

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, DECEMBER 8, 2011  
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Randall C. Bishop, Charles E. Davidson, Terry J. Haines, and John B. Whiddon were present and constituted a quorum. Councilmembers Josefina F. Rosales and Gabriel T. Saravia were absent. City Manager Aimée Kniaziowski, Deputy Clerk Matthew Gandel and Administrative Assistant Catherine Perkins were also present.

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

**II. PREVIOUS MINUTES**

Councilmember Whiddon MOVED to approve the minutes of the November 4, 17, and 18, 2011, special meetings as presented.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**III. PERSONS TO BE HEARD**

**a. Public Comments**

None

**IV. UNFINISHED BUSINESS**

**a. Authorization of a Fisheries Analyst Contract**

The City Council and Borough Assembly agreed to work together to identify and hire a fisheries consultant/analyst to help the community stay informed and able to respond to marine policy issues in a timely and unbiased manner. Over the past six months, the City, Borough, their fisheries sub-committee, and the managers developed a process to identify and select a qualified fisheries analyst to serve both the City and Borough. The managers worked with the selected consultant, Denby Lloyd of Alaska Resource Consultancy, to develop a contract that met the needs of both bodies and the consultant.

*Clerk's Note: The motion to authorize the City Manager to execute a contract with Alaska Resource Consultancy for fisheries analyst services is already on the floor from the November 17, 2011, special meeting.*

Councilmember Davidson MOVED to amend the motion to authorize the City Manger to execute a contract with Alaska Resources Consultancy for fisheries analyst services by inserting

at the end of the motion: "funds in the amount of \$20,000 shall be budgeted in the next FY2012 supplemental budget in the General Fund, Legislative, Professional Services account."

Councilmember Davidson said he understood there had been some disagreement in the community over whether or not a fisheries analyst was needed, but he felt having a consultant would help the Council to make more informed decisions.

Councilmember Whiddon said he hoped having a consultant working jointly for the City and Borough would allow the two governments to adopt more cohesive positions on fisheries issues.

Councilmember Haines agreed with Councilmember Whiddon, and said it was important for the Council to be aware of what was happening with Kodiak's greatest resource.

The roll call vote on the amendment was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The amendment passed

The roll call vote on the main motion was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

## V. NEW BUSINESS

### a. **First Reading, Ordinance No. 1293, Ratifying and Confirming All Actions Taken By the Council at the Special Meeting of the Council Held on November 9, 2010**

Mayor Branson read Ordinance No. 1293 by title. In early November 2011 the City Clerk discovered that, due to a 2007 amendment to the City Charter, newly elected officials could not take office or take legislative actions until the next regular Council meeting following certification of the October election and taking the oath of office. This discovery affected actions taken at the November 9, 2010, Council meeting. The November 9, 2010, Council meeting was a special, not regular, meeting, because it was not held on the second or fourth Thursday of the month. Because of this, the terms of the Councilmembers elected in October 2010 did not officially begin until the next regular meeting, which was held December 9, 2010. Three Councilmembers who were in office in October 2010 were present at the November 9, 2010, meeting, along with a Councilmember who was elected in October 2010. Therefore, a quorum was not present, and Ordinance No. 1293 is necessary to ratify the actions taken at the November 9, 2010, meeting.

Councilmember Haines MOVED to pass Ordinance No. 1293 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

### b. **First Reading, Ordinance No. 1294, Authorizing the Renewal of a Lease Between the City of Kodiak and Ocean Beauty Seafoods, Inc., for Property Located in Gibson Cove**

Mayor Branson read Ordinance No. 1294 by title. Ocean Beauty Seafoods, Inc. has leased City property in Gibson Cove since 2003. They provided a written request to extend the lease for an additional five years through 2016.

Councilmember Whiddon MOVED to pass Ordinance No. 1294 in the first reading and advance to second reading and public hearing at the next regular or special meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**c. Resolution No. 2011-41, Authorizing a Vehicle and Equipment Replacement Fund Policy**

Mayor Branson read Resolution No. 2011-41 by title. During the past year a group of City staff and Council members developed a vehicle and equipment replacement fund policy to establish a fund and implementation procedures to help offset costs of future City vehicle and equipment replacements. A draft of the policy was reviewed by the City Council at the annual planning session in February 2011. Council agreed to move the policy forward for adoption by resolution once staff could determine the best way to establish the fund.

Councilmember Bishop MOVED to adopt Resolution No. 2011-41.

Councilmember Whiddon asked if the policy would be retroactively applied to the existing fleet of vehicles, or only apply to newly purchased vehicles.

