

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD APRIL 27, 2006,
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. Dennis A. McMurry, Josefina F. Rosales, Thomas D. Walters, and David M. Woodruff were present and constituted a quorum. Councilmembers Charles E. Davidson and Gabriel T. Saravia were absent. City Manager Linda L. Freed and City Clerk Debra L. Marlar were also present.

After the Pledge of Allegiance, Salvation Army Sargent Major David Blacketer gave the invocation.

II. PREVIOUS MINUTES

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to approve the minutes of the March 30, 2006, regular meeting as presented.

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

III. AGENDA AMENDMENT

None

IV. PERSONS TO BE HEARD

a. Proclamation: Recognizing the Indigenous People of the Kodiak Archipelago Esgarlluku Taquka'aq – Awakening Bear & Alutiiq Community

Councilmember Walters read the proclamation, which recognized the challenges and contributions of the Alutiiq people. Mayor Floyd presented the proclamation to Iver Malutin, who thanked the Council and commented on the proclamation's significance.

b. Proclamation: Child Abuse Prevention Month

Councilmember Rosales read the proclamation, which called upon citizens to increase their participation in efforts to prevent child abuse. Mayor Floyd presented the proclamation to Lydia Olsen, who thanked the Council and accepted the proclamation on behalf of the Kodiak Women's Resource and Crisis Center. Ms. Olsen commented about the benefit of grandparents assisting parents with child rearing.

c. Proclamation: Sexual Assault Awareness Month

Councilmember Woodruff read the proclamation, which encouraged residents to support local activities and programs that assist victims of sexual assault. Mayor Floyd presented the proclamation

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to Lydia Olsen, who thanked the Council and accepted the proclamation on behalf of the Kodiak Women's Resource and Crisis Center.

d. Public Comments

Walt Ebell, Chief Executive Officer of Old Harbor Native Corporation (OHNC), via telephone, stated OHNC and its subsidiary, Kodiak Kenai Cable Company, had been working with the Alaska Aerospace Development Corporation for several years on a project to lay a fiber optic cable underwater from Anchorage to Kodiak. He stated the project was at risk as a result of a protest of sole source determination, which was filed by Alaska Communication Systems. As the City had previously adopted a resolution in support of the project, Mr. Ebell stated he wanted to make the City aware of the situation and further discuss the issue with the Council.

Norm Wooten, Kodiak Chamber of Commerce Executive Director, spoke in support of Resolution No. 06-9, Authorizing the Issuance of a Permit to the Kodiak Chamber of Commerce for Use of Public Property in Conjunction With the Kodiak Crab Festival, which was scheduled later on the agenda. He voiced appreciation for the City's support of the event and distributed Crab Festival tee shirts to the City Council and staff.

Clarence Selig, via telephone, voiced concern about a "Kodiak Daily Mirror" article regarding the City's plan to build new City facilities at the existing Police and Fire Department sites, stating his opinion that the site was marginal regarding the tsunami zone. He also commented on his understanding of a future traffic plan that would relocate the flashing red light at Mill Bay Road and close the existing entrance into the Aleutian Homes area. He further suggested that Coon Field be relocated to make way for future development.

Lydia Olsen referenced a recent fire on Mylark Lane and expressed appreciation to the City for having the necessary equipment and staff to put out the fire. She voiced it was important to not cut corners on public safety funding.

Iver Malutin voiced concern about the potential financial impact to harbor maintenance and parks if currently-dedicated sales tax revenue is diverted to fund new City facilities.

Pat Holmes thanked council for its work during last 35 years and thanked Steve Kreber for broadcasting the Council meetings. He asked the Council to think about the location of a new City library in conjunction with the high school library. He also commented on Kodiak's effort to maintain its rural status.

Louise Stutes, via telephone, voiced concern about a "Kodiak Daily Mirror" article regarding the City's plan to build new City facilities and stated fishermen have already suffered losses. She also voiced concern about the City not having enough funding for new City facilities and the large vessel travel lift. She urged the Council to rethink increasing the sales tax and requested that funding of new City facilities be put on the ballot for a vote of the people.

Jane Eisemann, City representative on the Prince William Sound Regional Citizens Advisory Council, thanked the Council for the honor of serving as the City's representative. She spoke in

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support of Resolution No. 06-12, Supporting Compilation of an Oral History of the Exxon Valdez Oil Spill, which was scheduled later on the agenda.

