in development.

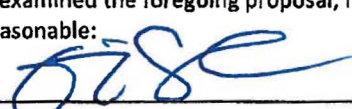
Prepared by: Eric Gold Date: July 28, 2013

We propose to perform all changes described in the above request for a total (Addition) (Deduction) to the Contract sum of:
twenty four thousand eight hundred eleven ²/₁₀₀ (\$ 24,811)

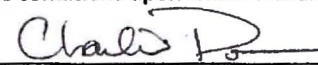
with an (Addition) (Deduction) of TBD calendar days to the Contract in accordance with the General Conditions of the Contract. The foregoing amount covers all direct and indirect costs related to this change and to the effect of this change for the remainder of the Contract. All other provisions of the Contract remain in full force and effect. Unless stated to the contrary, the above amount covers all costs, damages, and impacts related to this change.

Contractor:  Date: 7/29/13

We have carefully examined the foregoing proposal, negotiated with the Contractor where necessary and find it to be reasonable:

Project Engineer:  Date: 8/1/13

The City of Kodiak hereby accepts the foregoing proposal. This instrument when fully signed constitutes the conditions upon which a Change Order will be issued:

 Date: 8-15-13

Washington

9416 MLK Jr Way S
Seattle WA 98118
Bus 206-325-1529
Fax 206-324-8063
ohnocc@comcast.net
OHNOCC*254BS



California

16174 Boyle Ave
Fontana CA 92337
Bus 909-356-5672
Fax 909-356-5673
ohnoca@la.tvcbc.com
#833470A

OHNO CONSTRUCTION COMPANY

Celebrating over 40 years

Bob Harding
D.A. Hogan & Associates
119 First Ave. S., Suite 110
Seattle, WA 98104

June 24, 2013

Dear Bob:

We have reviewed the 95% drawings we received on June 7, 2013, and have made adjustments to our pricing in accordance with them.

Our adjusted base bid price is now \$1,527,000. We have an additional allowance of \$25,000 to cover the SWPPP.

The base bid price assumes that the bullpen mounds will be constructed with an infield mix that is available on Kodiak Island. The \$1,600 remaining credit might be used towards a new design for these bullpen mounds, at your discretion.

If you have any questions regarding these budget figures, please do not hesitate to contact me, or Sid Fontenot, Chief Estimator.

Best Regards,

A handwritten signature in dark ink, appearing to read "Richard L. Brangwin". The signature is fluid and cursive, with the first name being the most prominent.

Richard L. Brangwin
Vice President
Ohno Construction Company

Nikki Sturtevant

From: Eric Gold
Sent: Sunday, July 28, 2013 1:51 PM
To: Dick Brangwin (rbrangwin@gmail.com)
Cc: 'Melvin, Glenn'; Powers, Charlie (cpowers@city.kodiak.ak.us); Bob Harding
Subject: RE: Baranof Park COP-13 Reconciled Pricing
Attachments: Baranof Park COP 13 Adjusted Pricing.pdf; DOC001 Ohno 95% Pricing COP-012 6-26-13.pdf

Please use the attached version – I sent you COP-11 earlier.

Eric J. Gold ASLA
D.A. Hogan & Associates, Inc.
119 First Ave. S., Suite 110
Seattle WA 98104
P(206)285-0400
F(206)285-0480
www.dahogan.com

From: Eric Gold
Sent: Sunday, July 28, 2013 12:50 PM
To: Dick Brangwin (rbrangwin@gmail.com)
Cc: Melvin, Glenn; Powers, Charlie (cpowers@city.kodiak.ak.us); Bob Harding
Subject: Baranof Park COP-13 Reconciled Pricing

Dick,
This COP is intended to reconcile the final price for the outfield conversion executed as COP-12 / CO-6 May 2013. It is our understanding that you are requesting an additional \$24,811 to reflect the final construction documents issued 6-7-13. Please fill out the attached COP form and return to me no later than the end of the day Monday for possible inclusion in Change Order 7 to be submitted to Council during their July meeting.

Eric J. Gold ASLA
D.A. Hogan & Associates, Inc.
119 First Ave. S., Suite 110
Seattle WA 98104
P(206)285-0400
F(206)285-0480
www.dahogan.com

City of Kodiak
Baranof Park
Community Fields and Track Improvements
Change Order Proposal

COP # 14

Please furnish your proposal and include a detailed cost breakdown for performing the changes to the Contract outlined below:

1. Provide a locking 5' single swing gate as directed, generally between the right field foul pole and bullpen.

Reason for Change:
Owner Request.

Prepared by: Eric Gold Date: August 12, 2013

We propose to perform all changes described in the above request for a total (Addition) (Deduction) to the Contract sum of:

ONE THOUSAND THREE HUNDRED SEVENTY EIGHT (USD) 1,378.00

with an (Addition) (Deduction) of TBD calendar days to the Contract in accordance with the General Conditions of the Contract. The foregoing amount covers all direct and indirect costs related to this change and to the effect of this change for the remainder of the Contract. All other provisions of the Contract remain in full force and effect. Unless stated to the contrary, the above amount covers all costs, damages, and impacts related to this change.

Contractor: RAC Building Date: AUG 14, 2013

We have carefully examined the foregoing proposal, negotiated with the Contractor where necessary and find it to be reasonable:

Project Engineer: GCSE Date: 8-15-13

The City of Kodiak hereby accepts the foregoing proposal. This instrument when fully signed constitutes the conditions upon which a Change Order will be issued:

Charles Powers Date: 8-15-13

Baranof Park
Request For Chagne
By Ohno Construction
Richard Brangwin
Date: 07/26/13

Scope of Work C.O.P. # 14B Post to 12'

1. Add man gate at bull pen first base side.

\$1,378.13

Cost

\$1,378.13

1. Add man gate at bull pen first base side.

NO	ITEM	QUANT	UNIT	TOT	LAB	EQ	MAT	SUB
1	ERR	0	CY	1378.125		0	0	15.00 1200
	LABOR	0		0	0	EQUIPT	0	2.25
	10.00%	0		0	0	10.00%	0	0.00
	5.00%	0		0	0	5.00%	0	0.00
	MAT	15		0.0108844		SUB	1200	s/tot
	10.00%	1.5		16.5		8.00%	96	1296.00
	5.00%	0.825		17.325		5.00%	64.8	1360.80
	\$0.00		CY		ERR	PER EA	1	EA/SHIFT
	SUB North West Barriers						1200	1200.00
								\$1,200.00
	MAT				1	1	0	0.00
	MAT				1	1	0	0.00
	MAT	1		1	1	1	0	0.00
	MAT	1		1	1	1	0	0.00
	MAT Bond	1		1	1	0.0125	1200	15.00
	MAT	1		1	1	0	0	0.00
	MAT	0		0	0	0	0	0.00
	MAT	0		0	0	0	0	0.00
	MAT	0		0	0	0	0	0.00
	MAT	0		0	0	0	0	0.00
	MAT	0		0	0	0	0	0.00
	L- FOREMAN	0		0	1	8	\$88.86	0.00
	L-OPERATOR	0		0	1	8	\$79.73	0.00
	L -LABOR	0		0	1	8	\$73.86	0.00
	L- PIPE LABOR	0		0	0	8	\$73.86	0.00
	L-CARP.	0		0	1	8	\$73.86	0.00
	L -LABOR	0		0	1	8	\$73.86	0.00
	L-DRIVER20YD	0		0	1	8	\$73.86	0.00
	L-DRIVER10	0		0	1	8	\$73.86	0.00
	E-DUMP TRUCK	0		0	1	8	\$53.82	0.00
	E- 644 LOADER	0		0	1	3	\$84.50	0.00
	E- BOB CAT	0		0	1	2	\$65.00	0.00
	E-Lowboy	0		0	1	8	\$97.50	0.00
	E-120 EXCVATOR	0		0	1	8	\$84.50	0.00
	E-ROLLER	0		0	1	2	\$84.50	0.00
	E- Dozer	0		0	1	5	\$84.50	0.00
	E- Flat bed / Pick up	0		0	0	1	\$65.00	0.00
	E- Roto Hammer	0		0	1	1	\$125.00	0.00
								\$0.00

