

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, JANUARY 24, 2013  
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, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. Councilmember Terry J. Haines was absent. City Manager Aimée Kniazowski and City Clerk Debra L. Marlar were also present.

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

**II. PREVIOUS MINUTES**

Councilmember Whiddon MOVED to approve the minutes of the January 10, 2013, regular meeting as presented.

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

**III. PERSONS TO BE HEARD**

**a. Proclamation: Teen Dating Violence Awareness & Prevention Month**

Councilmember Walker read the proclamation, which encourages citizens to learn more about preventing dating violence and to show support for the organizations and individuals who provide critical advocacy, services, and assistance to victims. Mayor Branson presented the proclamation to Sandra Wilkins, Outreach Coordinator for the Kodiak Women's Resource and Crisis Center. Ms. Wilkins thanked the Mayor and Council and spoke about teen dating violence and prevention.

**b. Public Comments**

**Judi Kidder** said City officials had previously stated biosolids would not go to Middle Bay. She noted an amendment had been made to the contract between the City of Kodiak and Quayanna Development and stated the public was unaware of it. She complained about the initial contract and the amendment to it.

**Sarah Thayer**, via telephone, spoke against funding the bike path from Pier II to Deadman's Curve.

**Marilyn Guilmet** spoke against Ordinance No. 1303, stated her understanding of state records laws, and urged City history be preserved.

**IV. UNFINISHED BUSINESS**

**a. Continued Second Reading and Public Hearing, Ordinance No. 1268, Amending Kodiak City Code Section 2.08.090, Adopting Kodiak City Code Section 2.08.085 and Amending the City Personnel Rules and Regulations Pertaining to Personnel in the City Clerk's Office**

Mayor Branson read Ordinance No. 1268 by title. In October 2009 the Clerk re-evaluated the Deputy Clerk's job classification because the position had assumed the additional duties of City-wide Records Manager. The JOBMEAS System of Job Evaluation was used as a tool for the classification recommendation. The position evaluation resulted in the Clerk's recommendation to specify two job classifications of the position based on municipal clerk certification: Deputy Clerk I at salary grade 24 or Deputy Clerk II at salary grade 27. In November 2009 the Clerk discussed with the Council changing the Deputy Clerk's salary to reflect the added duties of City-wide Records Manager. The Council and Clerk also discussed amendments to City Code Section 2.08 and Personnel Rules and Regulations Section 3.04 to clarify the Clerk's authority and provide for Council confirmation of the Deputy Clerk appointment.

The Council directed the Clerk to draft an ordinance with these changes. Ordinance No. 1268 was drafted and was passed in the first reading on February 25, 2010. It was postponed in the second reading on March 31, 2010, pending completion of an active administrative process, including completion of a classification and compensation study. The Council again reviewed Ordinance No. 1268 with the Clerk in November 2012 and directed the Clerk to put the ordinance on this agenda for adoption, as the administrative process, including completion of a classification and compensation study has been completed. The Council also directed minor amendments to clarify language and to detach the Clerk from the PRR salary schedule. The City Attorney made the additional adjustments and suggested they be adopted by substituting Ordinance 1268 with Ordinance 1268(SUB). When the Fox Lawson & Associates salary and compensation study is approved and an ordinance adopted accepting the new classification structure, additional changes will be made to the Deputy Clerk/Records Manager salary, along with other City employees.

Councilmember Davidson MOVED to adopt Ordinance No. 1268(SUB)

Mayor Branson 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 substitution was Councilmembers Bishop, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Haines was absent. The motion passed.

The roll call vote on the substituted ordinance was Councilmembers Bishop, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Haines was absent. The motion passed.

**b. Second Reading and Public Hearing, Ordinance No. 1303, Amending Kodiak City Code 2.36.010(B), Definition of City Records, and Kodiak City Code 2.36.060(A), Access to Public Records, to Exclude Reference Documents and Transitory Documents From the Definitions of City Records and Public Records, Respectively**

Mayor Branson read Ordinance No. 1303 by title. KCC 2.36, Management of Records provides for the efficient and lawful management of City records. Included within KCC 2.36 are sections that identify public records and access to public records. Due to records requests for information

that is not deemed to be public records, the City Attorney suggested an amendment to KCC 2.36 to specifically identify reference and transitory documents and exclude these types of documents from public access. The suggested amendment to KCC 2.36 will clarify that reference and transitory documents, such as preliminary notes, telephone logs, correspondence tracking logs, appointment books/calendars and similar information are not public records and will not be released. Manager Kniazowski stated the City's attorney was available via phone to answer any questions the Council might have.

Councilmember Davidson MOVED to adopt Ordinance No. 1303.

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

**Marilyn Guilmet** spoke against Ordinance No. 1303.

**Sarah Thayer**, via phone, spoke against Ordinance No. 1303.

**Judi Kidder** spoke against Ordinance No. 1303.

**Steven Faust**, via telephone, questioned what constitutes a file and a record. He stated anything that is part of a decision making process should be a record.

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

Councilmember Whiddon moved to postpone Ordinance No. 1303 until there had been more in-depth discussion and clarification from the City's Attorney.

