

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, MAY 9, 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, Terry J. Haines, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniaziowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson 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 April 25, 2013, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Proclamation: Declaring Police Week and Peace Officers' Memorial Day

Councilmember Bishop read the proclamation that encourages all citizens to honor those law enforcement officers who have made the ultimate sacrifice in service to their community, and to recognize all police officers, past and present, who have rendered a dedicated service to their community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Chief of Police T.C. Kamai accepted the proclamation and thanked the Council for their recognition and support of the Kodiak Police Department.

b. Proclamation: Declaring Emergency Medical Services Week

Councilmember Walker read the proclamation that urges residents to recognize the value and the accomplishments of emergency medical services providers.

Firefighter Dan Farmer, EMT III accepted the proclamation and thanked the Council for their support of emergency medical service providers.

c. Proclamation: Declaring Safe Boating Week

Councilmember Whiddon read the proclamation that urges residents who boat to wear Coast Guard-approved personal flotation devices and to practice safe boating habits.

Drew Herman of the United States Coast Guard Auxiliary accepted the proclamation and thanked the Mayor and Council for their recognition and support of Safe Boating Week. Drew shared that the efforts to educate safe boating has improved the survival rate within the last 10 years. He indicated that an ongoing effort to educate the youth on boating safety is done by going to the elementary schools in Kodiak and in the outlying villages. Drew thanked Chief of Police T.C. Kamai and City Police Officers, Active Duty Coast Guard, Coast Guard Auxiliary, Alaska State Troopers, and the National Wildlife Refuge for their help to educate the public on boating safety. He encouraged individuals that plan to be on the water to listen to weather reports, wear a life jacket, follow a boating plan, purchase an emergency beacon, obtain a free coast guard auxiliary boat inspection or obtain a boating handbook from the Department of Motor Vehicles and Alaska Office of Boating Safety.

d. Proclamation: Declaring Older Americans Month

Mayor Branson read the proclamation that urges citizens to celebrate this year's theme "Unleash the Power of Age," and take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

Dave Blacketer, board member of Senior Citizens of Kodiak Inc., accepted the proclamation and thanked the Council for their recognition and support and stated it is important to recognize senior citizens for their wisdom and contributions.

e. Public Comments

Lisa Zeimer asked the Council for assistance to protect downtown and referred to her letter to the editor in the Kodiak Daily Mirror on May 9, 2013. Lisa requested the Council consider a loitering and drunk in public ordinance to address her safety concerns. She gave the Council a handout on drunk in public ordinances outside of Alaska.

Stephen Taufen, via telephone, said he was concerned for the safety of youth on the corner of Mill Bay Road and Thorsheim Street, and he suggested getting a crossing guard at that location or to further educate the public on jaywalking. He said that three individuals from Kodiak were in Washington D.C. for a fisheries meeting and suggested that the Fisheries Work Group invite these individuals to their next meeting.

Judi Kidder, a member of project cleanup, said the content and volume of litter is concerning. She said volunteers for project cleanup cannot keep up with the designated areas. Judi said she has found alcohol bottles, needles, used condoms, and pregnancy tests discarded in the bushes during cleanup. She suggested a motion camera system be installed in designated locations. She is concerned about the drunks downtown. Judi reported that the Baranof Park rules are not legible on the current sign and suggested that a new sign be purchased.

Marilyn Guilmet spoke in opposition to Ordinance No. 1303. She said it sets a precedent for government officials to limit public access to records. She gave a handout of the Abigail Fuller and City of Homer case that went to the Supreme Court of Alaska. Marilyn said she does not support that citizens have to pay for public records.

David Blacketer, board member of Senior Citizens of Kodiak Inc. thanked the Council for their support and prior years of funding and he requested the continuation of support. He gave a report

and said the goal of the Senior Citizens of Kodiak Inc. is to help seniors live with dignity and independence. He informed that Senior Citizens of Kodiak Inc. was the first nationally accredited senior center in the State of Alaska, and they are in their third cycle of a five-year accreditation. He provided information on the Adult Island Cove program, the Kodiak Area Transit System (KATS) services, and some of the activities that are available to the senior citizens within the community to include bingo, book clubs, and exercise programs.

