

City of Kodiak Regular Council Meeting Agenda for February 9, 2017
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

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DRAFT

**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF KODIAK
HELD TUESDAY, JANUARY 24, 2017
IN THE KODIAK CITY CONFERENCE ROOM**

I. MEETING CALLED TO ORDER

Mayor Pat Branson called the meeting to order at 6:34 p.m. Councilmembers Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. Councilmember Gabriel T. Saravia was absent. City Manager Aimée Kniaziowski, City Clerk Debra Marlar, and Deputy City Manager Mike Tvenge were also present.

II. PUBLIC COMMENTS

None

III. EXECUTIVE SESSION

a. Discussion With the City Attorney About Public Records Litigation

Councilmember Davidson MOVED to enter into executive session pursuant to Kodiak City Code 2.04.100(c) to discuss litigation with the City's attorney pertaining to public records.

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

The Council entered into executive session at 6:35 p.m.
Mayor Branson reconvened the special meeting at 7:26 p.m.

IV. ADJOURNMENT

Councilmember Walker MOVED to adjourn the meeting.

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

The meeting adjourned at 7:27 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

<p>DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, JANUARY 26, 2017
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniaziowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

Salvation Army Major Dave Davis gave the invocation and the Pledge of Allegiance was recited.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the January 12, 2017, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Public Comments

Major Dave Davis, Salvation Army, said they have funds to help citizens with heat and fuel assistance for those who qualify. He encouraged citizens to contact Major Lola Davis and urged them not to wait until they are out of fuel before contacting the Salvation Army.

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

a. Resolution 2017–02, Requesting the Alaska State Legislature to Approve and Allocate Funds Appropriated for Construction of a New Ocean Going Vessel to Replace the M/V Tustumena

Mayor Branson read Resolution 2017–02 by title. At the request of the Mayor and Council, staff drafted the resolution in support of the legislature approving and allocating funds to ensure a replacement vessel for the M/V Tustumena is built on schedule. The resolution will be sent to state officials upon adoption.

Councilmember Walker MOVED to adopt Resolution No. 2017–02.

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

b. Resolution No. 2017–03, Urging the Alaska State Legislature to Adopt a Sustainable Budget Plan For FY2018 and Beyond by Enacting a Complete Package of Initiatives to Provide a Balanced and Sustainable Budget

Mayor Branson read Resolution No. 2017–03 by title. Governor Bill Walker and administration have created a fiscal plan towards a sustainable future for the State of Alaska. The administration has visited communities and held numerous conferences to explain the plan they produced. During the 29th Legislative Session and several special sessions, the legislature failed to enact a sustainable fiscal plan. This resolution urges the legislature to take action during this current legislative session to protect Alaska’s economy.

Councilmember Davidson MOVED to adopt Resolution No. 2017–03.

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

c. Authorization of Amendment No. 2 Lease No. 219595 for City Hall Office Space in the Kodiak Island Borough Building

The City entered into a five-year lease for office space in 2015 that included new office space on the ground floor of the Borough Building for the City Manager’s offices and a conference room. Staff worked with the KIB Resource Management Officer for a lease amendment in July 2016 to acquire two additional storage rooms for the City-wide records program. The City Manager is requesting a second lease amendment to obtain office space for the two new human resource positions for an additional 538 sf. The second amendment to lease No. 219595 for City Hall office space in the Kodiak Island Borough building will be for a total rental space of 5,795 sf with an additional rental amount of \$1,183 per month.

Councilmember Arboleda MOVED to authorize the second amendment to Lease No. 219595 for City Hall Office Space in the Kodiak Island Borough Building in the amount of \$12,749 per month from the General Fund Non-departmental Building Rental line item and authorize the City Manager to execute the lease amendment document on behalf of the City.

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

d. Authorization of Professional Services Contract for Design of Pillar Mountain Quarry Reclamation Fill Site Project No. 13-09/5033

The City has used the area next to the Water Treatment Plant at the foot of Pillar Mountain for the disposal of clean soil products from City construction projects for many years. The site is now full and staff needs to identify another disposal site. Staff requested a proposal from DOWL to design the large area fill and provide a Stormwater Pollution Prevention Plan for the old City rock quarry located one third of the way up Pillar Mountain.

Councilmember Whiddon MOVED to authorize a professional services contract with DOWL to complete the design of the Pillar Mountain Quarry Reclamation Fill Site in an amount not to exceed \$46,655 with funds coming from the Street Capital Improvement Fund, Project No. 13-09/5033 and authorize the transfer of unused funds from the Street Capital Improvement Fund, Snow Dump Project, Project No. 13-07/5030 in the amount of \$50,000, and approve and include transfer of capital project funds in the City's FY2017 supplemental budget amendment.

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

e. Acceptance of the FY2016 Comprehensive Annual Financial Report (Audit)

Each year the City Council retains a qualified accounting firm to perform an annual audit of the City's financial records and accounting practices. The City Charter and the City Code require the Council to accept the comprehensive annual financial report.

