

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, OCTOBER 27, 2011  
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Carolyn L. Floyd called the meeting to order at 7:30 p.m. Councilmembers Patricia B. Branson, Charles E. Davidson, Josefina F. Rosales, Gabriel T. Saravia, Thomas D. Walters, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniaziowski, City Clerk Debra L. Marlar, and Deputy Clerk Matthew Gandel were also present.

After the Pledge of Allegiance, Salvation Army Sergeant Major Dave Blackater gave the invocation.

**II. PREVIOUS MINUTES**

Councilmember Walters MOVED to approve the minutes of the September 22, 2011, regular meeting as presented.

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

**III. PERSONS TO BE HEARD**

**a. Proclamation: Domestic Violence Awareness Month**

Councilmember Rosales read the proclamation, which encourages all citizens of Kodiak to actively support and participate in the ongoing programs designed to reduce and eventually eliminate domestic violence as a social problem.

Mayor Floyd presented the proclamation to Maryann Joyce and Jessica Schilleci, Outreach Coordinators for the Kodiak Women's Resource & Crisis Center, who said that together we can put an end to the problem of domestic violence, and thanked Mayor Floyd and the Council for their continued support.

**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 2011 and concluding February 2012.

**c. Public Comments**

**Alan Schmitt** spoke in favor of Ordinance No. 1291, and encouraged the Council to look at the problem of people parking on the sidewalks on Woody Way Loop.

**IV. UNFINISHED BUSINESS**

- a. **Second Reading and Public Hearing, Ordinance No. 1290, Adopting the Kodiak Municipal Code as a Codification of the Permanent and General Ordinances of the City of Kodiak, Alaska; Repealing and Reenacting KCC 1.01.010, KCC 1.01.020, KCC 1.01.030, KCC 1.01.040, KCC 1.01.050, KCC 1.01.060, KCC 1.01.070, KCC 1.01.080, KCC 1.01.100; and Repealing KCC 1.01.090, Regarding the Kodiak City Code**

Mayor Floyd read Ordinance No. 1290 by title. The Kodiak City Code (KCC) has been published by the City Clerk's Office since December 1983. Alaska Statute 29.25.050 stipulates the municipal code shall be revised and printed at least every five years, unless the code is kept current by regular supplements. The City Clerk has recommended, and the Council has approved, budget funds to recodify the Kodiak City Code. The City Clerk researched various code publishing companies in 2010 and recommended an agreement be authorized with Code Publishing, Inc. The City Manager signed a services agreement with Code Publishing, Inc. in April 2010, and the City Clerk has been working with Code Publishing since that time to reformat and recodify the Kodiak City Code.

Councilmember Whiddon MOVED to adopt Ordinance No. 1290.

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 Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

## V. NEW BUSINESS

- a. **First Reading, Ordinance No. 1291, Amending KCC 1.12.040, Disposition of Scheduled Offenses—Fine Schedule; Amending KCC 5.04.010, Businesses on City Property Prohibited; Amending KCC 10.08.030, Additional Parking Regulations; Enacting KCC 12.08.030, Obstructions Prohibited; and Enacting KCC Chapter 12.10, Signs in Public Rights-of-Way Regarding the Commercial Use of City Property, the Obstruction of Sidewalks and the Placement of Signs in Public Rights-of-Way**

Mayor Floyd read Ordinance No. 1291 by title. During the summer of 2011, the Kodiak Police Department responded to several complaints that a local business was displaying merchandise on a City sidewalk in contradiction of City Code. Reoccurring violations resulted in the business owner being cited for the violation. The business owner contested the citation in the District Court at Kodiak. The presiding Magistrate ruled that the City Code was defective and found in favor of the business owner, and the citation was dismissed. Additionally, the City seeks a local remedy to prevent the placement or erection of non-governmental signs in Rights-of-Way. Ordinance No. 1291 proposes amendments that will toughen the City's ability to enforce regulations, and also provide a remedy for responding to the placement and erection of non-governmental signs in Rights-of-Way.

Councilmember Branson MOVED to pass Ordinance No. 1291 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

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

**b. First Reading, Ordinance No. 1292, Authorizing a Lease Between the City of Kodiak and Brother Francis Shelter Kodiak, Inc. for Lot 2, Block 15, Kodiak Townsite Subdivision**

Mayor Floyd read Ordinance No. 1292 by title. The Brother Francis Shelter Kodiak, Inc., a non-profit organization, operates a homeless shelter on property leased from the City for an annual fee of \$1.00. The Foraker Pre-Development group is providing technical assistance to the organization on a plan to expand the existing building by adding a full kitchen and food service area. They have asked the City to amend or change the existing land lease to allow the full use of the lot and to expand the term from a five-year to a 25-year lease to demonstrate site control to meet donor and grantor needs and requirements. Council expressed support for the request during discussions at the September 20, 2011, work session. Staff worked with the City Attorney to develop a new lease that reflects the identified requirements. Due to the value and length of the lease, the City Charter requires the lease to be approved by ordinance.