City of Kodiak
Baranof Park
Community Fields and Track Improvements
Change Order Proposal

COP # 15

Please furnish your proposal and include a detailed cost breakdown for performing the changes to the Contract outlined below and/or detailed on the attachments referred to as Storm Drainage Abutment:

1. Deduct Soil Pitching Mounds at Bullpens.
2. Provide (2) Synthetic Turf Pitching Mounds as detailed and specified. Mounds shall have a permeable aggregate core/base, concrete structure, recycled plastic nailers/edge anchors, standard removable 4-sided pitching rubber, drainage mat, 2" infilled synthetic turf mound surface and woven nylon "AstroTurf" front slope on 17mm pad.

Reason for Change:
Owner Request.

Prepared by: Eric Gold Date: July 28, 2013

We propose to perform all changes described in the above request for a total (Addition) (Deduction) to the Contract sum of:

TWENTY ONE THOUSAND TWO HUNDRED TWENTY FOUR \$21,224.00

with an (Addition) (Deduction) of TBD calendar days to the Contract in accordance with the General Conditions of the Contract. The foregoing amount covers all direct and indirect costs related to this change and to the effect of this change for the remainder of the Contract. All other provisions of the Contract remain in full force and effect. Unless stated to the contrary, the above amount covers all costs, damages, and impacts related to this change.

Contractor: [Signature] Date: July 31, 2013

We have carefully examined the foregoing proposal, negotiated with the Contractor where necessary and find it to be reasonable:

Project Engineer: [Signature] Date: 8/1/13

The City of Kodiak hereby accepts the foregoing proposal. This instrument when fully signed constitutes the conditions upon which a Change Order will be issued:

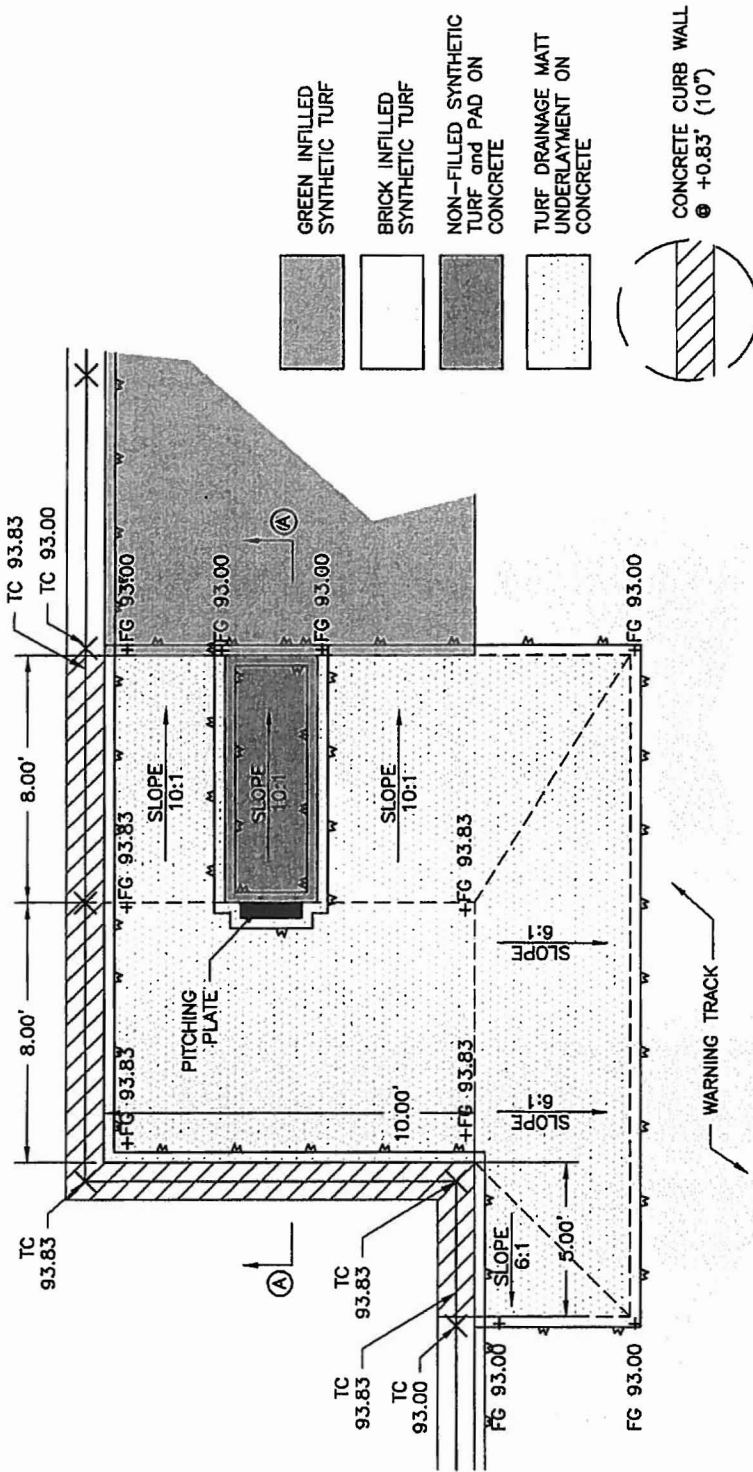
[Signature] Date: 8/15

Nikki Sturtevant

From: Eric Gold
Sent: Sunday, July 28, 2013 1:05 PM
To: Dick Brangwin (rbrangwin@gmail.com)
Cc: Melvin, Glenn; Powers, Charlie (cpowers@city.kodiak.ak.us); Bob Harding
Subject: Baranof COP-15
Attachments: COP-15 Pricing redlines.pdf; AstroTurf Quote.pdf; AstroTurf S12 Spec Sheet.pdf; BB-2.3 SITE DETAILS 6-7-13.pdf; COP-15 Bullpen Mound Form.pdf

Dick this is the Bullpen Mounds COP. Thank you for the revised proposal we received Friday, at approximately \$22,000. I've marked that up a little bit, mostly to correct some of the area take-offs. Please take a look and fill out the attached form.