Councilmember Davidson MOVED to accept the City's Fiscal Year 2016 audited Comprehensive Annual Financial Report.

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

f. Authorization to Cancel the February 23, 2017, Regular Meeting and Authorize the City Manager to Schedule a Special Meeting if Needed

The regularly scheduled Council meeting for February 23, 2017, may be cancelled to reflect elected official and staff travel schedules. Elected officials and staff attend the annual winter Alaska Municipal League Conference February 20-23 and meet with Juneau officials on February 24. At a recent work session, the Council voiced a consensus to cancel the February 23 regular meeting and authorize the City Manager to schedule a special meeting if needed.

Councilmember Bishop MOVED to cancel the February 23, 2017, regular meeting and authorize the City Manager to schedule a special meeting if needed.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski said she and Deputy City Manager Tvenge continue to prepare for the hearings on March 7 through March 10 with the Alaska Labor Relations Agency in Anchorage regarding union petitions. She stated that Public Works staff received the first amendment to the compost permit from the Department of Environmental Conservation, which will reduce the requirement for weekly testing and save the City approximately \$16,000 annually. She congratu-

lated and thanked Sergeant Hatfield of the Kodiak Police Department Dispatch Office for her 20 years of service with the City. She reminded that snow plowing is occurring during these winter months, and she requested citizens be patient while snow is transported to the required site. She stated that staff is diligently working to clear the City streets. She said a certified Human Resource professional staff member of Alaska Public Entity Insurance came and provided four sessions of training to 114 City employees last week. She said Parks and Recreation Director Gronn had to take the winter lights down due to inclement weather.

b. City Clerk

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

VII. MAYOR'S COMMENTS

Mayor Branson thanked the Finance Director and staff and Managers for their work on the Comprehensive Annual Financial Report. She said the Council adopted a resolution for replacement of the Tustumena, and she clarified the vessel replacement is not on the City's CIP list because it is a State project. She encouraged the citizens of Kodiak to advocate during the legislative session for the replacement of the Tustumena. She said the Building Inspection MOA has worked well for 30 years, and she commented it would be very expensive to have separate building departments for the City and the Borough. She said as a City and Borough resident she feels the MOA saves money and is a headway to more efficient government; she emphasized the services provided by the department ensure safety for the community. She stated the City has continually tried to work through these issues and she advocates for a continuation of the MOA and hopes the Borough Assembly comes to the table to move forward jointly in the near future. Mayor Branson welcomed the Boy Scouts in attendance at the regular meeting.

VIII. COUNCIL COMMENTS

Councilmember Walker congratulated and thanked Sergeant Hatfield for her 20 years of service with the City. He said that the Public Works staff has done a great job snow plowing and thanked them for their work. He stated that Birch Street is in need of road repairs, and he commented on a piece of property on Baranof Street the City should discuss acquiring. He is excited for the old library demolition and the progression of the new fire station. He asked everyone to be careful in the winter weather conditions.

Councilmember Bishop thanked Finance Director Mayes and the staff for their stellar work on the Comprehensive Annual Financial Report. He thanked the community for their community involvement and thanked the Boy Scouts for their meeting attendance. He apologized in advance for his absence at the February 7 work session and 9 regular meeting stating he will be on vacation. He reminded everyone to take time from their busy schedules to enjoy, be thankful, and live life.

Councilmember Davidson thanked the Public Works department staff for the snow removal they have done this month, and he thanked Finance Director Mayes and staff for the audit report.

Councilmember Saravia thanked the Manager and staff for the excellent audit report. He expressed his appreciation to the Boy Scouts in the audience for their attendance at the meeting. He said the streets have been kept in good condition during the winter weather.

Councilmember Arboleda thanked the City staff for their work and the public's participation at the meeting and the listening audience.

Councilmember Whiddon thanked the Boy Scouts and Troop Leader Westling for attending the meeting. He reiterated Major Davis's message to seek assistance from the Salvation Army for citizens in need of fuel in these cold conditions. He thanked Councilmember Bishop for stepping into the Fisheries Work Group seat. He stated there have been some remarks against the City's viewpoints on the Building Inspection MOA and he feels the integrity of the neighborhoods, safety, and the quality of life of the residents is the priority. He commented the opt-out clauses regarding the building codes have not been clearly defined. He encouraged the Borough to look at the community as a whole and continue to move forward.

IX. AUDIENCE COMMENTS

None

X. EXECUTIVE SESSION

a. Clerk's Annual Evaluation

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

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

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

Council entered into executive session at 8:07 p.m.

The Mayor reconvened the meeting at 8:35 p.m.

