

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, APRIL 26, 2007
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Carolyn L. Floyd called the meeting to order at 7:34 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, Deputy Clerk Barbara J. Volpe, Chief of Police T. C. Kamai, and Harbormaster Martin H. Owen were also present.

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

II. PREVIOUS MINUTES

Councilmember Davidson MOVED to approve the minutes of the March 29, 2007, 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. Recognition of Iver Malutin's Service on the Port and Harbors Advisory Board

Mr. Iver Malutin was recognized for his twenty-five years of dedicated service as a charter member and chair of the Port and Harbors Advisory Board. Mr. Malutin expressed his thanks to the Mayor, Councilmembers, and members of the Port and Harbors Advisory Board.

b. Proclamation: Declaring Parkinson's Disease Awareness Month

The proclamation was read by Councilmember Davidson. It urges the community to support those with Parkinson's Disease, as well as the research efforts to combat the disease. Mayor Floyd presented the proclamation to Jeff LeDoux, who thanked her and the Council for recognizing the efforts to combat Parkinson's Disease and explained the challenges faced by those with the disease.

c. Proclamation: Declaring May 15, 2007, Peace Officers' Memorial Day and May 13 through 19, 2007, Police Week

The proclamation was read by Councilmember McMurry. May 15 was designated as National Peace Officers Memorial Day and the week containing May 15 was designated as National Po-

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lice Week when President John F. Kennedy signed Public Law 87-726 on October 1, 1962. This proclamation recognizes police officers for their dedicated service to our community and honors those who have lost their lives or have become disabled in the line of duty. Mayor Floyd presented the proclamation to Chief of Police Kamai, who thanked her and the Council for recognizing the sacrifice and commitment of members of Kodiak's law enforcement community.

d. Proclamation: Declaring Records and Information Management Month

The proclamation was read by Councilmember Saravia. It recognizes the importance of organizing and managing records. Mayor Floyd presented the proclamation to Deputy Clerk Barbara Volpe, who serves as the City's Records Manager, in recognition of her outstanding performance in managing the Citywide records program.

e. Proclamation: Declaring Child Abuse Prevention Month

The proclamation was read by Councilmember Rosales. It was requested by the Kodiak Women's Resource and Crisis Center and urges Kodiak residents to increase their participation in efforts to prevent child abuse. Mayor Floyd presented the proclamation to Rebecca Shields, who thanked her and the Council for recognizing the importance of preventing child abuse.

f. Proclamation: Declaring Sexual Assault Awareness Month

The proclamation was read by Councilmember Rosales. It was requested by the Kodiak Women's Resource and Crisis Center and urges awareness and education to combat the crime of sexual assault in our community. The Mayor Floyd presented the proclamation to Rebecca Shields, who thanked her and the Council for acknowledging the importance of preventing sexual assault, which has a very high incidence in Alaska.

g. Public Comments

Steven Taufen, Groundswell Fisheries Movement, spoke in support of funding abuse prevention programs. He also spoke of recent fisheries council meetings.

Karolyn Ceron described her intention to attend the Lead America Conference in Washington, DC, to which she was invited, and requested financial support for her attendance.

Pam Foreman, Director of Kodiak Island Convention and Visitors Bureau, informed the Council of the efforts of the Bureau for the 2007 tourist season. She commended the Public Works staff for their assistance in their recommendations for visitors to navigate the Y construction area.

Clarence Selig, via telephone, complained that the sound quality of the Council meeting television broadcast was faulty.

Emma Gonzalez, River of Life Christian Fellowship International Church, spoke in support of Ordinance No. 1218 for the building of an assisted living facility on the property.

Theresa Peterson reported on the April 25, 2007, meeting of the Kodiak Fisheries Task Force.

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Chuck Thompson, Fisheries Task Force member, reported on the April 25, 2007, meeting, and commended the City, Borough, and Chamber of Commerce for their work in gathering the group.

