KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, November 10, 2015 Kodiak Public Library Multi-Purpose 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.	Juneau Lobbyist Report From Ray Gillespie		
3.	Discussion About Draft State CIP List		
4.	Discussion About Quayanna Development Contract .Refer to item V. g. in RM Packet		
5.	Discussion About Loitering Ordinance		
6.	Economic Development Conference and Update		
7.	Discussion About Limitations on Mobile Home Park Operator's Right to Terminate		
8.	Review of Letter Regarding the UAF Kodiak Seafood and Marine Science Center		
9.	Elected Officials Training/Travel Requests		
10.	November 12, 2015, Agenda Packet Review		

CITY OF KODIAK RESOLUTION NUMBER 2015–XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK ADOPTING A FY2017 STATE CAPITAL IMPROVEMENT REQUESTS AND ISSUES LIST

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

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

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

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

WHEREAS, because Kodiak is the second largest commercial fishing port in the United States in terms of volume and third largest in terms of value of product landed, the City requires a large infrastructure to support this commercial activity; and

WHEREAS, the City of Kodiak relies upon the State of Alaska's legislative and matching grant programs and revenue sharing to continue to keep its economy strong.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the following infrastructure replacement/improvement projects and issues are considered of primary importance and are hereby adopted as the City of Kodiak's FY2017 State capital improvement project and issues list:

1. Mill Bay Road Pavement Rehabilitation Project:

\$1,500,000

Mill Bay Road is a 2.5 mile major arterial that provides access to the City of Kodiak's main business district. It is the most traveled road in Kodiak with approximately 12,000 vehicle trips per day. The City took ownership of Mill Bay Road from the State after it was reconstructed by DOT in 1991. The road surface has developed extreme pavement wear in the driving lanes over the past 23 years and the City milled and repaved in 2001 and 2008. The road continues to deteriorate due to weather and traffic so the City completed a pavement assessment study which recommended repair for the full length of the road. Due to rapid deterioration of the road, the City developed a successful rehabilitation approach and milled and overlaid approximately 6100 ft. of road to repair the worst sections at a cost of

over \$2 million. The remaining 5,480 ft. of repair needed is estimated to cost \$1.5 million. The total road rehabilitation cost, including engineering and construction, is \$4 million. The City has contributed over \$2.5 million to the road rehabilitation project in the past three years. The City is requesting funding assistance for permitting, redesign, and construction for the remaining 5,480 ft. of the road in the amount of \$1,500,000 to fully rehabilitate Mill Bay Road.

Funding Request: \$1,565,000

Funding Request: \$1,100,000

2. Shelikof Street Bulkhead Parking

In 2009, the City identified the need for pedestrian improvements from Pier II to downtown Kodiak to more safely accommodate pedestrian traffic and to improve facilities for local residents, workers, and businesses that use the pier, street, and access to the City's adjacent 250 slip boat harbor. The first phase of the project, construction of an ADA accessible sidewalk, new retaining walls, improved lighting and parking, and utility work was completed in 2013. The City is planning for and preparing the permitting and design of the next parking improvement phase of this project, which is to construct a 30 space bulkhead parking area on the south side of Shelikof Street adjacent to St. Paul Harbor. The roadway area adjacent to the proposed bulkhead parking is dangerously congested. Due to lack of adequate parking, vehicles block walkways, equipment operates in the ROW, and access to businesses is often blocked, forcing pedestrians into the roadway. Construction of additional off-road parking will direct pedestrian traffic out of the congested roadway. The net increase in parking will benefit harbor users and retail businesses along Shelikof Street. It will provide improved and safer pedestrian access from Marine Way to the fish processors in the immediate area. Associated tasks for this phase of the project include geotechnical investigation, design, permitting, mapping, construction, improved lighting, and utility relocates. The City of Kodiak is requesting state funding assistance for permitting, design, and construction in the amount of \$1,565,000 to complete design, permit, and construct this bulkhead parking project to enhance pedestrian and vehicle safety.

3. Shelikof Street Pedestrian Improvements Pier II to Downtown

In 2009 the City of Kodiak started work to improve pedestrian and roadway improvements along Shelikof Street (Cannery Row) from Pier II to downtown Kodiak to more safely accommodate cruise ship passengers who walk along the street and to improve the roadway and parking facilities for local residents and businesses that use the highly congested street and pier year round. The first phase, construction of an ADA accessible sidewalk, improved lighting and parking, retaining walls, and utility relocates was completed in 2013. The City wants to begin work on a portion of the next phase of improvements with design and construction of a visitor shelter-information kiosk-public restroom facility at Pier II. The shelter will benefit ferry and cruise ship passengers and visitors with a place to come in out of the weather, a location for the distribution of visitor information, and provide the only public restroom facility at Pier II. The City has 65% engineering design drawings and two drawings showing floor plans and elevations. The City of Kodiak is requesting state funding assistance in the amount of \$1,100,000 through the cruise ship excise tax fund for planning,

permitting, design, and construction of this shelter for the community of Kodiak, its visitors, and residents.