Eric J. Gold ASLA
D.A. Hogan & Associates, Inc.
119 First Ave. S., Suite 110
Seattle WA 98104
P(206)285-0400
F(206)285-0480
www.dahogan.com



1ST BASE BULLPEN MOUND
(3RD BASE MOUND SIMILAR)

5 BULLPEN MOUND
BB-2.3 NOT TO SCALE



CODE	AXC016013U®
PRODUCT DESCRIPTION	ASTROTURF S 12 @ 60 oz

MATERIALS	IDENTIFICATION
YARN POLYMER	100% Nylon
SECONDARY YARN FIBERS [Root Zone]	NONE
YARN CROSS-SECTION	DIAMOND
STANDARD COLOR	STADIUM GREEN
SECONDARY YARN FIBERS [Root Zone]	NONE
UV STABILIZED	YES
PRIMARY BACKING	POLYESTER
PRECOAT	NONE
SECONDARY BACKING	ACRYLIC
POROUS SECONDARY BACKING	NONE
TEXTURED YARN NOMINAL DENIER	510
FILAMENTS PER NEEDLE	10
ROOT ZONE DENIER	NONE
FILAMENTS PER NEEDLE	NONE

FINISHED FABRIC	ENGLISH SYSTEM		METRIC SYSTEM	
	VALUE	UNITS	VALUE	UNITS
NOMINAL SPECIFICATION				
PILE WEIGHT	60	Oz/yd ²	2,033.7	g/m ²
BACKING WEIGHT	8	Oz/yd ²	271.9	g/m ²
SECONDARY BACKING WEIGHT	5	Oz/yd ²	169.5	g/m ²
PILE HEIGHT [BLADE LENGTH]	0.51	Inches	13	mm
TUFT BIND*	>6	LBS	2.7	Kg
GRAB STRENGTH	150	LBS.	68	Kg
ROLL WIDTH	15	FT.	4.6	M

Note 1 Any change from the specified values is considered a special product that will require confirmation from manufacturing.

Note 2 If the customer requires the specified value to be a minimum value, the product target and cost will be shifted to the maximum of the range.





DATE: DECEMBER 11, 2001

CODE	SWC-25
PRODUCT DESCRIPTION	17 MM BLACK PVC UNDERPAD

ITEM	ASTM METHOD	PROPERTY	ENGLISH UNITS		METRIC UNIT	
			TARGET AVERAGE	RANGE UNIT	TARGET AVERAGE	RANGE UNIT
1	D 1667	Thickness	0.655	± 0.03 inch	17	± 0.8 mm
2	D 1667	Density	8.0	± 1.0 pcf	0.128	± 0.016 g/cm ³
3	D 1667	25% Compression Resistance	9.0	± 1.5 psi	0.633	± 0.105 kg/cm ²
4	D 395	Compression Set, 100 psi	30 max	%	15 max	%
5	F 355-A	Turf & SWC-25 Pad	125 max	Gmax	125 max	Gmax
6	D 624	Tear Strength	20 min	lb/in	1.57 min	kg/cm
7	D 412	Tensile Strength	110 min	psi	7.73 min	kg/cm ²
8	D 412	Elongation At Break	100 min	%	100 min	%

- Notes (a) This pad is also available as SWC-25D drain-through, with 0.4 inch (1.0 cm) diameter holes, punched on 3 inch (7.6 cm) centers, in staggered rows.
- (b) Item 5 is first drop testing.

THE ABOVE SPECIFICATION IS SUBJECT TO REVISION AS ADDITIONAL PRODUCTION DATA POINTS ARE GENERATED

Eric Gold

From: Eric Gold
Sent: Sunday, July 28, 2013 11:48 AM
To: Dick Brangwin (rbrangwin@gmail.com)
Cc: Melvin, Glenn; Powers, Charlie (cpowers@city.kodiak.ak.us); Bob Harding; Lamar Starks (lstarks@astroturf.com)
Subject: FW: A-12 Mats/Kodiak AK
Attachments: AstroTurf S12 Spec Sheet.pdf

Dick,

Attached find the product data for the turf/pad assembly specified for the bullpen mounds – we are also working on retrofitting the portable game mound to accommodate the same material. All mounds then would take a 3'x8' piece. See below AstroTurf quoted at \$254.00 shipped to your Seattle office.

The 12'x7' batting practice mat is quoted at \$390, also shipped. We still need to identify Catchers Mats, sized 5'x8'.

Minimum Quantities for operation:

- (3) Pitching Mound Turf 3'x8'
- (1) Batting Practice Mat 12'x7'
- (3) Catchers Mat 5'x8'

Charlie you might want to order some of these as back-ups for future use.

Eric J. Gold ASLA
D.A. Hogan & Associates, Inc.
119 First Ave. S., Suite 110
Seattle WA 98104
P(206)285-0400
F(206)285-0480
www.dahogan.com

From: Lamar Starks [mailto:lstarks@astroturf.com]
Sent: Wednesday, June 26, 2013 8:45 AM
To: Eric Gold
Cc: Troy Squires; James Traynor; Bob Harding; 'Dick Brangwine (rbrangwin@gmail.com)'; Sid Fontenot Ohno
Subject: RE: A-12 Mats