XI. POTENTIAL ACTION FOLLOWING EXECUTIVE SESSION

a. Authorization of Potential Changes to City Clerk's Employment Agreement

Councilmember Bishop MOVED to rescind City Clerk Employment Agreement, Record No. 211898 and authorize Employment Agreement, Record No. 228956.

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

ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 8:35 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

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PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: February 9, 2017

Agenda Item: III. a. Proclamation: Applauding the USCG and Proclaiming USCG Appreciation Day

SUMMARY: This proclamation urges all citizens to recognize our Coast Guard community for their individual and collective efforts in making Kodiak and all the navigable waters of Alaska a safer and better place to live, work, and play. The City applauds and proclaims February 18, 2017, as Coast Guard Appreciation Day.

ATTACHMENTS:

Attachment A: Proclamation: Applauding the USCG and Proclaiming USCG Appreciation Day

PROCLAMATION

Applauding the United States Coast Guard Presence in Kodiak

WHEREAS, the citizens of Kodiak wish to acknowledge and honor the men and women of the United States Coast Guard; and

WHEREAS, members of the Coast Guard are our friends and neighbors who contribute their time and talents to the well-being of our community; and

WHEREAS, we are deeply grateful to the men and women of the Coast Guard, and their families, for their sacrifices and devotion to duty, which preserve the safety of our country, our State, our fishermen, and the boating public; and

WHEREAS, the Kodiak community will gather on Saturday, February 18, 2017, in a celebration to honor and thank all members of the Coast Guard and their families.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, Alaska, do hereby proclaim February 18, 2017, as

Coast Guard Appreciation Day

in Kodiak and urge Kodiak residents to recognize our Coast Guard community for their individual and collective efforts in making Kodiak and all the navigable waters of Alaska a safer and better place to live, work, and play. To the men and women of the United States Coast Guard—WE APPLAUD YOU.

Dated this 9th day of February 2017.

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: Mike Tvenge, Deputy City Manager 

Date: February 9, 2017

Agenda Item: IV. a. **Continued Second Reading and Public Hearing, Ordinance No. 1359, Adopting Kodiak City Code 8.96.010, Discharge of Firearms and Other Dangerous Weapons Prohibited; Exceptions, and Amending Kodiak City Code 1.12.040, Disposition of Offenses—Fine Schedule, to Enact a Prohibition on Discharging Firearms in the City Subject to Certain Exceptions and a Penalty for Its Violation**

SUMMARY: This ordinance (Attachment A) is intended to restrict the discharge of firearms and other dangerous weapons within the City of Kodiak jurisdiction. Alaska Statute 29.35.145 (b) (2) authorizes a municipality to enact and enforce an ordinance restricting discharge of firearms. Council postponed the vote of Ordinance No. 1359 to a future meeting to be determined by the City Manager during the October 13, 2016, regular meeting to take into account public comments. Staff recommends Council adopt Ordinance No. 1359 during the continued second reading and public hearing.

PREVIOUS COUNCIL ACTION: Council repealed a discharge of firearms ordinance more than a decade ago. Discussions to bring back a firearms ordinance have occurred during previous Council work sessions. Council passed Ordinance No. 1359 in the first reading and moved to second reading on September 22, 2016. Council postponed the vote of Ordinance No. 1359 at the October 13, 2016, regular meeting to a future meeting to be determined by the City Manager. Council reviewed the proposed amended ordinance at the February 7, 2017, work session.

DISCUSSION: During hunting season in August 2015, a deer was killed with a firearm on Near Island (within City jurisdiction). Questions arose whether this was legal and safe. It was researched and discovered there is no City restriction to hunt deer or other big game within the Kodiak City limits. More recently, at least one deer was killed by a bow and arrow with the carcass left alongside the road. These actions caused concern for the safety of the public, so staff worked with the attorney to draft an ordinance to limit the discharge of firearms and dangerous weapons in the City limits in keeping with the Alaska Statute 29.35.145 (b)(2).

There has not been a recent accident or injury relating to rightful discharge of a firearm; however, this situation is particularly dangerous within a densely populated area such as inside the Kodiak City limits. It is also dangerous in area trails used by hikers year round and businesses throughout the community. As the City moves forward to adopting a Land Use Plan for Near Island, it is prudent to enact an

ordinance prohibiting the discharge of dangerous weapons in the densely populated City limits and in areas where businesses, boaters, hiking trails, air taxi services, housing, and other development exists. Therefore, it is in the best interest of the City and its residents to restrict the use of dangerous weapons within City limits.

As proposed, this ordinance does not prohibit the discharge of firearms or other weapons for the lawful protection of persons or property, used to prevent a crime, or use on an established firing range. Staff proposes an amendment reflecting public input that would also allow the firing of such weapons at organized sporting activities and on private property providing the discharge can be done in a manner that is safe for the public.

ALTERNATIVES:

- 1) Adopt Ordinance No. 1359, which is recommend by staff.
- 2) Amend or do not adopt Ordinance No. 1359, which is not recommended by staff.