4. State Municipal Matching Grant and Harbor Facilities Grant Programs

The economy of the City of Kodiak is based upon commercial fishing and all the work, such as local, state and federal governmental activities associated with support of the fisheries as well as research and enforcement activities are based on Kodiak's fishing industry. Each year Kodiak ranks as a top commercial fishing port. In 2014, NOAA statistics put Kodiak as the second largest commercial fishing port in the United States in terms of volume and third in terms of value. This activity requires an infrastructure from potable water, replacement of aging water, sewer, and storm drain systems, and harbor and dock infrastructure that is much larger than its population might suggest. The City of Kodiak relies heavily on the Department of Environmental Conservation Municipal Matching Grant Program to help fund repairs and replacement of the City's water, sewer, and storm drainage systems. The Kodiak Harbor Department relies on the State's Harbor Facilities Grant Program to help match costs for dock replacements. The City of Kodiak urges the State to continue to support these matching grant programs to avoid shifting the burden of costs back on local governments.

5. State Revenue Sharing

As the cost of providing governmental services rise, the City of Kodiak must rely on and use all sources of revenue carefully to meet its obligations. The City received \$377,926 in revenue sharing this year, a substantial drop from the \$572,936 received three years ago. The City urges the State to continue to provide revenue sharing to local governments through this program.

		CITY OF KODIAK	
ATTEST:		MAYOR	
	CITY CLERK	Adopted:	

CITY OF KODIAK RESOLUTION NUMBER 2014–35

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK ADOPTING A FY2016 STATE CAPITAL IMPROVEMENTS PROGRAM LIST

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the following infrastructure replacement/improvement projects are considered of primary importance and are hereby adopted as the City of Kodiak's FY2016 State capital improvement project list:

1. Mill Bay Road Pavement Rehabilitation Project:

\$3,500,000

Mill Bay Road is a 2.5 mile major arterial that provides access to the City of Kodiak's main business district. It is the most traveled road in Kodiak with approximately 12,000 vehicle trips per day. The City took ownership of Mill Bay Road from the State after it was reconstructed by DOT in 1991. The road surface has developed extreme pavement wear in the driving lanes over the past 23 years. The City has maintained and repaired sections and the driving lanes were milled and overlaid twice, but the overall road condition has not been assessed. The most critical issue is the development of ruts in the driving lanes up to 3" deep in some lanes in major intersections. Ruts create drainage problems which further accelerate wear on the pavement. The need for further pavement rehabilitation is necessary to prevent areas of roadbed failure. The City must plan on full road width pavement rehabilitation for the most traveled 2 mile portion from the main intersection downtown (the "Y") to Island Lake Road (Walmart) and is completing an engineering study to assess the condition of the pavement, address drainage, and review the possibility of updating and reusing the original design segments to help reduce project costs. The total road rehabilitation cost, including engineering and construction, is estimated to be \$4,000,000 with funds coming from a combination of local funds for design & engineering and state funds for the remainder of the

project. The City of Kodiak is requesting state funding assistance for permitting, redesign, and construction in the amount of \$3,500,000 to fully rehabilitate Mill Bay Road.

Funding Request: \$1,650,000

Funding Request: \$1,100,000

2. Shelikof Street Bulkhead Parking

In 2009, the City identified the need for pedestrian improvements from Pier II to downtown Kodiak to more safely accommodate pedestrian traffic and to improve facilities for local residents, workers, and businesses that use the pier, street, and access to the City's adjacent 250 slip boat harbor. The first phase of the project, construction of an ADA accessible sidewalk, new retaining walls, improved lighting and parking, and utility work was completed in 2013. The City must plan and design the next parking improvement phase of this project, which is to construct a 30 space bulkhead parking area on the south side of Shelikof Street adjacent to St. Paul Harbor. The roadway area adjacent to the proposed bulkhead parking is dangerously congested. Due to lack of adequate parking, vehicles block walkways, equipment operates in the ROW, and access to businesses is often blocked, forcing pedestrians into the roadway. Construction of additional off-road parking will direct pedestrian traffic out of the congested roadway. The net increase in parking will benefit harbor users and retail businesses along Shelikof Street. It will provide improved and safer pedestrian access from Marine Way to the fish processors in the immediate area. Associated tasks for this phase of the project include geotechnical investigation, design, permitting, mapping, construction, improved lighting, and utility relocates. The City of Kodiak is requesting state funding assistance for planning, permitting, design, and construction in the amount of \$1,650,000 to construct this bulkhead parking project to enhance pedestrian and vehicle safety.

