KODIAK CITY COUNCIL

WORK SESSION AGENDA

Wednesday, July 22, 2015 Kodiak Island Borough Conference Room 7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1.	Public Comments (limited to 3 minutes)
2.	Discussion of Pedestrian Pathway Grant Options1
3.	Review of FY2016 Nonprofit Grant Requests Backup Included Separately
4.	Discussion About City Fees and Ordinances Related to Mobile Homes4
5.	Update on Conditional Use Permit for Near Island Quarry
6.	July 23, 2015, Agenda Packet Review





Division of Community and Regional Affairs Grants Section

July 13, 2011

The Honorable Carolyn Floyd Mayor, City of Kodiak 710 Mill Bay Road Kodiak, AK 99615

Susan K. Bell, Commissioner Scott Ruby, Director

Sean Parnell, Governor

RE: FY-2012 Designated Legislative Grant

Dear Mayor Floyd:

I am pleased to notify you that the City of Kodiak has been appropriated a FY-2012 Designated Legislative Grant per AS 37.05.317 for the purpose of Pedestrian Pathway Planning and Design. The amount of State funding available for this grant is \$384,000.00

In order for the grant funds to be released, you must enter into a grant agreement with the Department of Commerce, Community, and Economic Development for this project. Please provide the following information by August 10, 2011.

- 1. Please review the enclosed Total Project Snapshot (TPS) and provide a scope of work for this project which includes a brief project description, proposed timeline and budget narrative.
- 2. Complete the enclosed Authorized Signers form and return the original to our office.
- 3. Provide contact information including name, title, telephone/fax numbers and email address for the person who will be responsible for administering this grant.

Upon receipt of the above, I will prepare and send the Grant Agreement for signature. If you have any questions, please contact me at (907) 451-2023. Congratulations on this grant award. I look forward to working with you to ensure the success of this project.

Sincerely ierce Nancy Pierce

Grants Administrator II

Enclosure:

Copy of TPS report Authorized Signers Form

P.O. Box 110809, Juneau, Alaska 99811-0809 Telephone: (907) 465-2023 Fax: (907) 465-5867 Text Telephone: (907) 465-5437 Email: nancy-pierce@alaska.gov Website: http://www.commerce.alaska.gov/dcra/ Total Project Snapshot Report

2011 Legislature

Agency: Commerce, Community and Economic Development

Grant Recipient: Kodiak

Federal Tax ID: 92-6000083

House District: 36 / R

TPS Report 56490v1

Project Title:

Project Type: Planning and Research

Kodiak - Pedestrian Pathway Planning and Design

State Funding Requested: \$384,000

Future Funding May Be Requested

Brief Project Description:

The City of Kodiak, in conjunction with the Kodiak Island Borough, are planning the extension of pedestrian pathways from Pier II south. This addresses the portion of the project within the City's boundaries.

Funding Plan:

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Detailed Project Description and Justification:

The City of Kodiak, in conjunction with the Kodiak Island Borough and interested community members, is working to develop a continuous designated pathway system to compliment Kodiak's road system. This segment of the pathway will extend from Pier II where cruise ships dock in Kodiak, to the City boundary and a developed scenic overlook with telescopes for viewing commercial fishing fleet and Coast Guard ship activity. This will integrate with the pedestrian improvements already under development from Pier II to downtown Kodiak. This pathway will benefit pedestrians and bicyclists alike by significantly improving safety and access and benefit cruise ship passengers who want to view the Kodiak road system coastline from an inviting and scenic location. A planning level scoping document has already been completed for this project. Total project costs for this City phase of the pathway project is estimated at \$2.9 million, including \$384,000 in design and engineering costs and \$325,000 for environmental, permitting, and right-of-way acquisition. The City of Kodiak is requesting State funding assistance through the cruise ship excise tax for design and engineering costs for this pathway segment.

Project Timeline:

If the City receives funding assistance through the cruise ship excise tax program in FY12, it will begin the preliminary design and engineering for this segment of the pathway.

