

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD JANUARY 26, 2006,
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

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

After the Pledge of Allegiance, there was one minute of silence.

II. PREVIOUS MINUTES

Councilmember Walters MOVED, seconded by Councilmember Saravia, to approve the minutes of the December 15, 2005, regular meeting as presented.

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

III. AGENDA AMENDMENT

None

IV. PERSONS TO BE HEARD

a. Public Comments

Shawn Dochtermann expressed the need for the local businesses of Kodiak to be represented by the Gulf of Alaska Groundfish Rationalization Task Force. He stated he would like to see crab rationalization added to the North Pacific Fishery Management Council meeting. Mr. Dochtermann distributed a copy of the November 2005 "Fisherman's News" that contained an article he wrote about the negative effects of crab rationalization.

Stephen Taufen, Groundswell Fisheries Movement, distributed information he had prepared and commented about the negative impacts of fishery rationalization.

Terry Haines, representing the Crewmen's Association in Steve Branson's absence, voiced his support of the views expressed by Shawn Dochtermann. Mr. Haines suggested the City and Borough support a "no fishermen left behind" view.

V. UNFINISHED BUSINESS

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a. Authorization of Professional Services Contract With Peratrovich, Nottingham & Drage for St. Herman Harbor Engineering and Design Services, Project No. 06-14 (Postponed from the October 27, 2005, meeting)

This item was first brought before the Council for consideration at the October 27, 2005, regular meeting. Since then staff have worked with Peratrovich, Nottingham & Drage (PND) to narrow the scope of work and reduce the contract cost from \$494,207.50 to \$165,680. A component of the contract is a survey that will determine the amount of material remaining in the quarry, the exact location of the shoreline and subsurface contours modified by the recent fill between Ramps 2 and 3, the exact location of the shoreline and subsurface modifications along the edge of the quarry, and the exact location of the floats and ramps and sufficient subsurface contours to predict required pile lengths with sufficient accuracy. Another component of the contract is master planning for St. Herman Harbor, and staff recommended clear direction for this piece of the project before any substantive work on the master plan, as related to M and P floats, moves forward. Therefore, staff recommended that the contractors join the City Council and the Port and Harbor Advisory Board in a work session to discuss and clarify the direction for this component of the contract. The motion before the Council, which was made and then postponed at the October 27, 2005, regular meeting, is to authorize a professional services contract with PND for the St. Herman Harbor Engineering/Design Project, Project No. 06-14 on a time and materials basis not to exceed \$494,207.50, with funds coming from the Capital Projects Fund, Harbor and Port Improvement Fund, St. Herman Harbor Engineering/Design Account and the Marine Lift Account, as appropriate.

Staff recommended the motion be amended to read “move to authorize a professional services contract with PND for the St. Herman Harbor Engineering/Design Project, Project No. 06-14, on a time and materials basis not to exceed \$165,680, with funds coming from the Capital Projects Fund, Harbor and Port Improvement Fund, St. Herman Harbor Engineering/Design Account and the Marine Lift Account, as appropriate.”

Councilmember Walters MOVED, seconded by Councilmember Saravia, to amend the motion as stated by Manager Freed. The City Clerk clarified that the effect of the motion will reduce the project cost from \$494,207.50 to \$165,680.

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

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

VI. NEW BUSINESS

a. First Reading, Ordinance No. 1200, Establishing Supplemental Budget Appropriation No. 1 for the Fiscal Year Commencing on the First Day of July 2005 and Ending on the Thirtieth Day of June 2006

Ordinance No. 1200 is the first amendment, or supplement, to the current-year budget. This ordinance makes a number of changes in the FY'06 budget, reflecting increased revenues and

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expenditures, new project/grant funding, and movement of funds to more accurately reflect current City operations. The finance department restructuring will eliminate two .75 FTE's (Accounting Technicians) and create a second full-time, Information Systems Administrator. While the cost of the restructuring is not large, it will ensure better support for all City departments. The one new program included in the supplemental budget is funding of the proposed K-9 program, based on Council direction at a work session a few months ago.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to pass Ordinance No. 1200 in the first reading and advance to second reading and a public hearing at the next regular meeting.