3. Shelikof Street Pedestrian Improvements Pier II to Downtown

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CITY OF KODIAK

ATTEST:

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Adopted: October 23, 2014



CITY OF KODIAK ORDINANCE NUMBER

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK REPEALING KODIAK CITY CHAPTER 8.20, ASSAULT AND BATTERY, ADOPTING KODIAK CITY CODE CHAPTER 8.20, OFFENSES AGAINST PUBLIC ORDER, AND REPEALING KODIAK CITY CODE 8.56.060, DISORDERLY CONDUCT; 8.64.010, BEGGING; AND 8.64.020, JOSTLING PEOPLE

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

Section 1: Kodiak City Code Chapter 8.20, Assault and Battery is hereby repealed.

Section 2: Kodiak City Code Chapter 8.20, Offenses Against Public Order, is adopted to read as follows:

8.20.010 Definitions

As used in this chapter,

"Camping" means sleeping or otherwise being in a temporary shelter, tent or sleeping bag out-of-doors, sleeping atop or covered by materials such as a bedroll, cardboard or newspapers out-of-doors, or cooking over an open flame or fire out-of-doors.

"Panhandling" means any solicitation made in person in which a person requests an immediate donation of money or other gratuity from another person, including without limitation seeking donations in exchange for an item of little or no monetary value under circumstances where a reasonable person would understand that the transaction is in substance a donation.

"Public place" means a place to which the public has access, including without limitation streets, highways, sidewalks, alleys, parking areas, plazas, parks, and playgrounds.

8.20.020 Assault

No person may by words or other conduct recklessly place another person in a public place in fear of imminent physical injury.

8.20.030 Obstruction of pedestrians or vehicles.

No person may walk, stand, sit, lie, or place an object in a public place in such a manner as to block rightful passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. This section does not apply to lawful picketing, parades or use of a public place in accordance with a permit issued by the City.

8.20.040 Aggressive panhandling.

No person may engage in an act of panhandling in an aggressive manner as set forth in (a) through (e) of this section:

- (a) Touching the solicited person without the solicited person's consent;
- (b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial or public establishment;

- (c) Blocking the path of a person being solicited, or the entrance to any building or vehicle;
- (d) Persisting in closely following or approaching a person, after the person solicited has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor;
- (e) Making any statement, gesture, or other communication which would cause a reasonable person to be fearful or coerced to make a donation; or
 - (f) Panhandling in a group of two or more persons.

8.20.050 Sitting or lying on public sidewalks.

- (a) No person may sit or lie upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between:
 - (1) 6:00 a.m. and 11:59 p.m. on Monday, Tuesday, Wednesday or Thursday; or
 - (2) 6:00 a.m. Friday through 2:30 a.m. Saturday; or
 - (3) 6:00 a.m. Saturday through 2:30 a.m. Sunday.
 - (b) The prohibition in subsection (a) of this section does not apply to:
 - (1) Sitting or lying on a public sidewalk due to a medical emergency;
 - (2) Using, as the result of a disability, a wheelchair, walker, or similar device to move about;
 - (3) Operating or patronizing a commercial establishment conducted on a public sidewalk in accordance with a permit issued by the city, or participating in or attending a parade, festival, performance, race, rally, demonstration, meeting, or similar event conducted on the public sidewalk in accordance with a permit issued by the city;
 - (4) Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
 - (5) Sitting on a public sidewalk within a passenger loading zone while waiting for public or private transportation; or
 - (6) Waiting in line to purchase, receive or deliver an item or gain access to an adjacent property, such as waiting to purchase an item from a street vendor, or tickets at a ticket window, or waiting for an establishment to open to receive or deliver goods or services, while remaining as far from the traveled roadway as practicable.

