

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, OCTOBER 22, 2015
IN THE BOROUGH ASSEMBLY CHAMBERS**

I. MEETING CALLED TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

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 Deputy Clerk Michelle Shuravloff-Nelson were also present.

Salvation Army Sergeant Major Dave Blacketer gave the invocation and the Pledge of Allegiance was recited.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the September 10, 2015, 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 Childhood Cancer Awareness Week

Councilmember Walker read this proclamation, which encourages all residents to support cancer patients, survivors, their families, and caregivers; remember the lives of those we have lost; and encourage those who are working to improve survival rates and treatments of this devastating disease.

b. Proclamation: Declaring Extra Mile Day

Councilmember Haines read this proclamation, which urges each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

c. Proclamation: Declaring Filipino American History Month

Councilmember Bishop read this proclamation, which urges all citizens to celebrate the rich history and contributions of Filipino Americans in Kodiak.

Nova Javier, accepted the proclamation on behalf of Fil-Am. She thanked the Mayor and Council for their acknowledgment and recognition of Filipino American History Month.

She said the theme this year focuses on U.S. Immigration and Nationalization Act of 1965 and the 65' Delano Grape Strike.

d. Proclamation: Declaring Domestic Violence Awareness Month

Councilmember Whiddon read this proclamation, which encourages all citizens of Kodiak to actively support and participate in the ongoing programs designed to reduce and eventually eliminate violence as a social problem.

Lauren Humphrey, Kodiak Women's Resource and Crisis Center accepted the proclamation; she commented KWRCC holds an annual candlelight vigil for victims of domestic violence and for police officers and troopers who have lost their lives responding to domestic violence. She said KWRCC also focuses attention to the animal shelter to protect animals from cruelty. She thanked the Mayor, Council, and community for continued support.

e. Public Comments

Art Scholtz voiced his opinion about police misconduct twenty years ago, shared his current concerns, and said police body camera footage should be available to the public upon request.

Betty McTavish voiced concern about a public information request that was denied. She said an officer's duty is to protect and serve. She commented on the mobile home park closure.

Joan Suleski voiced her opinion about responsibilities of the police department and emphasized the safety of citizens is important. She said there are many people concerned about the lack of information and the excessive force by officers and said it is unacceptable.

Brent Watkins said the availability of public information is limited. He spoke about his concerns regarding the third party investigation.

Judi Kidder spoke about her concern regarding Mr. Pletnikoff. She referred to Alaska State Statute regarding mobile homes and to the Borough Code.

IV. UNFINISHED BUSINESS

a. Authorization of a Temporary Lease for Alaska Marine Highway Office at Pier II

The State of Alaska Department of Transportation and Public Facilities requested 2000 square feet at Pier II for a temporary office trailer for the Alaska Marine Highway System (AMHS) during the construction of the Pier I Ferry Terminal. Due to the limited space at Pier I and for safety reasons, it is in the best interest of the public to relocate the AMHS

office to Pier II during construction. The state ferries KENNICOTT and TUSTUMENA will both be berthing at Pier II at that time.

The motion to approve the lease was made and postponed at the September 10, 2015, regular meeting.

Councilmember Davidson MOVED to amend the motion to approve lease No. 220118 by striking "approximately eight months" and inserting "ten months" and substituting the lease presented at the September 10, 2015, regular meeting with the revised lease effective November 1, 2015, through August 31, 2016.

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 main motion as amended passed.

V. NEW BUSINESS

a. **First Reading, Ordinance No. 1339, Amending Kodiak City Code 14.20.020, Mobile Home Construction Standards, and Kodiak City Code 14.20.030, Location-Prohibited-Exceptions-Temporary Visitor Permit, to Provide for the Placement of Mobile Homes in the City at Locations Other Than Mobile Home Parks**

Mayor Branson read Ordinance No. 1339 by title. The Kodiak Island Borough has planning and zoning authority within the City. Restricting placement of mobile homes within city limits does not fall within the City's authority. Therefore, Kodiak City Code 14.20.030 (a) should be amended.

Councilmember Walker MOVED to pass Ordinance No. 1339 in the first reading and advance to second reading and public hearing at the next special or regular Council meeting.

