

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD SEPTEMBER 29, 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, Dennis A. McMurry, Gabriel T. Saravia, Thomas D. Walters, and David M. Woodruff were present and constituted a quorum. Councilmember Josefina F. Rosales was absent. City Manager Linda L. Freed, City Clerk Debra L. Marlar, and Deputy Clerk Kris Williams were also present.

After the Pledge of Allegiance, Father Paul Smith gave the invocation.

**II. PREVIOUS MINUTES**

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to approve the minutes of the August 25, 2005, regular meeting as presented.

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

**III. AGENDA AMENDMENT**

None

**IV. PERSONS TO BE HEARD**

**a. Proclamation: Declaring Domestic Violence Awareness Month**

The proclamation, requested by the Kodiak Women's Resource and Crisis Center, encourages citizens to actively support and participate in the ongoing programs designed to reduce and eventually eliminate violence as a social problem. Akasana Masher accepted the proclamation, provided domestic violence statistics, and thanked the Council for its continued support of the Kodiak Women's Resource and Crisis Center.

**b. Public Comments**

Claudia Anderson, with Kodiak Audubon Society, thanked the Council, as well as Duck's Unlimited, for the work done at Potato Patch Lake.

**V. UNFINISHED BUSINESS**

**a. Authorization of a Professional Services Contract for Design Services for Dock I and II Replacement, Project No. 04-12**

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At the November 20, 2003, regular meeting, the Council postponed a motion to authorize a professional services contract with Peratrovich, Nottingham & Drage (PN&D) for engineering and design services for the replacement of Docks I and II. At the City's request, PN&D had provided a proposal for engineering and design services for the replacement of Docks I and II in St. Paul Harbor. A subsequent, comprehensive inspection of the docks in 2004 indicated that the docks had at least five years of additional, useful life.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to postpone indefinitely the motion to authorize a professional services contract with Peratrovich, Nottingham & Drage for engineering design services for the replacement of Docks I and II for the lump sum fee of \$170,000, with funds from the Capital Project Fund, Port and Harbor Improvement Fund, Docks I and II Replacement Account in the amount of \$150,000, and from the Harbor Enterprise Fund, Boat Harbor Administration Account, Repair and Maintenance line item in the amount of \$20,000.

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

**b. Continued Second Reading, Ordinance No. 1193, Amending Kodiak City Code Section 18.28.280 Related to Loading and Unloading Freight in the Small Boat Harbor**

Mayor Floyd read Ordinance No. 1193 by title. The Council provided direction to revise Kodiak City Code Section 18.28.280 in conjunction with pending revisions to the City's fee schedule. The proposed code change will allow the loading and unloading of commercial cargo at inner harbor docks and will require a wharfage charge for such use of the docks. At the May 26th regular meeting, after the public hearing, the Council postponed action on the ordinance until September.

Councilmember Woodruff MOVED, seconded by Councilmember Saravia, to adopt Ordinance No. 1193.

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

**c. Second Reading and Public Hearing, Ordinance No. 1195, Amending City Code Title 14 by Adopting Up-Dated Building Codes**

Mayor Floyd read Ordinance No. 1195 by title, which will implement changes to the City's building codes as recommended by the Joint Building Code Review Committee. Between the first and second readings of Ordinance No. 1195, the City attorney reviewed the ordinance language and suggested clarification to the citations contained in the ordinance.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to adopt Ordinance No. 1195.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to substitute for Ordinance No. 1195, Ordinance No. 1195a, Amending Kodiak City Code Title 14 By Adopting Up-Dated Building Codes.

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Councilmember Walters thanked the members of the Joint Building Code Review Committee: John Butler, Charles Davidson, Charles Jerling, Jay Johnston, Ken Knowles, Reed Oswalt, and Barry Still.

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

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

## VI. NEW BUSINESS

### a. **First Reading, Ordinance No. 1196, Authorizing the Assignment of the City of Kodiak's Interest in Lot 2, U.S. Survey 2538, to the Kodiak Island Borough**

Mayor Floyd read Ordinance No. 1196 by title. At the July 26, 2005, work session, the Council considered a request from the Kodiak Island Borough to transfer its interest in property in the vicinity of the Kodiak High School to the Borough. The City entered into a fifty-five year lease on December 21, 1965, with the State of Alaska for the property. The lease between the City and the State provides that the property is to be used for the purpose of constructing a municipally owned and operated swimming pool and City youth center and for no other purpose. On October 5, 2004, the voters of the Kodiak Island Borough authorized the issuance of general obligation bonds of the Borough for the purpose of financing the planning, design, and construction of a new school pool, and the Borough issued its general obligation bonds for this purpose on December 1, 2004. At the July 26th work session, the Council directed staff to work with the City attorney to determine the best method to transfer the City's interest in the property to the Borough. Ordinance No. 1196 will provide for the transfer of the property, which is legally described as Lot 2, U.S. Survey 2538.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to pass Ordinance No. 1196 in the first reading and advance to second reading and a public hearing at the next regular City Council meeting.