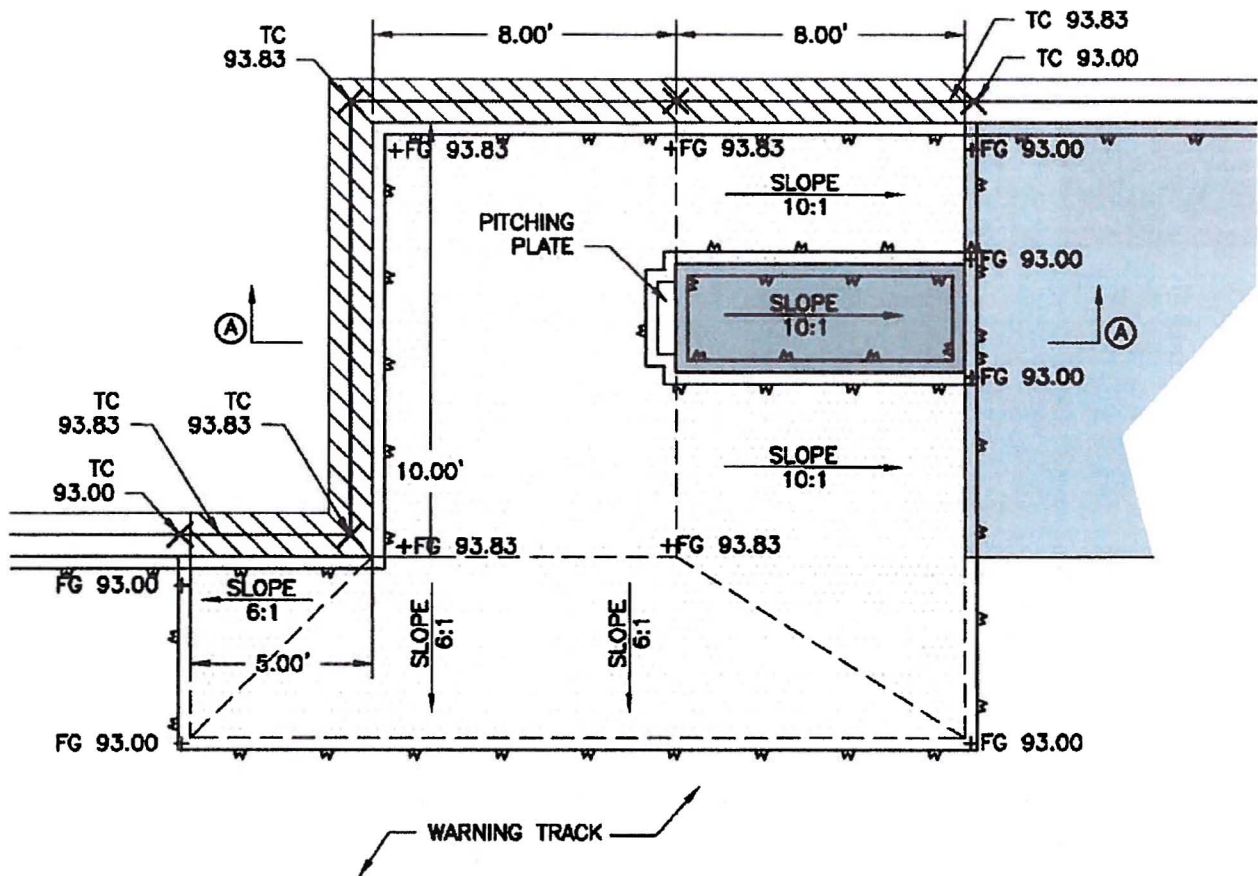
Eric:

We have a batting mat similar to the one shown in the photo you provided. It is green and white vs. brown and white, size is 12' x 7' and the cost of the mat and shipping to Seattle will be \$ 390.00.

The 3' x 8' Pitching turf and pad with shipping will cost \$ 254.

Lamar

From: Eric Gold [mailto:EricG@dahogan.com]
Sent: Wednesday, June 26, 2013 10:58 AM
To: Lamar Starks



Eric J. Gold ASLA
 D.A. Hogan & Associates, Inc.
 119 First Ave. S., Suite 110
 Seattle WA 98104
 P(206)285 0400
 F(206)285 0480
www.dahogan.com

From: Eric Gold
Sent: Wednesday, June 05, 2013 11:16 AM
To: 'Lamar Starks'
Subject: RE: A-12 Mats

Hi Lamar thanks for getting in touch.

We have two conditions we are trying to design to, first and most challenging is our bullpen pitching mounds. The client wants neither a clay mound nor a portable mound – they have seen a concrete mound and despite the rapid wear of standard tufted PE turf they seem to want to go in the direction of concrete as the base. We want to move toward a more durable knitted nylon. We expect some wear on that as well, so we want it to be “modular”, so it can be fairly easily removed and replaced. This partly why the reference to A-12, and also the desire for the pad (more for weight

From: James Traynor [<mailto:jtraynor@astrourf.com>]
Sent: Wednesday, June 05, 2013 9:08 AM
To: Eric Gold
Cc: Troy Squires; Bob Harding
Subject: Re: A-12 Mats

Got it Eric. Disregard that last voice mail I left you. I will send you an email tonight with some pricing and contact information

James Traynor
Northwest Regional Sales Manager
Washington / Oregon

Direct: (206) 979-9792
Fax: (206) 299-3534
email: jtraynor@astrourf.com
website: www.astrourfusa.com

On Jun 5, 2013, at 8:46 AM, "Eric Gold" <EricG@dahogan.com> wrote:

I need new material and a source for replacement moving forward.

Eric J. Gold ASLA
D A. Hogan & Associates, Inc.
119 First Ave. S., Suite 110
Seattle WA 98104
P(206)285-0400
F(206)285-0480
www.dahogan.com

From: James Traynor [<mailto:jtraynor@astrourf.com>]
Sent: Wednesday, June 05, 2013 8:45 AM
To: Eric Gold
Cc: Troy Squires; Bob Harding
Subject: Re: A-12 Mats

Eric,

I will call the plant today and see what they have I'll get back with you ASAP.

We also just tore up Stanfords A12 field and we might be able to get some remnants from there if you were looking for some used material.

I will be in touch.

James Traynor
Northwest Regional Sales Manager
Washington / Oregon

Direct: (206) 979-9792

NOVIAK BULLY YENS

Conc Pitchers Mound	562.00 SF
Additional Curb Ht. (diff from base t	60.00 LF
Additional Nailer	128.00 LF
1 Turf w/ Drain Mat	514.00 SF
Non Infilled Turf	48.00 SF
3 Rework Fencing	60.00 LF

	\$21.04	\$11,822.48
	\$34.61	\$2,076.48
	\$9.39	\$1,201.94
2	\$9.23	\$4,743.60
	\$28.84	\$1,384.32
	\$24.65	\$1,479.11
	<u>\$22,707.94</u>	

CREDIT - 1,611 -

~~\$21,000~~ + / -

\$21,096.93

1 SOIL AREA WAS 135SF EA. = ~~270~~ 270SF
 ASTROTURF AREA NOW 25SF EA. = 50SF
 NEW FIELD TURF AREA = 220SF
 DRAIN MAT AREA = 280SF EA. = 560SF

→ 220 x 9.23 = 2,030.60
 → ADD DRAIN MAT @ 340SF

- 2 SEE PREVIOUS EMAILS
- 3 FENCE DOESN'T NEED ADJUSTMENT.

KODIAK Bull Pens

Conc Pitchers Mound	562.00 SF	\$21.04	\$11,822.48
Additional Curb Ht. (diff from base t	60.00 LF	\$34.61	\$2,076.48
Additional Nailer	128.00 LF	\$9.39	\$1,201.94
Turf w/ Drain Mat	514.00 SF	\$9.23	\$4,743.60
Non Infilled Turf	48.00 SF	\$28.84	\$1,384.32
Rework Fencing	60.00 LF	\$24.65	\$1,479.11
		\$22,707.94	

