

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, DECEMBER 12, 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 Kniazowski, City Clerk Debra L. Marlar, and Assistant Clerk Catherine Perkins 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 October 24, 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. Oath of Office to Chief of Police Ronda Wallace**

The City Clerk administered the oath of office to Chief of Police Rhonda Wallace. Former Chief of Police T.C. Kamai presented Chief Wallace with the insignia patch.

**b. Public Comments**

**Lawrence Anderson**, Senior Citizens of Kodiak, gave an update on the organization's services and accomplishments. He said the Senior Center received national accreditation in October for the third time and said they are the only Senior Center in the state to do so.

**Trevor Brown**, director of the Chamber of Commerce, thanked the Council for their continued support.

**IV. UNFINISHED BUSINESS**

**a. Second Reading and Public Hearing, Ordinance No. 1312, Authorizing the City to Enter Into a Memorandum of Agreement With the State of Alaska, Department of Transportation and Public Facilities Regarding the Kodiak Ferry Terminal and Dock Improvements**

Mayor Branson read Ordinance No. 1312 by title. Several years ago Congress authorized funding for the planning, design and construction of an Alaska Marine Highway System (AMHS) terminal in Kodiak. The dock will be a component of the National Highway System.

The State Department of Transportation and Public Facilities (DOT&PF) is responsible for planning design and construction of a new dock at Pier I. Engineering is essentially complete, and construction is anticipated for 2014 and is estimated to cost \$14.3 million. When complete, the dock becomes the property of the City of Kodiak. DOT&PF requires the City to enter into a memorandum of agreement, which covers the terms, scope, design, construction, ownership, right-of-way, operations, and maintenance obligations for the life of the facility – about 30 years. DOT&PF asserts that the City Council must approve the MOA before the State will award construction contracts.

Councilmember Walker MOVED to adopt Ordinance No. 1312.

Mayor Branson closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

Councilmember Haines MOVED to amend Section 1 of Ordinance No. 1312 by inserting the words “revised December 12, 2013” between the words “MOA” and “hereby” in the first line and to substitute the previous MOA with the MOA revised December 12, 2013.

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

**b. Second Reading and Public Hearing, Ordinance No. 1313, Enacting Kodiak City Code 18.32.115, Park Closure, to Designate Hours When Parks Are Closed to the Public**

Mayor Branson read Ordinance No. 1313 by title. City staff and the Parks and Recreation Advisory Board have recommended that Council establish open and closing hours for the many large and small parks the City owns. At this time, none of these parks are governed with opened and closed park hours. While City Code exists for noise complaints and curfew hours, KPD cannot ask a person to vacate a public place, like a park, without codified hours. Furthermore, the Parks Department cannot staff the facilities in a responsible manner without fixed hours of operation for some of the parks in its care. The opportunity for vandalism and other acts harmful to the public’s interest increases later in the evening. The value of the improvements on the parks with fields and playgrounds exceed \$10 million and are vulnerable to vandalism. The most significant act of vandalism resulted in approximately \$1 million in damage to the ice rink last summer.

Councilmember Bishop MOVED to adopt Ordinance No. 1313.

Mayor Branson closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

Councilmember Haines MOVED to amend Section 1 (a) of Ordinance No. 1313 by inserting the word “City” between the words “all” and “parks” and by striking the following words: “including parks located outside the city.”

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

Councilmember Davidson MOVED to amend Section 1(a)(1) of Ordinance No. 1313 by striking "11 p.m." and inserting "midnight," striking the words "each day in the months of" and inserting the word "from," striking "May" and inserting "April 15," striking "August" and inserting "September 15," and in Section 1(a)(2), striking the words "each day in the months of," and inserting the word "from," and inserting "16" after the word September, and "14" after the word April.

The roll call vote on the second amendment was Councilmembers Davidson, Haines, Saravia, in favor and Councilmembers Bishop, Walker, and Whiddon opposed. Mayor Branson broke the tie and voted in favor. The amendment passed.

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

**c. Authorization of FY2014 Chamber of Commerce Economic Development Agreement**

The City contracts with the Kodiak Chamber of Commerce for economic development activities. The Chamber's Economic Development Specialist (EDS) position is funded by both the City and the Borough through similar contracts. City officials have had ongoing discussions about the scope of work for the EDS agreement and, based on recent discussions with the Chamber of Commerce's Executive Committee, are willing to approve the attached contract for FY2014 retroactive to July 1, 2013.

