

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, OCTOBER 28, 2010
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 Josefina F. Rosales, Gabriel T. Saravia, Thomas D. Walters, and John B. Whiddon were present and constituted a quorum. Councilmember Terry Haines arrived at 7:39 p.m. Councilmember Mary A. Monroe was absent. City Manager Aimée Kniazowski and City Clerk Debra L. Marlar were also present.

After the Pledge of Allegiance, Captain John Quinn gave the invocation.

II. PREVIOUS MINUTES

Councilmember Walters MOVED to approve the minutes of the September 23, 2010, Regular meeting and September 29, 2010, Special meeting as presented.

The roll call vote was Councilmembers Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Haines Arrived at 7:39 p.m. Councilmember Monroe was absent. The motion passed.

III. PERSONS TO BE HEARD

a. Proclamation: Filipino American History Month

Councilmember Rosales read the proclamation, which urges all citizens to celebrate the rich history and contributions of Filipino Americans in Kodiak. Mary Hawver accepted the proclamation from Mayor Floyd.

b. Proclamation: Isle of Lights

Councilmember Walters read the proclamation, which urges all residents to join with the City in lighting our businesses and homes with energy-efficient LED lights, not just for the holidays but also for the winter season, beginning November 2010 and concluding February 2011.

c. Public Comments

Rich Walker, Kodiak Football League Vice president, thanked the Public Works crew and other city staff for their work to restore the Woody Way field. He also remarked that the Football League had submitted a proposal to operate the crossing guard program and spoke in favor of the program.

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

- a. First Reading, Ordinance No. 1279, Amending KCC 10.08.030, Additional Parking Regulations; Repealing And Reenacting KCC 10.08.050, Limited Time Parking; Adopting KCC 10.08.055, Parking in City Parking Lots; and Amending KCC 10.44.030, Vehicle And Traffic Offenses—Fine Schedule; Regarding the Regulation of Parking on Streets and Other Rights-Of-Way, and in City Parking Lots**

Mayor Floyd read Ordinance No. 1279 by title. Title 10 of the City Code, Vehicles and Traffic, must be amended to provide the authority for the City Council to establish the permit parking program requested by the City's Port and Harbor Advisory Board (PHAB). According to City attorney Tom Klinkner, the current Code language is not clear enough to allow the City to establish permit parking in the harbor areas. The ordinance will amend four sections of Title 10 to set time limits for parking, designate specific kinds of parking, provide for official traffic control devices, allow the designation and establishment of paid or permit type parking lots by Council resolution, and sets fines for related violations. When the ordinance is effected, staff will bring a resolution to Council to establish the permit parking facilities and set the terms and rates for the six-month trial period as requested by the PHAB.

Councilmember Haines arrived during the Manager's report.

Councilmember Walters MOVED to pass Ordinance No. 1279 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

In response to Council questions, Manager Kniazowski clarified the fine structure and explained as written, the ordinance would add two new \$50 fines to KCC 10.44.030 pertaining to parking.

Councilmembers voiced concern about penalties for fishermen.

Councilmember Walters MOVED to amend Ordinance No. 1279 in Section 4, KCC 10.08.050(a) and 10.08.055(b) by changing the fine from \$50.00 to \$10.00.

The roll call vote on the amendment was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The amendment passed.

The roll call vote on the amended motion was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

- b. Resolution 2010–28, Appointing a Member to the Kodiak Fisheries Development Association**

Mayor Floyd read Resolution 2010–28 by title. The term for the joint City–Borough seat on the Kodiak Fisheries Development Association (KFDA) board held by Stosh Anderson expired in July. He submitted an application to the Borough Clerk and is interested in being reappointed to the KFDA board. The Borough Assembly made the reappointment at their October 21, 2010, meeting. Once the City appointment is made, KFDA will have a full complement of Directors.

Councilmember Saravia MOVED to adopt Resolution 2010–28.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

c. Authorization of SPCC Plan-Spill Prevention, Project No. 03-01/5024

One part of the Spill Prevention Control & Countermeasures (SPCC) Plan-Spill Prevention project was to remove all of the old drums stored on site at the Public Works facility. The vast majority of these drums contain an old asphalt oil product from over 25 years ago. Other drums contain oil contaminated soil and mixers of other emulsion oil and diesel fuel. Three companies were asked for quotes to evaluate the contents of the drums and submit disposal plans. Emerald Alaska submitted the best and most affordable plan to evaluate the drum contents and dispose of the materials. Because the Environmental Protection Agency (EPA) requires the work to be completed before November 1, 2010, the City Manager had to approve the drum evaluation and removal under emergency purchasing, City Code Section 3.12.070 (b), in the amount not to exceed \$28,000 to Emerald Alaska Inc. Staff recommend Council acknowledge and authorize this emergency purchase.