FINANCIAL IMPLICATIONS: There may be the need to post signage to notify the public of the firearm restriction. Cost for signage has not been determined.

LEGAL: A legal opinion has been researched and this ordinance was drafted by the law firm of Birch Horton Bittner and Cherot.

STAFF RECOMMENDATION: Staff recommends Council adopt this ordinance to protect individuals and property from accidental injury by discharge of a firearm or dangerous weapon within the City to prevent injury or harm to the public.

CITY MANAGER’S COMMENTS: I support this ordinance, which now reflects the input Council received during the public hearing process when the ordinance was introduced. I believe it reflects the intent of the Council as well. Therefore, I recommend Council adopt Ordinance 1359, as amended.

ATTACHMENTS:

- Attachment A: Ordinance No. 1359
- Attachment B: Letter from Jack Maker, dated September 23, 2016
- Attachment C: E-mail from Joseph Mauer, dated October 18, 2016

{Clerk's Note: the motion to adopt Ordinance No. 1359 is on the floor from the October 13, 2016, regular meeting.}

PROPOSED MOTION:

Move to amend Ordinance No. 1359 by inserting at the end of Section 1(b) the words “and other dangerous weapons” and inserting Section 1(b)(4) “Except for organized sporting activities or on private property provided the weapon is discharged in a manner that does not endanger neighbors or the public at large.”

INCLUDES SUGGESTED AMENDMENTS

CITY OF KODIAK ORDINANCE NUMBER 1359

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK ADOPTING KODIAK CITY CODE 8.96.010, DISCHARGE OF FIREARMS AND OTHER DANGEROUS WEAPONS PROHIBITED; EXCEPTIONS, AND AMENDING KODIAK CITY CODE 1.12.040, DISPOSITION OF OFFENSES—FINE SCHEDULE, TO ENACT A PROHIBITION ON DISCHARGING FIREARMS IN THE CITY SUBJECT TO CERTAIN EXCEPTIONS AND A PENALTY FOR ITS VIOLATION

WHEREAS, AS 29.35.145(b)(2) authorizes a municipality to enact and enforce ordinances restricting the discharge of firearms in any portion of its jurisdiction where there is a reasonable likelihood that people, domestic animals or property will be jeopardized; and

WHEREAS, the Council finds that there is a reasonable likelihood that people, domestic animals or property will be jeopardized by the discharge of firearms and other dangerous weapons anywhere within the City; and

WHEREAS, the Council finds that it is in the best interest of the City and its residents to permit the discharge of firearms and other dangerous weapons in the City for the protection of persons and property, and for other specified purposes.

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

Section 1: Kodiak City Code 8.96.010, Discharge of firearms and other dangerous weapons prohibited; Exceptions, is hereby enacted to read as follows:

8.96.010 Discharge of firearms and other dangerous weapons prohibited; Exceptions.

(a) Except as provided in subsection (b) of this section, no person may discharge a firearm and other dangerous weapons within the city.

(b) Subsection (a) of this section does not prohibit the discharge of a firearm and other dangerous weapons:

(1) By a peace officer in the performance of his or her duty;

(2) By any person when lawfully defending persons or property, or preventing crime; or

[Bold and underlined added.]

(3) On a firing range established and operated in accordance with applicable state and local law.

(4) For organized sporting activities or on private property provided the weapon is discharged in a manner that does not endanger neighbors or the public at large.

(c) Dangerous weapon for purposes of this section is defined as any instrument designed to propel an object with deadly force including blow guns, BB guns, Pellet guns, paintball guns, bows, compound bows, crossbows or other similar instruments. This definition specifically does not include children’s toys or other items of entertainment that are not designed to apply deadly force.

Section 2: Subsection (c) of Kodiak City Code Section 1.12.040, Disposition of offenses—fine schedule, is hereby amended by adding a new line to read as follows:

City Code Provision	Offense	Fine
8.96.010	Discharge of firearms and other dangerous weapons prohibited; Exceptions	\$300

Section 3: 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: September 22, 2016
Second Reading: October 13, 2016
Continued Second Reading: February 9, 2017
Effective Date

[Bold and underlined added.]

Jack L. Maker
P.O. Box 812
Kodiak, AK 99615

September 23, 2016

City of Kodiak
710 Mill Bay Road
Kodiak, AK 99615

RE: **Proposed City of Kodiak Ordinance No.1359 - An Ordinance Of The Council Of The City Of Kodiak Adopting Kodiak City Code 8.96.010, Discharge Of Firearms And Other Dangerous Weapons Prohibited; Exceptions, And Amending Kodiak City Code 1.12.040, Disposition Of Offenses—Fine Schedule, To Enact A Prohibition On Discharging Firearms In The City Subject To Certain Exceptions And A Penalty For Its Violation**

Honorable Mayor Branson and City Council Members:

I am writing to express my concern regarding the above proposed ordinance. I agree with prohibiting the discharge of firearms anywhere within the City limits, unless discharged for those reasons listed in Section 1, Subsection (b), (1-3). I also agree with prohibiting the discharge of any instrument designed to propel an object with deadly force including blow guns, BB guns, pellet guns, paintball guns, bows, compound bows, crossbows or other similar instruments (defined as "other dangerous weapons" by the ordinance) on public property within the City limits. My issue with the ordinance has to do with prohibiting the discharge of "other dangerous weapons" (as defined by the ordinance) for recreational target shooting purposes on private property within the City limits.