IV. UNFINISHED BUSINESS

a. Continued 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. State law and City Code provide access to official City records. The City Clerk's Office routinely responds to requests for public City records and responded to 27 requests in 2012. Oftentimes, requestors ask for information that is considered to be reference material or transitory (temporary) information that is not considered to be a record. The City Attorney recommended KCC 2.36 be amended to clarify that reference and transitory documents are not included in the definition of a City record. This amendment will enable staff to more efficiently assist the public and clarify for the public the information that may be received.

Councilmember Haines MOVED to adopt Ordinance No. 1303.

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

Judi Kidder spoke in opposition to Ordinance No. 1303. She referred to her previous dissatisfaction when she requested sludge records.

Sara Thayer, via telephone, spoke in opposition to Ordinance No. 1303.

Marilyn Guilmet spoke in opposition to Ordinance No. 1303. She referenced the Supreme Court of Alaska determination of Abigail Fuller and the City of Homer as well as the Freedom of Information Act.

Lisa Zeimer spoke in opposition to Ordinance No. 1303, if there was case law precedent.

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

Councilmember Haines said that Ordinance No. 1303 clarifies the definition of a "reference document" and "transitory document" and stated that it does not change or limit access to public records.

Councilmember Davidson acknowledged the City Attorney had reviewed and supported Ordinance No. 1303 at the work session in April 2013.

Councilmember Whiddon said he does not support Ordinance No. 1303 as written, because the language and definitions are subjective and he believes further editing should occur.

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

V. NEW BUSINESS

a. **Resolution No. 2013–15, Authorizing the Issuance of a Permit to Kodiak Little League for the Use of Public Property for Its Baseball Camp Fundraiser**

Mayor Branson read Resolution No. 2013–15 by title. The Kodiak Little League, a local non-profit organization, is requesting the use the Baranof Park baseball field to sponsor a baseball camp for youth ages 9-18 from June 3-5, 2013. The camp will raise funds and teach participants the techniques and fundamentals of baseball.

Councilmember Walker MOVED to adopt Resolution No. 2013–15.

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

b. **Resolution No. 2013–16, Authorizing the Issuance of a Permit to Kodiak Football League for the Use of Public Property for Its Flag Football Tournament Fundraiser**

Mayor Branson read Resolution No. 2013–16 by title. The local non-profit Kodiak Football League (KFL) has requested use of the Baranof Park football field to hold a flag football tournament fundraising event to take place during Crab Festival.

Councilmember Whiddon MOVED to adopt Resolution No. 2013–16.

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

c. **Authorization of FY2014 Marketing and Tourism Development Agreement With Discover Kodiak...Alaska Untamed**

The Council has authorized agreements with the Kodiak Island Convention and Visitors Bureau, now known as Discover Kodiak...Alaska Untamed, to provide marketing and tourism outreach for Kodiak since FY2009. It is time to renew the agreement for FY2014. Discover Kodiak is requesting the City provide \$100,000 to fund the FY2014 contract, which is \$10,000 more than was funded in FY2013.

Councilmember Davidson MOVED to authorize the FY2014 Marketing and Tourism Development Agreement with the Kodiak Island Convention and Visitors Bureau in the amount of \$90,000, with funds coming from the Special Revenue Funds, Tourism Development Fund, Tourism, Administration, Contributions account.

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

d. Authorization of a Contract With Tuan's Island Professional Cleaning Service for the Kodiak Police Station

The Kodiak Police Department (KPD) is requesting that Council authorize a two-year contract with Tuan's Island Professional Cleaning Service to provide regular janitorial services at the Kodiak Police Station.

Councilmember Haines MOVED to approve a two-year contract for janitorial services for the Kodiak Police Station with Tuan's Island Professional Cleaning Service in the amount of \$50,110, with funds coming from the FY2014 Kodiak Police Department, Operational Budget, Janitorial Services and authorize the City Manager to sign the contract on behalf of the City.

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

e. Authorization of Vehicle Purchase for the Harbor Department

One of the pickup trucks used in the Harbor Department, a 2003 Ford F-150, was evaluated and identified for replacement in the FY2013 budget. The department researched replacement options and recommends attaching to the State of Alaska's bid as the least expensive option.

Councilmember Whiddon MOVED to authorize purchase of a Ford F-150 half-ton pickup truck from Worthington Ford in the amount of \$18,788 plus \$750 in shipping charges for a total of \$19,813, with funds coming from the FY2013 Boat Harbor operations budget, Machinery and Equipment line item.

