

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD July 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 7:31 p.m. Councilmembers Charles E. Davidson, Dennis A. McMurry, Josefina F. Rosales, Gabriel T. Saravia, and Thomas D. Walters were present and constituted a quorum. Councilmember David M. Woodruff was absent. City Manager Linda L. Freed, City Clerk Debra L. Marlar, and Deputy Clerk Barbara J. Volpe were also present.

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

II. PREVIOUS MINUTES

Councilmember Davidson MOVED, seconded by Councilmember Walters, to approve the minutes of the June 29, 2006, regular meeting as presented.

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

III. AGENDA AMENDMENT

None.

IV. PERSONS TO BE HEARD

a. Public Comments

Dick Rohrer expressed his wish that the Council pass Ordinance No. 1212 in the first reading. He requested that the Council reconsider the stipulations contained within the ordinance requiring compliance with FAA regulations on the property.

V. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1210, Authorizing the City to Issue General Obligation Bonds in the Principal Amount Not to Exceed \$8,000,000 to Finance the Construction of a Public Safety Building and to Submit the Question of the Issuance of Such Bonds to the Qualified Voters of the City at the October 3, 2006, Regular City Election

Mayor Floyd read Ordinance No. 1210 by title. At the June 13 and June 27 work sessions, the City Council again discussed options and alternatives related to the construction of a new police station, including the contract jail and regional dispatch center. The Council discussed a number of possible locations for the building at those work sessions. In addition, the Council determined that financing of the building should go to City voters as a general obligation bond proposition. Based on the direction most recently provided by the Council, staff recommended that the dollar

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amount authorized by the bond proposition be \$8 million. The bond proposition does not establish a location for the new building. If passed, the proposition only authorizes the sale of \$8 million in general obligation bonds to provide financing for the building.

Councilmember Walters MOVED, seconded by Councilmember Davidson, to adopt Ordinance No. 1210.

Councilmember Walters MOVED, seconded by Councilmember Davidson, to amend Ordinance No. 1210 to correct the typographical error in the ordinance title by striking the extra 0 (zero) from the principal bond amount listed, thereby correcting the bond amount to read \$8,000,000 (eight million dollars).

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

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

b. Second Reading and Public Hearing, Ordinance No. 1211, Declaring Lot 2, Block 47, East Addition Subdivision, Not Needed for or Devoted to Public Use and Authorizing its Sale

Mayor Floyd read Ordinance No. 1211 by title. Mr. Gordon Laskie submitted an application to purchase a City-owned lot which is adjacent to his primary residence. The Council has indicated a willingness to sell City-owned property, which is excess to the needs of the City, to interested purchasers at the appraised value of the property. An appraisal of the lot was ordered and has been received. Ordinance No. 1211, if adopted, declares Lot 2, Block 47, East Addition Subdivision, not needed for or devoted to a public use and authorize the lot's sale at the appraised value to Mr. Laskie.

Councilmember Davidson MOVED, seconded by Councilmember Rosales, to adopt Ordinance No. 1211.

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

VI. NEW BUSINESS

a. First Reading, Ordinance No. 1212, Declaring a Portion of Lot 3, U.S. Survey 3467 (approximately 16,343 sq. ft.) Not Needed for or Devoted to Public Use and Authorizing its Sale

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Mayor Floyd read Ordinance No. 1212 by title. The Council has indicated a willingness to sell City-owned property, which is excess to the needs of the City, to interested purchasers at the appraised value of the property. At the June 27, 2006, work session, the Council reviewed a request by Mr. Dick Rohrer to purchase property adjacent to a lot that he owns on Mill Bay Road. Ordinance No. 1212, if adopted, will declare a portion of Lot 3, U.S. Survey 3467 (approximately 16,343 sq. ft.), adjacent to Lot 12, U.S. Survey 3098, not needed for or devoted to a public use, and that the best value for the City will be obtained by the sale of the property, at the appraised value, to the adjacent private property owner, as long as FAA Part 77 regulations are met. The Ordinance also directs the Manager to cause the property to be replatted and incorporated into the adjacent lot.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to pass Ordinance No. 1212 in the first reading and advance to second reading and a public hearing at the next regular meeting.

