

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD SEPTEMBER 28, 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 7:33 p.m. Councilmembers Charles E. Davidson, Dennis A. McMurry, Josefina F. Rosales, and Gabriel T. Saravia were present and constituted a quorum. Councilmembers Thomas D. Walters and David M. Woodruff were 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 Captain David Davis gave the invocation.

**II. PREVIOUS MINUTES**

Councilmember Davidson MOVED, seconded by Councilmember Rosales, to approve the minutes of the August 24, 2006, regular meeting as presented.

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

**III. AGENDA AMENDMENT**

None.

**IV. PERSONS TO BE HEARD**

**a. Proclamation: Declaring October Filipino American History Month in Kodiak**

This proclamation recognizes the contributions to commerce, culture, and education made by Filipino Americans to the Kodiak community throughout the course of our history.

**b. Public Comments**

**Stephen Taufen**, Groundswell Fisheries Movement, thanked for the Council for acting on Ludger Doctermann's letter regarding the Magnuson-Stevens Act (MSA) reauthorization process. He suggested it should also be sent to several law enforcement agencies.

**Gene LeDoux** explained that he is disturbed that Brad Gillman has been hired by City as its lobbyist. He suggested severing the City's relationship with Mr. Gillman. He also expressed his displeasure with the City's relationship with Joe Sullivan. In addition, he spoke in support of a new jail facility.

**Doug Letch** spoke in support of a new public safety facility. He thanked the Council for their support of the Kodiak Football League. He also thanked Ian Fulp and Parks and Recreation Department staff for their work in preparing the field for the high school game held on Saturday, September 23, 2006.

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**David Foster** apologized to the Council and Councilmember Walters for his comments at the work session of September 26, 2006. He thanked Councilmember Walters for his clarification of the Council's work on rationalization issues. He expressed frustration about the ineffectiveness of the system and urged the Council to express its opposition to all MSA amendments.

**Bruce Magnuson** expressed his doubt about figures provided by Julie Bonney at the September 26, 2006, work session. He believes that information gathered from draggers is inaccurate.

**Shawn Dochtermann** read from his letter submitted to the Council opposing riders to MSA reauthorization. He thanked the Council for its action opposing the rockfish pilot program. He also expressed concern for actions taken by the Alaska Department of Fish and Game in regard to the MSA reauthorization process. He requested that the Council submit a letter requesting that MSA reauthorization be stopped and that concerned communities be allowed to provide input. He also requested a special work session devoted to fisheries issues.

## V. UNFINISHED BUSINESS

### a. **Second Reading and Public Hearing, Ordinance No. 1213, Declaring Tracts D-2 and D-3, U.S. Survey 4947, and Lot 1, Kodiak Business Park Subdivision (Near Island) Not Needed for or Devoted to Public Use and Authorizing Their Sale**

Mayor Floyd read Ordinance No. 1213 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. The Afognak Native Corporation has expressed their interest in purchasing City property on Near Island. This Ordinance declares Tracts D-2 and D-3, U.S. Survey 4947, and Lot 1, Kodiak Business Park Subdivision (formerly a portion of Tract D-4), not needed for or devoted to a public use. This Ordinance also authorizes the City Manager to cause the property to be replatted, if requested by the Afognak Native Corporation, and requires the Afognak Native Corporation to exercise its option to purchase the property within 180 days of the effective date of this Ordinance.

Councilmember Saravia MOVED, seconded by Councilmember Davidson, to adopt Ordinance No. 1213.

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, and Saravia in favor. Councilmembers Walters and Woodruff were absent. The motion passed.

## VI. NEW BUSINESS

### a. **First Reading, Ordinance No. 1214, Authorizing a Lease Between the City of Kodiak and Ocean Beauty Seafoods, Inc., for Property Located in Gibson Cove**

Mayor Floyd read Ordinance No. 1215 by title. Three years ago, the City Council approved a three-year lease with Ocean Beauty Seafoods, Inc., for platted City property in Gibson Cove. A

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recent appraisal had been completed for the property, and the Council set the annual lease rate at ten percent of the property's appraised value. The Council discussed the future of the lease at work sessions early this year and directed staff to contact Ocean Beauty to determine whether they would be interested in continuing to lease the property when the lease expires on November 1 of this year. Ocean Beauty indicated an interest in continuing to lease the property for a term of five years, with a constant lease payment. The Council directed staff to negotiate with Ocean Beauty to determine an acceptable annual lease payment increase. Ocean Beauty has reiterated its interest to lease the property for an additional five years, and after the first year of the new lease, to annually increase the lease payment by one percent.