Councilmember Haines MOVED to amend by substituting the FY2014 Economic Development Agreement postponed at the June 27, 2013, regular meeting with the FY2014 Economic Development Agreement No. 211484 in the amount of \$43,000, with funds coming from the General Fund, Non-Departmental, Administration, Contributions account and authorize the City Manager to sign this agreement on behalf of the City.

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

**V. NEW BUSINESS**

**a. Resolution No. 2013-30, Adopting the FY2015 State Capital Improvements Project List**

Mayor Branson read Resolution No. 2013-30 by title. Following the work session discussion between Senator Gary Stevens, Representative Alan Austerman, and the City Council on October 8, 2013, Council indicated support for the proposed list of state capital funding priorities for FY2015.

Councilmember Walker MOVED to adopt Resolution 2013-30.

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

**b. Resolution No. 2013–31, Accepting a 2013 State Homeland Security Program Grant**

Mayor Branson read Resolution No. 2013–31 by title. The City has been awarded a State Homeland Security Program Grant to provide funding assistance to the City and, through the City, to Providence Kodiak Island Medical Center to participate in the state's Alaska Shield 2014 exercise. The exercise is one of many being conducted statewide as required every three years by the Homeland Security Exercise and Evaluation Plan.

Councilmember Bishop MOVED to adopt Resolution 2013–31.

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

**c. Resolution No. 2013–32, Appropriating Funds to Purchase a Vehicle for Use by the City Manager and Authorizing a Bid Award**

Mayor Branson read Resolution No. 2013–32 by title. The City Manager's office has not had a City supplied vehicle for many years. During contract negotiations between the Manager and Council, the Manager was directed to acquire an all-wheel or 4-wheel drive vehicle for her use. The Public Works Department looked at various types of vehicles that were suitable and recommended a bid for a Ford Escape.

Councilmember Haines MOVED to adopt Resolution No. 2013-32.

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

**d. Resolution No. 2013–33, Authorizing the Issuance of a Permit to the Fil-Am Association of Kodiak for the Use of Public Property for Fundraiser Activities**

Mayor Branson read Resolution No. 2013–33 by title. The Filipino-American Association of Kodiak requested the use of the Teen Center three days a week for two hours from December 17, 2013, through January 30, 2014, to host Zumba (combination of aerobics and dance type exercises) classes. One hundred percent of the fees for services rendered and any donations received by the Filipino-American Association at those activities will be sent to the Philippine Red Cross or the Samaritan's Purse organization to assist those affected by the tragic storm event this past month.

Councilmember Davidson MOVED to adopt Resolution No. 2013–33.

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

**e. Authorization of Amendment No. 5 to the Professional Services Agreement with Cornerstone General Contractors, Inc. for Balance of Construction Work for New Library, Project No. 6012**

The City Council has previously authorized four amendments to Cornerstone General Contractors, Inc. to construct the new library. This action awards Amendment No. 5 to increase the amount of the GMP (Guaranteed Maximum Price) to account for increases in the allowances including other owner controlled elements during construction.

Councilmember Haines MOVED to authorize Amendment No.5 to the professional services contract with Cornerstone General Contractors, Inc. for the new library, to increase the guaranteed maximum price (GMP) by \$91,595, with funds coming from the Building Improvement Fund, New Library Project, Project No. 6012.

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

**f. Authorization of Amendment No. 5 to the Professional Services Contract for Construction Administration Services for Pier III Replacement, Project No. 8024/11-07**

PND Engineers Inc. submitted a proposal for construction phase engineering services for the PIER III Replacement project. This amendment would provide material procurement; PND will provide construction phase services including construction administration tasks and assistance in long lead material procurement. PND will assist with the procurement and quality assurance of long lead construction materials including pipe and sheet pile and major steel framing members.

Councilmember Davidson MOVED to authorize Amendment No. 5 to the Professional Services contract with PND Engineers for construction phase engineering Services associated with Pier III Replacement in the amount of \$996,021, with funds coming from the Pier III project, Project No. 8024/11-07 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.

**g. Authorization of Amendment No. 1 to the Professional Services Contract for Pier III Project Management Through Construction, Project No. 8024/11-07**

The Pier III replacement project is nearing design completion and is moving into construction. Roe Sturgulewski of RISE Alaska, now known as ARCADIS, has submitted a proposal to complete project management services through construction from December 2013 to summer 2015.

