

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, AUGUST 8, 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 July 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. Public Comments

None

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1310, Amending Kodiak City Code 3.08.025, Allocation of Tax Proceeds, to Eliminate the December 31, 2013, Sunset Date for a Portion of the City Sales Tax

Mayor Branson read Ordinance No. 1310 by title. The current language in the City's sales tax code states the special allocations of sales tax currently appropriated to roads, parks, and harbor capital improvements will expire by December 31, 2013, unless extended or deleted. Staff discussed the implications of the sunset provision with Council at their July 9 work session, and Council voiced consensus to bring an ordinance forward to remove the sunset provision. Council also reviewed and discussed the ordinance when it was introduced at the regular meeting on July 25. This ordinance amends sections (a) and (b) of KCC 3.08.025 to remove the sunset provision. If passed by Council, the new ordinance will go into effect in enough time to avoid implementation of the sunset provision on December 31, 2013.

Councilmember Davidson MOVED to adopt Ordinance 1310.

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

b. Authorization of Postage Machine Agreement

The City Hall postage machine is rented from Pitney Bowes through an ongoing rental agreement. The agreement was originally entered into under the City Code Chapter 3.12.070 (c) through the Western States Contracting Alliance (WSCA). WSCA, a cooperative purchasing group, has contracts with two providers (Pitney Bowes and Neopost) for postage machine rentals who are both represented in Alaska. Pitney Bowes has proposed an option of upgrading to a new postage machine, while at the same time lowering the monthly rental payment from \$529.30 to \$480.26. The total cost of a five-year rental agreement would go from \$31,758.00 to \$28,815.60 for an overall savings of \$2,942.40. Additionally, Neopost has submitted a proposal for a comparable postage machine with similar features at a total cost for a five-year rental agreement in the amount of \$34,195.44.

[Clerk's Note: the motion to approve the five-year postage machine replacement agreement with Pitney Bowes for the total amount of \$28,488.60 beginning August 1, 2013, through July 31, 2018, with funds coming from the Finance Department, Utilities operating budget in the General Fund was made at the July 25, 2013, meeting and is on the floor for further discussion.]

Councilmember Davidson MOVED to amend the motion to authorize a five-year replacement agreement with Pitney Bowes for the five-year term beginning August 1, 2013, through July 31, 2018, with funds coming from the Finance Department, Utilities operating budget in the General Fund by striking \$28,488 and inserting \$28,815.

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

The roll call vote on the main motion, as amended, was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The main motion passed.

V. NEW BUSINESS

- a. First Reading, Ordinance No. 1311, Amending Kodiak City Code 5.40.010, Businesses on City Property Prohibited; Repealing and Reenacting Kodiak City Code Chapter 10.08, Motor Vehicle and Driving Offenses—Rules of the Road; Enacting Kodiak City Code Chapter 10.16, Stopping, Standing, and Parking; Repealing and Reenacting Kodiak City Code 10.40.010, Impoundment; Repealing Kodiak City Code 10.44.020, Failure to Obey Citation; Repealing and Reenacting Kodiak City Code 10.44.030, Vehicle and Traffic Offenses—Fine Schedule; to Provide for a Civil System for Parking Enforcement**

Mayor Branson read Ordinance No. 1311 by title. An amendment to District Court Criminal Rule 8 for minor offenses by the Alaska Supreme Court seriously impacted the police depart-

ment's ability to enforce parking rules in the city. This ordinance would create a civil penalties section to remedy this and allow the Police Department to resume parking enforcement in the City. This ordinance also proposes increasing the fine amount for parking violations to \$20 per violation. This sum will enhance cost recovery and support a new civil penalties section of City Code that City staff will administer. In addition, this ordinance adopts, by reference, Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road, and promotes consistency and continuity when enforcing common driving offenses occurring within the City.