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

b. **Resolution No. 2015-30, Authorizing the Kodiak Hockey League to Sell Concessions and Sharpen Skates at Baranof Park**

Mayor Branson read Resolution No. 2015-30 by title. Kodiak Hockey League is a newly formed non-profit organization that provides up to 150 Kodiak youth the opportunity to learn the game of hockey as well as sportsmanship, fair play, respect, and teamwork. KHL requests permission from the City to sell concessions in an effort to fundraise on City property to support its activities. With the closure of Skater's Edge and the local skate sharpening service they provided, KHL purchased the sharpener and wishes to

continue this service to the public. KHL would provide skate sharpening to the community for a fee.

Councilmember Bishop MOVED to adopt Resolution No. 2015-30.

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 Planning/Design of Pedestrian Pathway Project No. 16-03/8023

The City Council received a presentation in July from the State of Alaska's grants administrator who oversees the City's legislative grants. The grants administrator advised Council and City staff that the \$384,000 that was awarded in FY2012 for the planning and design of a pathway project will be lost if a decision is not made now on which project to direct the money. DOWL proposes to complete a Pedestrian Facilities Plan that completes the connection from Pier II to the Near Island Bridge. The basic objective of this plan is to allow the City to build on previous plans for improved pedestrian access and support additional tourism in the described area.

Councilmember Haines MOVED to authorize a professional services contract dated October 22, 2015, with DOWL for the Pedestrian Facilities Plan and Design in the amount of \$333,376 with funds coming from the 2012 Pedestrian Pathway Planning and Design Grant Project No. 8023 and authorize the City Manager to execute the documents on behalf of the City.

Councilmember Whiddon clarified the authorized funds are from the cruise ship excise tax collected by the State and not expensed from the City's general fund.

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

d. Approval of Sublease at Near Island Communications Site Between Kodiak Island Broadcasting Co. Inc. and Alaska Wireless Network, LLC

Prior to the year 2000 the City of Kodiak has leased property on Near Island to Kodiak Island Broadcasting Co., Inc. (KIBCI). Section 13 of the existing lease includes a provision to sublease up to two omni antennae and associated coaxial cabling to ACS Wireless, Inc. In 2013 the Alaska Wireless Network (AWN) was formed as a result of a merger between GCI and ACS's wireless communication divisions. AWN desires to make improvements at the lease site, and KIBCI has requested the City approve its sublease with AWN. Before improvements can be authorized, the City needs to authorize the sublease between Kodiak Island Broadcasting Co. Inc. and Alaska Wireless Network, LLC.

Councilmember Whiddon MOVED to approve the sublease dated February 1, 2015, from Kodiak Island Broadcasting Co., Inc. to Alaska Wireless Network, LLC at the Kodiak Island Broadcasting Co., Inc. Near Island Communications Site that now is before the

Council, pursuant to Kodiak City Code 18.20.230, provided that this approval shall continue only for so long as a lease between the City and Kodiak Island Broadcasting Co., Inc. remains in effect.

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

e. Appointment of City Representative to Kodiak Island Borough Lands Committee

The Kodiak Island Borough adopted Ordinance No. FY2016–02 on August 20, 2015, which added a Borough Lands Committee to the Borough Code. The Borough Lands Committee is responsible for review of real property acquisition and disposal of Borough land and will also provide a forum for input and recommendations to the KIB Assembly. This committee membership includes seven voting members and four non-voting members. The committee membership includes an ex-officio City Councilmember seat.

Councilmember Davidson MOVED to appoint Councilmember Walker to the nonvoting ex-officio seat on the Borough Lands Committee.

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

f. Appointment of City Representatives to Kodiak Fisheries Work Group

The Kodiak Fisheries Work Group (FWG) scope and authority was established with the adoption of Resolution No. 2013–17. The FWG consists of three representatives of the City Council and three representatives of the Borough Assembly, as well as the City and Borough managers and fisheries analyst as non-voting members. Mayor Pat Branson and Councilmembers John Whiddon and Terry Haines are presently the City’s representatives to the FWG. Councilmember Haines’ Council term ends October 26, 2015, and another City representative needs to be appointed. Because Mayor Branson and Councilmember Whiddon were informally appointed when the group was organized in 2011, the appointments are suggested by an official motion.