Councilmember Walters voiced his support of selling excess City-owned property in general. He encouraged the sale of this parcel without requiring conformance to the FAA restrictions, pointing out that it is unlikely that the municipal airport will ever become a certified FAA facility.

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

b. Resolution No. 06-17, Authorizing Fiscal Year 2007 Nonprofit Organization Grants and In-Kind Contributions

The City of Kodiak has historically provided both cash contributions and in-kind donations to local nonprofit organizations. At the April 25, 2006, work session, the City Council directed staff to use the criteria established in Resolution No. 05-20 as the basis for funding recommendations in FY07. The total amount of funds budgeted for cash grants in FY07 is \$100,600. In addition, the school crossing guard program continues to be budgeted at \$24,000, with funding split between the City of Kodiak and the Kodiak Island Borough.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06-17.

Councilmember Walters recognized the City's donation of a similar value in in-kind contributions to nonprofit organizations.

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

c. Resolution No. 06-18, Endorsing the Employee Safety and Accident Prevention Program

City staff have been working with a contractor for about a year to put together a formal, comprehensive Employee Safety and Accident Program. The program document was completed in May 2006 after supervisory training was conducted in April, using the document as the training guide. The program provides for a comprehensive City-wide safety program that also

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identifies the specific safety and training needs of individual departments. Resolution No. 06-18 provides a mechanism for the Council to formally endorse the City of Kodiak Employee Safety and Accident Program.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06-18.

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

d. Resolution No. 06-19, Accepting a 2003 Critical Infrastructure Protection-State Homeland Security Grant

The Alaska Division of Homeland Security and Emergency Management has made available unspent funds from the 2003 Critical Infrastructure Protection Program. The City of Kodiak has been awarded \$2,100 of these reallocated funds.

Councilmember Walters MOVED, seconded by Councilmember Saravia, to adopt Resolution No. 06-19.

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

e. Resolution No. 06-20, Accepting a 2003 State Homeland Security Grant, Part I

The Alaska Division of Homeland Security and Emergency Management has made available unspent funds from the 2003 Critical Infrastructure Protection Program. The City of Kodiak has been awarded \$33,599 of these reallocated funds.

Councilmember Saravia MOVED, seconded by Councilmember Rosales, to adopt Resolution No. 06-20.

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

f. Resolution No. 06-21, Accepting a Grant Offer From the Federal Aviation Administration for the Trident Basin Seaplane Base

At the June 30, 2005, regular meeting, the City Council adopted Resolution No. 05-27, establishing a capital improvement program and outlining operational and administrative actions for the Trident Basin Seaplane Base. At the July 28, 2005, regular meeting, the Council authorized a professional services contract with DOWL Engineers for the initial engineering and design work for the identified improvements. Engineering and design work has been completed, all necessary permits have been obtained, and the bid for the improvements was awarded at the June 29, 2006, Council meeting. Approximately 95% of the funding for the improvements comes from the Federal Aviation Administration, and this resolution provides for the formal acceptance of these grant funds.

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Councilmember McMurry MOVED, seconded by Councilmember Rosales, to adopt Resolution No. 06–21.

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

g. Resolution No. 06–22, Accepting an FY07 Designated Legislative Grant for Municipal Airport Improvements

With the recent signing of the State of Alaska FY07 Capital Budget Bill, the City received notification that \$700,000 has been appropriated as an FY07 Designated Legislative Grant per AS 37.05.315 for the purpose of municipal airport improvements. This resolution provides for the acceptance of this grant.

Councilmember Walters MOVED, seconded by Councilmember McMurry, to adopt Resolution No. 06–22.

Councilmember Walters expressed appreciation for the State legislature's funding of improvements.

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

h. Resolution No. 06–23, Accepting an FY07 Designated Legislative Grant for Public Safety Building Replacement

With the recent signing of the State of Alaska FY07 Capital Budget Bill, the City received notification that \$1,000,000 has been appropriated as an FY07 Designated Legislative Grant per AS 37.05.315 for the new public safety building. This resolution provides for the acceptance of this grant.

Councilmember Rosales MOVED, seconded by Councilmember Davidson, to adopt Resolution No. 06–23.