8.20.060 Camping.

Camping is prohibited in all public places, except those that are specifically designated for camping by the appropriate governmental authority

Section 3: Subsection (c) of Kodiak City Code Section 1.12.040, Disposition of scheduled offenses—fine schedule, is hereby amended by adding new lines to read as follows:

		Fine		
City Code Provision	Offense	1st offense w/i 2 years	2nd offense w/i 2 years	3rd offense w/i 2 years
8.20.020	Assault	\$250	\$500	\$1,000
8.20.030	Obstruction of pedestrians or vehicles	\$50	\$100	\$200
8.20.040	Aggressive panhandling	\$50	\$100	\$200
8.20.050	Sitting or lying on public sidewalks	\$50	\$100	\$200
8.20.060	Camping	\$50	\$100	\$200

Section 4: Kodiak City Code 8.56.060, Disorderly conduct; 8.64.010, Begging; and 8.64.020, Jostling people, are hereby repealed.

Section 5: This ordinance shall be effective one month following final passage and publication in accordance with Kodiak Charter article II section 13.

CITY OF KODIAK

	MAYOR
ATTEST:	
CITY CLERK	

First Reading: Second Reading: Effective Date:





Case Law

Statutes, Rules & Regulations Constitutions

Miscellaneous

Search





Alaska Statutes.

Title 34. Property

Chapter 3. Uniform Residential Landlord and Tenant Act

Section 225. Limitations On Mobile Home Park Operator's Right to Terminate.

previous: Section 220. Noncompliance With Rental Agreement; Failure to Pay Rent.

next: Section 230. Remedies For Absence, Nonuse and Abandonment.

AS 34.03.225. Limitations On Mobile Home Park Operator's Right to Terminate.

- (a) A mobile home park operator may evict a mobile home or a mobile home park dweller or tenant only for one of the following reasons:
- (1) the mobile home dweller or tenant has defaulted in the payment of rent owed;
- (2) the mobile home dweller or tenant has been convicted of violating a federal or state law or local ordinance, and that violation is continuing and is detrimental to the health, safety, or welfare of other dwellers or tenants in the mobile home park;
- (3) the mobile home dweller or tenant has violated a provision, enforceable under AS $\underline{34.03.130}$, of the rental agreement or lease signed by both parties and not prohibited by law including rent and the terms of agreement; and
- (4) a change in the use of the land comprising the mobile home park, or the portion of it on which the mobile home to be evicted is located; however, all dwellers or tenants so affected by a change in land use shall be given at least 270 days' notice, or longer if a longer notice period is provided in a valid lease or required by a municipality; a dweller or tenant so affected by a change in land use shall be given a quit date not earlier than May 1 and not later than October 15; a municipality may establish a mobile home relocation fund and require that a dweller or tenant so affected by a change in land use be given a longer notice period or compensated from the fund for the cost of disconnecting, relocating, and reestablishing the dweller's or tenant's mobile home.
- **(b)** A mobile home park operator may not evict a mobile home or a mobile home park dweller or tenant because of the age of the mobile home, except that a mobile home or a mobile home park dweller or tenant may be evicted if, when the mobile home was admitted to the mobile home park, a regulation of the mobile home park limiting the age of a mobile home in the mobile home park was in effect, the mobile home is sold after the age limitation has been exceeded, and the owner or tenant of the mobile home has failed to bring the unit into compliance with the life safety requirements of 24 CFR Part 3280. This does not prohibit eviction for violation of a provision enforceable under AS 34.03.130 that requires that a mobile home be in a fit and habitable condition.
- (c) When, under (a) of this section, a mobile home park owner is required to give notice to evict a mobile home owner or a mobile home park dweller or tenant, provision of notice to quit under AS $\underline{09.45.100}$ $\underline{09.45.105}$ satisfies the requirement of notice.

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Note to HTML Version:

This version of the Alaska Statutes is current through December, 2007. The Alaska Statutes were automatically converted to HTML from a plain text format. Every effort has been made to ensure their accuracy, but this can not be guaranteed. *If it is critical that the precise terms of the Alaska Statutes be known, it is recommended that more formal sources be consulted.* For statutes adopted after the effective date of these statutes, see, <u>Alaska State Legislature</u> If any errors are found, please e-mail Touch N' Go systems at <u>E-mail</u>. We hope you find this information useful.

This page has been updated: 04/23/2015 12:26:02





Kodiak Island Borough 710 Mill Bay Road, Rm. 101 Kodiak, AK 99615 907.486.9310



City of Kodiak 710 Mill Bay Road, Rm. 216 Kodiak, AK 99615 907.486.8636

October 30, 2015

President James R. Johnsen University of Alaska Office of the President P.O. Box 755000 Fairbanks, AK 99775-5000

Dear President Johnsen:

On behalf on the citizens of the City of Kodiak, the Kodiak Island Borough, and other Alaska communities engaged in commercial, sports and subsistence related fishing pursuits, we respectfully urge the University of Alaska to reconsider the decision to close UAF's Kodiak Seafood and Marine Science Center, formerly, and in Alaska Statute (Title 16 Chapter 52), referred to as the Fishery Industrial Technology Center or FITC.