V. UNFINISHED BUSINESS

a. **Second Reading and Public Hearing, Ordinance No. 1203, Repealing Kodiak City Code Chapter 2.36 Public Records, and Enacting Kodiak City Code Chapter 2.36 Management of Records**

Mayor Floyd read Ordinance No. 1203 by title. At the April 15, 2003, work session, the Council directed the City Clerk to develop a comprehensive City-wide records management program, which included a revision to the City Code to ensure the program would be enforceable. As documented in the March 2006 records management report to the City Council, the City Clerk has been working with a professional records consultant to develop and implement a comprehensive records management program throughout the City. Ordinance No. 1203 was organized by the City attorney to more closely follow the Alaska Statutes that address management and preservation of public records (AS 40.21) and inspection and copying of public records (AS 40.25). In addition to including the current provisions of KCC Chapter 2.36, Ordinance No. 1203 proposes revisions to Chapter 2.36 to include the definition of City records, ownership of City records, City records management roles and responsibilities, disposition of City records, annual records management report to the Council, access to public records, and administration of public records. If adopted as presented, Ordinance No. 1203 will change the disposition process for City records and will authorize the City Clerk to approve records disposition requests according to the records retention schedule approved by the Council.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Ordinance No. 1203.

Mayor Floyd 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 McMurry, Rosales, Walters, and Woodruff in favor. Councilmembers Davidson and Saravia were absent. The motion passed.

b. **Second Reading and Public Hearing, Ordinance No. 1204, Authorizing a Lease of Office, Shop/Warehouse, and Parking Space on Pier II to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration**

Mayor Floyd read Ordinance No. 1204 by title. City staff and staff from NOAA's Western Region, Real Property Management Division, have been working to finalize a lease between the City and NOAA for space inside the Pier II warehouse. In the interim, NOAA has paid the standard storage rate for a smaller area of dry storage in the warehouse on a month-to-month basis. Modifications to the warehouse to accommodate NOAA's use have been completed and were paid by NOAA. Staff had originally anticipated a longer-term lease with NOAA, but due to budget constraints, the initial lease is for approximately a year. The City attorney reviewed the lease and his suggestions have been

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incorporated into it. After Ordinance No. 1204 was passed in the first reading at the March 30, 2006, regular meeting, NOAA requested that the lease date be changed from April 1, 2006, to May 1, 2006.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to adopt Ordinance No. 1204.

Councilmember Walters MOVED, seconded by Councilmember McMurry, to amend the lease date authorized by Ordinance No. 1204 by striking April 1, 2006, in the lease title and Section 2 and inserting May 1, 2006.

Mayor Floyd 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 on the amendment was Councilmembers McMurry, Rosales, Walters, and Woodruff in favor. Councilmembers Davidson and Saravia were absent. The amendment passed.

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

VI. NEW BUSINESS

a. First Reading, Ordinance No. 1205, Amending Kodiak City Code Title 18, Chapter 28, Pertaining to Port and Harbor Facilities

Ordinance No. 1168a, effective August 13, 2004, was a companion ordinance to the harbor fee resolution. It was originally recommended by the Port and Harbors Advisory Board (PHAB) to implement a fee for auxiliary skiffs moored in the harbor. Prior to adoption, the City Council directed staff to revise the language from that recommended by the PHAB. In June 2005, the auxiliary vessel ordinance was again amended at the request of the PHAB by changing the dates in the body of the applicable code section. In June 2005, when the Council adopted the revision to the auxiliary skiff code section, the Council referred the issue back to the PHAB for further review. The PHAB discussed the issue at length at their January 12, 2006, meeting and code language to implement their recommendations was developed by Harbor staff and is before the Council for review.

Councilmember Rosales MOVED, seconded by Councilmember Woodruff, to pass Ordinance No. 1205 in the first reading and advance to second reading and a public hearing at the next regular meeting.

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

b. Resolution No. 06-9, Authorizing the Issuance of a Permit to the Kodiak Chamber of Commerce for Use of Public Property in Conjunction With the Kodiak Crab Festival

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Resolution No. 06-9 authorizes a permit and use of Sargent Park and street and parking lot closures to facilitate the 48th annual Kodiak Crab Festival. As a community festival, the event brings community residents and visitors together to enjoy the special opportunities that Kodiak has to offer, provides an important fund raising opportunity for many local nonprofit organizations, and contributes to the local economy by drawing visitors to the community.

Councilmember Woodruff MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06-9.

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

c. Resolution No. 06-10, Authorizing the Issuance of a Permit to the Alaska Department of Fish and Game for Use of Public Property in Conjunction with the 2006 Salmon Celebration

The Alaska Department of Fish and Game has requested use of the St. Paul Harbor spit for their annual Salmon Celebration, scheduled for May 11th and 12th, 2006. The celebration is the culmination of one of the Department's educational programs and includes the Department's 40-foot aquatic education classroom. Using the spit as the location for the Salmon Celebration allows the entire community to participate in the celebration and requires Council approval for the use.