Councilmember Walters MOVED to pass Ordinance No. 1292 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

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

**c. Resolution No. 2011-34, Establishing a Pedestrian Trail Along Near Island Channel**

Mayor Floyd read Resolution No. 2011-34 by title. Island Trails Network (ITN) is a local non-profit group that uses volunteer labor to construct and maintain low-impact pedestrian trails in and around Kodiak. ITN designed and constructed trails on City-owned property on Near Island in 2009 and 2010 at essentially no cost to the City. ITN intends to apply for a state grant that will provide funding to construct a trail on City-owned land along the channel on Near Island. The application will have a better chance of success if it is accompanied by a resolution supporting the development of the trail.

Councilmember Branson MOVED to adopt Resolution No. 2011-34.

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

**d. Resolution No. 2011-35, Amending Section 14, Utilities (Water), of the Schedule of Fees and Charges and Authorizing Implementation of a Five-Year Rate Structure, and Repealing Resolution Number 2011-32**

Mayor Floyd read Resolution No. 2011-35 by title. At the September 22, 2011, regular meeting, the Council adopted Resolution No. 2011-32, Amending Section 14, Utilities (Water) of the Schedule of Fees and Charges and Authorizing Implementation of a Five-Year Rate Structure. After adoption, errors were discovered in the rate schedule that accompanied Resolution No.

2011–32. These errors have been corrected in the rate schedule, reviewed by staff and CH2MHill, and need to be formally adopted via Resolution No. 2011–35.

Councilmember Rosales MOVED to adopt Resolution No. 2011–35.

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

**e. Resolution No. 2011–36, Amending Section 14, Utilities (Sewer), of the Schedule of Fees and Charges and Repealing Resolution Number 2011–33**

Mayor Floyd read Resolution No. 2011–36 by title. At the September 22, 2011, regular meeting, the Council adopted Resolution No. 2011–33, Amending Section 14, Utilities (Sewer) of the Schedule of Fees and Charges. After adoption, errors were discovered in the rate schedule that accompanied Resolution No. 2011–33. These errors have been corrected in the rate schedule, reviewed by staff and CH2MHill, and need to be formally adopted via Resolution No. 2011–36.

Councilmember Walters MOVED to adopt Resolution No. 2011–36.

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

**f. Authorization of Amendment to the Kodiak Public Library Association Memorandum of Understanding Previously Adopted June 2008**

The Kodiak Public Library Association (KPLA) and the City formalized a partnership to facilitate the development of a new library in 2008 when both parties signed a Memorandum of Understanding (MOU). As KPLA prepares to begin their capital funding campaign, they have requested modifications to the existing MOU to improve their ability to conduct a dynamic and productive fundraising effort.

Councilmember Rosales MOVED to amend the Memorandum of Understanding between the City of Kodiak and the Kodiak Public Library Association, which was previously adopted in June 2008 by striking Article 5 in its entirety and substituting the text in Article 4 (D) with “KPLA agrees to periodically deposit accumulated capital campaign contributions into an account maintained and designated by the City for such purpose consistent with Article 3 (E) above. These deposits will be made as the project reaches milestones that ensure the donor’s intent will be met by money deposited with the City.”

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

**g. Authorization of Professional Services Contract for Design Services for Pedestrian Improvements From Pier II to Downtown, Project No. 8016/10-04**

In 2009 the City contracted with DOWL HKM to manage a public process to select the preferred route for pedestrian improvements between Pier II and downtown to accommodate the increasing number of cruise ship passengers. They were also contracted to prepare a 35% design of the pre-

ferred route. Council endorsed Shelikof Street as the preferred route following a DOWL HKM presentation at the June 22, 2010, work session. This route required parking modifications and other changes to complete the design, prepare bid documents, and construct. The City identified completion of this project as one of its FY2012 State Capital Improvements Projects priorities. The City received notice of award and accepted a legislative grant of \$1.6 million for the project in August 2011. Staff requested DOWL HKM submit their proposal to complete design work and prepare bid documents on the project now that the City has adequate funds available.

Councilmember Davidson MOVED to authorize a professional services contract with DOWL HKM in the amount of \$218,336 for design services for pedestrian improvements from Pier II to downtown, Project No. 8016/10-04, with funds coming from the Capital Project Fund, Cargo Development Fund, Pedestrian Improvements From Pier II to Downtown Account.

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

**h. Authorization to Cancel the November Regular Meetings and Schedule a Special Meeting for November 17, 2011**

The regularly scheduled Council meetings for November must be cancelled due to schedule conflicts with the November 10 regular meeting date and the Thanksgiving holiday on November 24. Elected officials and staff will attend the annual Alaska Municipal League or National League of Cities conferences November 7–11. Staff discussed meeting scheduling with the Council at the August 23, 2011, work session and recommended a special meeting be scheduled for November 17, 2011, and the work session November 15, 2011.

Councilmember Branson MOVED to cancel the November 10 and 24 regular meetings and schedule a special meeting for November 17, 2011.