Councilmember Haines MOVED to pass Ordinance No. 1311 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, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

b. Resolution No. 2013–25, Appropriating Funds for Additional Construction Expenses Related to the Shelikof Pedestrian Improvement Project

Mayor Branson read Resolution No. 2013–25 by title. The Shelikof Street Pedestrian Improvement project was awarded to Brechan in September 2012. The major rock cut that was a critical part of the project was completed in mid-May. Approximately a week later, there was a rock slide just below the Petro Star fuel tanks. Council approved an emergency repair contract with Golder Associates at the June 13 meeting. That approval depleted funds budgeted for the project and could not cover additional costs associated with the ongoing work, including costs to bring the shotcrete crew to Kodiak and other costs expected to complete the repairs. Resolution No. 2013–25 would authorize the transfer of \$100,000 from the Pavement Repair project into the Shelikof Pedestrian Improvement project for these construction related expenses.

Councilmember Bishop MOVED to adopt Resolution No. 2013–25.

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

c. Authorization of Professional Services Contract for Pillar Mountain Slide Analysis, Project No. 8013/11-07

As the City has moved forward with the Pier III replacement project it was discussed by the PN&D design team, Project Manager Roe Sturgulewski, and City staff that it was prudent to review the Pillar Mountain slide history to determine if additional study needed to be performed with regard to the slide area and how it relates to the Pier III project. The former City Engineer made a recommendation in 2002 that the City perform additional geotechnical analysis to quantify the risks of slope failure. The City did not pursue the study and further analysis was not considered. Since the Pier III replacement project is the largest project for the City and is located near the slide area, it is recommended that an analysis be done to identify and mitigate potential risk of damage to Pier III from a slope failure.

Councilmember Haines MOVED to authorize a professional services contract with Golder Associates to perform an analysis of the Pillar Mountain slide area as it relates to the Pier III replacement work in an amount not to exceed \$45,000, with funds coming from the Cargo Development

Fund, Pier III project, Project No. 8013/11-07 and authorize the City Manager to execute 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.

d. Authorization to Purchase Baranof Track and Field Bleachers, Project No. 9001/12-05

The final phase of the Baranof Park Improvement Project included several elements to be executed, including a field turf baseball outfield, security lighting and cameras, skate park ramps, tennis court repairs, and permanent bleachers at Joe Floyd Track and Field. In preparation for executing the bleacher element, a Request for Quotes was issued on June 28, 2013, to obtain quotes from bleacher manufacturers. Following City Code Chapter 3.12 for open market purchases greater than \$25,000, the City received four submittals. The responses were relatively competitive. The most responsive, as well as the apparent low cost bidder, was Southern Bleacher Company of Graham, Texas with a quote of \$64,840. This supplier was one of three recommended by DA Hogan.

Councilmember Walker MOVED to authorize the purchase of bleachers from Southern Bleacher Company in the amount of \$64,840, with funds coming from Parks Capital Improvement Fund, Baranof Park Improvements, Project No. 9001/12-05.

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

e. Authorization of Bid Award for Annual Sidewalk, Curb, and Gutter Repairs, Project No. 5003/14-01

Annually, the City issues bids for the repair and replacement of damaged sections of sidewalk, curb, and gutters at various locations throughout the City. Actual quantities of each bid item will vary in response to need and the approved FY2014 budget. Bids were issued in June and opened on July 29, 2013. Two bids were received.

Councilmember Whiddon MOVED to authorize the bid award for the annual sidewalk, curb, and gutter project to Belarde Custom Concrete in the amount of \$65,310, with funds coming from the Street Improvement Capital Fund, Annual Sidewalk Curb and Gutter project, Project No. 5003/14-01 and authorize the City Manager to execute the award documents on behalf of the City.

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

f. Authorization of Bid Award for Harbor Projects 2013, Project No. 14-02

Four harbor facilities need minor repair. Years of use plus damage done by the State ferry M/V Kennicott require heavy-lift cranes and other equipment to remove and install pile and lift and repair fender units. There are several components of this project at four different city-owned facilities: Pier II, Dock 1 (St. Paul Harbor), L-Float (St. Herman Harbor), and the Channel Transi-

ent Float (CTF). They all require equipment (i.e, cranes on barges), which are not available to the Harbor Department's in-house maintenance team. Pier II repairs have been deferred two years awaiting contractor availability. Two bids were received.

