

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD JANUARY 13, 2005,
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Carolyn L. Floyd called the meeting to order at 7:30 p.m. Councilmembers Charles E. Davidson, Josefina F. Rosales, Gabriel T. Saravia, Thomas D. Walters, and David M. Woodruff were present and constituted a quorum. Councilmember Dennis A. McMurry was absent. City Manager Linda L. Freed, City Clerk Debra L. Marlar, and Deputy Clerk Patricia J. Kirkpatrick were also present.

After the Pledge of Allegiance, Salvation Army Captain Dave Davis gave the invocation.

II. PREVIOUS MINUTES

Councilmember Walters MOVED, seconded by Councilmember Saravia, to approve the minutes of the December 14, 2004, regular meeting as presented.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

III. AGENDA AMENDMENT

None

IV. PERSONS TO BE HEARD

a. Public Hearing on Proposed Sites for Replacement of Municipal Facilities

Manager Freed provided the following report to the Council:

In early 2004, the City of Kodiak used a competitive proposal process to select a consultant to prepare a feasibility/planning study for the replacement of aging City facilities. Most recently, different departments within State government strongly recommended the jail and library facilities be replaced. The City of Kodiak jail is the oldest correctional facility in the State of Alaska.

Over the years, the cost of maintaining the City police and fire stations and library escalated as the facilities have aged. Rather than spend more funds on facilities that did not meet current standards for the activities taking place in them, the City Council determined that the facilities would be replaced. The City's long-standing efforts to obtain State funding for replacement of the jail were obtained during the 2004 legislative session. The City also worked to secure funding support for the other facilities that needed to be replaced.

Specifically, the City of Kodiak would apply for a Rasmuson Foundation grant to off-set the cost of construction for the library and the City would consider other foundation funding as well. In addition, the City was pursuing a federal appropriation to fund the regional emergency operation

January 13, 2005

center and a USDA low-interest, forty-year loan to off-set costs of construction for the police and fire stations.

USKH was selected as the primary contractor for the municipal facilities replacement project. The first phase consisted of a space needs analysis, which was completed in July 2004 for the City's police station and jail, fire hall, library, administrative offices, and a new regional emergency operation center. The City of Kodiak was also asked to consider making space available for the State Legislative Information Office. The space needs analysis formed the basis for the site selection process for the facilities. Initially, it was thought that the replacement facilities could be located at the current site of the police, fire, and library buildings; however, given current and future space needs for the City operations (e.g. parking, code compliance, etc.) it became clear that all the facilities could not be located on the current downtown site.

The second phase of the project was an extensive review of possible sites for the replacement facilities. The results of the review were presented to the City Council in September 2004. Based on preliminary site selection by the City Council, USKH evaluated the identified sites for the proposed municipal facilities and presented their findings to the City Council in November 2004. The Council's initial site selection was based on using property already owned by the City in order to keep project costs down and suitability of the proposed sites for the identified facilities. Specifically, the current downtown site was best-suited for fire and police response to all areas of the City and provided good access to the rest of the City. Since the current site was not adequate to also house the library, additional sites were reviewed for the location of a replacement library. The "barn" site was preliminarily selected for a number of reasons – the property was owned by the City, a library would be compatible with the surrounding neighborhood, and the site was within walking distance from the community school facilities. The "barn" site was the closest piece of adequately-sized, undeveloped property to the downtown core and was large enough to accommodate a replacement library, a new emergency operations center, and City administrative offices. The City Council provided direction that the barn and trees on the site should be preserved, to the greatest extent possible, and conceptual designs indicated that this type of development of the site was possible.

An additional advantage of these sites was the opportunity to develop replacement facilities while continuing to occupy the existing structures. Short-term alternative housing for these functions would not be needed if the sites were selected for the replacement facilities. Proposed construction phasing included the construction of a new library, and possibly the multi-use emergency operations center and administrative offices on the "barn" site. Once the assets of the library were moved to the replacement facility, the old library building could be demolished to make way for the construction of the replacement fire station. Finally, the old fire station building would be demolished to make way for reconstruction of a new police and jail facility. All the replacement buildings would be constructed to meet current codes, with an emphasis on earthquake and tsunami resistant design, a significant factor in the design of public buildings and one that added to the cost of construction.

The Council determined it was appropriate to obtain public comments on the proposed sites selected for the replacement facilities prior to moving to the planning stage, which would include conceptual design of the facilities on the selected sites, construction phase, cost estimates, and financing options. Questions concerning the municipal facilities replacement project could be directed to City Manager Freed at 907-486-8640, (907) 486-8600 (fax), or email: lfreed@city.kodiak.ak.us.