Imelda Agbayani, Boardmember of River of Life Christian Fellowship International Church, spoke in support of Ordinance No. 1218 for the building of an assisted living facility on the property.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

a. First Reading, Ordinance No. 1218, Declaring Lot 6, Block 1, Lakeside Subdivision, Plat 86-35, Not Needed for or Devoted to Public Use and Authorizing its Sale

Mayor Floyd read Ordinance No. 1218 by title. This ordinance results from a request by River of Life Christian Fellowship International Church to purchase a lot owned by the City of Kodiak adjacent to the lot on which their Church is located. The request came before the City Council as an item to be scheduled at the April 25, 2006, work session. At that time, the Council directed staff to move forward with the request and that the Council would consider sale of the property to the Church with an ordinance. The Church provided a deposit toward the cost of an appraisal for the property. About the time the appraisal was completed, two items related to the property came to light: Staff started to work on the airport improvements previously directed by the City Council and recently funded with a state legislative grant, and the Council directed staff to evaluate this property and others owned by the City along Selief Lane as a possible location for the new Kodiak police station.

This item was brought back to the City Council for additional evaluation once a decision was made that the property in this area would not be used for the new police station. At that time, staff pointed out that the best location for a secondary access road for the municipal airport is through the requested property. This evaluation was conducted after the purchase request was made, because the evaluation was not necessary to be performed before the Council could determine that it would consider selling the property. There are other locations for a secondary access road into the municipal airport; however, none of them provide access as good as a road that could be developed across the requested property. At the March 27, 2007, work session, the Council directed staff to bring this item to them for consideration as was stated to the Church last year.

Councilmember Rosales MOVED to pass Ordinance No. 1218 in the first reading and advance to second reading and a public hearing at the next regular meeting.

Manager Freed answered Council questions about the property and the City's land sale procedures.

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

b. Resolution 07-12 Authorizing the Issuance of a Permit to the Kodiak Chamber of Commerce for Use of Public Property in Conjunction With Kodiak Crab Festival

Mayor Floyd read Resolution No. 07-12 by title. This resolution authorizes a permit for the Forty-Ninth Annual Kodiak Crab Festival. It also authorizes use of City property for the festival, including parking lot and street closures. As a community festival, the event brings residents and visitors together to enjoy the special opportunities that Kodiak has to offer. The festival also provides an important fund-raising opportunity for many local nonprofit organizations and contributes to the local economy by drawing visitors to the community.

Councilmember McMurry MOVED to adopt Resolution No. 07-12.

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. 07-13, Rescinding Resolution No. 07-2, and Authorizing the Borrowing From the Alaska Clean Water Fund of an Aggregate Amount Not to Exceed \$1,500,000, and the Borrowing From the Alaska Drinking Water Fund of an Aggregate Amount Not to Exceed \$2,250,000 to Pay Part of the Cost of Wastewater and Water Capital Improvements in the City, and Providing for Related Matters

Mayor Floyd read Resolution No. 07-13 by title. Resolution No. 07-2, authorizing the execution of loans with the Alaska Department of Environmental Conservation (ADEC) was passed at the February 22, 2007, Council meeting. Although the resolution was based on language supplied by ADEC, the City attorney was concerned that it did not address the source of repayment of the loans. This is important because the loans can only be authorized by Council resolution if the source of repayment is restricted to utility revenues. In the case of loans payable from water utility revenues, there is the further issue that the loans must be subordinated to the City's existing water utility bond. To address these issues, and provide the necessary foundation for the legal opinions that are required to accompany the loan applications, the City attorney drafted Resolution No. 07-13 to replace Resolution No. 07-2.

Councilmember Saravia MOVED to adopt Resolution No. 07-13.

Councilmember Davidson MOVED to substitute for the pending resolution, Resolution No. 07-13a, which will add language in the resolution title and resolved clause to rescind Resolution No. 07-2.

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

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

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d. Resolution No. 07-14, Opposing House Bill 193 Changing the Composition of the Alaska Police Standards Council

Mayor Floyd read Resolution No. 07-14 by title. House Bill 193 has been introduced in the State legislature and, if passed, would change the composition of the Alaska Police Standards Council (APSC). The mission of the APSC is to produce highly-trained, ethical peace officers who work within the acceptable boundaries of contemporary law enforcement standards of performance. The Council accomplishes its mission by providing training and enforcing its authority to decertify police, corrections, probation, and parole officers for ethical, moral, and legal misconduct.