Councilmember Davidson voiced he would rather call the City's attorney now for clarification, instead of postponing the ordinance.

The roll call vote to postpone was Councilmembers Bishop, Saravia, Walker, and Whiddon in favor. Councilmember Davidson was opposed. Councilmember Haines was absent. The postponement passed.

### **c. Acceptance of Compensation and Classification Report**

The City began the classification and compensation project in spring 2011. Staff worked closely with Fox Lawson & Associates (FLA) to complete the two key phases of the project, the classification phase and the compensation phase. Lori Messer with FLA presented the findings at the Council work session on January 22. The main points of the report show that the City has agreed to a new classification method, a new job description format, a new pay scale anchored to the 50<sup>th</sup> percentile of the market, and that a range of methods by which the City would transition to the new pay scale will be presented separate from the report. Once approved by the Council, staff will come back to Council with the required Personnel Rules & Regulations (PR&R) amendments needed to switch to the new classification system and pay scale and to provide recommendations for implementation of the new pay plan based on several options.

Councilmember Walker MOVED to accept the Fox Lawson and Associates' report on the classification and compensation study conducted for the City of Kodiak and state the intention to implement the recommended classification system and recommended pay scale.

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

## V. NEW BUSINESS

### a. **First Reading, Ordinance No. 1304, Establishing Supplemental Appropriation No.1 to the Budget for the Fiscal Year Commencing on the First Day of July 2012 and Ending on the Thirtieth Day of June 2013**

Mayor Branson read Ordinance No. 1304 by title. Supplemental Appropriation No. 1 to the budget for the fiscal year commencing on the first day of July 2012 and ending on the thirtieth day of June 2013 is in the amount of \$42,487,704. It is customary for the City Council to approve at least one supplemental budget annually to authorize the adjustments of current revenues and expenses as detailed in the attachments provided. These adjustments are for the operating funds as well as additions to project funds for grant revenues received and additional expenditures needed that were not known at the time the original budget was adopted. This is the first budget amendment of FY2013.

Councilmember Davidson MOVED to pass Ordinance No. 1304 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 Bishop, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Haines was absent. The motion passed.

### b. **First Reading, Ordinance No. 1305, Amending Kodiak City Code 14.04.010, 14.24.010 and 14.24.020; Enacting Kodiak City Code 14.04.080 and 14.24.030; and Repealing and Reenacting Kodiak City Code 14.24.040; Regarding the Adoption of Building and Other Codes and Related Matters**

Mayor Branson read Ordinance No. 1305 by title. The State of Alaska adopted new building codes on November 16, 2012, and as a deferred jurisdiction, the City of Kodiak is required to adopt codes that meet or exceed the State's adopted codes. The Joint Building Code Review Committee met numerous times to discuss, review, and develop the proposed code changes. The Kodiak Island Borough Assembly will also adopt these amendments with a first reading of their ordinance scheduled for February 7.

Councilmember Whiddon MOVED to pass Ordinance No. 1305 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 Bishop, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Haines was absent. The motion passed.

### c. **Resolution 2013-01, Adopting the Federal Fiscal Year 2013 Prioritized Federal Capital Improvements Program List**

Each year the City identifies capital improvement projects important to the maintenance and/or improvement of the City's infrastructure as well as issues that are important to the City or larger community. The Council reviewed and discussed a list of proposed federal requests at the January 8 and January 22 work sessions and indicated support for the projects. Resolution 2013-01 reflects that list.

Councilmember Saravia MOVED to adopt Resolution 2013-01.

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

**d. Resolution 2013-02, Rescinding Resolution 2012-33 and Adopting a Revised FY2014 State Capital Improvement Program List**

Following the meeting between Senator Gary Stevens, Representative Alan Austerman, and the City Council on January 4, 2013, Council indicated support to revise the City's previously adopted list of state capital funding priorities for FY2014. If Council wishes to update the state Capital Improvement Project (CIP) request list for FY2014, they must rescind Resolution 2012-33 and adopt a new resolution identifying the revised list as identified in Resolution 2013-02.

Councilmember Bishop MOVED to adopt Resolution 2013-02.

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

**e. Authorization of Professional Services Contract for Preliminary Design of Snow Dump Storage Yard, Project No. 5030/13-07**

The City has disposed of snow removed from City streets and public areas into the channel downtown for many years. The City's Public Works Director was contacted by an Alaska Department of Environmental Conservation (ADEC) official who said he'd received a call about City snow disposal methods and encouraged the City to immediately begin to identify other methods of disposal. City staff contacted DOWL HKM and requested them to submit a proposal to look at alternative methods of snow storage and disposal.

Councilmember Bishop MOVED to authorize a professional services contract with DOWL/HKM for preliminary design of a snow dump storage yard in the amount of \$67,860, with funds coming from the Street Capital Improvement Fund, Project No. 5030/13-07, and authorize the City Manager to execute the agreement on behalf of the City.