January 13, 2005

Jerry Neubert with USKH provided a brief presentation of the detailed site selection process and preliminary sites identified for the replacement of the A. Holmes Johnson Library, the City of Kodiak Fire Hall, Police Station and Jail, Administrative Offices, and an Emergency Operations Center.

Mayor Floyd closed the regular meeting and opened the public hearing.

Mike Milligan spoke in favor of a new library building, noting the library was a valuable community resource.

Sandy Solenberger, director of MainStreet Kodiak, voiced support of the downtown merchants in the site selections for the new municipal buildings as presented at the meeting.

Wally Johnson, via telephone, expressed concern that the new municipal facilities would be below the 100' tsunami level and were not needed.

Sara Thayer, via telephone, voiced concern that relocating City administrative offices would further distance the City and Borough and inquired who the City planned to pay for the new facilities.

There being no further public testimony, the Mayor closed the public hearing and reopened the regular meeting.

b. Public Comments

None

V. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1179, Authorizing Purchase of a Forklift From Independent Lift Truck of Alaska, Inc.

Mayor Floyd read Ordinance No. 1179 by title. At its November 23rd regular meeting, the City Council failed to authorize the purchase of a new 10,000-pound capacity forklift for the Port and Harbor Department. The item was approved for reconsideration at the December 14th regular meeting and during the interim, a City Councilmember contacted the low bidder and solicited a reduced price for a 9,000-pound capacity forklift on behalf of the City. The City Attorney was consulted to ascertain how to treat the new proposal with respect to the City's bidding requirements and advised that the purchase of the alternate forklift be done by ordinance. The ordinance was approved in first reading at the December 14th regular meeting.

Councilmember Walters *MOVED*, seconded by Councilmember Davidson, to adopt Ordinance No. 1179.

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

January 13, 2005

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

VI. NEW BUSINESS

a. First Reading of Ordinance No. 1180, Repealing and Re-Enacting Kodiak City Code Chapter 8.52 Gambling Prohibited

Mayor Floyd read Ordinance No. 1180 by title. The ordinance, which was reviewed by the City's Attorney, updated the City Code gambling regulations to be consistent with Alaska State Statutes.

Councilmember Davidson MOVED, seconded by Councilmember Woodruff, to pass Ordinance No. 1180 in the first reading and to advance to second reading and public hearing at the February 24, 2005, regular meeting.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

b. First Reading of Ordinance No. 1181, Enacting Kodiak City Code Chapter 8.98 Establishing Fees for Police Protection Services

Mayor Floyd read Ordinance No. 1181 by title. The ordinance would allow the City of Kodiak to charge property owners for the cost of "excessive" police calls to their property.

Councilmember Woodruff MOVED, seconded by Councilmember Saravia, to pass Ordinance No. 1181 in the first reading and to advance to second reading and public hearing at the February 24, 2005, regular meeting.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

c. First Reading of Ordinance No. 1182, Repealing and Re-Enacting Kodiak City Code Chapter 8.96 Weapon Possession-Discharge

Mayor Floyd read Ordinance No. 1182 by title. During annexation proceedings several years ago, the City of Kodiak revised its weapons regulations. The Chief of Police recommended that the City reinstate the weapons provisions that were contained in the Code prior to those revisions. The Council had reviewed the regulation of concealed weapons within City limits and on City property several times in work session over the past year and, as directed by the Council, the ordinance before the Council had been revised by the City Attorney to not limit concealed weapons on City property beyond what was permitted anywhere else within City limits and contained a regulation that would require those carrying concealed weapons within the City of Kodiak to have a State of Alaska concealed weapons permit.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to pass Ordinance No. 1182 in the first reading and to advance to second reading and public hearing at the February 24, 2005, regular meeting.

January 13, 2005

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Saravia, Walters, and Woodruff in favor. The motion passed.

d. First Reading of Ordinance No. 1183, Declaring a Portion of U.S. Survey 3945 Not Needed or Devoted to Public Use and Authorizing Its Sale

Mayor Floyd read Ordinance No. 1183 by title. The ordinance would allow the City to dispose of property located on Rezanof Drive above Pier II, which was not needed for public purpose.

Councilmember Woodruff MOVED, seconded by Councilmember Davidson, to pass Ordinance No. 1183 in the first reading and to advance to second reading and public hearing at the February 24, 2005, regular meeting.

