

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD OCTOBER 26, 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, Deputy Clerk Barbara J. Volpe, and Chief of Police T. C. Kamai were also present.

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

**II. PREVIOUS MINUTES**

Councilmember Walters MOVED, seconded by Councilmember Saravia, to approve the minutes of the September 28, 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. Proclamation: Domestic Violence Awareness Month**

Councilmember McMurry read the proclamation, which was accepted by Rebecca Shields, on behalf of the Kodiak Women's Resource and Crisis Center.

Ms. Shields thanked the Council for recognizing the problem of domestic violence.

**b. Public Hearing: Location of New Kodiak Police Station**

Manager Freed presented the following statement. The purpose of this agenda item is to again provide the public with an opportunity to present input to the City Council on the location of the new Kodiak police station. With passage of the bond issue at the October 3 municipal election, staff are ready to move forward with the project. Upon completion of the public hearing, staff request direction from the City Council in order to be able to draft a resolution that will formally establish the location of the new police station. The resolution will be before the Council for adoption at the November regular meeting.

In early 2004 the City of Kodiak used a competitive proposal process to select a consultant to prepare a feasibility study for the replacement of aging City facilities. Over the years, the cost of

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maintaining the City police and fire stations and the library has escalated as the facilities have aged. Rather than spend more funds on facilities that do not meet current standards for the activities taking place in them, the City Council determined that the facilities should be replaced.

USKH was selected as the primary contractor for the municipal facilities replacement project. The first phase of the project consisted of a space needs analysis, which was completed in July 2004 for the City's police station and jail, fire hall, library, administrative offices, and a new regional emergency operation center. The space needs analysis formed the basis for a site selection process for the new facilities. The second phase of the project was an extensive review of possible sites for the replacement facilities. The results of the review were presented to the City Council in September 2004. Based on preliminary site selection by the City Council, USKH evaluated the identified sites for the proposed municipal facilities and presented their findings to the City Council in November 2004. The Council's initial site selection was based on using property already owned by the City in order to keep project costs down and the suitability of the proposed sites for the identified facilities. Specifically, the current downtown site was determined to be the best suited for fire and police response to all areas of the City. Since the downtown site is not adequate to also accommodate a new library, additional sites were reviewed for the location of a replacement library. The Council determined it was appropriate to obtain public comments on the proposed sites selected for the replacement facilities prior to moving to the planning stage, which would include conceptual design of the facilities on the selected sites, construction phase cost estimates, and financing options.

At the January 13, 2005, regular meeting the City Council held a public hearing on the preferred sites identified by the Council for the replacement of aging municipal facilities. Upon the conclusion of the public hearing, the City Council directed staff to proceed with the design of a new public safety building on the current downtown site and to continue to explore several options for the location of a new City library. Staff and USKH kept the Council up to date on the progress of the project on a regular basis. In May 2006, the City Council made a decision to reconsider the scope of the project, the phasing of the project, and the location of a downsized project. The Council directed staff to concentrate on a new police station, including a jail and regional dispatch center, rather than a public safety building. This eliminated a new fire station and emergency operations center from the design. Revised conceptual plans for a new Kodiak police station were developed, and the City Council directed staff to move forward with a general obligation bond issue for this facility only. During discussion of the downsized project, the City Council asked staff to evaluate two sites in addition to the selected downtown site. Considerable discussion about the pros and cons of all three sites occurred, but the Council decided that they would not make a decision on a final site for the new Kodiak police station until after the bond vote.

It is important to note that this facility is expected to serve the community for the next forty to fifty years, and a long-term view should be considered as the site is selected. There is no "perfect" site for the new police station. Staff's preference for the site, in this order, is (1) the current downtown site, (2) Near Island, and (3) Selief Lane. Upon completion of the public hearing, staff request direction from the City Council in order to be able to draft a resolution that will formally establish the location of the new police station. The resolution would be before the Council for adoption at the November regular meeting.

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Upon completion of the above statement, Manager Freed clarified that the Near Island site has already been cleared and quarried; it is the site most able to be quickly used. The Selief Lane site is not located at the corner of Selief Lane and Von Scheele, but is further south on Selief; the site is currently covered with trees and other vegetation.

The jail is designed for 22 adults, with six female cells, six male cells, and one common holding area that can house 10 (males), and an additional, separate juvenile holding cell.

The Near Island site will allow for the quickest action and is the best value, because it allows for a quicker construction start date. The Selief Lane site is currently zoned residential; it would require approval from the Kodiak Island Borough (KIB) Planning and Zoning Commission (P&Z). The process would require additional time and, therefore, expense. Rezoning would likely cause the loss of a full construction season. If the rezoning is not approved, another redesign would be required. The site selection process reviewed 17 sites, including some outside of city limits.

Councilmember Davidson asked whether the rezoning process might be expedited? Manager Freed explained that KIB must follow its rules and regulations defining the rezoning process. November 1, 2006, is the next deadline for the December P&Z meeting; after that, the next opportunity is mid January. The commission could delay its decision for further input.