Councilmember McMurry MOVED, seconded by Councilmember Rosales, to adopt Resolution No. 06-10.

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

d. Resolution No. 06-11, Rescinding Resolution No. 32-96 and Reestablishing a Records Retention Schedule

The revised records retention schedule is a crucial component of the records management program and was developed by the records consultant to be legally defensible and has been reviewed by the City attorney. The retention schedule lists specific records series for the records identified in the Citywide records inventory and describes the records series subject, media type, department responsible for applying the retention schedule for the official record, the criteria under which the record is closed, and the length of time the inactive record is stored in the department before being transferred to the Records Center for additional storage and/or destruction. The records included in the retention schedule records series are linked to the records management software, which provides the City Clerk with the tools necessary to determine when records need to be closed and transferred to the Records Center. Prior to destruction, department heads will be required to review the list of records proposed for destruction to ensure a record is not needed for identified litigation or audit purposes. The City Clerk will also provide the Council with a list of all records that have been destroyed, as authorized by the revised records retention schedule.

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Councilmember Walters MOVED, seconded by Councilmember Woodruff, to adopt Resolution No. 06-11.

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

e. Resolution No. 06-12, Supporting Compilation of an Oral History of the Exxon Valdez Oil Spill

Jane Eisemann, the City of Kodiak's representative on the Prince William Sound Regional Citizen's Advisory Council (PWS RCAC), has requested that the City Council support the RCAC's Exxon Valdez oral history project. The PWS RCAC is starting a campaign to raise approximately \$200,000 in non-PWS RCAC funds to carry out the Exxon Valdez oral history project. One of RCAC's first steps is to show strong grassroots support for the project from member entities, which will improve their opportunity for grants from large national foundations.

Councilmember Walters MOVED, seconded by Councilmember Rosales, to adopt Resolution No. 06-12.

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

f. Resolution No. 06-13, Accepting an Alaska Highway Safety Office Grant and Authorizing Expenditure of Funds

In July 2005, the Kodiak Police Department submitted a proposal to the Alaska Highway Safety Office for funding to purchase and install four Kustom Signals digital in-car video systems and 20 recording media discs. This equipment will be used in four KPD vehicles for routine patrol and traffic safety enforcement. The City received a "notice to proceed" from the Alaska Highway Safety Office in January. If adopted, Resolution No. 06-13 will accept the funding provided by the Alaska Highway Safety Office and authorize its expenditure by the Kodiak Police Department.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06-13.

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

g. Authorization of Bid Award to Red Hook Construction for Sidewalk, Curb, and Gutter Project No. 06-28

Bids for the 2006 sidewalk, curb, and gutter project were opened on March 31, 2006. The bid results are summarized below, and a complete bid tabulation was included in the Council packet.

Red Hook Construction	\$73,235
Arctic Mudslingers	\$98,825
Brechan Enterprises	\$119,655

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Engineer's Estimate \$75,280

The work consists of replacing and repairing concrete sidewalk, curb, and gutter at various locations throughout the City. The term of the award is through June 2007 (FY'07).

Councilmember Woodruff MOVED, seconded by Councilmember Rosales, to award the bid for the 2007 Sidewalk, Curb, and Gutter Project Number 06-28 to Red Hook Construction for the March 31, 2006, unit bid prices, with funds coming from the Capital Projects Fund, Street Improvement Fund, Annual Sidewalk, Curb and Gutter Account.

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

h. Authorization of Purchase of a Wastewater Treatment Plant Sludge Truck

The FY'06 budget includes \$110,000 to purchase a replacement sludge hauling truck for the Waste Water Treatment Plant (WWTP). The City of Kodiak currently owns a group of ten International brand medium and heavy trucks. The International trucks have shown good performance and durability with only expected routine maintenance. The City of Kodiak also owns the electronic diagnostic equipment necessary to maintain the current fleet, and staying with an International brand will allow use of current equipment and maintenance skills. Staff have worked with Alaska Truck Center, the only International truck dealer in Alaska, to spec a truck to meet the sludge hauling needs of the City. Over the years, Alaska Truck Center has won the competitive bids for trucks that were competitively bid.

Councilmember McMurry MOVED, seconded by Councilmember Walters, to authorize the purchase of a Diamond Spec 7400 SBA 6X4(SF625) from Alaska Truck Center in the amount of \$105,059, with funds coming from the Sewer Utility Fund, Waste Water Treatment Plant Account.