I am an avid airgun hobbyist. I own several high quality match pellet pistols and BB pistols that I regularly shoot in my back yard and in my residence, which is within the City limits. When I do so, I take all necessary safety precautions to ensure I do not endanger or cause harm persons or property (use appropriate back stops, pellet traps, shoot in a direction that does not endanger neighboring properties, etc.). I have never had an incident that caused harm to a person or damage to property. I also know that other residents within the City limits enjoy safe and responsible target shooting with blow guns, BB guns, pellet guns, paintball guns, bows, compound bows, and crossbows on private property within the City limits. Should the ordinance be approved as written, residents who have safely and responsibly enjoyed such activities on their properties for decades will no longer be able to do so.

Due to the above, I strongly disagree with prohibiting the safe and responsible discharge of blow guns, BB guns, pellet guns, paintball guns, bows, compound bows, crossbows or other similar instruments for recreational target shooting purposes on private property within the City limits. I also do not believe that the intent of this ordinance is to prohibit these specific activities. Accordingly, to allow responsible residents to continue to enjoy such activities on private property, I recommend that Section 1 of the ordinance be amended as follows (**blue is added/~~bold-underlined red strike-through is deleted~~**):

8.96.010 Discharge of firearms and other dangerous weapons prohibited; Exceptions.

- (a) Except as provided in subsection (b) and (c) of this section, no person may discharge a firearm and or other dangerous weapons within the city.
- (b) Subsection (a) of this section does not prohibit the discharge of a firearm:
 - (1) By a peace officer in the performance of his or her duty;
 - (2) By any person when lawfully defending persons or property, or preventing crime; or
 - (3) On a firing range established and operated in accordance with applicable state and local law.
- (c) Subsection (a) of this section does not prohibit the discharge of other dangerous weapons for recreational target shooting purposes on private property (with the property owner's permission), provided such activity is conducted in a safe and responsible manner that will not endanger or cause harm to persons or property.

~~(e)~~ (d) Dangerous weapon for purposes of this section is defined as any instrument designed to propel an object with deadly force including blow guns, BB guns, Pellet guns, paintball guns, bows, compound bows, crossbows or other similar instruments. This definition specifically does not include children's toys or other items of entertainment that are not designed to apply deadly force.

In closing, I would like to reiterate that, with the exception of prohibiting the discharge of "other dangerous weapons" (as defined by the ordinance) for recreational target shooting purposes on private property, I support this ordinance. I respectfully request that you consider implementing my recommended amendment so responsible residents may continue to enjoy these activities on private property within the City limits.

Sincerely,



Jack L. Maker

Marlar, Debra

From: Joseph Mauer [jmauer725@gmail.com]
Sent: Tuesday, October 18, 2016 3:15 PM
To: Bishop, Randall; Davidson, Charles; Saravia, Gabriel; Whiddon, John; Walker, Rich; Arboleda, Laura; Branson, Pat
Subject: Ordinance 1359

Hello Mayor and Council Members,

I am writing today to voice my concern with Ordinance 1359. I am asking that the ordinance be dropped all together or at the very least revised. I ask this based on the following reasoning. The ordinance states the discharge of firearms and "other dangerous weapons" within the city will be punishable. As stated, other dangerous weapons includes things such as bows and arrows, pellet guns, bb guns, blow guns and so on. I believe that the city has no right to dictate what a person can do on private property, even if that property is found within city limits. Adding to this notion, the city is not liable for anything that happens as a result of these activities on private property. I also believe that restricting city land is not in the best interest for the public because the public is already disadvantaged when it comes to accessible land on the island. There is plenty of area on Near Island that is not inhabited. This ordinance is based off of ONE incident which was not illegal in any fashion. In addition, passing this ordinance would limit parts of pillar mountain as well as other areas where it is completely safe to rabbit hunting, deer hunt, and ptarmigan hunt. I might add that areas such as pillar have been utilized for years for the aforementioned activities, with no incident that I am aware. Once you vote to restricts and annex areas, where and when will stop? Hunters are notoriously safe and ethical in their practices, so I do not believe that one incident warrants such a drastic bill. In addition, many people within town, target shoot (not with firearms, but with other so called "dangerous weapons") in their own yards and it would not be just to restrict them. Adding to this, while I was in high school, I participated in an archery class, in which we practiced on city property, without incidence I might add. Continuing, bow hunting and hunting with other primitive type weapons is utilized throughout out cities in the state as well as other well populated areas. It is an effective means to control wildlife populations in urban areas. As I wrap up my plea, If it is not in the interest to drop this ordinance, I ask that it be worded such that only firearms be listed and that it defines areas so to have the least impact on utilizing city property for hunting and other such activities but most importantly the clause "other dangerous weapons" be excluded from the ordinance.