Mayor Floyd closed the regular meeting and opened the public hearing.

**Wally Johnson**, via telephone, spoke in opposition to locating the facility on Near Island. He indicated that use of City property on Near Island for placement of the jail does not meet the primary recommendation of the 1987 Near Island task force, because the jail will not generate revenue for the City.

**Jack Mann** spoke in opposition to building the police station on Near Island, stating that no essential services should be located on an island with only one access road. Heavy trucks use the bridge daily already; maintenance costs will be increased. He stated a further concern about access during and after a natural disaster.

**Pat Holmes** spoke in favor of keeping the police department on Kodiak Island, not Near Island. The Selief Lane site may be acceptable. He maintained that there were past conscious decisions to let City buildings fall into disrepair. He suggested that the City hire a maintenance person to be assigned full time to repairing buildings in order to save the City money.

There being no further public testimony, the Mayor closed the public hearing and reopened the regular meeting.

Councilmember McMurry voiced opposition to the Selief Lane site, noting that it is too far out of the downtown area. He indicated a preference for the Near Island site and the downtown location as his second choice. Councilmember McMurry said that he prefers the Near Island site because it is ready to build on immediately. He asked Chief of Police Kamai where most activities occur that require Kodiak Police Department involvement. Chief Kamai explained that many factors are involved. Several short trips from the jail to the courthouse are regularly required to transport prisoners. Council-member McMurry asked Chief Kamai which site he prefers. Chief Kamai

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indicated that his preference is the current location, but it involves moving the library and fire house, which involves more time and cost. Councilmember McMurry inquired about flight zone issues for the Selief Lane site. Manager Freed explained that a building on the site would not meet FAA requirements, but would meet City standards.

Councilmember Walters indicated that both the Near Island and Selief Lane sites are acceptable. Selief was originally to have been a joint Alaska State Troopers and City facility. A residential area has since developed in the vicinity, and it is inappropriate to have a jail in a residential area. The additional cost to remove vegetation from the site and the time involved in the KIB P&Z process is significant. Near Island is ready to build on. Councilmember Walters stated that he is not concerned about the bridge in the event of a natural or other disaster. Due to the cost and time involved for the Selief Lane site, he prefers the Near Island location.

Councilmember Davidson voiced his belief that a petition drive to overturn an ordinance will result in the choice of Near Island. Manager Freed reminded the Council that no ordinance will be involved in the location selection, because the City already owns the property for all three sites. There is no requirement for the Council to take formal action; however, a resolution confirming the location will be presented to the Council. Councilmember Davidson noted that the growth of town has been toward the north and Selief Lane; therefore, he believes that it is more appropriate to locate the police station on the Selief site. He also expressed his opinion that the extra time needed to transport prisoners from Selief to the courthouse is insignificant. Councilmember Davidson mentioned that the Selief Lane site is opposite a large, vacant industrial lot. Manager Freed explained that the property on the south side is a City-owned impound lot, currently zoned R2. It is also adjacent to the municipal airport, which the Council has decided to continue to use. Harbor Department equipment is currently stored on the second lot, which is insufficient by itself for a police station. The City has received a request to sell the lot on the opposite side of the site to the adjacent church, which the Council has directed to go forward. In addition, the terrain is quite hilly.

Councilmember Saravia pointed out that it will be impossible to please everyone while trying to save money and building the necessary facility. There will always be some who will oppose a selected location. He maintained that the Council must look at the cost and the needs of the City. He reiterated that only the police station and jail will be on Near Island; other emergency response providers will remain in town. He also stated that he had talked to many City residents who had no opinion about the location of the police station/jail.

Councilmember Rosales expressed her concern that the City has already lost money with designs for a comprehensive downtown facility. She pointed out that further delay on the project will cost more money. She expressed her support for building on Near Island as soon as possible. She agreed that the Council cannot please everyone and stated that the City cannot afford further postponement.

### **c. Public Comments**

Girl Scouts of Kodiak thanked the Council for their support and distributed Girl Scout cookies to the Mayor and Councilmembers.

## **V. UNFINISHED BUSINESS**

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**a. Second Reading and Public Hearing, 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. 1214 by title. Three years ago, the City Council approved a three-year lease with Ocean Beauty Seafoods, Inc., for platted, improved City property in Gibson Cove. A 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 earlier 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, 2006. Ocean Beauty indicated an interest in continuing to lease the property for a term of five years, with an option for renewal and 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 in leasing 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. Since the first reading of the ordinance that would authorize the lease, Ocean Beauty has requested four revisions to the lease. Staff support the requested lease revisions and do not believe that they are detrimental to the City of Kodiak. Staff further recommended that if the Council desires to amend the lease as requested by Ocean Beauty, that the vote on the motion be postponed until the November 9, 2006, regular meeting so that staff can draft any amendments requested by the Council.

Councilmember Walters MOVED, seconded by Councilmember McMurry, to adopt Ordinance No. 1214.