Councilmember Davidson MOVED to authorize Amendment No. 1 to the professional services contract with RISE Alaska (ARCADIS) for project management services for the Pier III project through the end of construction on a time and expense basis in an amount not to exceed \$398,868 with funds coming from the Pier III Project, Project No. 8024/11-07 and authorizing the City Manager to execute the agreement 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. 5 for Shelikof Street Pedestrian Improvement Project, Project No. 13-10/8016**

The Shelikof Street Pedestrian Improvement project is now complete. During the course of construction a rock slide occurred that caused the project major delays and additional costs. Change Order No. 5 is for work performed by Brechan Enterprises to support the emergency engineering and construction services for the repair work to the slide area, which was approved by Council on June 13, 2013. The additional work performed includes labor, materials, and equipment for the shotcrete repair and traffic control. All of the work associated with this change order is additional work and was contemplated at the time of the slide but was not quantifiable due to the needed response, short time constraints, and uncertainty of the duration of the work. Brechan Enterprises performed the additional work successfully and has completed the project with the least possible impact to the processors and general public. The change order also includes additional work requested to correct problems encountered on the project prior to the slide.

Councilmember Whiddon MOVED to authorize Change Order No. 5 for the Shelikof Street Pedestrian Improvement Project, Project No. 13-10/8016, to Brechan Enterprises in the amount of \$245,623.91, with \$162,623.91 coming from Harbor Pedestrian Improvement Project No. 13-10/8016 and the remaining \$83,000 to be included in the next supplemental budget ordinance from the General Fund Fund Balance.

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

**i. Authorization of Purchase of Replacement Chlorine Storage Tanks, Project No. 030/11-08**

The City's water treatment process uses a chlorine solution that is generated on site. This product is stored for use in a chlorine storage tank. The existing 3,000 gallon fiberglass storage tank is deteriorating and must be replaced. Public Works and Utilities looked at several options and are recommending the replacement of the existing tank with two smaller polyethylene tanks that will allow the same storage capacity. Whitney Equipment Company provided a quote for two 1,500 gallon tanks and fittings that will fit within the existing limited space.

Councilmember Haines MOVED to authorize the purchase of the replacement chlorine storage tanks, Project No. 7030/11-08, and the Whitney Equipment Company quote in an amount not to exceed \$45,000, with funds coming from the Water Capital Improvement Fund, Project No. 7030/11-08 and authorize the City Manager to execute the documents for the City.

Councilmember Bishop MOVED to postpone the vote on the motion until a future meeting to be determined by the City Manager.

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

**j. Scheduling of Public Hearing for Report on Demolished Building**

Staff worked with the City Attorney to follow the process required by the Uniform Code for the Abatement of Dangerous Buildings (Uniform Code) to demolish the abandoned building that previously occupied the property at 1118 Mission Road. It was necessary for the City to demolish the abandoned building, because it had deteriorated over the years and had become a serious hazard. The property owner did not respond to numerous requests from the City to resolve the matter. A public hearing is required before the City may assess a charge against the property for the demolition expenses and to provide the public with the opportunity to protest or object to the demolition report. The process mandated by the Uniform Code to demolish the building required that the Public Works Director keep an itemized account of the expense incurred by the City for the cost of the demolition, which totals \$27,271.70.

Councilmember Haines MOVED to schedule a public hearing at the first regular or special meeting in January regarding the demolition of the building at 1118 Mission Road.

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

**k. Advisory Board Appointments**

Several seats expired on various City advisory boards at the end of December. 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.

Mayor Branson appointed Marcus Dunbar, Amy Fogle, Ryan Murdock, and Natasha Hayden to regular seats on the Parks and Recreation Advisory Board, with terms ending December 31, 2016, and Jermiah Gardner to the Alternate No. 1 seat on the Parks and Recreation Advisory Board, with the term ending December 31, 2014; Skip Bolton and David Gentry to regular seats on the Port and Harbors Advisory Board, with terms ending December 31, 2016; Stosh Anderson to the Alternate No.1 seat and Ed Cross to the Alternate No. 2 seat with terms ending December 31, 2014.