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

Contact Name: Erin Harrington Contact Number: 465-4230 Page 1

For use by Co-chair Staff Only:

\$384,000 Approved 4:47 PM 5/27/2011

2

2011 Legislature

Grant Recipient Contact Information:

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

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

Contact Name: Erin Harrington Contact Number: 465-4230 Page 2

For use by Co-chair Staff Only:

4:47 PM 5/27/2011

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The following fees from the City's Schedule of Fees and Charges pertain to mobile homes that would be relocated to a mobile home park inside the City.

Section 4.1 Building and Construction

4.1.1 Permit	\$45.00
4.2.1.4 Additional Wiring	\$30.00

4.3.1.3 Additional Plumbing \$30.00

Title 14

BUILDINGS AND CONSTRUCTION

Chapter 14.20

MOBILE HOMES

Sections

14.20.010 Definitions
14.20.020 Mobile home construction standards
14.20.030 Location—prohibited—exceptions—temporary visitor permit
14.20.050 Violation—penalty

14.20.010 Definitions

"Mobile home" means a structure transportable in one or more sections, which is eight body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities.

"Mobile home park" means any area or premises where space for two or more mobile homes is rented, held out for rent, or for which free occupancy is permitted to users for the purpose of securing their trade.

"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are: travel trailers, camping trailers, truck campers, and motor homes. [Ord. 650, 1982]

14.20.020 Mobile home construction standards

Any mobile home intended to be placed in a mobile home park within the city of Kodiak must conform to the standards set forth in the Code of Federal Regulations, Title 24, Part 3280, titled "Manufactured Home Construction and Safety Standards." [Ord. 836 §8, 1988; Ord. 650, 1982]

14.20.030 Location—prohibited—exceptions—temporary visitor permit

(a) The parking or otherwise locating of mobile homes for any purpose other than storage anywhere within the city limits, outside an existing mobile home park, is prohibited.

(b) The parking or otherwise locating of recreational vehicles for any purpose other than storage anywhere within the city limits, outside an existing mobile home park, is prohibited unless authorized by the terms of a temporary visitor permit or unless the recreational vehicle is located on private property with the permission of the owner of that property and is at least 150 feet from the nearest public road and all property owned by other persons and for a maximum period of not more than 10 weeks in any one calendar year.

(1) The cashier may issue one temporary permit per visitor per six-month period; said permit not to exceed 14 days which shall be subject to a single renewal for a period not to exceed an additional seven days. If the permittee fails to vacate or remove the recreational vehicle at the expiration of the permit term and any renewal period granted, the permittee shall become liable to the city for a civil fine in the amount of \$20.00 per day for each day or portion of a day that the recreational vehicle remains on the premises without authorization plus any surcharge required to be imposed by AS 29.25.072. For the purpose of this section, "visitor" shall mean a person who journeys to the city for the purpose of a short stay and has been in Kodiak for less than 30 days. The temporary visitor permit will be issued only to recreational vehicles bearing a current license plate. The permit will be issued to the license number except in the case of vehicle-mounted campers, in which case, the permit will be issued to the license number of the vehicle upon which the camper is mounted. It is not permitted under this section to remove a camper from the licensed vehicle to which the temporary permit applies.

(2) The cashier shall only issue temporary visitor permits for private property. If the applicant desires to park a recreational vehicle on any city-owned property or rights-of-way the permit shall be subject to approval by the council.

(3) Opportunity for objection to the issuance of a temporary visitor permit issued under this section will be extended to property owners whose property immediately abuts the private property on which the temporary visitor permit is issued or applied for, and on whose property is situated an occupied dwelling. The objection may be made before issuance or during the term of the permit. Any objections filed under this subsection will be reviewed by the council at the next regular council meeting following the filing of the objection; a decision by the council as to the issuance or continuance of the protested permit will be made at that meeting.