Councilmembers discussed the request made at the work session, held immediately before the regular meeting, by Tim Blott, Ocean Beauty Seafoods, to strike the 60-day termination clause in Section 1 and Mr. Blott's request for additional amendments in Sections 9, 15, and 16.

Councilmember Davidson MOVED, seconded by Councilmember Saravia, to amend the lease termination to 360 days from 60 days.

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

Councilmember Walters MOVED, seconded by Councilmember McMurry, to postpone Ordinance No. 1214 to the November 9, 2006, regular meeting.

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

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**b. Second Reading and Public Hearing, 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 lease 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 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 Walters MOVED, seconded by Councilmember Saravia, to adopt Ordinance No. 1215.

Mayor Floyd closed the regular meeting and opened the public hearing.

**Curt Law**, Aksala Electronics, via telephone, requested confirmation that the lease language had not been changed since the first reading of the ordinance. Manager Freed confirmed that the language had not changed.

There being no further public testimony, the Mayor closed the public hearing 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. Certification of Election**

The City of Kodiak held a regular election October 3, 2006, and voters cast ballots for two three-year City Council positions and voted on Proposition No. 1. The Canvass Board met October 11, 2006, to tally the votes of the admissible questioned and absentee ballots, together with votes counted on election night. The final results of the 2006 Municipal City election were:

City Council—Two Three-Year Terms:

Josie Rosales . . . . .	617
Gabriel T. Saravia . . . . .	533
Write-Ins . . . . .	37

Proposition No. 1 (authorizing issuance of general obligation bonds in an amount not to exceed Eight Million Dollars [\$8,000,000] to finance the construction of a public safety building, including a police station, dispatch center, and contract jail facility)

Yes . . . . .	602
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No ..... 237

Of the 3,814 registered City voters, 881 cast eligible City ballots, for a 23 percent voter turnout, which is 0.5 percent higher than last year.

Councilmember Walters MOVED, seconded by Councilmember Davidson, to certify the results of the October 3, 2006, regular election and declare Josie Rosales and Gabriel T. Saravia elected to the City Council for three-year terms, and that Proposition No. 1 passed.

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

**VII. OATH OF OFFICE TO NEWLY ELECTED OFFICIALS**

City Clerk Marlar administered the oath of office to Councilmembers Josie Rosales and Gabriel T. Saravia.

**VIII. STAFF REPORTS**

a. City Manager

Manager Freed reported that she, City Clerk Marlar, and Chief of Police Kamai had met to discuss revisions to City's vehicle-for-hire code. The revisions will be reviewed by the City's attorney and will be brought to the Council in the near future.

Revision of the airport ordinance is also in progress. The new document will include necessary requirements for Trident Basin, as well as new lease rates. It should be to the Council in January or February, with a proposed implementation date of July 1, 2007.

The animal control ordinance is under review for revision; the Kodiak Humane Society is assisting with that process.

b. City Clerk

Clerk Marlar thanked election workers for their service in the October municipal election. She encouraged more registered City voters to volunteer as election workers. She also noted the need for personnel board volunteers.

**IX. MAYOR'S COMMENTS**

Mayor Floyd congratulated the newly re-elected Councilmembers. She also congratulated Lawrence and Haroldean Anderson on their fiftieth wedding anniversary. The Mayor also asked the public to watch out for children on Halloween. She encouraged voters to turnout for the November 7 election.

**X. COUNCIL COMMENTS**

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Councilmember McMurry thanked the Girl Scouts for the cookies. He also thanked Chief Kamai for answering questions regarding the police station.

Councilmember Rosales thanked all those who supported her in her re-election and the passage of Proposition 1. She also thanked her husband for his support.

Councilmember Davidson congratulated Councilmembers Rosales and Saravia on their re-election. He encouraged voter turnout for the November 7 election. He expressed his disappointment in the choice of the location of the new police department/jail. Councilmember Davidson also asked that drivers watch for kids on Halloween.

Councilmember Walters congratulated Councilmembers Rosales and Saravia on their re-election. He thanked the Girl Scouts for their appearance. He also thanked the public for supporting Proposition 1. He further warned drivers of black ice.

Councilmember Saravia thanked all those who voted in the municipal election. He thanked the City Manager and City Clerk for their assistance and support. He encouraged the public to be active in public service. He also noted that he puts the interests of City residents before the interests of those residing outside the city limits.

#### **XI. AUDIENCE COMMENTS**

None.

#### **XII. EXECUTIVE SESSION**

##### **a. City Clerk's Annual Evaluation**

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

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

#### **XIII. ADJOURNMENT**

Following the Executive Session, Mayor Floyd reconvened and then adjourned the regular meeting at 9:22 p.m.



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CITY OF KODIAK

*Carolyn Floyd*  
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MAYOR

ATTEST:

*Delma Markler*  
\_\_\_\_\_  
CITY CLERK



Minutes Approved: November 9, 2006