

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, AUGUST 28, 2014
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 24, 2014, 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: Recognizing Kodiak's Seafood Processing Workers

Mayor Branson stated the proclamation will be presented at the September 11, 2014, meeting when the material is available.

b. Proclamation: Suicide Prevention

Councilmember Bishop read the proclamation, which recognizes suicide as a significant problem in Kodiak and declares suicide prevention a priority. Jessica Lacy-Wooley, Kodiak Area Native Association, thanked the Mayor and Council for their support during suicide prevention week. She urged the community to be aware of suicide prevention by participating in the walk on Sept 10 or the safe talk at the high school on September 11. She said there is a suicide prevention hotline.

c. Public Comments

Pat Holmes complimented Mayor Branson for her ability to chair a meeting effectively. He read from a letter written by Mary Nault voicing opposition to closing a portion of Mission Road to parking and encouraging more enforcement of existing laws. Mr. Holmes also voiced a similar opinion and asked that Resolution No. 2014-30 be postponed.

Jamie Fagan stated Resolution No. 2014–32, Opposing Section 1021 of the 2012 National Defense Authorization Act had been changed from the resolution PANDA submitted. He commented the resolution could go to the state level and asked for support to include section 1022.

Dana Carros said the federal court ruling regarding the National Defense Authorization Act (NDAA) stands that it is unconstitutional. He urged support the original PANDA resolution.

Betty MacTavish stated she is in support of PANDA opposing section 1021 and 1022 of the NDAA.

Dennis Symmons said he supports the issues PANDA has presented.

Jay Johnston stated he is a property owner on Mission Road, and he encouraged the Council to reject Resolution No. 2014–30. He suggested enforcing 24-hour parking and vehicle abandonment laws. He said the drainage has not been worked on.

Garrett Parker spoke in support of Resolution No. 2014–32.

Joe Macinko submitted and read his letter, which outlined his property concerns on Mission Road.

Craig DeHart, local contractor, said he was disappointed in the rock area designated in the borrow material permits issued during the July Council meeting. He said the increases in the insurance requirements have been difficult. He urged the Council to revisit the rock designations.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1320, Authorizing a Lease of Property Adjacent to Pier II With Petro Star, Inc. D/B/A North Pacific Fuel

Mayor Branson read Ordinance No. 1320 by title. Ordinance No. 1320 would authorize the City of Kodiak to lease a portion of Pier II uplands known as Van Rows 11 and 12 (easterly), to Petro Star Inc, D/B/A North Pacific Fuel. Petro Star has leased the parcel for five-year terms continuously since 1999 and desires to renew the lease for an additional five years. The current lease expired on July 30, 2014.

Councilmember Haines MOVED to adopt Ordinance No. 1320.

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. Second Reading and Public Hearing, Ordinance No. 1321, Authorizing the Grant to Kodiak Electric Association, Inc, of an Approximately 5,000 Square Foot Easement on a Portion of Alaska State Land Survey No. 89-10, USS 2539 TR A Located in the Vicinity of Gibson Cove; and a 40-Foot Wide by Approximately 4,997 Foot-Long Easement

Traversing Pillar Mountain Across City Properties Described as USS 2538a TR B and USS 3945; for a Flywheel System and Power Line to Support the Operation of a New Crane at Pier III

Mayor Branson read Ordinance No. 1321 by title. This recommends Council approval of two electrical easements to KEA, which will allow them to install and maintain equipment related to providing medium voltage power to the Pier III project.

Councilmember Davidson MOVED to adopt Ordinance No. 1321.

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.

c. Second Reading and Public Hearing, Ordinance No. 1322, Enacting Kodiak City Code 2.08.065, Assistant City Manager—Appointment, Powers and Duties; Amending Chapters 2, 4 and 10 of the City Personnel Rules and Regulations; Amending the Definitions in the City Personnel Rules and Regulations; and Adopting New Schedules I And II to the Personnel Rules and Regulations; to Provide for the Appointment, Duties, and Compensation of an Assistant City Manager

Mayor Branson read Ordinance No. 1322 by title. The City Council and City Manager have discussed ways to even out the Manager's workload by creating a deputy city manager position. By doing so, the City will have a transitional senior management position that can fill in for the Manager when necessary and one who can take on many of the operational tasks, especially human resource related functions.

Councilmember Bishop MOVED to adopt Ordinance No. 1322.