Councilmember Rosales MOVED to authorize the SPCC plan-spill prevention contract with Emerald Alaska in an amount not to exceed \$28,000, with \$5,310 coming from the Street Capital Improvement Fund, SPCC Plan-Spill Prevention project, Project NO. 03-01/5024, and the additional \$22,690 to be appropriated to the project in the FY11 supplemental budget.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

d. Authorization of Change Order No. 12 Kodiak Police Station, Project No. 04-23, Alternate No. 1-Kodiak Jail Construction

This change order authorizes Roger Hickel Contracting, Inc. (RHC) to proceed with several contractor change order requests to Alternate No. 1 Kodiak Jail construction. The items in this change order have been reviewed and recommended by the City's project manager and Chief of Police. The changes will enhance safety, security, and effective operations of the new jail.

Councilmember Walters MOVED to authorize Change Order No. 12 Kodiak Police Station, Project No. 04-23, Alternate No. 1-Kodiak Jail Construction in the amount of \$87,933, with funds coming from the Public Safety Building Fund Police Station project account.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

e. Authorization of Emergency Repair of Electric Start System at Monashka Pumphouse

On September 21, pump #2 at the Monashka pumphouse failed to start. The Public Works shop supervisor checked the system and found the soft start for pump #2 had arced within itself and failed. At the time of this failure the City was in the middle of a major Pollock opening with daily water flow demands of about eight million gallons per day. Because of the high water usage, it was critical to have this pump repaired as soon as possible. Staff located a replacement soft start controller through North Coast Electric and immediately ordered it. The water utility

repair and maintenance account had the funds available to cover the cost of the new soft start, but the amount exceeded the Manager's spending limit. Due to the critical nature of the repair, the Manager made an emergency approval under the provision in KCC 3.12.070 (b), which allows the Manager to purchase beyond normal limits under emergency circumstances.

Councilmember Whiddon MOVED to authorize the emergency repair of pump #2 in the amount of \$18,343.50, with funds coming from the Water Utility, Water Distribution Fund, repair and maintenance account.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

f. Authorization of Monashka Pumphouse Feasibility Study PN 11-05/7029

Monashka Reservoir and Pumphouse are the primary sources of water for the City of Kodiak's public water system. The plans on file for the pumphouse indicate that construction began sometime in 1972. Since the start up of operations, only minor changes have occurred such as the addition of pumps and replacement of the original motor start systems. The additional pumps were installed by the Public Works crew, and the electrical work was completed by local electricians. With 38-year-old electrical and pumping technology housed in this building, this feasibility study has been needed for quite some time. This study is an important step in ensuring the Monashka facility remains fully operational at all times. A complete system analysis should be done and will identify improvements that will improve and extend reliability. The Public Works Director identified this as an important project to accomplish for several years and was successful in including it in the FY11 budget.

Councilmember Haines MOVED to authorize CH2MHill to perform the Monashka Pumphouse Feasibility Study, PN 11-05/7029, for a lump sum contract in the amount of \$175,000, with funds coming from Water Capital Improvement Fund project number 11-05/7029.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

g. Authorization to Cancel the November Regular Meetings and Schedule a Special Meeting for November 9, 2010

The regularly scheduled Council meetings for November must be cancelled due to November holidays, which conflict with regular meeting dates. The City offices are closed on November 11, which is Veterans Day. The Mayor, some Council members, and staff will be in Juneau for the annual Alaska Municipal League conference November 14-19, and the Thanksgiving holiday falls on the November 25 regular meeting date. Staff discussed the scheduling with Council at the September work session and recommended a special meeting be scheduled for November 9, 2010. The special meeting will be a combined work session and regular meeting.

Councilmember Whiddon MOVED to cancel the November 11 and 25 regular meetings and schedule a work session and special meeting for November 9, 2010.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

h. Certification of Election

The City of Kodiak held a regular election October 5, 2010, and voters cast ballots for one one-year City Council position, two three-year City Council positions, and voted on Proposition Numbers 1 and 2. The Canvass Board met October 13, 2010, to tally the votes of the admissible questioned and absentee ballots, together with votes counted on election night. The final results of the October 5, 2010, Municipal City election were:

City Council—One One-Year Term

Pat Branson792
 Write-Ins30

City Council—Two Three-Year Terms

John Whiddon551
Charles Davidson506
 Terry Haines.....492
 Write-Ins11

Proposition No. 1 (Authorizing collective bargaining)

Yes430
 No.....469

Proposition No. 2 (Amending City Charter Article X, Section 3)

Yes687
 No.....178

Of the 3,743 registered City voters, 1,010 cast eligible City ballots, for a 26.9 percent voter turnout, which is .007 percent lower than last year.

Councilmember Walters MOVED to certify the results of the October 5, 2010, regular election and declare Patricia Branson elected to the City Council for a one-year term, John Whiddon and Charles Davidson elected to the City Council for three-year terms, that Proposition No. 1 failed and Proposition No. 2 passed.