Manager Kniazowski said that the policy would apply only to vehicles purchased after January 1, 2012, because to retroactively apply it to the existing fleet would require approximately \$3 million be deposited in the fund.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**d. Resolution No. 2011-42, Authorizing Acceptance of a 2011 State Homeland Security Program Grant, Grant No. 11SHSP-GR34076**

Mayor Branson read Resolution No. 2011-42 by title. The City has been awarded a State Homeland Security Program Grant to provide funding assistance to the Fire Department Level A hazardous materials team for personal protective equipment replacement. The grant in the amount of \$25,000 will offset costs associated with replacing Level A suits, boots, and gloves.

Councilmember Haines MOVED to adopt Resolution No. 2011-42.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**e. Resolution No. 2011-43, Certifying the FY2012 Shared Fisheries Business Tax Program Application to Be True and Correct**

Mayor Branson read Resolution No. 2011-43 by title. Resolution No. 2011-43 certifies that the City of Kodiak's FY2012 Shared Fisheries Business Tax Program application is true and correct. This resolution adopts the long form using the standard method application for FY2012. This is the eleventh year that the long form using the standard method application has been used.

Councilmember Bishop MOVED to adopt Resolution No. 2011-43.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**f. Resolution No. 2011-44, Creating a Happy Holiday Season by Establishing a Festive Spirit; Appropriating Voluntary and Reasonable, or Obligatory and Unreasonable, Sums From Everyone's Pay and Credit to Defer the Fiscal Obligations Thereof; and Containing a Severability Clause, an Indemnification Clause, and a Santa Claus**

Mayor Branson read Resolution No. 2011-44 by title. In the spirit of the holiday season, Resolution No. 2011-44 creates a Department of Holiday Celebration and wishes a happy holiday season and prosperous new year to everyone in Kodiak.

Councilmember Davidson MOVED to adopt Resolution No. 2011-44.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**g. Authorization of Vacation of Property Lines Between Lots 6B-1A and 6B-1B, U.S. Survey 2538, and the Vacation of the Radial Antenna Easement on Lot 6B-1B, U.S. Survey 2538**

The City filed a request with the Borough to consolidate two lots into one and to vacate an existing radial antenna easement on one of the lots in preparation for construction of the new library on the "Barn" site. The Borough Planning and Zoning Commission gave preliminary approval at their November 16, 2011, meeting. The City Council must approve the vacation of easements within the City according to Kodiak Island Borough Code 16.60.060.

Councilmember Davidson MOVED to authorize the vacation of property lines between the two City-owned parcels, Lots 6B-1A and 6B-1B, U.S. Survey 2538, and the vacation of the radial antenna easement on Lot 6B-1B, U.S. Survey 2538.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**h. Authorization of Change Order No. 2 for the UV Water Treatment Facility Construction, Project No. 7023/03-14**

Council awarded the UV Water Treatment Facility contract to Jay-Brant General Contractors in the amount of \$3,540,794 at the January 13, 2011, regular meeting. Change Order No.1 was a no-cost, no-change to the contract to eliminate retainage and modify the schedule of values,

which was approved by the City Manager. Change Order No. 2 consists of three items identified during construction to date.

Councilmember Haines MOVED to authorize Change Order No. 2 for the UV Water Treatment Facility Construction in the amount of \$25,862, with funds coming from the Water Capital Improvement Fund, UV Water Treatment Facility Construction, Project No. 7023/03-14.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**i. Appointment of City Representative to the Kodiak Fisheries Advisory Committee**

At the May 26, 2011, Council meeting, the Council adopted Resolution No. 2011-14, which re-established a joint Kodiak Fisheries Advisory Committee. The resolution reduced the committee to 11 voting seats and four non-voting/ex-officio seats, including Councilmember Saravia as the Kodiak City Council representative. Resolution No. 2011-14 also provided for future appointments to be made by motion. Councilmember Terry Haines has volunteered to replace Councilmember Gabriel Saravia as the City's ex-officio member of the committee.

Councilmember Davidson MOVED to appoint Terry Haines to the Kodiak City Council representative seat on the Kodiak Fisheries Advisory Committee.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**j. Appointments to City Advisory Boards**

Several seats expire on various City advisory boards at the end of December 2011. Except for the Personnel Board, whose members are appointed by the Council, and the Employee Advisory Board, whose members are elected by City employees, members of advisory boards are appointed by the Mayor and confirmed by the Council. At the December 6, 2011, work session, Councilmembers interviewed applicants and considered applications.

Mayor Branson appointed Nick Szabo, Anne Kalcic, and Stormy Stutes to regular seats on the Port and Harbors Advisory Board, with terms ending December 31, 2014, and David Jentry and Denby Lloyd to alternate seats on the Port and Harbors Advisory Board ending December 31, 2012.