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

**i. Certification of Election**

The City of Kodiak held a regular election October 4, 2011, and voters cast ballots for one two-year Mayoral position and two three-year City Council positions. The Canvass Board met October 12, 2011, to tally the votes of the admissible questioned and absentee ballots, together with votes counted on election night. The final results of the October 4, 2011, Municipal City election were:

Mayor—One Two-Year Term	
<b>Pat Branson</b> .....	<b>642</b>
Write-Ins .....	51
City Council—Two Three-Year Terms	
<b>Randall Bishop</b> .....	<b>478</b>
<b>Terry Haines</b> .....	<b>602</b>
Write-Ins .....	39

Of the 3,614 registered City voters, 760 cast eligible City ballots, for a 21 percent voter turnout, which is 5.9 percent lower than last year.

Councilmember Walters MOVED to certify the results of the October 4, 2011, regular election and declare Pat Branson elected as City Mayor for a two-year term, and Randall Bishop and Terry Haines elected to the City Council for three-year terms.

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

## **VI. PRESENTATION TO OUTGOING ELECTED OFFICIALS**

Deputy Mayor Saravia presented outgoing Mayor Carolyn Floyd and Councilmember Tom Walters with a token of the City's appreciation for their 18 years of service.

## **VII. STAFF REPORTS**

### **a. City Manager**

City Manager Kniazowski reported that the City had no communication earlier in the week due to wind damage to a power pole, but said that 911 services were not affected and staff would be working to ensure there were redundancies in place to avoid future problems. She said City staff had been taking part in continued emergency management and response training in preparation for the statewide Alaska Shield 2012 emergency exercise. She said that MRV Architects were in Kodiak holding public meetings and presenting conceptual designs for the new library project, and encouraged the public to attend.

She thanked Mayor Floyd and Councilmember Walters for their dedicated years of service to the City, and wished them both well.

### **b. City Clerk**

City Clerk Marlar said it had been a sincere honor to serve as City Clerk for Mayor Floyd and Councilmember Walters, and noted that they were the longest serving elected officials in the history of Kodiak. She said she appreciated their leadership and guidance, and wished them both the best.

She congratulated Mayor-elect Branson and Councilmembers-elect Bishop and Haines, and said she looked forward to working with all of them. She thanked all the election officials and canvass board members for helping with the election and canvassing processes.

She also informed the public of the next scheduled Council work session and special meetings in November.

## VIII. MAYOR'S COMMENTS

Mayor Floyd said she had enjoyed her 18 years as Mayor and was glad to be able to make the City a better place. She said she appreciated all the support she received over the years from both the public and staff.

## IX. COUNCIL COMMENTS

Councilmember Walters congratulated the new Mayor and Councilmembers and said he had thoroughly enjoyed his 18 years on the Council. He said he enjoyed debating with other Councilmembers over the years, and felt that despite differences in opinion, the Council always worked together for the betterment of the City.

Councilmember Saravia congratulated the new Mayor and Councilmembers and said he looked forward to working with them to make the City better. He said it had been a pleasure to serve with Councilmember Walters and said he considered him a mentor and a friend. He said he wouldn't be on the Council if Mayor Floyd hadn't encouraged him to serve and thanked her for getting him involved in public service. He thanked both Mayor Floyd and Councilmember Walters for their years of dedicated service to the City and said he hoped their example would encourage others to serve.

Councilmember Branson said it was not just the length of time served but quality of time served, and thanked both Mayor Floyd and Councilmember Walters for their years of public service. She said she looked forward to serving with Councilmembers-elect Haines and Bishop. She said it would be difficult to follow Mayor Floyd as Mayor and would be relying on her for advice and counsel in the future.

Councilmember Rosales congratulated Mayor-elect Branson and Councilmembers-elect Bishop and Haines. She said she had learned a lot working with Mayor Floyd and Councilmember Walters and wished them good luck in the future. She cautioned the public to watch out for schoolchildren on the dark mornings.

Councilmember Whiddon welcomed Councilmembers-elect Bishop and Haines and said he was excited to have Councilmember Branson taking over as Mayor. He said it had been a pleasure and an honor to serve with Mayor Floyd and said her legacy of accomplishments over 18 years had been remarkable. He said Councilmember Walters had always been a committed and passionate advocate for Kodiak, and thanked him for his guidance and years of service.

Councilmember Davidson congratulated Mayor-elect Branson and Councilmembers-elect Haines and Bishop. He said it had been a pleasure serving with Mayor Floyd and Councilmember Walters and said he truly appreciated the time, energy, and effort that they had both contributed to make Kodiak a better place to live. He wished them both the best in the future.

## X. AUDIENCE COMMENTS

**Rhonda Maker** spoke in opposition of Ordinance No. 1291, saying that it would hurt downtown retailers.

**Dave Blackater** thanked Mayor Floyd and Councilmember Walters for their service and said it had been pleasure to watch them in action.

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

Kodiak City Code 2.28.080 requires elected officials to take and subscribe to the Oath of Office. The City Clerk administered the Oath of Office to Pat Branson, Randall Bishop, and Terry Haines.

**XII. ADJOURNMENT**

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

CITY OF KODIAK

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK



Minutes Approved: November 17, 2011