CREDIT - 1,611 -

\$21,000 +/-

NO	ITEM	QUANT	UNIT	TOT	LAB	EQ	MAT	SUB
	E-BKHO580	0		0.43	8		\$19.83	\$0.00
	E-PICK-UP	0		0.43	4		\$4.78	\$0.00
33	Turf w/ Drain Mat	514.00	SF	\$4,743.60	\$0.00		\$0.00	\$0.00
	MH/UNIT						\$0.00	\$0.00
		0.00					\$0.00	\$0.00
	LABOR			\$0.00	0.00%	EQUIPT	\$0.00	0.00%
		12.00%		\$0.00		12.00%	\$0.00	\$0.00
		15.00%		\$0.00		15.00%	\$0.00	\$0.00
	Subgrade			\$0.00	0.00%	SUB	\$4,112.00	86.69%
		12.00%		\$0.00		12.00%	\$493.44	\$4,605.44
		7.54%		\$0.00		3.00%	\$138.16	\$4,743.60
	Turf w/ Drain Mat	514.00	SF	\$9.23	PER EA		500	EA/SHIFT
	SUB		Turf w/ Drain Mat LUmp Sum	1.00		0	\$0.00	\$0.00
	SUB		Turf w/ Drain Mat per SF	514.00		1	\$8.00	\$4,112.00
	MAT		CR	11.4108		0	\$17.00	\$0.00
	MAT		FILL	514		0	\$12.50	\$0.00
	L-OP (Subgrade)	0		1.03		8	\$79.46	\$0.00
	L-LAB(subgrade)	0		1.03		8	\$71.77	\$0.00
	E-BKHO580(Subgrade)	0		1.03		4	\$19.83	\$0.00
	E-PLATE(Subgrade)	0		1.03		4	\$2.99	\$0.00
34	Non Infilled Turf	48.00	SF	\$1,384.32	\$0.00		\$0.00	\$0.00
	MH/UNIT						\$0.00	0.00%
		0.00					\$0.00	\$0.00
	LABOR			\$0.00	0.00%	EQUIPT	\$0.00	0.00%
		12.00%		\$0.00		12.00%	\$0.00	\$0.00
		15.00%		\$0.00		15.00%	\$0.00	\$0.00
	Subgrade			\$0.00	0.00%	SUB	\$1,200.00	86.69%
		12.00%		\$0.00		12.00%	\$144.00	\$1,344.00
		7.54%		\$0.00		3.00%	\$40.32	\$1,384.32
	Non Infilled Turf	48.00	SF	\$28.84	PER EA		500	EA/SHIFT
	SUB		Non Infilled Turf LUmp Sum	1.00		0	\$0.00	\$0.00
	SUB		Non Infilled Turf per SF	48.00		1	\$25.00	\$1,200.00
	MAT		CR	1.0656		0	\$17.00	\$0.00
	MAT		FILL	48		0	\$12.50	\$0.00
	L-OP (Subgrade)	0		0.10		8	\$79.46	\$0.00
	L-LAB(subgrade)	0		0.10		8	\$71.77	\$0.00
	E-BKHO580(Subgrade)	0		0.10		4	\$19.83	\$0.00
	E-PLATE(Subgrade)	0		0.10		4	\$2.99	\$0.00
35	Rework Fencing	60.00	LF	\$1,479.11	\$1,148.38		\$0.00	\$0.00
	LAB & EQ			\$1,148.38	77.64%	EQUIPT	\$0.00	0.00%
		12.00%		\$137.81		0.12	\$0.00	\$0.00
		15.00%		\$192.93		0.15	\$0.00	\$0.00
	MH/UNIT						\$0.00	\$0.00
		0.27					\$0.00	\$0.00
	Units/MH						\$0.00	\$0.00
		3.75					\$0.00	\$0.00
	Rework Fencing	60.00	LF	\$24.65	PER EA		250	EA/SHIFT
	SUB		Rework Fencing FENCE LS	1.00		0	\$70,957.00	\$0.00
	SUB		Rework Fencing FENCE LF	60.00		0	\$65.32	\$0.00
	MAT		BEDDING	0.0462962963		1	\$0.00	\$0.00
	MAT		BEDDING	2.7777777778		1	\$0.00	\$0.00
	L-OP	0		1.00		8	\$79.46	\$0.00
	L-G-LABOR	2		1.00		8	\$71.77	\$1,148.38
	E-BACKHOE	0		1.00		8	\$19.83	\$0.00
	E-COMPACTOR	0		1.00		4	\$2.99	\$0.00

Conc Pitchers Mound	562.00 SF	\$21.03	\$11,818.33
Additional Curb Ht. (diff from base t	60.00 LF	\$34.61	\$2,076.48
Additional Nailer	128.00 LF	\$9.39	\$1,201.43
Turf w/ Drain Mat	514.00 SF	\$9.23	\$4,743.60
Non Infilled Turf	48.00 SF	\$28.84	\$1,384.32
Rework Fencing	60.00 LF	\$0.00	\$0.00
		\$21,224.16	

-1600

City of Kodiak
Baranof Park
Community Fields and Track Improvements
Change Order Proposal

COP # 16

Please furnish your proposal and include a detailed cost breakdown for performing the changes to the Contract outlined below and/or detailed on the attachments referred to as Storm Drainage Abutment:

1. Over-excavate and remove to the approved disposal site unsuitable soils encountered within the subgrade.
2. Place geotextile separator fabric in the bottom of all excavation associated with this proposal.
3. Place and compact adequate structural aggregate to achieve the designed subgrade condition.

Reason for Change:
Owner Request.

Prepared by: Eric Gold Date: July 28, 2013

We propose to perform all changes described in the above request for a total (Addition) (Deduction) to the Contract sum of:

FIFTEEN THOUSAND TWENTY FOUR (\$ 15,024.)

with an (Addition) (Deduction) of TBID calendar days to the Contract in accordance with the General Conditions of the Contract. The foregoing amount covers all direct and indirect costs related to this change and to the effect of this change for the remainder of the Contract. All other provisions of the Contract remain in full force and effect. Unless stated to the contrary, the above amount covers all costs, damages, and impacts related to this change.

Contractor: Rich O'Brien Date: July 31, 2013

We have carefully examined the foregoing proposal, negotiated with the Contractor where necessary and find it to be reasonable:

Project Engineer: [Signature] Date: 8/1/13

The City of Kodiak hereby accepts the foregoing proposal. This instrument when fully signed constitutes the conditions upon which a Change Order will be issued:

Charlie [Signature] Date: 8/15/13

>
Baranof Park
Request For Chagne
By Ohno Construction
Richard Brangwin
Date: 07/26/13