Councilmember Haines MOVED to appointment Pat Branson, John Whiddon, and Gabriel Saravia to the Kodiak Fisheries Work Group to serve until successors are appointed.

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

g. Certification of Election

The City of Kodiak held a regular election October 6, 2015, and voters cast ballots for the two-year Mayoral position, one two-year and two three-year City Council positions. The Canvass Board met October 14, 2015, to tally the votes of the admissible questioned and

absentee ballots, together with votes counted on election night. The final results of the October 6, 2015, Municipal City election were:

Mayor—One Two-Year Term

Pat Branson	491
Write-ins	39

City Council—One Two-Year Term

Laura B. Arboleda.....	475
Write-ins	17

City Council—Two Three-Year Terms

Gabriel T. Saravia	359
Rich Walker	449
Write-Ins	21

Of the 3,469 registered City voters, 597 cast eligible City ballots, for a 17.2% voter turnout, which is 2.8% lower than last year.

Councilmember Bishop MOVED to certify the results of the October 6, 2015, regular election and declare Pat Branson elected Mayor for a two-year term, Laura B. Arboleda elected to the City Council for a two-year term, and Gabriel T. Saravia and Richard Walker elected to the City Council for three-year terms.

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 Deputy City Manager Tvenge for his work to prepare and research items for the meeting packet. She said the Tustemena will begin docking at Pier II instead of Pier I and commented that there will be parking changes in the area of Pier I while construction is occurring. She said the Kodiak Brown Bear Trust is relocating the Madsen Bear statue and replacing the bear with a new design that will be bronze. She provided an update that the Monashka Pumphouse is almost 100 percent complete and the ice rink will be available from November until next March. She thanked Councilmember Haines for his service. She congratulated Mayor Branson, Councilmembers Saravia and Walker, and newly elected Councilmember Arboleda. She provided a statement about the release of information and the public concern that has been expressed regarding a citizen arrest. She said a third party investigator has been hired to review the investigation. She shared an array of services the City and staff provides on a daily basis. She asked the citizens for their support and their patience to allow for the third party to conclude an investigation.

b. City Clerk

City Clerk Marljar thanked Councilmember Haines for his work on the Council and the Fisheries Work Group. She congratulated Mayor Branson and Councilmembers Arboleda, Saravia, and Walker. She stated the City's new website has launched and encouraged the public to visit the new site. She shared the Clerk's Office will work on a backlog of information dating back to 1940 to be posted on the new website. She congratulated Assistant Clerk Catherine Perkins for receiving the prestigious Certified Municipal Clerk (CMC) designation. She informed the public of the next scheduled Council work session and regular meeting.

VII. MAYOR'S COMMENTS

Mayor Branson congratulated Assistant Clerk Catherine Perkins on achieving her Certified Municipal Clerk designation and the re-elected and newly elected officials. She thanked Councilmember Haines for his commitment and service to the Kodiak community.

VIII. COUNCIL COMMENTS

Councilmember Bishop said he went to an Economic Development conference in Anchorage and plans to bring information back to the community through the next local economic development meeting. He congratulated the elected officials and thanked Councilmember Haines for his service.

Councilmember Saravia thanked Councilmember Haines for his seven years of service and congratulated Catherine Perkins for receiving her CMC designation. He congratulated the elected officials and said he looks forward to their continued work. He commented that unique viewpoints amongst the Council help to better to serve the people.

Councilmember Whiddon congratulated Assistant Clerk Perkins on her CMC designation. He thanked Mayor Branson for her leadership, hard work, and re-election as Mayor. He congratulated Councilmembers Saravia, Walker, and Arboleda. He gave an update from the Fisheries Work Group regarding the Gulf Alternative 4 evaluation and the economic consulting contract. He gave an update on the Economic Development conference and the sessions he attended. He thanked Councilmember Haines for his service and stated he has learned from him and indicated it has been a privilege to work with him. He extended his appreciation to the City Manager for her comments in her report and her service to the City.

Councilmember Davidson extended his condolences to the Wally Johnson family and shared a story regarding Mr. Johnson's public service to Kodiak. He congratulated the elected officials. He attended the Economic Development conference and gave an overview of the sessions he attended. He complimented Manager Kniazowski and voiced his support for the work she performs. He voiced his concern about community members being inappropriate in their comments when they are displeased.