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

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

b. First Reading Ordinance No. 1201, Authorizing a Lease of a Communication Site on an Unsubdivided Portion of U.S. Survey 4947 on Near Island With Kodiak Island Broadcasting Company, Inc.

Kodiak Island Broadcasting, Inc. has submitted an application to renew its antenna tower site lease for an unsubdivided portion of U.S. Survey 4947 on Near Island. The term of the proposed 7,200 square foot lease site is five years with an option for five additional years. The proposed lease rate is fixed, in recognition of the City's interest in occupying space on the tower for the City communication system. The lease includes a provision for payment to the City of 50% of sublease fees, except for the sublease with Kodiak Wireless, who has granted the City permission to put communication equipment in their building located on the site. Some language in the lease will be revised to confirm this intent prior to second reading of the ordinance.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to pass Ordinance No. 1201 in the first reading and advance to second reading and a public hearing at the next regular meeting.

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

c. Resolution No. 06-1, Accepting the 2006 Emergency Management Performance Grant

The City of Kodiak has been awarded an Emergency Management Performance Grant in the amount of \$17,500 through the Alaska Division of Homeland Security and Emergency Management for 2006. This grant funding will be used to support personnel and activities essential to local emergency management. Resolution No. 06-1 provides the mechanism to formally accept the grant award.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06-01.

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

d. Resolution No. 06-2, Appointing a Gulf of Alaska Groundfish Rationalization Task Force

The North Pacific Fishery Management Council developed a suite of fishery allocation alternatives for the Gulf of Alaska groundfish fisheries and is working toward adoption of a preferred alternative for implementation. The City of Kodiak and the Kodiak Island Borough desire to develop consensus among the Kodiak fishing constituencies and have identified Kodiak community residents, representing all segments of the fishing community, to serve on a City of Kodiak/Kodiak Island Borough Gulf of Alaska groundfish rationalization task force. The task force is charged with bringing forward a consensus recommendation for a Gulf of Alaska rationalization solution that works best for the Kodiak community, fishermen, and processors and their employees. Resolution No. 06-2 is the mechanism to appoint the task force.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to adopt Resolution No. 06-2.

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

e. Authorization of Professional Services Contract With DOWL Engineers for Trident Basin Phase II, Project No. 06-04

At the June 30th regular City Council meeting, the City Council adopted Resolution No. 05-27, which established a capital improvement program and operational and administrative actions for the Trident Basin Seaplane Base. DOWL Engineers, the City's contractor for the Municipal Airports Comprehensive Master Plan project, has completed the Environmental Assessment (EA) and preliminary design (to the 35% level) for proposed improvements to the Trident Basin Seaplane Base. The next phase of this project is ready to move forward. The goal is to complete the design and begin the construction of improvements this summer, utilizing additional FAA grant funding that is available for the project. The design includes a haul out ramp and float, an access drive to the haul out, approximately 1,200 cubic yards of reef removal, additional area lighting, replacement of A and C floats, and minor modifications to B float. The design work will be performed on a lump sum basis in the amount of \$198,361 and the surveying and platting services and the bidding and construction support services will be performed on a time and materials basis with a budget estimate of \$134,668.

Councilmember Rosales MOVED, seconded by Councilmember Saravia, to authorize a professional services contract with DOWL Engineers for Trident Basin Phase II, Project No. 06-04 in the amount of \$333,029, with funds coming from the Capital Project Fund, Trident Basin Improvement Fund.

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

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f. Authorization of a Sublease Under Pillar Mt. Lease No. 11 Between Kodiak Wireless and the Port Graham Development Corporation

Earlier this month, the City of Kodiak received a request from Kodiak Wireless for approval of a space and power sublease, at their communication building on Pillar Mountain, to the Port Graham Development Corporation (PGDC) for the USCG's SPAIS Project. SPAIS is a vessel tracking system. The equipment for the project consists of a wall-mounted cabinet and a 5-foot whip antenna attached to the side of the communications building. It is recommended that this sublease be subject to the same conditions that the attorney recommended for the previously approved Kodiak Wireless sublease. In addition, the City Council needs to determine the lease rate to the City from the sublease. Kodiak Wireless has requested that the City not charge any fee for this sublease, since they are providing the space for \$100 a month to cover their administrative costs.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to approve a sublease between Kodiak Wireless and the Port Graham Development Corporation under Pillar Mountain Lease No. 11 with the following conditions:

1. Approval of the sublease does not release Kodiak Wireless from any of its obligations under its lease with the City.
2. The sublessee agrees to comply with all the terms of the City's lease with Kodiak Wireless regarding the use of the premises, insurance, and environmental requirements.
3. The insurance provided by Kodiak Wireless must cover the activities of the sublessee.
4. Kodiak Wireless shall remit to the City of Kodiak 0% of any revenues collected monthly under the sublease.