(4) The city council may establish by resolution or motion the fees for each original application for a temporary visitor permit and for the renewal of such permits. [Ord. 1081 §16, 1998; Ord. 938 §6, 1992; Ord. 743, 1985; Ord. 697 §2, 1983; Ord. 662, 1983; Ord. 650, 1982]

14.20.050 Violation—penalty

The penalty for violation of this chapter shall be as prescribed in KCC 1.12.010. Any person, firm, association, or corporation who violates any provision of this chapter shall remove the mobile home or recreational vehicle within 10 days at the direction of the building official. If the subject mobile home or recreational vehicle is not moved by the owner, occupant, or person in immediate control, the city may authorize impoundment of the mobile home or recreational vehicle. All costs for the above will be borne by the owner. In addition, there shall be assessed against the owner a storage fee as established by resolution or motion of the city council. [Ord. 951 §12, 1993; Ord. 650, 1982]

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MEMORANDUM TO COUNCIL

To:Mayor Branson and City CouncilmembersFrom:Aimée Kniaziowski, City ManagerThru:Glenn Melvin, PE EngineerDate:July 22, 2015Agenda Item:Work Session Agenda Item # 5 Update on Conditional Use Permit for Near Island
Quary

The Kodiak City Council, the Kodiak Island Borough Planning and Zoning Comission, and Kodiak Island Borough Assembly adopted the 1987 Near Island Comprehensive Development Plan in August, September, and November of 1987, respectively. The history of Near Island zoning boundaries that separate the industrial and conservation uses on Near Island were generally defined in this plan. The plan specified that specific and definite zoning district boundaries were to be established at the time a final plat(s) were filed subject to the specific intent stated in the plan. Quarrying in the St. Herman Harbor started in 1991 to support the permanent breakwater and has been ongoing. . In 2001 the City submitted a rezoning request to the Borough to clarify the industrial zoning district boundaries in the ship yard area without filing a plat. The intent of the rezoning was to create additional usable land to support the harbor, and the new travel lift. This rezoning request was submitted to the Kodiak Island Planning and Zoning Commission and adopted by the Kodiak Island Borough Assembly Ordinance No. 2001-18, in 2001.

In 2008 there were three operators in the quarry area. All three had nearly depleted their rock sources and expressed interest in expanding the quarry area. The City Harbor Department also identified a need for additional lay down area for potential buildings and boat yard support facilities. In response to both needs City staff proposed a boat yard expansion project, which would accommodate the needs of both. In early 2009 the City Council reviewed the proposed expansion project and authorized three new borrow permits allowing the use of an expanded area (Attachment D). The result of the planned expansion increased the allowable quarry area to the north and east of the previously permitted area established in 2001. The expanded quarry area has resulted in an encroachment into adjacent City property that is currently zoned C-Conservation. The 2009 City council approved quarry expansion was inadvertently not submitted to the Kodiak Island Borough for review. Now that this oversight has been recognized the City wants to correct it.

Today, the City property adjacent to St. Herman Harbor that is zoned I- Industrial is currently used for the marine travel lift and lay-up area for boat maintenance and repair as well as vehicle parking. Adjoining the boat yard is the rock quarry currently being developed by two quarry operators. The area adjacent to the quarry area, including the south end trail is zoned C- Conservation and is used by

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the public primarily for hiking, nature walks, wildlife viewing, and dog walking. A portion of the existing trails adjacent to the quarry have been impacted by recent quarry expansion activities and it has been brought to the City's attention by members of the public. It was also recently that a member of the public research and found a zoning boundary encroachment and notified the City that quarrying had advanced beyond the 2001 boundary.

Once the City became aware the encroachment, city staff met with KIB P&Z to determine the best approach to correcting the encroachment issue. The City was advised that the correct solution to the problem would be to submit a Conditional Use Permit (CUP) request the Borough. The City has been working with the KIB Community Development Department to address the permitting issue and City Engineer Glenn Melvin submitted a Conditional Use Permit Application for an unsubdivided portion of U.S. Survey 2261 (Near Island) on June 25, 2015. The CUP request will be presented the KIB P&Z at the Work Session on August 12, 2015 and for public hearing at the August 19, 2015 regular meeting.