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

### b. **Resolution No. 05-38, Accepting a COPS 2005 Technology Grant From the U.S. Department of Justice**

Mayor Floyd read Resolution No. 05-38 by title. The City finalized a grant application and received notice of award from the U. S. Department of Justice for a COPS 2005 Technology grant. The grant funds will supplement others that are being used to fund the new public safety communication system.

Councilmember Walters MOVED, seconded by Councilmember Davidson, to adopt Resolution No. 05-38.

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

**c. Resolution No. 05–39, Naming Election Workers for the October 4, 2005, Municipal Election**

Mayor Floyd read Resolution No. 05–39 by title. Kodiak City Code specifies that prior to each election, the Council shall appoint judges and clerks for each City precinct and will also appoint a canvass board consisting of at least three persons. Resolution No. 05–39 names election workers and canvass board members for the October 4, 2005, regular municipal election and authorizes the City Clerk to appoint other persons, if necessary, to ensure that an adequate number of election workers are present to conduct and canvass the election.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to adopt Resolution No. 05–39.

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

**d. Authorization of a Statement of Work for Portions of the New Public Safety Communications System with ProComm Alaska, LLC**

Staff have secured substantial grant funds for the purchase of a new public safety communication system. As noted at the August 25th meeting, several smaller purchases remain to fully implement the system, and this item represents one of those pieces.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to authorize the statement of work with ProComm Alaska, LLC for the public safety communications system installation in the amount of \$35,960.41, with funds coming from the Capital Projects Fund, General Capital Projects Fund, Communications System Upgrade.

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

**e. Authorization of Professional Services Contract with Reid Middleton, Inc. for Pier III Bracing Project No. 06-12**

The need to move forward with a major maintenance project at Pier III to extend the facility's useful life for another ten years was discussed at the August 23rd work session. At the City's request, Reid Middleton, Inc. provided a fee proposal for engineering and design services for the needed structural bracing at Pier III. Reid Middleton recently conducted an inspection and load rating analysis of Pier III and recommended bracing the Pier III piles to improve the load rating and extend the useful life of the Pier. Reid Middleton has proposed to perform the design work on a lump sum basis for a fee of \$54,465. Bidding and construction services will be performed on a time and materials basis with a budget of \$18,875, for a total project cost of \$73,340.

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Councilmember McMurry MOVED, seconded by Councilmember Walters, to authorize a professional services contract with Reid Middleton, Inc. for the Pier III Bracing Project No. 06-12, in the amount of \$73,340, with funds coming from the Capital Projects Fund, Cargo Development Fund, Pier III Repairs (FY 06) Account; funds to be included in the next supplemental budget appropriation.

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

**f. Authorization of Change Order No. 3 to Potato Patch Lake Improvement Project No. 01-05**

The construction bid for the water quality enhancement portion of the Potato Patch Lake Improvement Project was awarded to Red Hook Construction, LLC at the March 24th regular meeting. In cooperation with the Kodiak Chapter of the Audubon Society, the outside slope of the lower dike was top soiled and seeded. The Kodiak Chapter of the Audubon Society developed a detailed sketch of the proposed viewing platform connected to the lower dike by an elevated walkway for easy access. The three-to-four-foot high walls will mask much of the movement of visitors from birds and wildlife and meet the requirements for a safety railing. Engineering plans for the deck have been completed, and prices have been obtained for the installation of the pile foundation and the wood platform.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to authorize Change Order No. 3 to the Potato Patch Lake Improvement Project No. 01-05, in the amount of \$44,300, with funds coming from the Capital Projects Fund, Parks and Recreation Improvement Fund, Potato Patch Lake Account; funds to be included in the next supplemental budget appropriation.

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

**g. Authorization of Change Order No. 2 to Pier II Reconstruction Project No. 03-21**

The City's contract with Ruskin states the following regarding use of the site:

OWNER shall furnish the Site. OWNER shall notify CONTRACTOR of any encumbrances or restrictions not of general application but specifically related to use of the Site with which CONTRACTOR must comply in performing the Work. (Standard General Conditions, Article 4, Paragraph 4.01)

Ruskin was not notified of the encumbrance consisting of the City's agreement with Horizon Lines for the use of longshore services. Upon arrival of Ruskin's material barges, Ruskin was directed by the City to use longshoremen in accordance with the City's agreement with Horizon Lines. Ruskin had intended to handle barge unloading with their on-site personnel and did not anticipate this extra expense. Therefore, Ruskin has submitted a request for reimbursement of the unbudgeted longshore cost of \$16,354.68. One pile at the face of the pier could not be driven through the debris jettisoned from vessels over the life of the old pier. It was necessary to use a clam bucket and crane to remove the accumulated debris from this pile location. Ruskin requested reimbursement of time and materials costs for this pile of \$1,204.83. On excavation of the riprap slope, there was grossly less