The applied research conducted by faculty, staff, students, and visiting scientists at FITC has improved fishery processing technology, seafood safety, and increased catch utilization across the state. In addition, the work of FITC based scientists has brought better understanding to marine ecosystem energetics and the interactions of marine mammals in the North Pacific Kodiak-based and visiting scientists use FITC facilities and its specialized equipment to further a deeper understanding of the complex ocean ecosystems; an understanding necessary to both develop and maintain sustainable Alaska fisheries policies. The sudden and unexpected decision by the University to close FITC at the end of the fiscal year, absent any community or industry dialogue, suggests that the University of Alaska is preparing to abandon both a commitment to applied fisheries research as well as the close community and industry partnerships that provide the foundation for a healthy university system.

It is not our collective intent to join the cacophony of voices demanding that local programs be spared the budget knife. Tough times require tough decisions. Our communities are also weathering the complex logistical and personnel challenges created when declining revenues test our commitment to mission and vision. However, we believe the key to an

President Johnsen October 30, 2015 Page 2

effective response to a fiscal crisis is transparent and collaborative dialogue with our citizenry. It is in this spirit, that we invite the University to work collaboratively with our community to develop alternative sources for revenue to support the critical research conducted by FITC. Maintenance of FITC research, equipment, and staff through fiscal year 2017 will provide time to explore new sources of revenue while preserving the universities role in these applied fisheries related activities.

The FITC facility and equipment are critical to achieving the mission. Transference of the Alfred Owen Building to another campus without underlining a requirement that it be used to support future applied fisheries research (as outlined in Alaska Statute Title 16 Chapter 52) will make it difficult to revitalize the program in the future. Plans to ship millions of dollars worth of specialized seafood processing equipment from the pilot plant and the dedicated laboratory equipment in the Organismal, Biochemistry, Chemistry, and Microbiology labs at the Alfred Owen Building to another site will be expensive and will also severely limit the potential for future productivity at the facility. Recent discussions to develop a maritime trades program by the local college are exciting and timely, but should not be used to justify eliminating FITC. If anything, FITC can be a critical hub for learning these trades.

The University of Alaska is undergoing significant leadership changes with a new statewide president, UAF chancellor, and a new UAF School of Fisheries and Ocean Sciences dean. Delaying this potentially devastating decision for one fiscal year will provide sufficient time for leadership to review and evaluate the critical role FITC plays statewide. Because FITC was created by Alaska Statute with a continuing appropriation, it will be important to consult with Legislative leaders before eliminating the program.

Maintenance of even partial funding for a year will provide time for the scientific community, civic leaders, fishers, processors and those who see the value in applied fisheries research to explore other funding streams. Partnerships with other Sea Grant institutions, public and private grants or new fisheries research opportunities with interested state or federal agencies are feasible, plentiful, and worthy of exploring.

The decision and timing to close FITC was made in the absence of community dialogue. Once a decision is announced, the community is placed in a reactive or defensive posture rather than engaged in the positive and proactive process necessary for effective problem solving. The current fiscal crisis can represent an opportunity for the University to collaborate with stakeholders to identify innovative strategies to renew and revitalize FITC. Or it can be used to cloak and justify top down program cuts made in the absence of community dialog and without input from the largest employment sector in the state.

The University of Alaska was charged with supporting and maintaining the Fishery Industrial Technology Center, a vision of 24 citizens from coastal Alaska more than 30 years ago. It was brought to fruition by the Alaska Legislature with its mission and functions encoded in

President Johnsen October 30, 2015 Page 3

State Statute. Transferring the Alfred Owen Building's administrative home, moving faculty to different campuses and cannibalizing the equipment housed at FITC surely represents an abrogation of the responsibility the University accepted when the Alaska State Legislature created FITC.

Alaska's fishing industry cannot afford to stand idly by while critical fisheries research programs wither away until their purpose, vitality and vision is no longer recognizable. We eagerly anticipate a professional discourse with University leadership to address and hopefully resolve this issue.

Sincerely,

Jerrol Friend, Mayor Kodiak Island Borough Pat Branson, Mayor City of Kodiak

Cc: Governor Bill Walker Senator Gary Stevens Representative Louise Stutes