I also politely request a brief or one word email to confirm my email and opinions were received.

Thank you for taking the time to read my concerns


Joseph Timothy Mauer

Phone: 907-942-3408

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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager 
Date: February 9, 2017

Agenda Item: V. a. **First Reading, Ordinance No. 1361, Enacting Kodiak City Code 2.04.160, Teleconference Participation In Meetings**

SUMMARY: The Council began discussing teleconferencing participation in meetings during a planning work session. The current Kodiak City Code does not permit the elected and/or appointed officials to participate telephonically at work sessions and other committee/board meetings comprised of City officials. Staff drafted Ordinance No. 1361, which incorporates these changes. Staff recommends the Council pass Ordinance No. 1361 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

PREVIOUS COUNCIL ACTION:

- January 16, 2016, during the planning session the Council discussed participation of teleconferencing and reviewed the other statewide municipalities that participate by teleconference.
- January 24, 2017, the Council voiced a consensus at the work session to move the drafted ordinance to the next regular meeting.
- February 7, 2017, the Council reviewed the ordinance in preparation for its introduction at this meeting.

DISCUSSION: The option to teleconference was requested by the Mayor and Council during multiple work sessions over the last year. This ordinance will clearly permit the Mayor and Council to attend the work sessions telephonically, and allow guest speakers appearing on the agenda to call in to work sessions, regular, and special meeting. The request for teleconferencing was also made by the Kodiak Fisheries Work Group for their meetings.

ALTERNATIVES:

- 1) Pass Ordinance No. 1361 in the first reading, which is recommended, because it reflects Council's expressed desire.
- 2) Amend or do not pass Ordinance No. 1361 in the first reading, which is not recommended, because it would be counter to Council's direction.

LEGAL: The City attorney reviewed Ordinance No. 1361 and had no substantive changes.

CITY MANAGER'S COMMENTS: This ordinance has full Council support; therefore, I support its passage. I recommend Council pass the ordinance in the first reading and advance to the second reading and public hearing at the next regular or special Council meeting.

ATTACHMENTS:

Attachment A: Ordinance No. 1361

PROPOSED MOTION:

Move to pass Ordinance No. 1361 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

**CITY OF KODIAK
ORDINANCE NUMBER 1361**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK ENACTING
KODIAK CITY CODE 2.04.160, TELECONFERENCE PARTICIPATION IN
MEETINGS**

WHEREAS, the City of Kodiak desires to permit elected and/or appointed officials (City official(s)) to participate telephonically in work sessions and other committee/board meetings comprised of City officials; and

WHEREAS, the City of Kodiak desires to permit the public to call into regular and special meetings to provide for public comments and testimony at public hearings at the time those items appear on the agenda; and

WHEREAS, the City of Kodiak desires to permit guest speakers appearing on the agenda to call in to work sessions, regular, and special meetings when they cannot attend in person; and

WHEREAS, it is necessary to amend the Kodiak City Code to provide for participation via teleconference as stated herein.

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

Section 1: Kodiak City Code 2.04.160, Teleconference Participation in Meetings, is hereby enacted to read as follows:

2.04.160 Teleconference participation in meetings

- (a) Teleconference participation by City officials in regular, special, or emergency meetings of the City Council is not permitted.
- (b) Teleconference participation by City officials at City Council work sessions and committee/board meetings is permitted for the convenience of City officials who are unable to attend in person due to:
 - (1) An illness or injury of the City official or family member.
 - (2) The death of a family member.
 - (3) An employment-related commitment.
 - (4) A commitment for city business.
 - (5) An out-of-town commitment that prevents the City official from attending in person.
- (c) A City official participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes and shall make every effort to participate in the entire meeting.
- (d) If the Mayor participates telephonically in work sessions, the Deputy Mayor, if present, or another Councilmember physically present and designated by consensus shall preside over and perform functions of the Mayor at the meeting, if applicable.

(e) Prior to the meeting reasonable efforts will be made to ensure that the City official participating by teleconference is provided with the meeting agenda and other pertinent documents to be discussed and/or acted upon; access to the agenda and documents from the city's website will be considered sufficient access.

(f) Teleconference participation by the public for public comments and testimony at public hearings or scheduled guest speakers for a specific agenda item is permitted at regular and special meetings when teleconference equipment is available.

(g) Teleconference participation by guest speakers at work sessions is permitted when teleconference equipment is available.

