

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD FEBRUARY 24, 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 Dennis A. McMurry, Josefina F. Rosales, Thomas D. Walters, and David M. Woodruff were present and constituted a quorum. Councilmember Gabriel T. Saravia arrived at 7:33 p.m. Councilmember Charles E. Davidson was absent. City Manager Linda L. Freed, City Clerk Debra L. Marlar, and Administrative Assistant Nenita Nicolas were also present.

After the Pledge of Allegiance, Pastor Larry Cornett, Church of the Nazarene gave the invocation.

II. PREVIOUS MINUTES

Councilmember Woodruff **MOVED**, seconded by Councilmember Saravia, to approve the minutes of the January 13, 2005, regular meeting as presented.

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

III. AGENDA AMENDMENT

None

IV. PERSONS TO BE HEARD

a. Proclamation: Black History Month

Councilmember Walters read the proclamation, which honored the accomplishments of African-Americans.

b. Proclamation: Women's History Month

Councilmember Rosales read the proclamation, which was requested by the Kodiak Women's Resource and Crisis Center and focused on the contributions and roles women have played in history.

c. Public Comments

Bobbie Reynolds and Betty Wood expressed gratitude for the Kodiak Area Transit System (KATS).

Julie Kavanaugh requested postponement of Resolution No. 05-5, stating additional information was needed before taking action; she also voiced opposition to Senate Bill 113.

Donna Jones, Peter Allen, Theresa Peterson, and Kit Thomas voiced opposition to Senate Bill 113.

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Dolores Chiaravalle requested postponement of Ordinance No. 1182, explaining her husband would like to meet with the Council to discuss his concerns regarding concealed weapons permits.

Gary Byers voiced support of Ordinance No. 1182, stating that a person who carried a concealed weapon should become educated about gun safety and required to obtain a concealed weapons permit.

Robert Swanson requested Ordinance No 1182 be postponed to allow additional community discussion about concealed weapons permits.

V. **UNFINISHED BUSINESS**

a. **Second Reading and Public Hearing, 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. Ordinance No. 1180 was passed in the first reading at the January 13, 2005, regular meeting.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to adopt Ordinance No. 1180.

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

Andy Lundquist voiced concern that the ordinance language was confusing and requested that the Council postpone the ordinance and meet with non-profit agencies to discuss gambling regulations.

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

Councilmember Walters MOVED, seconded by Councilmember McMurry, to postpone Ordinance No. 1180 until after it was discussed at a future work session.

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

b. **Second Reading and Public Hearing, 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. Ordinance No. 1181 was passed in the first reading at the January 13, 2005, regular meeting.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Ordinance No. 1181.

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

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to amend Ordinance No. 1181 by striking \$500 and inserting \$150 in the sixth Whereas clause and in section 8.98.020(a).

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

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

c. Second Reading and Public Hearing, 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 sessions over the past year and, as directed by the Council, the ordinance 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. Ordinance No. 1182 was passed in first reading at the January 13, 2005, regular meeting.

Councilmember Saravia MOVED, seconded by Councilmember Walters, to adopt Ordinance No. 1182.

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

Councilmember Woodruff MOVED, seconded by Councilmember McMurry, to postpone Ordinance No. 1182 until it was discussed at a future work session.

Councilmember Woodruff voiced concern that the ordinance did not clearly identify the different types of concealed weapons, including knives, and the ordinance warranted further discussion by the Council.

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

d. Second Reading and Public Hearing, 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 a public purpose. Ordinance No. 1183 was passed in first reading at the January 13, 2005, regular Council meeting.

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Councilmember Walters MOVED, seconded by Councilmember McMurry, to adopt Ordinance No. 1183.

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

Councilmember Walters MOVED, seconded by Councilmember Saravia, to amend Ordinance No. 1183 by inserting into Section 1 after U.S. Survey 3945 the words "as shown on the attached final plat."

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

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

VI. NEW BUSINESS

a. First Reading of Ordinance No. 1184, Establishing Supplemental Appropriation No. 1 to the Budget for the Fiscal Year Commencing on the First Day of July 2004 and Ending on the Thirtieth Day of June 2005

Mayor Floyd read Ordinance No. 1184 by title. The ordinance was the first amendment, or supplement, to the current-year budget. The ordinance would make a number of changes in the FY'05 budget reflecting increased revenues and expenditures, new project/grant funding, and movement of funds to more accurately reflect current City operations.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to pass Ordinance No. 1184 in the first reading and to advance to second reading and public hearing at the next regular meeting.

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

b. Resolution No. 05-4, Accepting the FY'05 Emergency Management Performance Grant

Mayor Floyd read Resolution No. 05-4 by title. The City of Kodiak was awarded an Emergency Management Performance Grant in the amount of \$17,500 through the Alaska Division of Homeland Security and Emergency Management for the Federal Fiscal Year 2005. The grant funding would be used to support personnel and activities essential to local emergency management and the resolution provided the mechanism to formally accept the grant award.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to adopt Resolution No. 05-4.