Councilmember Haines MOVED to appoint Curtis Law and Patricia Olsen to the Personnel Board for terms ending December 31, 2015, recommend Patricia Olsen for appointment to the three-year City seat on the Planning and Zoning Commission; and confirm the Mayoral advisory board appointments to the Parks and Recreation and Port and Harbors Advisory Boards as stated.

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

**l. 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 Bishop MOVED to elect Gabriel Saravia as Deputy Mayor for a one-year term.

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 thanked the City Council for authorization of a City Vehicle for her use. She gave an update on the Federal Subsistence Board's review of the process and criteria used to determine rural subsistence status. She congratulated and welcomed Chief Rhonda Wallace and Library Director Katie Baxter and reported that the library grand opening was an enormous success with over 400 people and many dignitaries attending. She thanked Barbara Rudio for her help with the library as well as City staff and project managers. She also thanked IT Administrator Lee Peterson for his help getting the library finished.

She reported on her attendance at AML and AMMA. She offered condolences to family of Fairbanks Chief of Staff Pat Cole. She gave an update on the Aleutian Homes Water and Sewer Replacement project and reported the City did receive funding for the municipal matching grant program for the Monashka Pumphouse and Aleutian Homes projects. She also reported the Public Works Department was awarded the Alaska Water Systems of the Year Award and thanked Mark Kozak, Hap Heiberg, and staff for their hard work. She reviewed her upcoming travel schedule and wished everyone a happy and safe holiday season.

### **b. City Clerk**

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

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

Mayor Branson thanked everyone who applied for Advisory Boards and congratulated Chief Wallace. She also welcomed and congratulated Library Director Baxter and said the library grand opening was a great success. She said she was very pleased with the capital budget and thanked Mark Kozak for his work. She congratulated Hap Heiberg on the Alaska Water Systems of the Year Award and gave an update on the Downtown Revitalization Committee. She wished everyone a happy and safe holiday season.

## **VIII. COUNCIL COMMENTS**

Councilmember Walker wished his family, friends, and City staff happy holidays.



Councilmember Haines welcomed Chief Wallace and Library Director Baxter. He said he is glad the library project is finished, and he congratulated KPLA on their success. He also reminded the public that it is dark out and encouraged the public to drive safely.

Councilmember Davidson welcomed Chief Wallace and Library Director Baxter. He wished Levi Thomet good luck at the Cross Country National Championships in San Diego. He wished everyone happy holidays.

Councilmember Whiddon thanked Library Director Baxter for the personal tour and welcomed Chief Wallace. He congratulated Deputy Mayor Saravia and thanked his fellow Councilmembers for a great year. He wished City staff and the public a merry Christmas and happy holidays.

Councilmember Bishop congratulated Chief Wallace and welcomed Library Director Baxter. He said he was able to attend the library grand opening and hopes the public enjoys the new library. He reported on his attendance at AML and thanked the Alaska Cabaret, Hotel, and Restaurant & Retailer's Association (CHARR) for sponsoring free taxicab rides on New Year's Eve and encouraged the public to not drink and drive. He wished everyone a happy holiday and safe new year.

Councilmember Saravia thanked the Council for electing him Deputy Mayor. He said it is a pleasure to work with everyone and is glad they all have different points of view. He congratulated Chief Wallace and Library Director Baxter and said the library is a great facility. He wished everyone a happy Christmas and New Years.

## **IX. AUDIENCE COMMENTS**

None

## **X. EXECUTIVE SESSION**

### **a. Review of Draft Horizon Lines Contracts**

Councilmember Davidson MOVED to enter into executive session pursuant to AS 44.62.310(c)(1) to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the City, specifically the negotiation of new contracts with Horizon Lines.

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 9:10 p.m. The regular meeting reconvened at 11:04 p.m. The Council took no action.

### **b. Clerk's Annual Performance and Contract Review**

Annually, the City Council reviews the performance of the City Clerk. In accordance with the Open Meetings Act, the City Clerk does not object to the evaluation being done in executive session.

Councilmember Whiddon MOVED to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct the City Clerk's annual performance evaluation.

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 11:10 p.m. The regular meeting reconvened at 11:34 p.m. The Council took no action.

**XI. ADJOURNMENT**

Councilmember Haines 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 11:35 p.m.

CITY OF KODIAK

DEPUTY MAYOR

ATTEST:

CITY CLERK



Minutes Approved: January 16, 2014