Councilmembers briefly discussed the ordinance and explained that the property was the rock pit above Sea-Land, there was no public access to the property, and the adjacent property owner had expressed an interest in purchasing the property.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

e. Resolution No. 05-01, Adopting a Federal Prioritized Capital Improvements Program List

Mayor Floyd read Resolution No. 05-01 by title. The resolution identified a prioritized list of City capital improvement projects for FY'06 that were important to the maintenance or improvement of the City's infrastructure and which would be submitted to the Alaska Congressional Delegation.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to adopt Resolution No. 05-1.

Councilmember Walters read the list of projects, which included the following:

Marine Travel Lift	\$2,000,000
New Ferry Dock and Terminal	\$7,500,000
Emergency Operations Center	\$1,500,000

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

f. Resolution No. 05-02, Adopting a State Prioritized Capital Improvements Program List

Mayor Floyd read Resolution No. 05-02 by title, which contained a prioritized list of City capital improvement projects for FY'06 that the City hoped would attract State funding because of the project magnitude and/or significance to the community and to the State.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to adopt Resolution No. 05-02.

January 13, 2005

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

g. Resolution No. 05-3, Urging the State of Alaska To Provide Maintenance and Repair Funds for Local Government-Owned Harbors

Mayor Floyd read Resolution No. 05-3 by title. At the request of the Alaska Association of the Alaska Association of Harbormasters and Port Administrators, City staff drafted a resolution urging the State Legislature to provide capital funds to local governments who had accepted ownership of previously State-owned harbors to help off-set the cost of State deferred maintenance.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Resolution No. 05-3.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

h. Authorization of Change Order No. 1, Pier II Reconstruction, Project No. 03-21, With Ruskin Construction

Ruskin Construction, the successful bidder on the Pier II reconstruction project, requested a change in the pile installation methodology. Ruskin Construction proposed to install the piles by a downhole drilling and driving system for a net increase of \$163,760. The City Engineer and PND expressed that the proposed filemethod would significantly reduce the City's risk.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to approve Change Order No. 1 for the Pier II Reconstruction Project No. 03-21, with Ruskin Construction in the amount of \$163,760, with funds from the Capital Projects Fund, Cargo Development Fund, Pier II Reconstruction Account.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

i. Authorization To Award a Professional Services Contract to Koonce Pfeffer Bettis for Baranof Museum Electrical Upgrade, Project No. 05-08

In June 2004, Koonce Pfeffer Bettis (KPB) completed a mechanical/electrical condition survey of the Erskine House. KPB opined the existing fire protection system would not save the building or contents in the event of a fire, since it was a partial solution and the gas from the existing Halon Fire Protection System would only last for a short time. The Historical Society met with City staff to review the recommendations contained in the survey. The Historical Society voiced agreement that the electrical system and fire alarm system needed to be improved; however, as stated in its December 1, 2004, letter, it did not agree that a water suppression system was the best fire protection option for the Baranov Museum. Consequently, the design recommendation had originally been limited to only the electrical system and fire alarm system. KPB anticipated a significant savings to the City if the fire protection system design was combined with the other electrical upgrades and suggested that the City reconsider improvements to the fire protection system. At its January 11th

January 13, 2005

work session, the Council discussed including the design of a new fire protection system in KPB's proposal. KPB provided a fee proposal to design a new fire protection system for \$18,000, perform the requested electrical upgrade design work for a lump sum of \$19,700, and provide bidding and construction services on a time and materials basis in an amount not to exceed \$15,070.

Councilmember Woodruff MOVED, seconded by Councilmember Saravia, to award a professional services contract to Koonce Pfeffer Bettis for design upgrades to the electrical system, fire alarm system, and fire suppression system for the Erskine House, Project No. 05-08 in the amount of \$53,000, with funds from the Capital Projects Fund, Building Improvement Fund, Museum Building Account.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

j. Authorization of Vacation of a Ten-Foot Utility Easement, Aleutian Homes Subdivision, Block 8, Lot 17

Historically, the City Council provided affirmative approval of vacation requests made by the Kodiak Island Borough. Staff recommended approval of the vacation of the ten-foot utility easement on Lot 17, Block 8, Aleutian Homes Subdivision.