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

f. Authorization of Vehicle Purchase for the Parks and Recreation Department

This authorization will enable the Kodiak Parks and Recreation Department to replace one Dodge Ram truck, which is exhibiting severe frame, suspension, and body panel deterioration. This vehicle has been recommended for replacement in FY2013 with a like kind vehicle, specifically a 2013 Ford F-150 white base model regular cab four-wheel-drive truck.

Councilmember Walker MOVED to authorize purchase of a 2013 four-wheel-drive Ford F-150 regular cab truck from Kendall Ford for the Parks and Recreation Department in the amount of \$22,108, with funds coming from the FY2013 Parks and Recreation Department operations budget, Machinery and Equipment line item.

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

g. Authorization of Amendment No. 1 to the Professional Services Agreement for Project Management for the New Library, Project No. 6012

The library project is well into construction with completion expected this fall. Throughout the process the City has relied heavily on the professional project management services of Roe Sturgulewski of ARCADIS (formerly RISE Alaska). Mr. Sturgulewski is requesting an amendment to the existing contract to increase their fees by an additional \$119,840.

Councilmember Bishop MOVED to authorize contract Amendment No. 1 to the professional services agreement with ARCADIS (formerly RISE Alaska) for project management services for the library project in the amount of \$119,840, with fees coming from the Building Improvement Fund, New Library Construction Project, Project No. 6012 and authorize the City Manager to sign the documents on behalf of the City.

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

h. Authorization of Change Order No. 1 to Aleutian Homes Water and Sewer Phase V, Project No. 7026/10-03

The Aleutian Homes Water and Sewer Phase V, Segment A, is a continuation of the upgrade of utilities, pavement and sidewalks in the Aleutian Home Area. The Notice of Award for construction for this segment of the upgrade project was issued to Brechan Enterprises, Inc. on March 18, 2013. This memorandum discusses Change Order No. 1 for extension of approximately 100 feet to the existing project.

Councilmember Haines MOVED to authorize Change Order No. 1 to the Aleutian Homes Water and Sewer Replacement Phase V, Segment A project to Brechan Enterprises, Inc. in the amount of \$292,453, with funds coming from the Water Capital Improvement Fund, Project No. 7026/10-03 and authorize the City Manager to sign the document on behalf of the City.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski reported staff is working on the personnel manual and salary schedule updates since the adoption of Ordinance No. 1307 and Ordinance No. 1308. She thanked the Council on behalf of the city employees for their approval of these ordinances. She said the Finance Department's new financial sales tax software went live this week. The Kodiak Police Department is losing three senior staff members at the end of May 2013. Manager Kniazowski thanked Lt. Kyle Valerio, Sgt. Dan Olson, and Det. Bill Plyles for their years of service. Chief of Police T.C. Kamai is working on a recruitment plan and indicated that it is unprecedented since 1941 to have three resignations at the same time. Also, in the recruitment process is the Library Director and Human Resource Manager, and interviews were concluded for the Parks and Recreation Director. Manager Kniazowski, the Borough Mayor and key staff met with CH2MHill to discuss composting plans for the landfill, and they will report in detail at the joint work session. Manager Kniazowski said that Brechan Inc. is currently working on road alignment and reconstruction for the Shelikof pedestrian improvement project. The project is scheduled to be completed by July 16, 2013. The Parks and Recreation Advisory Board met on May 1, 2013, and discussed the pri-

oritizing of their project list with the updated costs provided by the interim Parks and Recreation Director. The highest priority remains the baseball outfield turf. A presentation will be provided by the Parks and Recreation Advisory Board Chair at a June 2013 work session. Manager Kniazowski thanked City Engineer Glenn Melvin and Corner Stone for the detailed Public Library tour. A Senate bill that supports the funding of Southwest Alaska Municipal Conference did not pass. Manager Kniazowski will be in Washington D.C. next week for an annual lobbying trip. In her absence Chief of Police T.C Kamai will be Acting City Manager and Fire Chief Rome Kamai will be the Acting Emergency Services Director.