Councilmember Bishop MOVED to amend Ordinance No. 1322 by striking the word "assistant" and inserting the word "deputy" throughout the ordinance.

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.

V. NEW BUSINESS

a. First Reading, Ordinance No. 1323, Authorizing a Lease Renewal of a Communication Site in U.S. Survey 3945 on Pillar Mountain to NCWPCS MPL 31 – Year Sites Tower Holdings LLC

Mayor Branson read Ordinance No. 1323 by title. The City has issued a lease for the Pillar Mountain Communication Site No. 11 with AT&T and affiliates since 2010. The current lease for Site No. 11 with CCATT, LLC, will expire in December of this year. Its successor,

NCWPCS MPL 31- Year Sites Tower Holdings, LLC, through Crown Castle, requested the lease be renewed.

Councilmember Davidson MOVED to pass Ordinance No. 1323 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. First Reading, Ordinance No. 1324, Amending Kodiak City Code 2.08.025, Compensation of Councilmembers, and Kodiak City Code 2.08.034, Compensation of Mayor, to Increase Monthly Compensation for Councilmembers From \$200 to \$400, and to Increase Monthly Compensation for the Mayor From \$250 to \$500

Mayor Branson read Ordinance No. 1324 by title. Councilmembers initiated discussion of the possibility of increasing the elected officials' stipend in February of this year. Staff researched the issue in preparation for discussion at the March 25, 2014, work session. Once adopted, the ordinance will take effect November 1, 2014.

Councilmember Haines MOVED to pass Ordinance No. 1324 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 Davidson, Haines, Saravia, and Walker in favor. Councilmembers Bishop and Whiddon were opposed. The motion passed.

c. First Reading, Ordinance, No. 1325, Authorizing an Amendment to the Lease Between the City of Kodiak and NOAA for Office and Warehouse Space on Pier II

Mayor Branson read Ordinance, No. 1325 by title. NOAA has a long-term commitment with the City of Kodiak to homeport the research vessel OSCAR DYSON at Pier II. In exchange for funding that was provided by NOAA to rebuild Pier II, the vessel is exempt from dock fees. To support vessel operations, NOAA leased warehouse and office space in the Pier II warehouse. NOAA continues to use the warehouse space for its intended purpose, but no longer needs the office space as originally planned.

Councilmember Davidson MOVED to pass Ordinance No. 1325 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.

d. Resolution No. 2014-30, Authorizing and Directing the Chief of Police to Place Signs Prohibiting Parking on the Northwest Side of Mission Road Between Erskine Avenue and 12th Avenue

Mayor Branson read Resolution No. 2014-30 by title. The Kodiak Police and Public Works Departments have fielded many complaints regarding drainage, traffic congestion, and snow removal on Mission Road over the last several years. Complaints have come from area residents as

well as pedestrians and motorists using Mission Road. Staff proposed a solution by posting the section of Mission Road from 12th Avenue south, to the intersection of Erskine Avenue with “No Parking This Side of Street” signs along the northwest side of the street.

Councilmember Whiddon MOVED to adopt Resolution No. 2014–30.

Councilmember Davidson MOVED to postpone Resolution No. 2014–30 to a future meeting to be determined by the City Manager.

Councilmember Davidson MOVED to amend the postponement by striking “to be determined by the City Manager” and inserting within the next two months.

Councilmember Davidson asked for clarification of the City Code regarding parking.

Manager Kniaziowski explained the ticket process for parking violations and high impound costs.

Councilmember Haines thanked those that live on mission road for attending the meeting. He said he supports the postponement to include the stakeholders.

Councilmember Whiddon said he agrees with the postponement. He stated he has concerns on the safety and would like to fix the infrastructure.

Councilmember Saravia said he agrees with the postponement.

The roll call vote on the amendment of the postponement was Councilmember Bishop, Davidson, and Saravia in favor. Councilmembers Haines, Walker, and Whiddon were opposed. Mayor Branson broke the tie with an opposition. The amendment to the postponement motion failed.

The roll call vote on the original postponement motion was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion to postpone passed.

e. Resolution No. 2014–31, Appointing Members to the Kodiak Fisheries Development Association

Mayor Branson read Resolution No. 2014–31 by title. There are three board members on the Kodiak Fisheries Development Association (KFDA) board of directors whose terms have expired and are willing to be reappointed to the board. The resolution names Linda Freed and Albert Tyler Schmeil to joint City-Borough seats and Jeff Stephan to a City seat as a crab harvester representative. The Borough Assembly appointed Linda Freed at its August 7, 2014, meeting and plans to reappoint Albert Tyler Schmeil at its September 4, 2014, meeting.