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existing riprap than anticipated, and the underlying soils are finer than anticipated. The lack of riprap and the presence of fine soils help to explain why the bulkhead of the old pier failed in the past. The City worked with Ruskin to arrive at a solution that will give good protection against wave action and that is reasonably constructible. Ruskin proposed a quantity-based cost for the nearly 5,000 tons of extra riprap work of \$267,354. The fee requested for riprap in-place is \$43.92/ton. The average of all riprap bid prices on previous projects is \$43.99/ton, and staff believe the price requested is clearly fair compensation. After the project was bid, NOAA requested an overhead door be installed in the NE end of the warehouse to access the space NOAA will be leasing. The City requested a fee proposal from Ruskin to perform this work. Ruskin proposes a lump sum fee of \$45,175.25, to install the door purchased by the Harbor Department. Since this item is additional to the City's contract with NOAA, the City will bill NOAA for the extra expense.

Councilmember Woodruff MOVED, seconded by Councilmember Saravia, to authorize Change Order No. 2 to the Pier II Reconstruction Project No. 03-12, in the amount of \$330,088.76, with funds coming from the Capital Projects Fund, Cargo Development Fund, Pier II Reconstruction Account.

Councilmember Davidson asked Mayor Floyd if he had a conflict, as he had worked on the project. Mayor Floyd determined he should not vote.

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

#### **h. Authorization of Sale of Taxicab Permit No. 21**

Rodrigo Dela Cruz, owner of Taxicab Permit No. 21, requested authorization to sell the permit to Manny and Romeo Narra. The prospective owners had complied with the permit transfer requirements, and the City Clerk recommended approval of the request.

Councilmember Saravia MOVED, seconded by Councilmember Walters, to authorize the sale of Taxicab No. 21 to Manny and Romeo Narra.

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

### **VII. CITY MANAGER'S REPORT**

Manager Freed cautioned the community to drive safely with winter approaching, particularly where children are using the crosswalks. Manager Freed explained the water lines will be flushed to remove excess sediment, and the process will take approximately one month to complete. She said that even though the water was slightly discolored it was safe to drink.

### **VIII. MAYOR'S COMMENTS**

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Mayor Floyd announced that the Emergency Services Council had recently conducted a successful emergency services tabletop exercise. She thanked the Girl Scouts for helping clean up around town and noted that the Kodiak Daily Mirror had run a picture of them, which she thought should have been on the front page. She also commented about the Region 3 Cross Country Championship Meet held recently at the Bear Valley Golf Course and congratulated the Kodiak girls and boys teams.

#### **IX. COUNCIL COMMENTS**

Councilmembers reiterated the need to drive carefully and to watch for children. Councilmembers also encouraged everyone to exercise their right to vote.

Councilmember Woodruff thanked everyone for their support over the past few months while he was being treated for cancer; he reported he had completed his last radiation treatment and his prognosis is very good. He also commented on the large salt supply at Public Works in anticipation of winter.

#### **X. AUDIENCE COMMENTS**

City Clerk Debra Marlar encouraged everyone to vote on October 4th and informed City voters they could vote early in the City Clerk's office, if desired. She also informed the public that the next City Council meeting will be held October 27th.

#### **XI. EXECUTIVE SESSION**

##### **a. City Manager Annual Performance and Employment Agreement Review**

Annually, the City Council reviews the performance of the City Manager. In accordance with the Open Meetings Act, the City manager did not object to the executive session, during which the Council will review the Manager's performance and terms of her employment agreement.

Councilmember Walters MOVED, seconded by Councilmember Davidson, to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct the annual performance review of the City Manager.

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

After the Executive Session, Mayor Floyd reconvened the regular meeting.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to amend Section 8(a) of the City Manager's employment contract to read, "Manager shall accrue Annual Leave at the rate of 8.31 hours per pay period and other leave as provided in the City's Personnel Rules and Regulations."

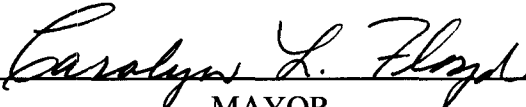
The roll call vote was Councilmembers Davidson, McMurry, Saravia, Walters, and Woodruff in favor. Councilmember Rosales was absent. The motion passed.

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**XI. ADJOURNMENT**

Mayor Floyd adjourned the meeting at 8:40 p.m.

CITY OF KODIAK

  
MAYOR

ATTEST:

  
CITY CLERK



Minutes Approved: October 27, 2005