The diversity that exists within the Council is paramount to meeting this goal. The Council in its current form consists of eleven members: four chief administrative officers or chiefs of police of local governments; the commissioners of public safety and corrections or their designees; one correctional administrative officer, who holds the position of deputy director or higher; and four members from the public at large, with at least two from communities with populations of 2,500 or less.

This composition provides a balance of decision-making authority that guards against overzealous actions against officers and promotes accountability and integrity in the law enforcement community. HB 193, if passed, would remove three of these members and replace them with union-nominated police officer representatives. This could cause a shift in the balance of the Council that would tend to favor labor organizations, which may not see the current mission of the APSC as their principal concern. Chief of Police Kamai, a current member of the APSC, believes that the changes in the composition of the APSC that would be implemented with the passage of House Bill 193 undermine the trust and accountability vested in the APSC.

Councilmember Saravia MOVED to adopt Resolution No. 07-14.

Councilmember Davidson voiced exception to the language in the fourth whereas clause of the resolution, finding it contradictory to the language in HB 193. Mayor Floyd requested that Chief Kamai respond.

Chief Kamai, current vice chair of APSC, explained the views of the Council. The changes to the Council composition described in HB 193 result from a request from the Public Safety Employees Association directly to the legislature due to disciplinary cases that come before the Council. The APSC and the commissioners of corrections and public safety are unanimously opposed to this proposed change.

Councilmember Davidson expressed concern that the rank and file are not represented on the Council. Chief Kamai explained that they are represented by their administrators.

The roll call vote was Councilmembers McMurry, Rosales, and Saravia in favor; Councilmember Davidson opposed. Councilmembers McMurry and Saravia changed their votes. Councilmembers Walters and Woodruff were absent. The motion failed.

Councilmember McMurry MOVED to reconsider.

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A brief discussion ensued regarding the motion to reconsider. Councilmember McMurry expressed that the purpose of the motion was to bring the issue up again when a greater representation of the Council is present.

Mayor Floyd asked the Clerk to take the roll call on the motion.

The roll call vote was Councilmembers McMurry, Rosales, and Saravia in favor; Councilmember Davidson opposed.

The Clerk later noted Council Standing Rule No. 16, which states, "When a motion has been made to reconsider an action of the Council, the vote on the motion to reconsider shall be taken at the next regular meeting, unless otherwise stated in the motion." Therefore, the vote on reconsideration was invalidated. The vote on the motion to reconsider will be taken up at the May 24, 2007, regular meeting.

e. Authorization to Purchase a Used Rescue/HazMat Vehicle

The City of Kodiak has received a grant from the Alaska Division of Homeland Security and Emergency Management (DHS&EM) for the purchase of a combination rescue/hazmat vehicle. The City of Kodiak Fire Department is certified as one of four Level A HazMat (hazardous materials) teams in the State of Alaska. These four hazmat teams make up the Statewide Hazmat Team, which has been formed to provide deployment to any location in the State to respond to a hazmat release. Level A is the highest level of capability for hazmat response. Purchase of this vehicle will improve the City of Kodiak Fire Department's response capability and complements the vehicles already in use by the Department.

Due to both limited grant funding and the cost of a new vehicle, City staff determined to research used vehicles that would meet the City's needs. Fire Chief Andy Nault found a quality used vehicle that will meet the City's needs and has been approved by the DHS&EM. City shop supervisor Randy Erickson and Chief Nault have inspected the vehicle, a 1992 Pierce Lance rescue truck, and the vehicle was found to be in very good condition.

Councilmember Saravia MOVED to authorize the purchase of 1992 Pierce Lance rescue/hazmat vehicle, as provided in City Code section 3.12.100(c), in the amount of \$160,000, with funds coming from the Capital Project Fund, General Capital Projects Fund, Hazmat Response Vehicle Project Account.