Scope of Work C.O.P. #

1. Over excavation and backfill

\$15,024.19

Cost

\$15,024.19

1. Over excavation and backfill

NO	ITEM	QUANT	UNIT	TOT	LAB	EQ	MAT	SUB	
1	ERR		0 CY	15024.187	1707.138		1870	505.50	9090.6
	LABOR			1707.138	0.113626	EQUIPT	1870	75.83	TOT COST
		10.00%		170.7138	1877.8518	10.00%	187	2057.00	13173.238
		5.00%		93.89259	1971.7444	5.00%	102.85	2159.85	
	MAT			505.5	0.0336457	SUB	9090.6	s/tot	
		10.00%		50.55	556.05	8.00%	727.248	9817.85	
		5.00%		27.8025	583.8525	5.00%	490.8924	10308.74	\$15,024.19
		\$0.00	CY		ERR PER EA		1	EA/SHIFT	
	SUB Brechan export					180	18.42	3315.60	
	SUB Brechan Import					330	17.5	5775.00	
	SUB					1	0	0.00	
	SUB					1	0	0.00	\$9,090.60
	MAT				1	1	0	0.00	
	MAT				1	1	0	0.00	
	MAT				1	1	0	0.00	
	MAT			1	1	1	0	0.00	
	MAT			1	1	1	0	0.00	
	MAT Bond			1	1	0.0125	15000	187.50	
	MAT Fabric			1	1	1	318	318.00	
	MAT			0	0	0	0	0.00	
	MAT			0	0	0	0	0.00	
	MAT			0	0	0	0	0.00	\$505.50
	L- FOREMAN			0	1	8	\$88.86	0.00	
	L-OPERATOR			1	1	14	\$79.73	1116.23	
	L-LABOR			2	1	4	\$73.86	590.90	
	L- PIPE LABOR			0	0	8	\$73.86	0.00	
	L-CARP.			0	1	8	\$73.86	0.00	
	L-LABOR			0	1	8	\$73.86	0.00	
	L-DRIVER20YD			0	1	8	\$73.86	0.00	
	L-DRIVER10			0	1	8	\$73.86	0.00	\$1,707.14
	E-DUMP TRUCK			0	1	8	\$53.82	0.00	
	E- 644 LOADER			0	1	3	\$84.50	0.00	
	E- BOB CAT			0	1	2	\$65.00	0.00	
	E-Lowboy			0	1	8	\$97.50	0.00	
	E-200 EXCVATOR			1	1	6	\$150.00	900.00	
	E-ROLLER			1	1	2	\$110.00	220.00	
	E- Dozer			1	1	4	\$150.00	600.00	
	E- Small Roller			1	1	2	\$75.00	150.00	
	E- Roto Hammer			0	1	1	\$125.00	0.00	\$1,870.00

=====

City of Kodiak
Baranof Park
Community Fields and Track Improvements
Change Order Proposal

COP # 18

Please furnish your proposal and include a detailed cost breakdown for performing the changes to the Contract outlined below:

1. Provide Equipment and Labor as necessary to auger or otherwise excavate bedrock deposits encountered within the Outfield Fence Post Hole Layout, 22 locations.

Reason for Change:
Unforeseen Condition

Prepared by: Eric Gold Date: July 26, 2013

We propose to perform all changes described in the above request for a total (Addition) (Deduction) to the Contract sum of:

Two Thousand Six Hundred Nineteen & 51./100 Dollars (\$ 2,619.51)

with an (Addition) (Deduction) of 0 calendar days to the Contract in accordance with the General Conditions of the Contract. The foregoing amount covers all direct and indirect costs related to this change and to the effect of this change for the remainder of the Contract. All other provisions of the Contract remain in full force and effect. Unless stated to the contrary, the above amount covers all costs, damages, and impacts related to this change.

Contractor: _____ Date: _____

We have carefully examined the foregoing proposal, negotiated with the Contractor where necessary and find it to be reasonable:

Project Engineer:  Date: 8-16-13

The City of Kodiak hereby accepts the foregoing proposal. This instrument when fully signed constitutes the conditions upon which a Change Order will be issued:

_____ Date: _____

Baranof Park
Request For Chagne
By Ohno Construction
Richard Brangwin
Date: 07/26/12

Scope of Work C.O.P. # 18

1. Rock Drill for 22 fence post.

\$2,619.51

Cost

\$2,619.51

1. Rock Drill for 22 fence post.

NO	ITEM	QUANT	UNIT	TOT	LAB	EQ	MAT	SUB
1	ERR	0	CY	2619.5054	767.97		0	1500.00
	LABOR			767.97	0.2931737	EQUIPT	0	225.00
	10.00%			76.797	844.767	10.00%	0	0.00
	5.00%	42.23835		887.00535	5.00%		0	0.00
	MAT	1500		0.5726272	SUB		0	s/tot
	10.00%	150		1650	8.00%		0	0.00
	5.00%	82.5		1732.5	5.00%		0	0.00
	\$0.00	CY		ERR	PER EA		1	EA/SHIFT
	SUB						0	0.00
	MAT						1500	1500.00
	MAT						0	0.00
	MAT			1	1	3	0	0.00
	MAT			1	1	1	0	0.00
	MAT			1	1	0.0125	0	0.00
	MAT			1	1	0	0	0.00
	MAT			0	0	0	0	0.00
	MAT			0	0	0	0	0.00
	MAT			0	0	0	0	0.00
	MAT			0	0	0	0	0.00
	L- FOREMAN			0	1	8	\$88.86	0.00
	L-OPERATOR			1	1	5	\$79.73	398.66
	L -LABOR			1	1	5	\$73.86	369.32
	L- PIPE LABOR			0	0	8	\$73.86	0.00
	L-CARP.			0	1	8	\$73.86	0.00
	L -LABOR			0	1	8	\$73.86	0.00
	L-DRIVER20YD			0	1	8	\$73.86	0.00
	L-DRIVER10			0	1	8	\$73.86	0.00
	E-DUMP TRUCK			0	1	8	\$53.82	0.00
	E- 644 LOADER			0	1	3	\$84.50	0.00
	E- BOB CAT			0	1	2	\$65.00	0.00
	E-Lowboy			0	1	8	\$97.50	0.00
	E-Mini Ex.			0	1	3	\$35.00	0.00
	E-ROLLER			0	1	2	\$84.50	0.00
	E- Dozer			0	1	5	\$84.50	0.00
	E- Flat bed / Pick up			0	0	1	\$65.00	0.00
	E- Roto Hammer			0	1	1	\$125.00	0.00



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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

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

Date: September 12, 2013

Agenda Item: V. e. **Authorization of Amendment No. 2 to the Professional Service Contract for Biosolid Consultation, Project No. 7517**

SUMMARY: The City has been working on a solution for both temporary and long-term disposal of biosolids for multiple years. A sludge disposal study was conducted in 2008 to evaluate potential options, and later a pilot composting project was conducted in 2010 to verify the feasibility of composting the community's biosolids. The City contracted with CH2MHill for professional engineering support throughout the process. This second contract amendment will continue the current professional service agreement for continued support through final resolution of biosolid disposal. Staff recommends Council approve Amendment No. 2 to the existing professional service agreement with CH2MHILL in the amount of \$85,000, with funds coming from the Sewer Capital Improvement Fund, Biosolid Management Project No. 7517.

PREVIOUS COUNCIL ACTION:

- January 2008, Council authorized a feasibility study to identify solutions for biosolids disposal.
- August 26, 2008, CH2MHill engineers presented a project update of the sludge disposal study to Council at a work session. A major part of the presentation centered on composting as the most cost effective disposal solution.
- October 23, 2008, Council approved a pilot composting test program.
- April 2010, the composting pilot project was finalized. Results showed the pilot project exceeded Class A composting standards set by the EPA.
- Summer 2010, follow up presentations were made to Council on the program results, disposal options, and progress toward a solution.
- January 2012, Quayanna Corp, Executive Director Peter Olson presented a proposal to contract with the City to compost biosolids to the Council.
- February 2012, Council approved a MOU with Quayanna to work together toward a final composting agreement.
- July 2012, Council authorized the City Manager to begin working on a contract with Quayanna for disposal of biosolids.
- October 25, 2012, Council approved a five-year composting agreement with Quayanna.
- December 13, 2012, Council authorized a contract with CH2MHill to provide biosolid consulting services to City staff in an amount not to exceed \$30,000.