Councilmember Haines MOVED to adopt Resolution No. 2014–31.

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

f. Resolution No. 2014-32, Opposing Section 1021 of the National Defense Authorization Act

Mayor Branson read Resolution No. 2014–32 by title. The resolution was requested by the local People Against the National Defense Authorization Act (PANDA) opposing sections of the National Defense Authorization Act (NDAA).

Councilmember Walker MOVED to adopt Resolution No. 2014–32.

Councilmember Davidson said he has concerns that some of the information presented is not factual.

Councilmember Walker said he supports Resolution No. 2014–32 and agrees with efforts to preserve constitutional rights.

Councilmember Haines said he supports Resolution No. 2014–32.

Councilmember Whiddon said he does not support the resolution, because he does not believe a federal resolution is in the Council’s purview and he suggested a ballot measure may be more appropriate.

Councilmember Saravia said he supports a ballot measure if the citizens desire to approve the resolution. He commented he had received one citizen’s comment to date.

Councilmember Bishop voiced support of constitutional rights and Resolution No. 2014–32.

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

Mayor Branson explained that although she did not disagree with some of the concerns voiced by supporters of the resolution, she would not support it because she believed the issue was a federal one, and if the entire Kodiak community supports it, they should bring it to a vote of the people.

Mayor Branson broke the tie by voting no. The motion failed.

g. Authorization of a Technical Services Contract With Willard A. Feda to Operate the Marine Travelift

Willard Feda has been under contract with the City to operate the Marine Travelift since operations started in 2009. His contract expires on August 31, 2014. A new two-year contract with a continuation of the same terms was discussed with the contractor and is ready for Council approval.

Councilmember Walker MOVED to approve a two-year technical services contract, Contract No. 216592, with Willard A. Feda to operate the Harbor Marine Travelift, with funds coming from the Boat Yard/Vessel Lift Enterprise Fund, Professional Services Account 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 a Professional Services Contract for Survey of Aleutian Homes Phase VI, Project No. 15-03/7037

Aleutian Homes Water and Sewer Replacement Phase VI is a continuation of the upgrade of utilities, pavement, and sidewalks in the Aleutian Home Area. Phase VI will complete Birch Street from Thorsheim Street to Mill Bay Road. The first step in the engineering process for Phase VI is to prepare the survey base sheets and provide the topographic information to the engineer for design.

Councilmember Haines MOVED to authorize a professional services contract with St. Denny Surveying Inc. to perform the survey work for the Aleutian Homes Phase VI Project in the amount of \$38,500, with funds coming from Aleutian Homes Water and Sewer Project, Phase IV, Project No. 15-03/7037 and authorize the City Manager to execute the documents for the City.

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

i. Authorization of a Professional Services Contract for Design of Aleutian Homes Phase VI, Project No. 15-03/7037

Aleutian Homes Water and Sewer Replacement Phase VI is a continuation of the upgrade of utilities, pavement, and sidewalks in the Aleutian Homes area. Phase VI will complete Birch Street from Thorsheim Street to Mill Bay Road. This memorandum discusses the engineering design services for the Phase VI.

Councilmember Walker MOVED to authorize a professional services contract with DOWL HKM for design services of the Aleutian Homes Water and Sewer Replacement Phase VI project in the amount of \$114,071, with funds coming from the Water Capital Improvement Project No. 15-03/7037 and authorize the City Manager to execute the documents for the City.

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

j. Authorization of a Trident Basin Fuel Facility and Pipeline Easement Agreement with Redemption, Incorporated d/b/a Island Air Service

Island Air has leased two parcels of land at the Trident Basin Float Plane facility since the summer of 2011. The smaller parcel next to the top of Ramp B (center float) is used for the placement of a company aircraft fueling tank. The larger parcel is used for a temporary small structure for the company's flight crew with plans to build a larger office complex in the future.

Councilmember Whiddon MOVED to authorize Trident Basin Fuel Facility and Pipeline Easement Agreement No. 216595 with Redemption, Incorporated, d/b/a Island Air Service from Sep-

tember 1, 2014, through August 31, 2017, 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.

k. Authorization to Purchase Vehicle for Kodiak Police Department

This action authorizes the replacement of one older, high mileage Animal Control truck, which was recommended for replacement in FY2015 with a current model all-wheel-drive (AWD) police utility vehicle.