Councilmember Haines MOVED to authorize the bid award for Harbor Projects 2013, Project No. 14-02, to Western Marine Construction in the amount of \$75,925, with a combination of funds coming from the Harbor and Port Capital Improvement Fund, Project No. 8520 and 8521; the Boat Harbor Fund, repair and maintenance line item; and the Cargo Fund, Cargo Terminal repair and maintenance line item; and authorize the City Manager to execute the necessary documents on behalf of the City.

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

g. Authorization of Bid Award for Demolition of Old Kodiak Police Station and 1118 Mission Road Buildings, Project No. 4035/13-06

This recommendation is to authorize the award of a single contract to demolish the old Kodiak police station building and the abandoned house at 1118 Mission Road. Project bids were received on July 29, 2013, and publically read at the City Manager's office. The City received five bids. The bids have been reviewed, and Golden Alaska LLC is considered to be the lowest responsible bidder per Kodiak City Code Section 3.12.080.

Councilmember Davidson MOVED to award the bid for Demolition of Old Kodiak Police Station and 1118 Mission Road to Golden Alaska Excavating LLC in the amount of \$349,551, with funds coming from the General Capital Projects Fund, Demolition of Old Kodiak Police Station and 1118 Mission Road, Project No. 4035/13-06 and authorize the City Manager to execute 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 the Re-plat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, Including the Vacation of Portions of the Stellar Way Right-of-Way According to KIBC 16.60, Creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Subdivision

The Stellar Way Improvement Project, Project No. 03-15, began in the summer of 2004. As part of the improvement, the City negotiated with the owner of 816 Rezanof Drive to purchase approximately 727 square feet of property in exchange for a portion of the vacated Right-of-Way (ROW). The property purchase agreement was signed and the property assessment was adjusted. The City was responsible for replatting of the property and vacated ROW. The preliminary work was completed; however, the replat work was not. The property owner called this spring and requested that the City complete the work so he could utilize the property for further development.

Councilmember Whiddon MOVED to approve the replat of Lot 1A, Block 30 and Lot 9, Block 31, East Addition Subdivision, including the vacation of portions of Stellar Way Right-of-Way According to KIBC 16.60, creating Lot 1B, Block 30 and Lot 9B, Block 31, East Addition Sub-

division and authorize the Mayor and City Manager to sign the replat documents prior to recording.

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 stated the Kodiak Island Borough Assembly will consider authorizing a new license agreement for short-term land use for Class B composting, which will be located at the south dump site. Manager Kniazowski stated that a long-term land use agreement will be pursued for Class A composting at a later date.

She stated the Kodiak Island Borough will close Egan Way for students to have a safe ingress and egress to get to school with all the current construction projects in the area. She said this closure will be published through various media in the upcoming weeks. She stated the road closure will not affect the new Library project progress.

Manager Kniazowski shared that the Downtown Kodiak Revitalization Special Committee will have an initial meeting on Monday, August 8, 2013. Chief of Police T.C. Kamai will be presenting the policing strategies for downtown.

Manager Kniazowski stated that Barbara Rudio, the City's previous Library Director, will be interim Library Director while the transition is occurring to recruit and fill the Library Director position. There are two finalists for the Library Director position and they are currently interviewing. She said the new Library project is progressing on schedule. She commented on the beautification of the facility. She commented that Engineer Glenn Melvin worked with Paul Converse to mill the trees from this site and use them as support posts with a decorative element in the new Library. She shared that the grand opening is scheduled for mid-December.

She mentioned the quarterly capital projects were highlighted at the Council work session on Tuesday.

Manager Kniazowski will be out of town from August 14-23, 2013, and will attend the Alaska Municipal League summer meetings in Valdez, AK. The Acting City Manager will be Chief of Police T.C. Kamai, and the Acting Emergency Service Director will be Fire Chief Rome Kamai and Deputy Fire Chief Jim Mullican in her absence.

b. City Clerk

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

Clerk Marlar informed the public that the last day to file nominating petitions for the Mayoral two-year term and the Councilmember three-year terms is August 15, 2013, at 4:30 p.m. at the

Clerk's Office. She stated that the voter registration is open until September 1, 2013, and is available in the City Clerk's Office through Friday, August 30, 2013.