SEPTEMBER 12, 2013
Agenda Item V. e. Memo Page 1 of 3

- April 25, 2013, Council approved Amendment No. 1 to the Professional Service Contract for Biosolid Consultation, Project No. 7517 in the amount of \$30,000.

DISCUSSION: In 2008 the City contracted with CH2MHill to evaluate viable options for disposal of biosolids in some manner other than at the landfill due to their capacity and expansion issues. The City looked into disposal options that included incineration, cannibalism, and composting. Staff and Council came to the conclusion that composting was the most cost effective-method for the City to dispose of biosolids. Initial cost estimates in 2007-2008 put a composting facility at \$2 million plus, cannibalism at \$3.5 to \$4 million, and incineration at over \$5 million. At the completion of the composting pilot project, the final report estimated a composting facility for the City at over \$4 million, plus operational cost on an annual basis of roughly \$200,000.

In the fall of 2008, Council approved a composting pilot project. In June 2009 the City started a small composting pilot project that used roughly 30 cubic yards of biosolids (roughly a half week of production) mixed with wood chips. The results of the composting project produced high quality compost defined as exceeding EPA regulatory requirements for a Class A biosolid product.

Throughout this process CH2MHill has provided City staff with professional expertise, guidance, and technical support while working on various phases of the project.

When the public process began during the DEC application process by Quayanna Development Corporation, the City received many negative comments about everything from the cost increase to ratepayers, to the location, to the perceived belief that biosolids and the final product, compost, are hazardous. The reaction required the City to bring additional expertise into the project to address misinformation that was presented publicly by opponents of composting.

It is important that the City responses are accurate and timely when addressing public concerns. CH2MHill has been a part of the effort to manage and dispose of biosolids prior to the WWTP being upgraded in 2000. They are familiar with the various phases of work completed in this effort as well as having overseen the pilot composting project. It is important that the City have ongoing professional support in order to be responsive to public questions and to work toward an acceptable solution in a relatively short period of time.

As we have begun the process of working towards land use agreements and solution to temporary license extension, we have continued to utilize CH2MHill for continued expertise. We had intended to bring to you the design proposal at this meeting, but without a land use agreement in place, we feel we need to secure the location before beginning any aspect of design.

The additional expenses are to cover the professional assistance at the work sessions that were held this week, as well as the coming facility tours of composting projects in the Pacific Northwest in mid-September.

ALTERNATIVES:

1. Approve the professional services contract amendment with CH2MHill as outlined, which is staff's recommendation. The City needs professional support to address engineering and public concerns and ensure that issues are responded to in a timely and accurate manner.
2. Do not authorize this contract amendment, which is not recommended. Staff must have access to qualified experts to adequately address this process and project.

FINANCIAL IMPLICATIONS: This amendment to the existing professional service contract is based on a time and material agreement. Staff expects to need this continuing support until the appropriate composting solution is identified. There are adequate funds in the Sewer Capital Improvement Fund, Biosolid Management Project No. 7517, to enter this agreement.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council authorize Amendment No. 2 to the existing professional services contract with CH2MHill with a not-to-exceed amount of \$85,000, with funds coming from the Sewer Capital Improvement Fund, Biosolid Management Project No. 7517.

CITY MANAGER'S COMMENTS: Given the number of issues we have dealt with and expect to continue to deal with related to composting, biosolids, permits, and interaction with the Borough officials and staff, the media and DEC, we definitely continue to need the expertise of CH2MHill to respond to issues correctly. I support the staff recommendation that Council approve this contract amendment and authorize me to sign it on behalf of the City.

ATTACHMENTS:

Attachment A: CH2MHill Contract Amendment No. 2

PROPOSED MOTION:

Move to authorize Amendment No. 2 to the Professional Services Contract for Biosolid Consultation, Project No. 7517, with CH2MHill in an amount not-to-exceed \$85,000, with funds coming from the Sewer Capital Improvement Fund, Biosolid Management Project No. 7517 and authorize the City Manager to execute the amendment.

Attachment A: CH2MHiLL Proposal

AMENDMENT NO. 2 to the STANDARD AGREEMENT FOR PROFESSIONAL SERVICES and TASK ORDER NO. 1

The purpose of this attachment is to amend both the AGREEMENT between CH2M HILL ENGINEERS, INC., ("CH2M HILL"), and the City of Kodiak ("CLIENT"), for a PROJECT generally described as Various Engineering Services and Biosolids Facility Permitting On-Call Support and amend Task Order No. 1 under the AGREEMENT.

The purpose of this **Amendment No. 2** to the AGREEMENT and Task Order No. 1 is as follows:

SCOPE OF SERVICES

Additional permitting support to the City of Kodiak for the proposed compost facility, which may include email and/or phone communication, technical memorandums in support of the permitting process, in-person support and site tours. This amendment also provides for assistance to the City of Kodiak for composting public information materials and meetings and composting predesign and site development. Other non-design engineering services may be provided under this amendment.

Project Schedule

It is assumed that services will be completed by December 31, 2014.

COMPENSATION

Cost of Services

This Amendment No. 2 increases the AGREEMENT not-to-exceed total to \$145,000 and increases the Task Order No. 1 amount by \$85,000. Services will be performed on a time and materials basis at the following rates:

<u>Labor Classification</u>	<u>2013</u>	<u>2014</u>
Engineer 7	\$232	\$239
Engineer 6	\$218	\$225
Engineer 5	\$206	\$212
Engineer 4	\$187	\$193
Engineer 3	\$165	\$170
Engineer 2	\$148	\$152
Engineer 1	\$128	\$132
Technician 5	\$153	\$158
Technician 4	\$143	\$147
Technician 3	\$133	\$137
Technician 2	\$116	\$120
Technician 1	\$96	\$100
Office	\$96	\$100

All expenses will be billed at 1.10 times actual cost.

This **Amendment No. 2** to the AGREEMENT and Task Order No. 1 will become a part of the referenced AGREEMENT when executed by both parties.

IN WITNESS WHEREOF, the parties execute below:

CLIENT:

Signature _____
Name _____
Title _____
Date _____

CH2M HILL Engineers, INC.:

Signature Floyd J. Dameron
Name FLOYD J. DAMRON, P.E.
Title VP & Senior Project Manager
Date 9/3/13

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: September 12, 2013

Agenda Item: V. f. Authorization of City Manager's Employment Contract

SUMMARY: This action will authorize the City Manager's employment contract, which was negotiated following the changes to the City's Personnel Rules and Regulations (PR&R) when Ordinance No. 1307 became effective on June 1, 2013.

PREVIOUS COUNCIL ACTION:

- April 25, 2013, Council adopted Ordinance No. 1307, which amended large sections of the City's PR&R, one of which was to remove the Clerk and City Manager from the PR&R and place them on full employment contracts.
- June 1, 2013, Ordinance No. 1307 became effective.
- August 8, 2013, Council and City Manager discussed full employment contract terms to be scheduled for approval at the next regular Council meeting.