Councilmember Davidson MOVED to appoint Curtis Law and Patricia Olsen to the Personnel Board for terms ending December 31, 2014, and confirm the Mayoral advisory board appointments to the Port and Harbors Advisory Board as stated.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

**k. Election of Deputy Mayor**

Under the provisions of City Charter Article II, Section 2, the City Council shall elect one of its members as Deputy Mayor no sooner than thirty days, nor more than sixty days, from the beginning of the newly-elected Councilmembers' terms. The Deputy Mayor serves a one-year term and acts as Mayor in the Mayor's absence. If a vacancy occurs in the office of Mayor, the Deputy Mayor serves until another Mayor is elected by the Council.

Councilmember Davidson MOVED to elect Councilmember Whiddon as Deputy Mayor.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

## **VI. STAFF REPORTS**

### **a. City Manager**

City Manager Kniazowski reported on recent discussions with the Borough on the problem of leachate at the landfill. She said that she had recently attended the Kodiak Island Borough Mayors Conference with Mayor Branson, and said it was very productive and always interesting finding out what is going on in other communities. She said that former Mayor Carolyn Floyd was going to be inducted into the Alaska Women's Hall of Fame. She reminded the public and Council of the upcoming work session with Senator Gary Stevens and Representative Alan Austerman to discuss the 2012 legislative session. She wished everyone a merry Christmas and happy holidays.

### **b. City Clerk**

Deputy Clerk Gandel informed the public of the next scheduled Council work session and regular meeting. He wished everyone happy holidays and a happy new year.

## **VII. MAYOR'S COMMENTS**

Mayor Branson reported on her attendance at the Kodiak Island Borough Mayors Conference, which was also attended by Senator Stevens and Representative Austerman who spoke about the state budget and capital projects. She said she attended a recent meeting of the Fisheries and Oceanic Research Board, where there was discussion of passing a resolution being drafted by Borough Mayor Selby in support of the Coastal Zone Management Program. She said she was happy to hear that former Mayor Floyd would be inducted into the Alaska Women's Hall of Fame on March 1, 2012. She reported that she had met with Borough Mayor Selby about the landfill leachate problem, and said it was a very productive meeting.

Mayor Branson said that it was an honor to be elected as Mayor, to follow in the footsteps of former Mayor Floyd, and to work with her fellow elected officials. She said she was looking forward to the challenges, discussions, and setting a strategic vision to make Kodiak a better place to live. She said her goals as Mayor of Kodiak were to have more joint work sessions with the Kodiak Island Borough to help encourage cooperation on capital projects and municipal taxes, and encourage involvement with the Alaska Municipal League, Southwest Alaska Municipal Conference, and other groups that could assist the City with new ideas. She said the theme for her term as Mayor was "Everybody can make a difference," and encouraged all

citizens of Kodiak to do whatever small things they could to make a difference in the community. She repeated the theme in Tagalog, Spanish, and Alutiiq. She said she appreciated all City staff members and department heads and thanked them for their hard work and dedication. She wished everyone a happy holiday and a safe and happy new year.

#### VIII. COUNCIL COMMENTS

Councilmember Haines thanked Borough Mayor Selby for his work on the Coastal Zone Management Program. He expressed thanks for being voted onto the City Council and said he was looking forward to being on the Council and working with the Borough. He wished everyone happy holidays.

Councilmember Davidson congratulated all the newly elected officials and the new Deputy Mayor. He acknowledged that there are challenges ahead both financially and otherwise and encouraged everyone to sign the petition supporting the Coastal Zone Management Program. He wished everyone a happy holiday season.

Councilmember Whiddon thanked everyone for nominating him as Deputy Mayor and mentioned various accomplishments by City Council in the past year. He complimented the staff for work on the Vehicle Equipment Replacement Fund. He said he was looking forward to working closely with the Council as well as the Borough Assembly. He wished everyone a merry Christmas and a safe happy holiday season.

Councilmember Bishop congratulated the Mayor and Deputy Mayor on being elected and said he was excited to be part of the Council and excited for what they can do to improve the City. He wished everyone happy holidays, a merry Christmas, and happy near year.

#### IX. AUDIENCE COMMENTS

None.

#### X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, and Whiddon in favor. Councilmembers Rosales and Saravia were absent. The motion passed.

The meeting adjourned at 8:28 p.m.

CITY OF KODIAK



MAYOR

DECEMBER 8, 2011

7521

ATTEST:

*Delma Mark*

CITY CLERK

Minutes Approved: January 12, 2012