In recent months the manager and staff met with a member of the public who is representing several trail users and discussed the issue. The city engineer and harbormaster also met on-site with this person to walk the trails affected by the quarry expansion and looked at potential solutions. The result of the on-site meeting was positive and good ideas evolved such as trial restoration and realignment, potential tree replanting, and establishing buffers to the quarry. Moving forward Council could choose to focus on this issue as part of the Near Island Land Use Update project anticipated for this fall. Also, it would seem beneficial to seek professional assistance from Island Trails Network as soon as possible to help the City align with the hiking community and have trail options ready for Council discussion.

ATTACHMENTS:

Attachment A: Near Island Land Transaction and Borrow Permit History Attachment B: 2010 Proposed Revised Zoning Boundary for Near Island Quarry Attachment C: Near Island Boat Yard Expansion Project Rendering Attachment D: Near Island Boat Yard Expansion 2001 and 2010 Project Design Boundaries

> JULY 22, 2015 Near Island Quarry Memo Page 2 of 2

- Aug. 13, 1959 Minutes p. 870 Inclusion with the city limits of Kodiak of Near Island and adjacent harbor to high water mark on Holiday, Crooked, Gull and Uski Islands was proposed to the Council by City Manager Poland. After discussion, Councilman Patterson moved that Mr. Poland be authorized to negotiate with the Bureau of Land Management toward such acquisition. Councilman Brechan seconded and approval was unanimous by voice vote.
- Feb. 8, 1968 Mr. Burt informed Mr. Deveau that the patent to Near Island had been received and presented this to Mr. Deveau, since he had been concerned about the city receiving title to this piece of property.
- Apr. 13, 1972 [...] it was noted that Near Island was not annexed to the City. Councilman Powell moved that it be annexed, seconded by Councilman Anderson. Roll call was unanimously favorable.

Councilman Powell moved that the Council proceed with disposal of a portion of Near Island to be used as a marine oriented facility, seconded by Councilman Sims. Roll call was unanimously favorable.

Apr. 28, 1972 Declaring Certain Real Property Owned by the City Not Needed for Municipal Purposes.

Portion of Near Island containing 3.61 acres.

Res. 9-72 adopted rescinded by Res. 35-82

- Jul. 31, 1973Annexing Adjoining Contiguous Property Owned by the City into the City of Kodiak and
Setting an Effective Date. [property comprises the whole of Near Island; effective date Aug.
30, 1973]
- Mar. 30, 1982 Minutes p. 3030 Manager informed the Council that the City had been advised by the Boundary Commission that the Annexation of Near Island was complete and the City would receive a Certificate of Boundary as proof of that annexation within the next three to four weeks.
- Oct. 18, 1982 Annexing Contiguous Property into the City and Setting an Effective Date. [includes Near, Ord. 651 Gull, Round, and Uski Islands, approved by State of Alaska during telephone meeting on Dec. 17, 1981; effective upon approval by the Dept. of Community and Regional Affairs; effective date Nov. 18, 1982
- Oct. 18, 1982 Request for work session to discuss deeding to the State of Alaska a site on Near Island for the development of the Fisheries Technology Center and to actively solicit the Center for Kodiak.
- Mar. 28, 1985 Minutes p. 3620 Motion passed: pursuant to Kodiak City Code section 18.20.030(a), to declare that the donation of 7.153 acres and the reservation of an additional 16.821 acres on the Trident Basin side of Near Island to the University of Alaska for the construction of a Fishery Industrial Technology Center is in the best interests of the public and to authorize the City Manager to execute Revision #4 of the Fishery Center Agreement subject to amending the second sentence of paragraph #3 to read, "Kodiak shall be under no obligation to provide funds for the construction of any roadway within said right-of-way to City of Kodiak standards. The City of Kodiak shall be responsible for roadway maintenance."