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

g. Acceptance of the FY'05 Audit

Kodiak City Code Section 3.24.020, states 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 fiscal year's annual financial report." At the January 24th work session, Council members reviewed the FY'05 audit with the City's auditors, Mikunda, Cottrell & Co. This agenda item provides a mechanism for formal acceptance of the audit.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to accept the FY'05 audit.

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

Councilmember Walters thanked City Manager Freed and Finance Director, Mary Munk for their work on the budget. Councilmember Davidson reiterated that Mikunda, Cottrell & Co., noted the good financial health of the City.

h. Authorization of Voluntary Suspension of Taxicab Permits 11, 21, 23, 24, and 26

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Felix C. Canete, owner of Taxicab Permit No. 11; Romeo Narra, owner of Taxicab Permit No. 21; Felicisimo F. Francisco, owner of Taxicab Permit No. 23; Paul E. Mago, owner of Taxicab Permit No. 24; and Elsa A. Saravia, owner of Taxicab Permit No. 26; have requested voluntary suspension of their permits from January through June 2006. Kodiak City Code allows for the voluntary suspension of a single permit not to exceed six months in a calendar year.

Councilmember Saravia MOVED, seconded by Councilmember Walters, to approve the voluntary suspension of Taxicab Permits 11, 21, 23, 24, and 26 from January through June 2006.

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

VII. CITY MANAGER'S REPORT

Manager Freed reported that due to the exceptional work of the Kodiak Police Department, 14 burglary cases had been solved and closed. She praised Sgt. Bill Pyles and Detective Ronda Hosier for their work on these cases and stated Sgt. Pyles had recommended Detective Hosier for a commendation, which was granted by Chief of Police Kamai. Manager Freed stated Senator Gary Stevens will be in Kodiak on February 23, 2006, and recommended a work session with Senator Stevens just prior to the regular meeting to discuss community projects, particularly the ongoing "Y" project.

VIII. MAYOR'S COMMENTS

Deputy Mayor Davidson encouraged everyone to become educated on Gulf of Alaska Groundfish Rationalization. He also asked that everyone drive carefully.

IX. COUNCIL COMMENTS

Councilmember Saravia expressed concerned for the fishermen, local businessmen, and cannery workers with regard to the Gulf of Alaska groundfish rationalization. Councilmember Saravia commented that much thought went in to selecting the members of the task force to ensure the entire community was represented.

Councilmember Walters read City Code Section 7.04.030, Annoying animals or fowl. He encouraged the community to call the police department with animal complaints, noting that existing laws will be strictly enforced.

Councilmember Rosales stated that she is happy with the task force, and further stated the task force will have good input and will make sure fish come to the community, as our livelihood depends on the fishing industry.

X. AUDIENCE COMMENTS

Stephen Taufen thanked the Council for its comments about balancing the members of the task force and keeping a watchful eye on fishery rationalization.

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Louise Stutes, via telephone, and said she was really happy the City Council is going to address the rat issue.

Terry Haines voiced concern about pedestrian safety near McDonalds where Thorshiem intersects with Mill Bay Road.

Clarence Selig, via telephone, reiterated what Terry Haines said about the McDonald's corner and also urged caution in school zones. Mr. Selig thanked the City Council for their efforts and said they are doing a very good job.

Iver Malutin, via telephone, spoke about the task force, stating that all factions were not taken in to consideration because no native Alaskans had been appointed. He commented on the importance of native Alaskans to the economy.

XI. ADJOURNMENT

Deputy Mayor Davidson adjourned the meeting at 8:30 p.m.



CITY OF KODIAK

Carolyn Floyd
MAYOR

ATTEST:

Debra Malin

CITY CLERK

Minutes Approved: February 23, 2006