(g) "Teleconference" means a method used for remote participation by a City official for a work session or committee meeting of the City Council that must enable the remote City official, for the duration of the meeting, to clearly hear and to be clearly heard by the Mayor, all Council members, staff, and public giving testimony. It also means a method used for remote participation by members of the public, guest speakers, and appointed committee/board members as provided herein.

(h) Teleconference procedures for City officials:

(1) Notification of City officials to the City Clerk prior to publication of the meeting agenda of his or her request to participate in the meeting by telephonic means is required. If notice is not provided prior to publication of the meeting agenda, telephonic participation shall not be allowed. Prior to the meeting the City Clerk shall notify other City officials of those participating by teleconference.

(2) The Mayor and up to the first three Councilmembers who notify the City Clerk prior to the meeting agenda being published may participate by teleconference as long as three elected officials are present at the work session. If three elected officials are not present at a City work session, the meeting shall be adjourned and rescheduled.

(3) The City Clerk shall open a teleconference connection at least three minutes prior to the start of the meeting. After a telephonic connection is established and it is time for the meeting to commence, the Mayor, or person presiding over the meeting, shall call the meeting to order.

(4) City officials may attend a maximum of four City Council work sessions and additional specific committee meetings by teleconference during a 12-month period commencing January 1 each year.

(5) City officials shall not incur communication charges for their participation by teleconference.

(i) Teleconference procedures for members of the public:

(1) If teleconference equipment is available at the meeting location, members of the public shall call the published phone number to provide public comments and testimony at public hearings at regular and special meetings during the time the agenda item is being heard. The time allotted for public comments per speaker is published on the agenda and may be changed if authorized by the Mayor.

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

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date:

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Debra Marlar, City Clerk *DM*

Date: February 9, 2017

Agenda Item: V. b. Appointment to Building Code Board of Appeals

SUMMARY: The Building Code Board of Appeals is a five member board. Currently, there are two vacancies that need to be filled. Since December 2016, volunteers were solicited via newspaper advertisements and recruitment efforts were made by the City Clerk, Building Official, and the department head. On January 11, 2017, an appointment was made during the regular Council meeting from the one application received. Since January an additional application has been received for appointment to the Building Code Board of Appeals. Appointments to this board are made by the Mayor and confirmed by the Council. At Tuesday's work session, Mayor Branson and Councilmembers interviewed an applicant.

BACKGROUND: Advisory board members are appointed at the end of each year when terms expire and throughout the year as necessary.

{Mayor Branson will make her appointment to the Building Code Board of Appeals.}

Building Code Board of Appeals KCC 14.40.010: *"The building code board of appeals shall consist of five members, four of whom shall be qualified by experience and training to pass upon matters pertaining to building construction. One member shall be selected from the community at large. Each of the five members shall be appointed by the mayor and ratified by the Council." No residency requirement.*

1 seat ending December 31, 2018

1 seat ending December 31, 2019

Applicant: Chris Sibrel

ATTACHMENT:

Attachment A: Building Code Board of Appeals Application and Current Member List

PROPOSED MOTION:

Move to confirm the Mayoral advisory board appointment to Building Code Board of Appeals as stated.



City Clerk's Office
710 Mill Bay Road, Rm 219
Kodiak, AK 99615
(907) 486-8636 • (907) 486-8633 (fax)



Advisory Board Application Form

CHRIS SIRREL

NAME

760-977-8277
HOME TELEPHONE

907-942-1997
WORK TELEPHONE

FAX

chris.sirrel@yachard.com
EMAIL

12516 NOCH DR
RESIDENCE (STREET) ADDRESS

SAME
MAILING ADDRESS

KODIAK, AK 99615

34
LENGTH OF RESIDENCE IN KODIAK

34
LENGTH OF RESIDENCE IN ALASKA

Are you a registered voter in the City of Kodiak?
Do you own property in the City of Kodiak?

Yes No WOMENS BAY
 Yes No

On which boards are you interested in serving?
(Please list in order of preference)

Please list your areas of expertise and education that
would benefit the boards for which you are applying.

City Building Code Board
of Appeals

BUILT HOUSES / COMMERCIAL
CONSTRUCTION FOR 20 YEARS.
MECHANICAL ENGINEER, PROFESSIONAL
ENGINEER, SIGMANT OPERATIONS MGR - PSCA

Community Activities: KODIAK
MASONS

Professional Activities: PLANNER -
ESTIMATOR FOR FRIEND
CONTRACTORS LLC

[Signature]
SIGNATURE

1/11/17
DATE

Return application to City Clerk, 710 Mill Bay Road, Room 219, Kodiak, AK 99615
Fax 486-8633