Councilmember Davidson MOVED, seconded by Councilmember McMurry, to pass Ordinance No. 1214 in the first reading and advance to second reading and public hearing at the next regular meeting.

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

**b. First Reading, Ordinance No. 1215, Authorizing a Lease Between the City of Kodiak and Aksala Electronics, Inc., for Pillar Mountain Communications Site No. 2**

Mayor Floyd read Ordinance No. 1215 by title. The City has leased property on Pillar Mountain to Aksala Electronics, Inc., for over ten years. Aksala has located communications infrastructure on the site, including a tower and equipment building. Aksala's current lease ran out June 30, 2006. At a work session earlier this year, the Council discussed Aksala's request to continue leasing the site and agreed to consider a lease term of ten years, with a longer termination period. In addition, the City's communication consultant has suggested the inclusion of some language in the lease that is intended to protect the City and other users in the area from communication interference.

Councilmember Rosales MOVED, seconded by Councilmember McMurry, to pass Ordinance No. 1215 in the first reading and advance to second reading and public hearing at the next regular meeting.

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

**c. Resolution No. 06-31, Naming Election Workers for the October 3, 2006, Regular Municipal Election**

Mayor Floyd read Resolution No. 06-31 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. This resolution names election workers and canvass board members for the October 3, 2006, regular municipal election and authorizes the City Clerk to appoint other persons, if necessary, to ensure that an adequate number of workers are present to conduct and canvass the election.

Councilmember McMurry MOVED, seconded by Councilmember Davidson, to adopt Resolution No. 06-31.

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Councilmember Davidson thanked those who volunteered to serve on the election boards.

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

**d. Authorization of Change Order No. 4, Pier II Reconstruction, Project No. 03-21**

This change order addresses four items related to the Pier II Reconstruction Project in the amount of \$58,942.68. It includes rerouting of the telephone conduit and cable from the pier utility building to the warehouse; revision of the shore power for the research vessel *Oscar Dyson*; and changing the location of a fire hydrant. In addition, on January 4, 2006, the Alaska Department of Labor and Workforce Development notified the City to withhold \$1,435.00 from Ruskin, the project contractor, in accordance with AS 36.10.100(a), due to a labor violation by B&R Fish By Products, Inc.

Councilmember Davidson MOVED, seconded by Councilmember Saravia, to authorize Change Order No. 4 to Pier II Reconstruction Project No. 03-21, in the amount of \$58,942.68, with funds coming from the Capital Projects Fund, Cargo Development Fund, Pier II Reconstruction Project.

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

**e. Authorization of Change Order No. 1, Willow Street Improvement Phase 1, Project 05-1**

This change order addresses issues related to the Willow Street Improvement Project, Phase I, in the amount of \$23,188.03. It includes: additional excavation of peat and organic soils below portions of the storm drain, the sanitary sewer main, and the water main; and shortening of the length of recycled asphalt trench bedding and backfilling to match existing soil conditions.

Councilmember Rosales MOVED, seconded by Councilmember Davidson, to authorize Change Order No. 1 to Willow Street Improvement Project No. 05-01 in the amount of \$23,188.03, with funds coming from the Capital Projects Funds, Water Improvement Fund, Aleutian Homes Water and Sewer Replacement Project, Phase I Willow Street.

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

**f. Authorization of Borrow Material Permit 06-1 With Brechan Enterprises for the Near Island Breakwater Quarry**

Brechan Enterprises, Inc., has been quarrying rock from the Breakwater Quarry on Near Island for over five years. Brechan's borrow permit recently expired, and they have requested a new five-year permit. Depending on the rock and aggregate market in Kodiak and the timing of work on the vessel lift facility, the City Engineer estimates that the entire Breakwater Quarry, an area designated by the Council, will be cleared in two to five years. The proposed permit has been

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updated to recognize the remaining material quantity and to accommodate the need to provide space for vessel lift facility construction, regardless of the stage of quarrying.

Councilmember Davidson MOVED, seconded by Councilmember McMurry, to authorize Borrow Material Permit 06-01 with Brechan Enterprises, Inc.

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

**g. Authorization of Voluntary Suspension of Taxicab Permit 27**

Kathy Sargent, lessee of Taxicab Permit No. 27, has requested voluntary suspension of the permit from August to December 2006. Kodiak City Code allows for the voluntary suspension of a single permit not to exceed six months in a calendar year.

Councilmember McMurry MOVED, seconded by Councilmember Rosales, to authorize the voluntary suspension of Taxicab Permit No. 27 from August through December 2006.