DISCUSSION: The City Manager and the City Clerk are two of the Council's three direct full-time employees hired and evaluated by the Mayor and Council. During the classification and compensation process, it was agreed that these two positions would be removed from the City's Personnel Rules and Regulations (PR&R) and employed under negotiated employment contracts, not the partial agreements that had been in place for some time.

Ordinance No. 1307 was adopted on April 25 and became effective on June 1, 2013. Among other changes, the ordinance replaced the old classification system and salary structure in the PR&R with entirely new systems. It also removed the Manager from the salary structure and the classification system.

The Manager researched contract terms for executive-level positions in Kodiak and in other Alaskan communities to ensure comparable pay, benefits, and other terms of relevance given the complexities and demands of the position. The Manager met with the Mayor and City Council in executive session on August 8, 2013, to discuss contract terms. It was agreed that Council would approve the contract at the next regular meeting on September 12th. The contract document is attached. Budget adjustments will be finalized when the first supplemental budget amendment is made.

ALTERNATIVES: Council may approve, amend, or chose not to approve the contract.

CITY MANAGER'S COMMENTS: I am proud of being a public employee and like what I do. I help navigate us through many complex issues from personnel issues, to large project management, to state and federal lobbying efforts, to my responsibilities as the Emergency Services Manager for the Kodiak Island Borough. Based on my research of similar public executive level management positions in Kodiak and other rural Alaskan communities, I am confident that the terms of my contract are competitive. I appreciate the Mayor and Council's continuing support for my efforts.

ATTACHMENTS:

Attachment A: City Manager's Employment Contract

PROPOSED MOTION:

Move to authorize City Manager's employment contract, Record No. 210865, as negotiated on August 8, 2013.

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____ 2013, between the CITY OF KODIAK (hereinafter called "City") and AIMÉE L. KNIAZIOWSKI (hereinafter called "Manager").

SECTION 1: DUTIES

Employer hereby agrees to employ Employee as City Manager of the City of Kodiak to perform the functions and duties as specified in Title 29 of the Alaska State Statutes, Articles I, II, and III of the City Charter, and Title 2 of the Kodiak City Code City's Personnel Rules and Regulations to perform such other legally permissible and proper duties and functions as the City Council may prescribe.

SECTION 2: TERM

A. This agreement shall become effective retroactive to June 1, 2013, when the new classification and compensation was implemented for all City employees and shall remain in effect until April 27, 2014. At least ninety (90) days prior to the termination of the Agreement, both Employer and Employee shall declare their intentions as to whether to extend this Agreement for additional term(s), as provided in paragraph D of this Section.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 3, paragraph A, of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign at any time from his position with Employer, subject only to the provisions set forth in Section 3, paragraph B, of this Agreement.

D. In the event the parties agree, this Agreement may be extended on the same terms and conditions as herein provided, for periods of one (1) year.

SECTION 3: TERMINATION AND SEVERANCE PAY

A. In the event Employee is terminated by Employer before expiration of the aforesaid term of employment and during such time that Employee is willing and able to perform the duties of City Manager, Employer agrees to pay Employee a lump sum cash payment equal to three (3) months' aggregate salary plus accrued and unused personal leave in lieu of any and all other damages or monies that Employee might claim. Provided, however, that in the event Employee is terminated because of any illegal act involving personal gain to him, then Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph.

B. In the event Employee voluntarily resigns her position with Employer before

expiration of the aforesaid term of employment, then Employee shall give Employer three (3) months' notice in advance and Employer agrees to pay Employee any accrued and unused personal leave. Provided that such notice is given, there will be no breach of this Agreement by reason of said resignation, and Employee shall not be responsible for any damages hereunder.

SECTION 4: SALARY

Employer agrees to pay Employee for services rendered hereunder an annual base salary of \$137,170 payable in installments at the same time as other employees of the City are paid. Effective on the anniversary date during the term of this Agreement, Employer agrees to increase said base salary on the basis of a favorable annual review of Employee the increase in an amount equal to the total percentage increase (if any) in the Anchorage Consumer Price Index Urban (CPI-U) for the previous year as is regularly published by the U.S. Bureau of Labor Statistics, San Francisco, California.

SECTION 5: HOURS OF WORK

It is recognized Employee must devote time outside normal office hours to the business of Employer.

SECTION 6: PROFESSIONAL DEVELOPMENT

Employer recognizes that the duties of Employee require a certain amount of travel by Employee including travel to ICMA, AML and SWAMC. Payment for such travel and entertainment shall be made by Employer upon presentation of actual and reasonable expenses, excluding alcohol.

SECTION 7: DUES AND SUBSCRIPTIONS

Employer agrees to pay the following dues and expenses on behalf of Employee: membership dues for the Alaska Municipal Manager's Association and International City Manager's Association; actual and reasonable expenses for Employee to attend the Alaska Municipal Manager's Association Conference, Alaska Municipal League Local Government Conference, and other conferences mutually agreed to in writing by both parties.

SECTION 8: VEHICLE

Employer agrees to provide Employee with exclusive use of a vehicle at all times during employment with the City. Employer shall provide for insurance, repair and operation and maintenance of said vehicle. Employee shall be responsible for any and all federal income tax consequences associated with use of vehicle.

SECTION 9: PERSONAL LEAVE

Employee shall accrue personal leave (vacation leave) at the rate of 320 hours or eight (8) weeks per year, payable in equal installments during each pay period. Employee shall accrue sick leave at the same rate as other City employees as identified in Section 1102 of the City's Personnel Rules and Regulations.

SECTION 10: RETIREMENT SYSTEM

Employee shall remain covered by the Public Employees Retirement System.

SECTION 11: PERSONNEL RULES

Except to the extent specifically referenced in this Agreement, provisions of the City's Personnel Rules and Regulations are not applicable to Manager's personnel status as a City employee.

SECTION 12: MEDICAL BENEFITS

Employee shall be entitled to medical benefits as specified in Section 415 of the City of Kodiak's Personnel Rules and Regulations.

SECTION 13: EVALUATIONS

Employee shall be given a performance evaluation ninety (90) days before the Employee's anniversary date of April 27th.

SECTION 14: INTEGRATION AND MODIFICATION

This Agreement is the fully integrated Agreement of Employer and Employee and
City Manager Employment Agreement
City Contract No. 210865
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supersedes all prior Agreements between the parties relating to the subject matter herein. This Agreement shall remain in force and shall be binding upon the successors, assigns, and heirs of each of the parties and shall not be changed orally but only by mutual agreement in writing by both parties.

IN WITNESS WHEREOF, the City of Kodiak (Employer) and Aimée Kniaziowski (Employee) hereby accepting the above conditions, set their hand and seal to execute this Agreement, this ___ day of _____, 2013.

EMPLOYEE:

EMPLOYER:

Aimée L. Kniaziowski

Patricia Branson, Mayor

Attest:

Debra L. Marlar, City Clerk