Councilmember Walker gave his condolences to the Wally Johnson family. He shared his appreciation for Mayor Branson and said she is the best Mayor. He congratulated Assistant Clerk Perkins for receiving her CMC designation. He highlighted that capital projects are improving City infrastructure, and he thanked the City Manager for her work. He said he will miss Councilmember Haines and said he has respect for him, appreciates his service, and wished him luck in his future.

Councilmember Haines thanked the Councilmembers and their unique differences, the robust conversations, and putting the business of the people first. He spoke about his appreciation and the financial responsibility and diligence of the City staff. He commented that police officers protect and provide security for the public to live in such a civilized community. He spoke about a community of trust and having meaningful relationships and stated issues of concern will be addressed.

IX. AUDIENCE COMMENTS

Judi Kidder said she appreciated the Council and commented on their support for the community. She thanked Borough Clerk Javier and the City Clerks for their work during the election and she suggested the KATS service may be useful during election time. She spoke the about the public comments timeframe during regular meetings. She expressed support on affordable housing and stated it is an aspect of economic development.

David Masinter spoke about the homeless initiative. He referred to the assessing offices and indicated property taxes will continue to rise.

Brent Watkins commented on his disappointment of Council actions. He said he is concerned with the treatment of a citizen and business owner and wants information regarding the investigation of the incident.

X. OATH OF OFFICE

KCC 2.28.080 requires elected officials to take and subscribe to the Oath of Office.

The City Clerk administered the Oath of Office to Mayor Pat Branson, and Councilmembers Rich Walker and Gabriel Saravia and newly elected Councilmember Laura B. Arboleda.

XI. PRESENTATION TO OUTGOING COUNCILMEMBER

Mayor Branson presented outgoing Councilmember Terry Haines with a token of the City's appreciation for his service.

XII. EXECUTIVE SESSION

a. Discussion About Future Costs Related to the Reconstruction of Pier III

Councilmember Whiddon 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, future costs related to the reconstruction of Pier III.

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

Council entered into Executive Session at 9:19 p.m.

The Mayor reconvened the regular meeting at 10:45 p.m.

XIII. POTENTIAL ACTION FOLLOWING EXECUTIVE SESSION

a. Resolution No. 2015–31, Appropriating \$305,000 From the Cargo Terminal Fund to the Cargo Development Capital Project Fund to Pay for Additional Engineering and Project Management Services Needed in the Pier III Replacement Project No. 11-07/8024

Mayor Branson read Resolution No. 2015–31 by title. The resolution authorizes additional funding for project management and engineering services for the Pier III Replacement Project No. 11-07/8024 in the amount of \$305,000. Pacific Pile & Marine's schedule for completion of the project has slipped at least two months causing the need for additional project management and engineering services. Remaining contingency funds for the project are not sufficient to cover these additional expenses.

Councilmember Davidson MOVED to adopt Resolution No. 2015–31.

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

b. Authorization of Amendment to the Professional Services Contract for Pier III Project Management with ARCADIS US Inc.

Amendment No. 6 to ARCADIS is for additional construction phase project management services for the Pier III replacement project. Roe Sturgulewski submitted a proposal to provide extended project management services beyond what was anticipated in the original proposal.

Councilmember Haines MOVED to authorize Amendment No. 6 to the professional services contract with ARCADIS in an amount not-to-exceed \$120,000 for project management services, Project No. 11-07/8024, with funds from the Cargo Development Capital Fund and authorize the City Manger 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.

c. Authorization of Amendment to the Professional Services Contract for Pier III Construction Administration Services with PND Engineers, Inc.

Amendment No. 8 to PND Engineers Inc. is for additional construction phase services associated with the Pier III Replacement PN 11-07/8024 project.

Councilmember Bishop MOVED to approve Amendment No. 8 to the professional services contract with PND Engineers, Inc. for additional construction administration services related to the Pier III Replacement Project No. 11-07/8024, on a time and expense basis in an amount not to exceed \$185,000, with funds from the Cargo Development Capital Fund 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.

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 10:58 p.m.

CITY OF KODIAK



MAYOR

ATTEST:


CITY CLERK

Minutes Approved: November 12, 2015