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 congratulated Police Officer Jeffery Holden for the Elk's Drug Awareness Program Enrique S. Camarena award. She thanked Lt. Valerio, Sgt. Olson and Det. Pyles for their service to the community. Mayor Branson thanked the department heads and staffs for the budget reports during the May 4, 2013, work session. She commented that the overall budget request to the Council was decreased by six percent from FY2013 to FY2014. She said she continues to work with former Mayor Floyd on a multicultural facility. Mayor Branson commented about last year's presentation from Chief of Police T.C. Kamai when addressing Lisa Zeimer's concerns. She said there are City ordinances that deal with public consumption, open containers, public urination, and disorderly conduct that are arrestable offenses. She shared that there are ordinances that deal with begging, jostling, and indecent exposure that are punishable by a fine. She indicated the Council could review the need for a loitering ordinance in the future. Mayor Branson said there could be a need for more patrols from City police in the downtown mall area and this could be discussed. She said that citizens should call 911 when they feel their safety is compromised. Mayor Branson recommended that a committee be formed to work on the revitalization of the downtown mall area. She referred to the "pocket park" information supplied by the Manager Kniazowski, which contains a new design for the area.

VIII. COUNCIL COMMENTS

Councilmember Walker thanked Lt. Valerio, Det. Pyles, and Sgt. Olson for their many years of service and wished them luck in the future. He congratulated Police Officer Jeffery Holden for his award and thanked him for all the work he has done with the DARE program. He commented that the new Public Library looks beautiful. He reminded the public to be careful for construction projects underway. He voiced disappointment about the discontinued support of the Southwest Alaska Municipal Conference, because it has been a valuable forum. He supports the revitalization of downtown. He thanked the department heads and staff for the budget presentation.

Councilmember Haines thanked Don Roberts for his volunteer service as a crossing guard. He thanked Lt. Valerio, Sgt. Olson and Det. Pyles for their service to the community. He agreed that there are problems in the downtown area. He said that awareness and education is a start to influence the change in poor behavior downtown, urged the use of police services when needed, and spoke in favor of restoring downtown. Councilmember Haines read the definition of "transitory document" from Ordinance No. 1303 and said he feels this clarification is reasonable and

making the changes does not limit the access to the public. He would like to review the fee schedule for public records requests in the future.

Councilmember Davidson thanked Lt. Valerio, Sgt. Olson and Det. Pyles for their years of service to the community. He said he appreciated the department heads and staff for their work on FY2014 budget. He said he hopes the public recognizes the six percent decrease in the budget for FY2014. He urged the public to be careful driving and to watch for children crossing the road.

Councilmember Whiddon discussed that his specific opposition to Ordinance No. 1303 was the statement "has no value" otherwise he is in support of the ordinance. He agreed with the comments for revitalization of downtown Kodiak. He said it takes time, money, and attitude to make the changes in the long term. He said he appreciates the beauty of the island.

Councilmember Saravia thanked Lt. Valerio, Sgt. Olson and Det. Pyles for their service. He toured the Public Library and commented that it will be a great resource for the community. He agreed that downtown is in need of improvement. He agreed with the forming of a committee to work on the revitalization of downtown. Councilmember Saravia thanked the public for their time to come and share their opinions during the meeting. He said that the City Attorney was consulted for the Ordinance No. 1303. He said that access to records should not be limited and they should be free of cost to the public. He said Kodiak is a beautiful town. He said fulfilling the fishing quota is slow this year.

Councilmember Bishop thanked Lt. Valerio, Sgt. Olson and Det. Pyles. He thanked Mary Munk, Finance Director and department heads for the quality of the budget presentations. He provided information that the Emerging Leaders Dialog is this week; he encouraged the participation of youth. He shared his concern for the downtown mall area and is in support of reviewing the need for a loitering ordinance.

IX. AUDIENCE COMMENTS

Judi Kidder thanked Councilmembers Bishop and Whiddon for their opposition to Ordinance No. 1303. She said there is a problem with shelter for the homeless and for the loitering of drunks downtown.

Lisa Zeimer said she was disappointed that no immediate action was taken for the downtown safety issues.

Marilyn Guilmet thanked Councilmembers Bishop and Whiddon for their opposition to Ordinance No. 1303.

Debra Kirk, via telephone, thanked the Council for the construction of the baseball infield at the Baranof Park. She requested that the outfield at Baranof Park be worked on and hopes that the debris on the asphalt will be removed.

Josh Fitzgerald, via telephone, thought the comments to deal with the homeless would not work and "caging" them is ineffective.

X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 9:46 p.m.



CITY OF KODIAK

Pat Brennan

MAYOR

ATTEST:

Michelle Wherrell-Hels-

DEPUTY CITY CLERK

Minutes Approved: May 23, 2013