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

f. Authorization to Purchase Athletic Flooring for Baranof Park Ice Rink

The Baranof Park Ice Rink is used for ice skating November through March and basketball, tennis, soccer, and inline hockey the rest of the year. Although ice skating is going well, the painted concrete surface creates a problem for the other activities. One problem with the surface is that it is too hard. Due to the rigidity of concrete, the body absorbs all of the stress from every footfall on it, causing wear and tear on joints, bones, and ligaments. For the same reason, it is dangerous to fall on. The paint on the concrete is also a problem. The surface becomes slippery when wet

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and there is a lot of moisture in the air. The concrete is also too smooth for a tennis ball to react properly. Instead of bouncing up when it hits, a tennis ball skids low over the surface.

A solution to these problems is a portable athletic suspended flooring system that is made from interlocking five-eighths-inch thick plastic tiles. These tiles are portable and are made to absorb impact (up and down, side to side), shed water, and provide traction. They also provide proper ball bounce. The product does not adversely affect the integrity of the concrete.

A request for proposals was issued to companies that make this type of flooring product. Funding for this off-season flooring is included in the current budget. The low bid was received from Matéflex for 17,000 square feet of tile and a person to help with first-time installation.

Councilmember Rosales MOVED to authorize the purchase of 17,000 square feet of athletic flooring for the Baranof Park ice rink from Matéflex in the amount of \$49,600, with funds coming from the Capital Project Funds, Parks and Recreation Improvement Fund, Ice Rink Off-Season Surface Project Account.

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 Professional Services Contract with Dowl Engineers for Municipal Airport Improvements, Project No. 07-13

Resolution No. 05-26, “. . . adopting a capital improvements program and operational and administrative actions for the Kodiak Municipal Airport and Lilly Lake Seaplane Base” was adopted on June 30, 2005. DOWL Engineers, the engineering firm selected to provide municipal airport planning services, has provided a fee proposal to prepare design and bid documents for selected portions of the work tasks specified in Resolution No. 05-26.

The project scope of work includes the following items:

- Select appropriate solar powered lights to mark obstructions, select light locations, and assist in preparing agreements with property owners for placement of the lights. (Item 4, Remove or Mark Obstructions in Resolution 05-26)
- Design fencing for the northeastern and southwestern airport property lines. The northeastern side (Selief Lane) fence will be eight feet high to match existing segments of fence. The southwestern side (Mill Bay Road) fence will be three feet high and will be designed to break away if hit by an aircraft. The southwestern fence will have signage to describe the parking zone outside the fence. (Item 5, Install Fencing, and portions of Item 2, Enforce and Update Land Use Codes)
- Evaluate gate options to close Morton Hall Road, yet allow access for City emergency vehicles and other limited access. (Item 5, Install Fencing)

Funding for this phase of the project, as well as the construction phase of the project, comes from a State legislative grant that the City received last year.

Councilmember Saravia MOVED to authorize a professional services contract with DOWL Engineers for the Municipal Airport Improvement, Project No. 07-13, in the amount of \$55,800,

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with funds coming from the Capital Project Funds, General Capital Projects Fund, Municipal Airport Improvements Project Account.

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 acknowledged City employees for their service: Dave Billings, Fire Department, ten years, Jim Mullican, Fire Department, five years; Brock Simmons, Police Department; five years. She also informed the Council that the Government Finance Officers Association has awarded a certificate of achievement to Finance Director Mary Munk and Senior Accountant Marian Royall for their work on the fiscal year 2006 Comprehensive Annual Fiscal Report (audit). Manager Freed also informed the Council that a Fire Department member will participate in the Northern Edge Alaska Shield exercise.

Manager Freed alerted the community of several volunteer opportunities on City advisory boards: Planning and Zoning Commission, Personnel Advisory Board, Parks and Recreation Advisory Board.

She encouraged those who live on the hillside to be aware of potential mudslides and to be cautious. KPD or the Troopers should be contacted in case of a slide. Manager Freed thanked the Police, Public Works, and Engineering Departments for their work on the recent slide on private property.

Manager Freed encouraged people to slow down and pay attention to flaggers and signs, as new work will begin at the Y.

She informed the Council and public of the upcoming multi-agency pandemic flu workshops and training for the community to be held May 1-3. A workshop will be held on May 2 at 7 p.m. at the high school commons; the public is welcome and encouraged to attend.