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

i. Resolution No. 06–24, Accepting an FY07 Designated Legislative Grant for Selief Lane Park Playground Equipment

With the recent signing of the State of Alaska FY07 Capital Budget Bill, the City received notification that \$40,000 has been appropriated as an FY07 Designated Legislative Grant per AS 37.05.315 for Selief Lane Park Playground Equipment. Resolution No. 06–24 provides for the acceptance of this grant, which amounts to approximately half of the estimated cost of rebuilding the park.

Councilmember McMurry MOVED, seconded by Councilmember Rosales, to adopt Resolution No. 06–24.

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

j. Resolution No. 06–25, Accepting an FY07 Designated Legislative Grant for Pier III Repairs

With the recent signing of the State of Alaska FY07 Capital Budget Bill, the City received notification that \$300,000 has been appropriated as an FY07 Designated Legislative Grant per AS 37.05.315 for Pier III Repairs. This resolution provides for the acceptance of the grant. The grant amount is about 40% of the estimated total cost of the Pier III bracing project.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06–25.

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

k. Resolution No. 06–26, Accepting Denali Access System Program Funding for Pier III Repairs

Harbormaster Marty Owen and City Engineer Howard Weston prepared and submitted a grant application to the Denali Commission requesting funding for the Pier III Bracing Project. As a result of the application and their presentation about the project, the Denali Commission has allocated \$300,000 for the Pier III project. Resolution No. 06–26 provides for the acceptance of the grant. The grant amount is about 40% of the estimated total cost of the Pier III bracing project.

Councilmember McMurry MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06–26.

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

l. Resolution No. 06–27, Authorizing the Future Use of the Downtown Restroom/Police Substation by the Kodiak Maritime Museum for Their Peggy Dyson Exhibit

At its February 19, 2005, work session, the City Council discussed the future use of the “Downtown Restrooms.” Staff reported that an earlier lease lottery had garnered no applicants. Subsequent to the lease lottery, the Kodiak Maritime Museum expressed an interest in using the office portion of the building for a maritime exhibit honoring Peggy Dyson. In addition, the Kodiak Police Department had expressed an interest in using the building as a police substation. At the February 19, 2005, work session, the Council voiced support for use of the space by the Police Department, while the Kodiak Maritime Museum sought funding for the maritime exhibit. The Council reiterated their support for the Kodiak Maritime Museum’s concept for the building at a work session in November 2005. Since that time, the Kodiak Maritime Museum has provided the City with periodic updates on the progress of their efforts to implement the exhibit. This resolution formalizes the Council’s intent to make the office space in the “Downtown Restrooms” available to the Kodiak Maritime Museum for a maritime exhibit honoring Peggy Dyson.

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Councilmember Rosales MOVED, seconded by Councilmember Walters, to adopt Resolution No. 06-27.

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

m. Authorization of Office Lease Extension With Kodiak Maritime Museum

At the June 27, 2006, work session, the Council reviewed an extension request from the Kodiak Maritime Museum for use of the office space in the St. Herman Harbor support building. At the work session, the Council voiced a consensus to authorize the use for an additional year, through June 2007. This agenda item provides for formal Council approval of a one-year extension to the Kodiak Maritime Museum for use of the office space in the St. Herman Harbor support building.

Councilmember Davidson MOVED, seconded by Councilmember Walters, to authorize extension of the May 2002 lease with the Kodiak Maritime Museum for office space in the St. Herman Harbor support building through June 30, 2007.

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

n. Authorization of Bid Award With Brechan Enterprises for Bettinger Reservoir Timber Dams Removal, Project No. 05-13

Bids for the Bettinger Reservoir Timber Dams Removal project were opened on July 7, 2006. One bid was received from Brechan Enterprises in the amount of \$498,400. The Engineer's estimate of the cost for the work was \$631,700. The timber dams that created the Bettinger Reservoir were constructed in the early 1950s and impounded a small drinking water reservoir. The dams have deteriorated and no longer meet State dam safety requirements. They also present an attractive nuisance and have become a safety hazard. The State of Alaska, which regulates dams, has required that the City either bring the dams to current standards or remove them. This project will remove the dams, as directed by the City Council. A 250-foot-long rock channel will be constructed through the fine sediments that settled in the former reservoir. This rock drainage channel will protect the fine sediments from eroding and silting the lower stretch of the watercourse beyond the downstream dam location. The area will be graded to drain and seeded at the end of construction.