Jul. 14, 1988 Authorizing a Land Exchange With the Kazim Company for the KANA Museum. [Tract C, Ord. 843 USS 4947] failed

- Jun. 13, 1991 Awarded Near Island borrow material permit and agreements for professional services to A-K Construction, with a royalty fee of 75 cents per yard
- Aug. 22, 1991 Awarded Near Island borrow material permit and agreements to Brechan Enterprises at a royalty fee of 75 cents per cubic yard
- Apr. 9, 1992 Minutes p. 4897 Minutes p. 4897 Motion to authorize the Rotary Club of Kodiak to proceed with the development and construction of the Rotary Park on Near Island as outlined in the Rotary Club's February 3 [1992] and April 2 [1992] correspondence, with the understanding that the City would assume maintenance upon completion, and that any development to the property owned by the University of Alaska (FITC) would be done with its consent and approval
- Jun. 10, 1993Declaring Certain City-Owned Property Not Needed or Devoted to a Public Use and
Authorizing Its Disposal. [Near Island Tracts D-1 and D-2, USS 2261 and 4947; authorizes
sale of commercial sites for development by sealed bid]
- Mar. 10, 1994Declaring Certain City-Owned Property Not Needed or Devoted to a Public Use and
Authorizing Its Disposal. [Near Island Tracts E-1 and E-2; also amends Res. 18–93, making
sale requirements identical for all four tracts; sale via sealed bids]
- Jul. 14, 1994Precomplying the Sale of Tracts D-1, D-2, E-1, and E-2, USS 2261 and 4947, with theOrd. 995Requirements of City Charter Section V-17. [reiterates Council's desire to sell parcels;
allows for public input]
- Jan. 11, 1996Stipulates that "all future subdivision or land development on Near Island shall consider the
impacts to the trail corridor as shown in the Near Island Plan of March 1987, and shall
provide for its dedication or suitable relocation as a condition of approval."
- Jan. 23, 1997Direct the City Manager to proceed with the appraisal, advertising, and sale by sealed bid of
Tracts D-1 and D-2, USS 4947, pursuant to KCC 18.20.050(b). [proposed sale to Cory
Baker for Ramada Inn hotel; property was not sold to Mr. Baker]
- Jul. 10, 1997 Issue a borrow material permit to A-K Construction Company for 22,000 cubic yards of rock from the Breakwater Phase 1 quarry on Near Island, for a term ending on June 30, 1998, with a royalty fee of 75 cents (\$0.75) per cubic yard of rock removed
- Apr. 24, 1997Offering for Sale Certain land on Near Island and Setting the Conditions for Sale.Res. 14–97Resolution effective May 8, 1997, due to motion to reconsider, which failed.adopted
- May 8, 1997 Amending the Date of Bid Opening Specified in Resolution 14–97. [changed bid opening date to Jun. 9, 1997] adopted
- Oct. 2, 2000 Directed staff to cease operations at the Near Island rock quarry and to prepare a plan to permit competitive public bidding for rock extraction, with quantity and time limits as approved by the City Council.

Apr. 26, 2001 Authorizing a Five-Year Borrow Material Permit with Brechan Enterprises, Inc. Ord. 1126 amended and adopted