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

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c. Resolution No. 05-5, Supporting Legislation Requested by the Alaska Board of Fisheries Concerning Allocations of Gulf of Alaska Groundfish Fishery Resources and Allocations of Fishery Resources to Fishermen's Cooperatives

Mayor Floyd read Resolution No. 05-5 by title. At the joint City and Borough work session held on January 18th, the City's Fisheries Consultant, Joe Sullivan, provided both elected bodies with an update on Federal and State activities related to rationalization of Gulf of Alaska groundfish fisheries. The Council directed staff to draft a resolution that focused on State of Alaska aspects of Gulf Rationalization. Copies of the draft resolution had been provided to Councilmembers, Assemblymembers, and interested parties.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Resolution No. 05-5.

Councilmembers Walters and Woodruff voiced support of postponing the resolution so the Council could review SB 113 and discuss rationalization of Gulf of Alaska groundfish fisheries in more detail.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to postpone Resolution No. 05-5 to the next regular meeting.

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

d. Acceptance of the FY'04 Audit

Kodiak City Code Section 3.24.020, required that "upon council's acceptance of the annual financial report, necessary budgetary/accounting entries shall be recorded in the succeeding fiscal year for all outstanding encumbrances and incurred obligations, as disclosed in the prior year's annual financial report." Councilmembers reviewed the FY'04 audit with the City's auditors, Mikunda, Cottrell & Co. at it's January 11, 2005, work session.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to accept the Comprehensive Annual Financial Report for the year ended June 30, 2004, prepared by Mikunda, Cottrell & Co.

Councilmember Walters voiced his gratitude to Finance Director Mary Munk and the Finance Department staff for doing a great job.

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

e. Authorization of Vacation of a Portion of the Stellar Way "Alley" Right of Way

The Kodiak Island Borough Planning and Zoning Commission had reviewed and approved the City's request to vacate a portion of the Stellar Way "Alley" right-of-way, which was related to the Stellar Way road construction project. The vacation would not be effective until it was approved by the City Council.

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Councilmember Rosales MOVED, seconded by Councilmember McMurry, to approve the vacation of a portion of the Steller Way "Alley" right-of-way.

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

f. Authorization of Voluntary Suspension of Taxicab Permits 11 and 26

Kodiak City Code allowed for the voluntary suspension of a taxicab permit for a single period not to exceed six months in a calendar year. Felixe C. and Nelda K. Canete owners of Taxicab Permit No. 11 and Arturo Abad, lessee of Taxicab Permit No. 26, requested voluntary suspension of the permits from January through June 30, 2005.

Councilmember Saravia MOVED, seconded by Councilmember Woodruff, to approve the voluntary suspension of Taxicab Permits 11 and 26 from January 7, 2005, through June 30, 2005.

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

g. Authorization of Sale of Taxicab Permits 1 and 18

Jose Bravo, owner of Taxicab Permit No. 1 requested authorization to sell the permit to Harry Anderson. Stephen D. Garrett, owner of Permit No. 18, requested authorization to sell the permit to Luisa Torres Garrett. The prospective owners had complied with permit transfer requirements.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to authorize the sale of Taxicab Permit No. 1 to Harry J. Anderson and Taxicab Permit No. 18 to Luisa Torres Garrett.

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

VII CITY MANAGER'S REPORT

Manager Freed reported that Senator Ben Stevens had introduced Senate Bill 113 the previous day and encouraged the public to get a copy from the Legislative Information Office or on the Internet. She also reported that Finance Director Mary Munk and Accountant Marian Royall were presented with the Government Finance Officers Association Distinguished Budget Presentation Award, which was the highest form of recognition in governmental budgeting. Manager Freed also stated that the City of Kodiak had received the award, as well as the Certificate of Achievement for Excellence in Financial Reporting, each year since Mary Munk had become the City's Finance Director.

√ ☐ MAYOR'S COMMENTS

Mayor Floyd wished Councilmember Davidson a speedy recovery from his recent surgery. She also informed the public that Women's History Month was coming up in March and spoke of several activities in honor of Women's History Month. She announced the Girls Basketball team was

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playing against Skyview that night and stated the Council would continue to discuss fisheries issues.

IX. COUNCIL COMMENTS

Councilmembers wished Councilmember Davidson a speedy recovery.

Councilmember Woodruff thanked everyone for their prayers and good thoughts during his illness and stated he was recovering well. He reminded the community that he and Ron Acarregui sat on the Alaska Aerospace Development Corporation board of directors and encouraged people with concerns to call them.

Councilmember Saravia thanked fishermen for attending recent meetings about groundfish rationalization, stating the Council would continue to address the issue.

Councilmember Walters thanked everyone for their positive thoughts during his recent surgery, stating he was much better. He also reminded everyone that Winter was not yet over and cautioned drivers to be aware of black ice on the roadways.

Councilmember Rosales thanked everyone who had commented about groundfish rationalization, stating the importance of protecting the fishing community.

Councilmember McMurry thanked all who spoke under public comments and public hearings and encouraged the public to call in.

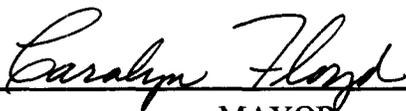
X. AUDIENCE COMMENTS

Donna Jones thanked the Council for doing a good job.

XI. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8:45p.m.

CITY OF KODIAK



 MAYOR

ATTEST:



 CITY CLERK



Minutes Approved: March 24, 2005