VII. MAYOR'S COMMENTS

Mayor Branson thanked Manager Kniaziowski and staff for the informative quarterly capital projects overview at Tuesday's work session. She thanked Grant Shield and his company for doing litter pick up and his encouragement to keep Kodiak clean by giving incentives such a scholarships.

Mayor Branson said she and Borough Mayor Selby met with Representative Alan Austerman and staff and Senator Gary Steven's staff to set up a meeting with the Governor and Department of Transportation Commissioner Patrick Kemp. Mayor Branson said the Governor has accepted and scheduled a meeting for next Tuesday. She thanked Representative Austerman's staff for helping to set the meeting and assist in the development of questions for the meeting. She stated they are prepared to ask the following questions: what will be the realistic repair and replacement time; is the Tustemena the next priority ferry to be pushed by the administration; is \$10 million sufficient for the new ferry, including the design; will the Southwest communities be included in the design of the new ferry; and will the \$40 million in the Governor's marine highway vessel fund be sufficient in the FY2015 budget. Mayor Branson said she plans to discuss the ferry with the transportation policy makers at the Alaska Municipal League meetings in Valdez, AK later this month. She said she looks forward to answers and receiving ferry service back to Kodiak.

She announced that the Downtown Kodiak Revitalization Special Committee will be meeting Monday. She thanked Manager Kniaziowski and Chief of Police T.C. Kamai for helping to set the agenda for the meeting. She announced that the meeting is open to the public.

VIII. COUNCIL COMMENTS

Councilmember Davidson asked the public to be cautious of school children on the roads when driving.

Councilmember Whiddon had no comments.

Councilmember Haines complimented the Kodiak Library; he said it was the coolest Library in the state. He said that the usage of the tree trunks in the library is impressive and he complimented the compass rose by artist Jerry Laktonen. He thanked Mayor Branson and Mayor Selby for scheduling the meeting with the administration to discuss the replacement of the Tustemena for Kodiak. He said it has been fun to watch the Harbor dredge project, and the contactors are doing great job.

Councilmember Walker thanked Engineer Glenn Melvin for the capital projects presentation at the work session. He thanked Mayor Branson, the Kodiak Island Borough, and the Kodiak Island School District for participating and addressing the concerns of the ferry delay. He thanked Senator Gary Stevens and Representative Alan Austerman for their support. He indicated that the memorial service for Rex Matautia will be on Saturday.

Councilmember Saravia thanked Manager Kniazowski and the department heads for their work and dedication. He voiced his appreciation for the Library opening in December. He asked that the public be careful driving with school beginning.

Councilmember Bishop congratulated Chastity Starrett for becoming the new Executive Director at Discover Kodiak. He commented that he tries to review Facebook to keep current on community highlights. He said the Zimmerman case that has had national media coverage encouraged him to review the stand-your-ground law and the case doctrine with the exemptions. He read the upcoming inserts as they applied to Alaska that will go into effect in September. He encouraged everyone to have a great remainder of the summer.

IX. AUDIENCE COMMENTS

None

X. EXECUTIVE SESSION TO DISCUSS THE TERMS OF THE CITY MANAGER'S EMPLOYMENT CONTRACT

Annually, the City Council reviews the performance of the City Manger and discusses the terms of an employment contract. The Manager's performance review was conducted in April 2013. The City also adopted a new classification and compensation system in April which, by revisions to the Personnel Rules and Regulations, removed the Manager from the pay scale. The next step in the process is to discuss the terms of a new employment contract for the Manager. In accordance with the Open Meetings Act, the City Manager does not object to the discussion being held in executive session.

Councilmember Davidson MOVED to go into executive session.

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

The Council entered into executive session at 8:24 p.m. The regular meeting reconvened at 9:14 p.m. The Council took no action.

XI. ADJOURNMENT

Councilmember Whiddon 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 9:16 p.m.

CITY OF KODIAK



MAYOR

AUGUST 8, 2013

7728

ATTEST:

Michelle Shurovitz Nelson

DEPUTY CITY CLERK



Minutes Approved: September 12, 2013