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

**VII. Staff Reports**

**a. City Manager**

Manager Freed noted that, based on discussion at the September 26, 2006, work session, the Council requested that the October 24, 2006, work session be rescheduled to October 26, at 6:30 p.m., immediately preceding the regular meeting. She clarified the role of Brad Gillman as a lobbyist for City, explaining that he works specifically on capital funding, not fisheries issues. Per the Council's request, she will contact Mr. Gillman to further clarify his role and express the Council's concerns.

She reminded the Council and the public that the bond proposition includes the police department and emergency dispatch center, as well as the jail. She explained that the bond does not specify a location for the new facility. The costs related to both sites examined are similar; the Council has indicated that they will select a site after the vote on the bond proposition. Manager Freed noted that the City currently has no general obligation bond debt.

Manager Freed reported that KPD officer Mike Barnett is currently in Alabama to pick up and train with a police dog for the new K9 officer program. She thanked several organizations for their support of the K9 program: the Humane Society; Kodiak Island Housing Authority; Michaela Durham, a local student, has requested the opportunity to raise funds for a bulletproof vest for the dog; and Crime Stoppers has volunteered to purchase a specialized patrol vehicle, which is necessary for K9 work.

Manager Freed acknowledged City employees who have reached milestone service: Michael Owen, KPD corporal, five years of service; Constantino Bormuel, lab technician, Wastewater Treatment Plant, ten years; Randy Erickson, head mechanic, Public Works, 15 years.

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Letters of thanks to the City were read from the U.S. Coast Guard Cutter HEALY for City support during their recent port call; and from School District superintendent Betty Walters thanking the police and fire departments for their assistance during an emergency at the high school last week.

Manager Freed explained that several local entities have been given the opportunity to obtain the City's old communication system equipment.

b. City Clerk

City Clerk Marlar encouraged City voters to vote in the October 3, 2006, municipal election and thanked election board volunteers for the willingness to serve. She informed the public of the October 17, 2006, joint work session, located in the Assembly Chambers, and that the next Council work session will be held on October 26, 2006, immediately preceding the regular meeting.

### VIII. MAYOR'S COMMENTS

Mayor Floyd acknowledged Main Elementary for earning a blue ribbon award in the No Child Left Behind program. She noted the upcoming Aging Connection conference to be held in the Wilson Auditorium on September 30 and October 1, 2006, to discuss senior housing in Kodiak. On Sunday, October 1, 2006, Thelma Garcia Buchholtz will give a presentation on the Role of Filipinos in Alaska history. The Mayor reminded the public of the October 3 municipal election and encouraged all to vote.

### IX. COUNCIL COMMENTS

Councilmember McMurry congratulated the City workers mentioned by Manager Freed. He said that he would like to see the City send letters to State officials regarding the incomplete work of the State's paint truck. He also encouraged all to vote.

Councilmember Rosales urged all registered voters to vote in the municipal election, noting the importance of each vote. She reiterated that the bond proposition is especially important to the safety of the community, noting that further postponement of the project will be prohibitively expensive.

Councilmember Davidson urged voters to support the bond proposition and to vote in general. He wished the Kodiak High School football team luck in their next game.

Councilmember Saravia reminded those who complained about the Council's work that the Council represents the entire City, not specific groups or individuals. He said that many people misunderstand the work that the Council does. He encouraged groups to become fully informed about all aspects of the issues before lodging a complaint with the Council. He said that the Council must protect jobs and keep fish processing in Kodiak. Councilmember Saravia also encouraged all registered voters to vote in the upcoming election. In addition, he encouraged registered voters to become more involved by running for office and providing more choices to City residents. He stated that while he enjoys serving on the Council, he would prefer to see

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more involvement and competition. Councilmember Saravia acknowledged the high school football and track teams on their recent success. He also reminded the public that Brad Gillman is not involved with fisheries issues for the City.

**X. AUDIENCE COMMENTS**

Stephen Taufen acknowledged the validity of Councilmember Saravia's comments. He noted his own lawsuits against several entities in regard to fisheries issues. He also warned of corruption issues.

Shawn Dochtermann expressed his hope that the Council will contact other coastal communities requesting that they join in protesting the MSA reauthorization controversies. He also spoke in support of new public safety facility.

**XI. EXECUTIVE SESSION**

**a. City Manager's Annual Evaluation**

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

Councilmember Saravia MOVED, seconded by Councilmember Rosales, 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, Rosales, and Saravia in favor. Councilmembers Walters and Woodruff were absent. The motion passed.

**XII. ADJOURNMENT**

Following the Executive Session, Mayor Floyd reconvened and then adjourned the regular meeting at 9:11 p.m.

CITY OF KODIAK

  
MAYOR

ATTEST:

  
CITY CLERK



Minutes Approved: October 26, 2006