Councilmember Davidson MOVED to authorize the City to attach to the State of Alaska Light Duty Contract with Kendall Ford to purchase one current model year Ford all-wheel-drive police utility vehicle for \$26,229, per Kodiak City Code 3.12.070(c), with funds coming from the FY2015 Kodiak Police Department Operation Budget, Animal Control Sub-Department Machinery and Equipment Greater than \$5000 line item and authorize the City Manager to execute the purchasing documents.

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 provided project updates for Pier III, the composting facility, Aleutian Homes Phase V, and the skate park. She said the Alaska Marine Highway has asked for office space at Pier III during the relocation of the ferry dock. She said there is over \$65 million in capital projects at this time. She reported on her attendance at the AML summer conference in Nome.

b. City Clerk

City Clerk Marljar informed the public that the last day to register to vote for the City of Kodiak Municipal Election is September 7, 2014. She encouraged those who are turning 18 to register to vote. She provided an update of the next scheduled Council work session and regular meeting.

VII. MAYOR'S COMMENTS

Mayor Branson reported on her trip to Nome for the AML summer conference. She said Senator Murkowski was in Kodiak for the USCG ground breaking ceremony for on-base housing. She thanked Manager Kniazowski and staff for their work at the composting meeting. She said the design for the Tustumena replacement vessel may be finished earlier than planned, and she will advocate for coastal communities to have input before the final design is completed. She stated she would like to have an explanation on the rock quarry and asked that the issue be put on the next work session agenda. She said she intends to thank Governor Parnell for supporting the revenue sharing and the three billion dollar contributions to the PERS system when she meets with

him on Friday. She expressed her appreciation to the Mission Road residents for attending the meeting.

VIII. COUNCIL COMMENTS

Councilmember Walker thanked the citizens that came out for the general election and encouraged citizens to vote. He acknowledged the traffic on the roads and asked the public be patient and careful. He commented that Kodiak is lucky to have all the capital projects underway. He said he attended the USCG groundbreaking ceremony for on-base housing. He thanked staff for working hard, and he stated he supports the Deputy City Manager position.

Councilmember Haines said there have been dialogues with NOAA about the research campus. He encouraged the PANDA group to continue with their efforts to educate the public. He thanked the Mission Road residents for their comments, and voiced enthusiasm about the composting project.

Councilmember Davidson reminded the public school is in session. He said he attended the composting meeting, which was well attended and the new facility will be state of the art. He stated that he attended the AML summer conference, and he shared that revenue for road improvements will be reduced.

Councilmember Bishop acknowledged and thanked the Council for their ability to agree to disagree. He thanked the department heads for their work and stated the mixed martial arts event in August went well and hopes for similar events in the future. He expressed appreciation for the report on the work of the Downtown Revitalization Committee at Tuesday's work session and commented an economic development discussion would occur at the September 2 joint work session.

Councilmember Saravia thanked the public for their feedback and Manager Kniazowski for her work. He gave a fishing update and suggested the NDAA issue be put on a ballot for citizens to decide.

Councilmember Whiddon thanked Councilmember Bishop for mentioning economic development. He commented that he was impressed with the level of expertise during the composting meeting and stated that he appreciated the local Nixle updates from KPD.

IX. AUDIENCE COMMENTS

Betty MacTavish thanked Councilmembers who supported the NDAA resolution. She said the issue is a national movement, and she would continue to educate the public about sections 1021 and 1022. She encouraged the public to attend the presentation by Rosa Koire, author of a book about U.N. Agenda 21, who will speak at the high school auditorium on Friday.

Joe Macinko said he was disappointed in the action to postpone Resolution No. 2014-30 and not take action recommended by staff. He stated the current code should be enforced.

Pat Holmes said the Mission Road problems are long standing issues and even in great cities problems will occur. He complimented Public Works Director Mark Kozak, department heads,

and Manager Kniaziowski for her calm demeanor. He complimented Library Director Baxter, Chief of Police Wallace, and the Council for their hard work.

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 9:53 p.m.



CITY OF KODIAK

A handwritten signature in blue ink, appearing to read "Paul Branc", is written over a horizontal line.

MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Michelle Sherwin-Felton", is written over a horizontal line.

CITY CLERK

Minutes Approved: September 11, 2014