Councilmember Rosales MOVED, seconded by Councilmember McMurry, to award the Bettinger Reservoir Timber Dams Removal, Project No. 05-13, to Brechan Enterprises in the amount of \$498,400, with funds coming from the Capital Projects Fund, Water Improvement Fund, Safety Inspections and Demolition of Dams Project.

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

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o. Authorization of FY07 Contract for Community Jail Services

The State of Alaska has contracted with the City of Kodiak for many years for the operation of the regional community jail. The State has asked the City to continue to operate the regional community jail in FY07. The proposed FY07 contract is the same as the contract between the City and the State in previous years, with the exception that funding has been increased approximately \$55,000 for FY07 to \$605,335, which more closely matches the budgeted amount of \$643,920 to operate the facility this fiscal year.

Councilmember McMurry MOVED, seconded by Councilmember Walters, to approve the FY07 community jail services contract with the State of Alaska in the amount of \$605,335.

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

p. Authorization of FY07 and FY08 Animal Shelter Operation Contract With the Humane Society of Kodiak

The City of Kodiak has contracted with the Humane Society of Kodiak for the operation of the City animal shelter since 1995. The FY07–08 contract contains numerous changes from the prior contract. These changes are being made to continue clarifying the working relationship between the City and the Humane Society. None of the changes are perceived to be significant in nature. However, as a result of a meeting between City staff and members of the Board of Directors of the Humane Society, it has become clear that numerous revisions need to be made to the City and Borough animal control ordinances. City staff and members of the Humane Society intend to spend the next four to six months preparing a comprehensive revision of the City's animal control ordinance for Council consideration. The term of the proposed contract is two years, and the FY07 budget includes funding for the contract at \$70,000 per year.

Councilmember Walters MOVED, seconded by Councilmember Davidson, to approve the animal shelter operation contract with the Humane Society of Kodiak for a two-year term ending June 30, 2008, in the amount of \$70,000 per year.

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

VII. Staff Reports

- a. City Manager. Manager Freed noted that the City was successful in getting funding from many sources for Fiscal Year 2007. She singled out Senator Gary Stevens's aide, Katrina Matheny, for her assistance. She also thanked City staff and acknowledged upcoming work generated by the funding. Manager Freed reminded the public that parking on sidewalks is illegal according to State law. She said that the City is starting to ticket this practice.
- b. City Clerk. Clerk Marlar reminded registered City voters that nominating petitions will be available in Clerk's Office beginning July 31. She encouraged those who are not registered to vote to do so as soon as possible. She also informed the public of the next work session and regular meeting, and announced that the Personnel Advisory Board is in need of three members.

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VIII. MAYOR'S COMMENTS

Mayor Floyd attended the change of command at USCG ISC Kodiak. Captain Robert Lachowsky is retiring and will be staying in Kodiak. The Alutiiq Museum will host an event on August 15. She also recognized the Kodiak Little League team.

IX. COUNCIL COMMENTS

Councilmember Saravia thanked City staff for their work in obtaining funding for City projects. He also thanked legislative aide Doug Letch for his assistance. He also encouraged residents to register to vote and to vote.

Councilmember Walters acknowledged that animal control is an issue again. The Council needs to do further work on the rooster noise ordinance. He thanked the legislature for funding City projects and encouraged voters to support the upcoming bond proposition.

Councilmember Davidson encouraged voters to support the bond proposition, pointing out that the bond is not site specific.

Councilmember Rosales thanked all those responsible for gaining funding for City projects. She said that the fowl problem needs further discussion, but the City cannot do anything unless there is cooperation from fowl owners.

Councilmember McMurry noted that the State did not complete road painting in the downtown area. Manager Freed has been told that the painting truck will return sometime in August.

X. AUDIENCE COMMENTS

Doug Letch, legislative aide to Senator Gary Stevens, thanked the Council for their comments.

XI. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8:39 p.m.



CITY OF KODIAK

Carolyn Floyd
MAYOR

ATTEST:

Delia Mark
CITY CLERK

Minutes Approved: August 24, 2007