Manager Freed encouraged the community to participate in clean up day on May 5. During the week of May 7-11, the City will schedule pick up of large, bulky items, including one car per residential lot at no cost.

b. City Clerk

City Clerk Marlar informed the community of the status of Councilmember Woodruff's medical treatment. She thanked Deputy Clerk Volpe for her work on the records management program and congratulated Nancy Perry, of KPD, for being named Records Coordinator of the Quarter.

She informed the public of the next Council meeting dates: joint work session, May 8; budget work session, May 19; Council work session, May 22; regular Council meeting, May 24.

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VIII. MAYOR'S COMMENTS

Mayor Floyd noted the good turnout at the recent brain injury workshop. She congratulated *Kodiak Daily Mirror* (KDM) reporter Brian Martin for being awarded the Alaska Press Club Award for Journalism Excellence. She also acknowledged reporters Scott Christiansen, Betsy Lund, Drew Herman, and Kristen Inbody, who were also recognized by the organization.

IX. COUNCIL COMMENTS

Councilmember Saravia thanked City staff for their hard work, especially Deputy Clerk Volpe for her work on the records management program. He noted the importance of the fisheries task force and its need for continued work. Councilmember Saravia extended his good wishes to Councilmember Woodruff. He also noted the importance of having a full Council as often as possible, which is why he is opposed to changing the absence provisions of the Charter.

Councilmember Davidson congratulated the KDM on its fine job reporting on the work of the Council. He wished Councilmember Woodruff good health. Councilmember Davidson further explained his opposition to APSC composition changes. He encouraged the community to assist Ms. Ceron in her fundraising efforts, inviting Ms. Ceron to repeat the information regarding her April 28 car wash.

Councilmember Rosales congratulated Iver Malutin for his dedicated service, Deputy Clerk Volpe for her records work, and the staff of KDM for their awards. She said that children are our future leaders; as such, they need to be nurtured and safeguarded from child abuse. Councilmember Rosales also said that everyone should respect women and reduce sexual abuse. She wished everyone a nice spring, asking all to slow down for construction safety. She commended KPD for all their work. She extended good wishes to Councilmember Woodruff.

Councilmember McMurry explained his reason for changing his vote on Resolution No. 07-14. He noted that several questions presented by the community regarding recent local meningitis case and the misinformation that resulted. Manager Freed explained that the public health office (486-3319) should be contacted with any questions. She has requested that the City be involved in any debriefing so that information can be disseminated more effectively in the future. Councilmember McMurry extended his condolences to the Crye family.

X. AUDIENCE COMMENTS

Pat Holmes complimented Chief Kamai, Police Department staff, Public Works Director Kozak, Kris Lund and other Public Works staff, and City Engineer Weston for their assistance during the mudslide at Springhill Apartments. He also thanked Manager Freed and Mayor Floyd for their support on fisheries issues. He thanked the Council and City staff for their work generally.

Kiela Pickett, via telephone, spoke in support of Jim Pickett.

Shawn Dochtermann spoke in support of comments of Theresa Peterson and Chuck Thompson. He requested a review and discussion of his reallocation proposal at the May 8, 2007, joint work session.

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Jay Barrett, KMXT, via telephone, requested that Councilmember McMurry not point his microphone at the ceiling while he is speaking.

XI. EXECUTIVE SESSION

- a. **Review of City Manager's Job Performance** (KCC 2.04.100[b][2] provides for an executive session to discuss subjects that would tend to prejudice the reputation and character of any person; provided, however, the person may request a public discussion.)

Periodically, and in addition to their annual review, the City Council may choose to review the performance of the City Manager and/or City Clerk. 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 duties and performance.

Councilmember Davidson MOVED to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct a review of the City Manager's job performance.

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

The Council entered into executive session at 9:24 p.m.

Mayor Floyd reconvened the regular meeting at 10:34 p.m.

No action was taken.

XII. ADJOURNMENT

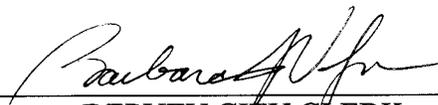
Mayor Floyd adjourned the meeting at 10:34 p.m.

CITY OF KODIAK



 MAYOR

ATTEST:



 DEPUTY CITY CLERK



Minutes Approved: May 24, 2007