Office of the City Clerk

710 Mill Bay Road, Room 219, Kodiak, Alaska 99615

BUILDING CODE BOARD OF APPEALS

Five seats

TERM	BOARDMEMBER	HOME	WORK	FAX	MAILING ADDRESS
2018	John Butler JBJHS@PTIALASKA.NET	486-4604	486-3706	486-2497	P.O. Box 2610
2018	Ed Mahoney builders@ptialaska.net	486-1968	539-1234		3944 Spruce Cape Road
2018	Vacant				
2019	Jerrol Friend	539-1975	486-3908		P.O. Box 175
2019	Vacant				


Legislation	Appointments
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Kodiak City Code Chapter 14.40

10/25/84	01/23/86	02/12/87
01/08/87	12/14/87	12/12/88
01/26/89	01/11/90	12/14/90
01/09/92	01/14/93	01/27/94
12/22/94	12/14/95	12/12/96
03/27/97	12/11/97	12/10/98
02/10/00	05/24/01	12/13/01
01/23/03	01/13/05	12/15/05
12/13/07	02/28/08	12/11/09
12/9/10	2/23/12	12/13/12
2/13/14	12/10/15	1/12/17

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniaziowski, City Manager 
Date: February 9, 2017

Agenda Item: V. c. **Authorization to Cancel the March 9, 2017, Regular Meeting and Authorize the City Manager to Schedule a Special Meeting if Needed**

SUMMARY: The regularly scheduled Council meeting for March 9, 2017, may be cancelled to reflect the City Manager and Deputy Manager's travel schedule while they are in hearings with the Alaska Labor Relations Agency in Anchorage regarding union petitions. These scheduled hearings will prevent them from preparing, attending, and providing staff reports at the regular Council meeting. At a recent work session, the Council voiced a consensus to cancel the March 9, 2017, regular meeting and authorize the City Manager to schedule a special meeting if needed.

PREVIOUS COUNCIL ACTION: The City Council cancels regular meetings and schedules special meetings from time to time due to travel and other scheduling conflicts.

LEGAL: Kodiak City Code identifies regular meetings are held on the second and fourth Thursdays of each month. If a regular meeting must be cancelled, a special meeting may be scheduled. The attendance requirements do not apply to special meetings.

CITY MANAGER'S COMMENTS: While it's necessary to cancel the March 9 regular meeting, I am recommending we schedule a special meeting on Tuesday February 28. There should only be four items on the agenda – adoption of the FY2018 budget goals so we can stay on our budget development schedule, the annual resolution needed by the state to receive the shared fisheries tax revenues from the state's Division of Community and Regional Affairs (DCRA), adoption of the federal CIP resolution for FFY2017, and the recommendation to award the contract for replacement of the E911 system. Each item is time sensitive and requires action before the next scheduled meeting on March 23. This could be a daytime or evening meeting, whichever is preferred by Council.


PROPOSED MOTION:

Move to cancel the March 9, 2017, regular meeting and authorize the City Manager to schedule a special meeting if needed.

EXECUTIVE SESSION

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager 

Date: February 9, 2017

Agenda Item: X. a. Dominion Lawsuit Update

SUMMARY: The City Council will enter into executive session to discuss the Dominion lawsuit.

MOTION:


Move to enter into executive session pursuant to AS 44.62.310(c)(1) to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the City, specifically the Dominion lawsuit.

FEBRUARY 9, 2017
Agenda Item X. a. Memo Page 1 of 1

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniaziowski, City Manager 

Date: February 9, 2017

Agenda Item: X. b. City Manager Contract Discussion

SUMMARY: The Mayor and City Council will go into executive session to discuss an employment contract for the City Manager.

PROPOSED MOTION:

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

FEBRUARY 9, 2017
Agenda Item X. b. Memo Page 1 of 1

**POTENTIAL ACTION FOLLOWING
EXECUTIVE SESSION**

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager and Debra Marlar, City Clerk

Date: February 9, 2017

Agenda Item: XI. a. Authorization of New City Manager's Employment Contract

SUMMARY: This action will authorize the new City Manager's employment contract.

PREVIOUS COUNCIL ACTION:

- January 24, 2017, Council discussed the City Manager's recruitment process at the Council work session and established a hiring committee for hiring the Deputy City Manager as the new City Manager.
- January 30, 2017, the hiring committee met to establish questions for the interview.
- January 31, 2017, the hiring committee interviewed the Deputy City Manager.
- February 1-3, 2017, the hiring committee negotiated the contract.
- February 9, 2017, Council met in executive session to discuss the new City Manager's employment contract.

DISCUSSION: At the January 24, 2017, Council work session the City Manager advised the Council there were two main approaches for recruitment for the Council to pursue a new City Manager. The first is based on having a viable internal candidate and the second is to develop a standard recruitment process to include external candidates. During the work session the Council expressed interest in internal recruitment of a viable interested candidate. The steps Council has taken are listed above. Following the executive session, Council can approve the new City Manager's contract.

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

PROPOSED MOTION:

Move to authorize the new City Manager's employment contract, Record No. 229001