Councilmember Saravia MOVED, seconded by Councilmember Woodruff, to approve the vacation of the ten-foot utility easement on Lot 17, Block 8, Aleutian Homes Subdivision.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

k. Advisory Board Appointments

Mayor Floyd made the following Advisory Board appointments:

Building Code Board of Appeals – Norman Clentimak and Larry Taylor to three-year terms ending December 31, 2007;

Parks and Recreation Advisory Board – Marcus Dunbar, Patricia Griffing, Susan Killary, and Derrik Magnuson to three-year terms ending December 31, 2007; Dana Reid and Nick Sandin to the vacant regular seats with terms ending December 31, 2006; Paul Buie to the USCG seat for a three-year term ending December 31, 2007; and Elwyn Delos Santos to the student seat for a term ending May 31, 2006;

Port and Harbors Advisory Board – David Jentry and John Klemzak to three-year terms ending December 31, 2007; Daniel Miller as Alternate No. 1 and Michael Terry as Alternate No. 2 to one-year terms ending December 31, 2005.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to confirm the Mayoral advisory board appointments as follows: Building Code Board of Appeals – Norman Clentimak and Larry Taylor to three-year terms ending December 31, 2007; Parks and Recreation Advisory Board – Marcus Dunbar, Patricia Griffing, Susan Killary, and Derrik Magnuson to three-year terms ending December 31, 2007; Dana Reid and Nick Sandin to the vacant regular seats with terms ending

January 13, 2005

December 31, 2006; Paul Buie to the USCG seat for a three-year term ending December 31, 2007; and Elwyn Delos Santos to the student seat for a term ending May 31, 2006; Port and Harbors Advisory Board – David Jentry and John Klemzak to three-year terms ending December 31, 2007; Daniel Miller as Alternate No. 1 and Michael Terry as Alternate No. 2 to one-year terms ending December 31, 2005.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

l. Authorization of Voluntary Suspension of Taxicab Permits 3 and 29

Arthur and Maggie Yang, owners of Taxicab Permit No. 3, and Felicisimo Francisco, owner of Taxicab Permit No. 29, requested voluntary suspension of the permits for the period of January 1 through June 30, 2005. The City Clerk recommended approval of the request.

Councilmember Davidson MOVED, seconded by Councilmember Saravia, to authorize the voluntary suspension of Taxicab Permits 3 and 29 for the period of January 1 through June 30, 2005.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

m. Authorization of Lease of Taxicab Permit No. 21

Rodrigo Dela Cruz, owner of Taxicab Permit No. 21, requested authorization to lease the permit to Benjamin Sabangan. Mr. Sabangan complied with permit transfer requirements and the City Clerk recommended approval of the request.

Councilmember Rosales MOVED, seconded by Councilmember Woodruff, to authorize the lease of Taxicab Permit No. 21 to Benjamin Sabangan.

The roll call vote was Councilmembers Davidson, Rosales, Saravia, Walters, and Woodruff in favor. Councilmember McMurry was absent. The motion passed.

VII. CITY MANAGER'S REPORT

Manager Freed reported the City's funding application to the Economic Development Administration for the Marine Travel Lift had been submitted and forwarded on to the regional level. She reminded the community to contact her office with questions regarding the various municipal projects, explained that specific details were not yet known, and stated all discussions by the Council were done in public meetings, which were advertised in the newspaper.

VIII. MAYOR'S COMMENTS

Mayor Floyd encouraged the community to remain involved regarding the replacement of municipal facilities and stated comments were welcomed by the Council and staff. She welcomed Alan Schmitt home and wished him a healthy recovery and also wished Councilmember Woodruff a quick

January 13, 2005

recovery . She announced the Russian New Year was Saturday, January 15th, and the Multi-Cultural Forum was planning a Valentine's Day celebration for February 5th.

IX. COUNCIL COMMENTS

Councilmember Woodruff expressed appreciation to those who applied to serve on advisory boards and reported on fishing activities.

Councilmember Saravia voiced appreciation that Councilmember Woodruff came through his recent surgery well and welcomed the City Manager's husband, Alan Schmitt back home. He also encouraged residents to continue applying for advisory board positions.

Councilmember Walters explained several processes were involved with building new municipal facilities, noting the starting point in the process was to develop the concept and design and hear community input.

Councilmember Davidson encouraged the public to share their ideas for planning municipal facilities. He welcomed Councilmembers Rosales and Woodruff back and wished Councilmember Walters' a happy birthday.

Councilmember Rosales urged residents to share their ideas and about various ongoing municipal projects.

X. AUDIENCE COMMENTS

Wally Johnson, via telephone, commented about the forklift purchase, stating his opinion that steel prices had not gone up and questioned if new municipal facilities were needed.

XI. ADJOURNMENT

January 13, 2005

Mayor Floyd adjourned the meeting at 8:42 p.m.



CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

Minutes Approved: February 24, 2005