Dec. 13, 2001 Authorize a borrow material permit with B&R Fish By Products, Inc., for a period of five years for approximately 10,000 cubic yards of material Jun. 12, 2003 Authorized Borrow Material Permit No. 03-2 with Anderson Construction for a period of five years for approximately 50,000 cubic yards of material Nov. 20, 2003 Extend the deadline for completion of Area A of Borrow Permit No. 01-03 with Brechan Enterprises to December 31, 2005 Mar. 25, 2004 Authorized Amendment No. 1 to B&R Fish-By-Product, Inc's Borrow Permit No. 01-04, as shown on drawing sheet 3b-1, dated March 4, 2004 Mar. 24, 2005 Authorized Borrow Material Permit No. 05-1 with Anderson Construction for the Trident Basin Quarry Sep. 28, 2006 Declaring Tracts D-2 and D-3, U.S. Survey 4947, and Lot 1, Kodiak Business Park Ord. 1213 Subdivision (Near Island) Not Needed for or Devoted to Public Use and Authorizing Their adopted Sale. [sale to Afognak Native Corporation; also see Ord. 1221a, which altered the parcels] Sep. 28, 2006 Authorized Borrow Material Permit 06-01 with Brechan Enterprises, Inc. Jun. 28, 2007 Authorizing the Sale of Lot 1, Kodiak Business Park Subdivision, and Tracts D-1, D-2, and Ord. 1221a D-3, USS 4947. [sale to Afognak and Koniag Regional Native Corporations] adopted Jun. 28. 2007 Authorizing the Sale of Lot 2, Tract E, USS 4947 (Near Island) [sale to Paul Zimmer and Tia Ord. 1222 Leber] adopted Authorizing the Sale of Lot 2, 3, 4, and a Portion of Lot 5, Kodiak Business Park Subdivision Jul. 12, 2007 Ord. 1223a (Near Island) [sale to U.S. Postal Service] failed Oct. 25, 2007 Ordinance of the People [...] Enacting Kodiak City Code Section 2.14.040 Prohibiting the Ord. 1228 Location of a Police Headquarters Building, Jail, or Other Facility for the Incarceration of adopted Holding of Prisoners on Near Island. Jun. 26. 2008 Authorizing the Sale of Lot 4, Near Island Research Park, and Adjacent Property, USS Ord. 1239 4947. [sale to Marine Center LLC (tentative name; Jay Stinson, principle)] adopted Jul. 10, 2008 Authorizing the Sale of Lots 2 and 3, Kodiak Business Park Subdivision, USS 4947. [sale to Ord. 1240 Kodiak Island Housing Authority for senior housing] adopted Nov. 6, 2008 Vacation of 5-Foot Electrical Easements Along the West Lot Lines of Lot 3 and 4, Near Island Research Park Subdivision, USS 4947

Mar. 26, 2009 Authorizing the Transfer of Ownership of a Portion of U.S. Survey 4947 (Near Island) to the Res. 09-06 Kodiak Island Borough. [for new ADF&G building]

approved

postponed

- May 14, 2009 Authorizing the Sale of Lot 4, Kodiak Business Park Subdivision, U.S. Survey 4947. [sale to Ord. 1255 George Kirk] adopted
- May 14, 2009 Authorizing the Sale of Lot 5, Kodiak Business Park Subdivision, U.S. Survey 4947. [sale to Gerald Christensen] adopted
- Jun. 25, 2009Authorizing the Sale of Lot 6, Kodiak Business Park Subdivision, U.S. Survey 4947. [sale to
Mark and Jennifer Vickstrom]adoptedMark and Jennifer Vickstrom]
- Jan. 15, 2009 Authorized Borrow Permit No. 09-1 to Brechan Enterprises, Permit No. 09-2 to Anderson Construction, and Permit No. 09-3 to B&R Fish By-Products, Inc., for the Near Island Breakwater Quarry
- Oct. 22, 2009 Authorized a professional services contract with PND, as described in its September 25, 2009, fee proposal, for a Near Island quarry development plan in the amount of \$44,134, with funds coming from the Near Island Land Development account.
- Feb. 28, 2013 Authorized Borrow Material Permit No. 13-4 with Golden Alaska Excavating LLC for the Trident Basin Quarry
- Jul. 24, 2014 Approved Borrow Material Permit No. 14-1 to B&R Fish ByProducts, Inc. and Permit No. 14-2 to Brechan Enterprises Inc. for the Breakwater Quarry for five-year periods commencing in July 2014 and authorized the City Manager to sign the permits for the City