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

i. Authorization of a Professional Services Contract With ITG for the Kodiak Police Department Safety Suite Upgrade Project

The FY'06 budget includes \$44,000 to upgrade the Kodiak Police Department's Safety Suite record keeping software, which is specifically designed for law enforcement applications. Approximately \$10,000 of the total amount budgeted is from the last community capital matching grant that the City received from the State of Alaska.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to authorize a professional services contract with ITG for the Kodiak Police Department Safety Suite Upgrade Project in the amount of \$45,500, with funds coming from the Capital Projects Fund, General Capital Projects Fund, KPD Safety Suite Account in the amount of \$44,000 and from the Capital Projects Fund, General Capital Projects Fund, Comprehensive Records Management Project Account in the amount of \$1,500.

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

VII. CITY MANAGER'S REPORT

Manager Freed read a letter of appreciation from Patrick Lee, Kodiak Marine Safety Detachment (MSD), for the harbor staff's assistance with the MSD "Operation Tanner Safeguard" program. Harbor staff Dick Waddell and Becky Beatty accepted the letter on behalf of the Harbor Department. Manager Freed also thanked Tess Dietrich for 25 years of service at the Library and noted Kodiak Police Department detectives Milt Bohac and Dan Olson had been recognized as a select group of law enforcement officers in Alaska by the Drug Enforcement Administration for exemplary service to drug law enforcement. She read a letter from non-city resident Arnie Shryock praising the City and Public Works crew for the efficient, courteous job installing and connecting a new line to his property. She informed the Council and the community that a State-sponsored pandemic flu seminar will be held May 31 and June 1, 2006, in Kodiak, with a town hall meeting to occur May 31st. Manager Freed noted the June 6, 2006, work session agenda will include presentations by Alaska Marine Highway engineers regarding the selection process for a new ferry terminal and PND engineers regarding the conceptual design for the large vessel travel lift project and the M and P floats. That work session will be held in a larger meeting space to accommodate the anticipated number of audience members attending.

VIII. MAYOR'S COMMENTS

Mayor Floyd commented on the pandemic workshop she had attended in Anchorage. She noted several important meetings will be held in Kodiak in June, including the University of Alaska Board of Regents, the North Pacific Fishery Management Council, and the National League of Cities Transportation and Infrastructure Steering Committee. She also encouraged the community to enjoy the Crab Festival at the end of May. Mayor Floyd noted the State budget was being reviewed in Juneau, and municipalities were tracking revenue sharing bills and hoped at least one of the bills would pass. Mayor Floyd noted Administrative Professionals Day and Municipal Clerks Week and thanked Linda Freed, City Manager, and Debbie Marlar, City Clerk, for their services to the City.

IX. COUNCIL COMMENTS

Councilmember Woodruff praised the City Manager and City Clerk for their services to the City. He also commented on the proposed new City facilities building, stating that although he was not in favor of spending public money and raising taxes, the Council had an obligation to the community to provide future services, and it was not cost-effective to continue to spend money to repair and maintain old buildings. He stated the City will continue to seek additional funding from the State for the new jail; otherwise, the State may need to fly its prisoners to Anchorage. Noting the recent snowfall, Councilmember Woodruff urged people to drive carefully. He also provided an update on the fisheries.

Councilmember Walters voiced agreement with Councilmember Woodruff's comments about constructing new City facilities. In response to voiced public opinions about rebuilding new City facilities at the existing site of the Police and Fire Departments, he noted professional consultants

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had researched the issue and did not believe the high water line resulting from future tsunamis would exceed the level experienced during the 1964 earthquake and resulting tsunami. He voiced appreciation to the public for its comments about the proposed new building. He noted the City had been discussing replacing its aging facilities for years and stated the issue needed to be massaged, but noted construction costs continued to increase and could double if the City waited too long, and the increased cost could have a significant negative impact on the City's ability to provide police and fire services. He also informed the public that the City was moving forward with the large boat travel lift project.

Councilmember Rosales voiced agreement with the comments made by Councilmembers Woodruff and Walters about the proposed new City facilities, reiterating construction costs would continue to increase and could double. In response to comments made earlier by Lydia Olsen, she also reiterated the importance of the services provided by the Fire and Police Departments. Councilmember Rosales also commented about the importance of the proclamations urging the community to become more knowledgeable about preventing child abuse and sexual assault, noting that children were our future leaders and needed to be protected and helped to reach their full potential.

Councilmember McMurry commented about the proposed new City facilities, stating he was in favor of putting the issue on the ballot for approval by the public.

X. AUDIENCE COMMENTS

None

XI. ADJOURNMENT

Mayor Floyd adjourned the meeting at 9 p.m.

CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK



Minutes Approved: May 11, 2006