The roll call vote was Councilmembers Haines, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Monroe was absent. The motion passed.

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski thanked Councilmember Haines for his service and welcomed Pat Branson and Charles Davidson to the Council. She reported the City hosted a successful vehicle auction, earning \$18,850. She provided an update on the Kodiak Area Native Association conduit bond sale. She announced she would meet with Senator Gary Stevens and Representative Alan

Austerman to discuss the City's capital improvement project requests. Manager Kniazowski reported on her attendance at an invitation only Rasmuson Foundation pre-development library funding meeting and noted she had also attended two meetings with the City new insurance broker. She notified the Council of upcoming ICS training courses and of the Kodiak Fisheries Advisory Committee meeting the following day. She noted the Council needed to appoint a City representative to the committee to replace Councilmember Haines.

b. City Clerk

City Clerk Marlar thanked Councilmember Haines for his service and welcomed Ms. Branson and Mr. Davidson. She encouraged the public to apply for vacant City advisory boards, informed the public of the next scheduled Council work session and regular meeting, and reminded the public that City work sessions are now being held in the City's Emergency Operations Center at 2160 Mill Bay Road.

VII. Oath of Office

KCC 2.28.080 requires elected officials to take and subscribe to the Oath of Office. The City Clerk administered the Oath of Office to the City's re-elected and newly-elected officials.

VIII. MAYOR'S COMMENTS

Mayor Floyd presented outgoing Councilmember Terry Haines with a framed photo of the Kodiak harbors and thanked him for his service. She congratulated Pat Branson and Charles Davidson on their election to the Council. She encouraged citizens to vote in the November 2 election.

IX. COUNCIL COMMENTS

Councilmember Whiddon thanked Councilmember Haines for his service and welcomed Pat Branson and Charles Davidson to the Council. He spoke about the pilot composting project that was presented at the October 26 work session. He urged the City Manager to work with the Borough regarding the Borough's proposed landfill closure to sludge. He stated his desire for the City to review its consultant policies. He spoke about the importance of the City staying informed about fisheries issues and having a voice about fishing policies that affect the community. Councilmember Whiddon expressed his desire for City work sessions to be held in the Borough Building, instead of the City's new police station.

Councilmember Haines said he was proud and honored to have served on the City Council and voiced appreciation for the Council's civility toward each other. He spoke about the importance of continued fiscal responsibility and stated his belief the City Charter should mandate that the City has six months of operational funds at all times. He opined safe streets for children is important and urged the Council to continue to offer \$12,000 to help fund a crossing guard program. He advocated for the City to assert its stakeholder status in fisheries issues. Councilmember Haines noted Proposition 1 had been narrowly defeated and spoke in support of the Alaska Public Employment Relations Act for City employees.

Councilmember Rosales congratulated Pat Branson and Charles Davidson. She praised Councilmember Haines for his service. She voiced agreement with fisheries comments made by

Councilmembers Whiddon and Haines. She urged drivers to be careful and watch for children during the dark morning hours.

Councilmember Walters thanked Councilmember Haines for his outstanding service to the citizens of Kodiak and congratulated Pat Branson, John Whiddon, and Charles Davidson. He urged parents and drivers to ensure the safety of children going to and from school. He spoke in favor of a nonprofit organization operating the school crossing guard program. He noted the voters failed Proposition 1 and voiced his preference of handling personnel issues in house. He cautioned people about black ice on the roads and encouraged the Department of Transportation to install warning lights. He voiced support for exploring alternatives to hiring consultants.

Councilmember Saravia thanked Councilmember Haines and welcomed John Whiddon, Pat Branson, and Charles Davidson. He voiced support of the City helping to fund the crossing guard program and stated the Borough and School District should be responsible for the administration of the program and should also contribute operating funds. He urged parents to ensure the safety of their children to and from school. He noted that salmon bycatch may be a big problem for Kodiak that will affect Kodiak seafood workers and the Kodiak economy; he urged the Council to discuss the issue at a future work session. Councilmember Saravia also urged voters to vote at the November 2 election.

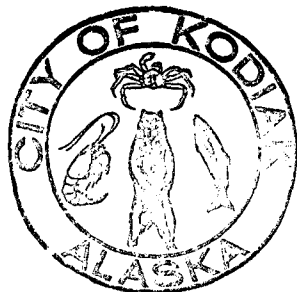
X. AUDIENCE COMMENTS

Charles Davidson thanked Kodiak voters for re-electing him. He wished Councilmember Haines well.

Pat Branson thanked Councilmember Haines for his service and said she looked forward to working with the Council and staff. She acknowledged Councilmember Walter's concern about black ice and commented that the Borough Assembly has been lobbying for safety lights near Deadman's Curve.

XI. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8:40 p.m.



CITY OF KODIAK

Cara Lynn Floyd
MAYOR

ATTEST:

Debra Mank
CITY CLERK

Minutes Approved: November 9, 2010