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

**f. Authorization of Contract Amendment for Geotechnical Work Associated With Pier III Replacement, Project No. 8013/11-07**

PND submitted a proposal to perform survey work and preliminary engineering support to assess the survey and geotechnical information and make final recommendation for either a sheet pile

or pile supported pier system at Pier III. The survey work included in this contract amendment includes both onshore and offshore investigations. The onshore survey will validate control and also collect data that will be used to create a base map for use in future design efforts. The offshore portion of the survey will gather similar underwater information and also be refined into the base map. This effort, and the previously approved geotechnical investigation, are needed by PND to validate recommendations on the dock structure type (pile supported vs. sheet pile) and are also needed to progress the design. After completion of the geotech and initial survey work authorized by this amendment and discussion with stakeholders, the City Council will make the final decision on the dock structure type.

Councilmember Davidson MOVED to authorize contract amendment No. 1 to the professional services contract with PND Engineers for geotechnical work associated with Pier III replacement in the amount of \$67,775, with funds coming from the Cargo Development Fund, Pier III project, Project No. 8013/11-07, and to authorize the City Manager to execute the agreement on behalf of the City.

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

**g. Authorization of Lease Assignment for Pillar Mt. Antenna Lease Site 3, U.S. Survey 3945**

The Council adopted Ordinance No. 1265 on September 24, 2009, which authorized a five-year agreement with GCI for a lease at the City's Pillar Mountain antenna site. The City Clerk received a letter from GCI requesting the City to agree to assign the lease to a newly formed entity made up of GCI, Alaska Communications Systems (ACS), and their affiliates, known as Alaska Wireless Network, LLC (AWN). AWN has been formed to design and operate a statewide wireless network, and to accomplish that goal, AWN will purchase GCI assets, which includes GCI's lease with the City. Manager Kniazowski noted the tenant's use of equipment must not cause interference with City's transmitting or receiving of signal.

Councilmember Walker MOVED to authorize the lease assignment for Pillar Mt. Antenna Lease Site 3, U.S. Survey 3945, from GCI Communication Corporation to Alaska Wireless Network, LLC under the condition that all terms and conditions remain in effect with the new leaseholder, and authorize the City Manager to execute the lease assignment on behalf of the City.

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

## **VI. STAFF REPORTS**

### **a. City Manager**

City Manager Kniazowski complimented elected officials who attended the City's planning work session the previous Saturday and stated she was moving forward with discussions from that meeting. She said much of her time during the past couple of weeks had been devoted to complex personnel issues. She noted the work on Pier III and thanked the Council for accepting

the classification and compensation report. She acknowledged the patience of City employees throughout the process and voiced appreciation of employee participation and input.

**b. City Clerk**

City Clerk Marlar informed the public of the next scheduled Council work sessions and regular meeting.

**VII. MAYOR'S COMMENTS**

Mayor Branson said she was glad the compensation and classification study had been completed, noting the importance of adequately compensating hard working employees. She expressed her delight with the progress of the Pier III and library projects. She also stated Alaska Health and Social Services Commissioner William Streur was visiting Kodiak and meeting with local agencies. She commented on the rash of break-ins in town and hoped those responsible would be apprehended soon.

**VIII. COUNCIL COMMENTS**

Councilmember Bishop commented on the many meetings during January and said it was a long, but satisfying process. He spoke about the City's infrastructure projects, stating he was glad to be part of the process. He also mentioned that a representative from the Alaska Department of Transportation would come to an upcoming meeting to answer questions about the proposed bike path from Pier II to Deadman's Curve. He wished the 49ers success in the upcoming Super Bowl.

Councilmember Saravia commented on the busy fishing season.

Councilmember Whiddon commented on the many January meetings, noting the meetings provided the Council with the opportunity to receive training, discuss future goals, and explore details behind issues. He stated he was proud of the Council and the good leadership of its members, noting they were a good team who are willing and able to tackle issues. He also commented on the upcoming budget and major City projects.

Councilmember Davidson said he was happy to be back after his extended vacation in Switzerland. He spoke about the sludge issue and stated he wants to make sure statements are truthful and not distorted.

Councilmember Walker stated he was having a good time being part of the City Council and that he is learning many new things. He stated he loved the public process and promoted public participation. He commented on the budget training, planning meeting, and other Council meetings he attended in January. He noted the Council is trying to do its best with solving City issues. He said he was happy about the progress at Pier III and noted issues would be coming up regarding the boatlift. He complimented City Manager Kniazowski on the good job she does with dealing with many City issues.

**IX. AUDIENCE COMMENTS**

**Judi Kidder** said disposing of sludge at the landfill and on the beach are two different issues. She urged the City toward fiscal responsibility. She said the economy is tight for many people and additional places are needed in the City and Borough for people to receive help. She stated a drug treatment facility is needed. She expressed appreciation for the Council.

**Marilyn Guilmet** said there was a huge difference between disposal of sludge in a lined landfill and disposal on the beach in Middle Bay where it would pollute the environment. She reiterated if the composting facility proceeds at Middle Bay, she will lose business. She encouraged the City to explore incineration of sludge.

**X. ADJOURNMENT**

Councilmember Davidson **MOVED** to adjourn the meeting.

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

The meeting adjourned at 9:02 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved: February 28, 2013

