

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, JANUARY 28, 2016
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 Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniazowski, City Clerk Debra L. Marl, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

Councilmember Whiddon gave the invocation and the Pledge of Allegiance was recited.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the January 14, 2016, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Public Comments

John Butler expressed concern about the Borough's draft ordinance pertaining to accessory dwelling units as a permitted use in certain residential zoning districts. He also expressed concern about Borough Ordinance No. FY2016-12 Title 15, which deals with the elimination of an engineering code and stated the Building Department has not had an opportunity to provide feedback to the ordinance. He expressed concern about liability from eliminating the engineering codes and advised caution about allowing additional dwelling units in the community.

Dan Ogg, referred to the Borough ordinance regarding additional dwelling units. He said the intent was to establish affordable housing, and the ordinance will not create affordable housing because land prices and cost of building are not going down in Kodiak. He indicated the public hearing process is different between a rezone and an ordinance within the Borough Code. He said the ordinance eliminates all R1 property within the Borough. He said data has been asked from the Borough to review, and he referenced a letter he drafted for the Mayor and Council to consider, which he hopes will slow down the process. He noted implications that the KIB ordinance will have on City water, sewer, roads, utilities, green space, property value, population density, etc., which are mentioned in his letter.

Stephan Taufan commented that the affiliations of the Fisheries Analyst Consultant and associates are important and should be readily accessible to the public. He commented that the role of the Fisheries Work Group should be advocacy. He stated he placed a public comment on the North Pacific Fisheries Management Council (NPFMC) website against bycatch.

IV. UNFINISHED BUSINESS**a. 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 fielded many complaints regarding drainage, traffic congestion, and snow removal on Mission Road until approximately fall of 2015. Complaints came from area residents as well as pedestrians and motorists using Mission Road. Staff recommended posting a 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. A resolution was drafted to authorize the Chief of Police to place signage in the problem area. However, the residents didn’t support the parking restrictions and complaints went away when the resident who had appropriated use of much of the ROW on the northwest side of the street moved away.

Councilmember Davidson MOVED to postpone indefinitely Resolution No. 2014–30.

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

b. Second Reading and Public Hearing, Ordinance No. 1341, Repealing Kodiak City Chapter 8.20, Assault and Battery, Adopting Kodiak City Code Chapter 8.20, Offenses Against Public Order, and Repealing Kodiak City Code 8.56.060, Disorderly Conduct; 8.64.010, Begging; and 8.64.020, Jostling People; and Kodiak City Code 1.12.040, Disposition of Scheduled Offenses-Fine Schedule

Mayor Branson read Ordinance No. 1341 by title. The last several years the City has fielded concerns from citizens and staff regarding the growing homeless, indigent, and inebriate population in the downtown area. Lacking depth in our Kodiak City Code and concerns about violating citizens’ constitutional rights has limited the Kodiak Police Department’s (KPD) ability to address ongoing problems. The City’s Attorney conducted research and developed regulations to meet the City’s needs.

Councilmember Bishop MOVED to adopt Ordinance No. 1341.

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 Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

V. NEW BUSINESS**a. First Reading, Ordinance No. 1342, Establishing Supplemental Appropriation No. 1 to the Budget for the Fiscal Year Commencing on the First Day of July 2015 and Ending on the Thirtieth Day of June 2016**

Mayor Branson read Ordinance No. 1342 by title. The Supplemental Appropriation No. 1 to the budget for the fiscal year commencing on the first day of July 2015 and ending on the thirtieth day of June 2016 is in the amount of \$2,886,917. It is customary for the City Council to approve at least one supplemental budget annually to authorize the adjustments of current revenues and expenses. These adjustments are for the operating funds as well as additions to project funds for grant revenues received and additional expenditures needed that were not known at the time the original budget was adopted. This is the first budget amendment of FY2016.

Councilmember Walker MOVED to pass Ordinance No. 1342 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 Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

b. Resolution No. 2016-04, Appropriating Necessary Funds From the Insurance Fund to the Storm Damage General Capital Project Fund for Emergency Storm Damage Repairs to a Portion of Pier III and the City Cemetery

Mayor Branson read Resolution No. 2016-04 by title. A storm occurred during the night of December 29, 2015, which caused a substantial amount of damage to City property including washout of shoreline armor rock revetment areas at Pier III and fallen trees resulting in damage at the City cemetery. Due to the high risk of extended damage from continued exposure and the urgency to make immediate repairs at Pier III and the cemetery, the Manager and staff, in consultation with the City Attorney and City insurance broker, made a decision to request Brechan Construction LLC to mobilize and perform emergency repairs to the storm damaged shoreline revetment areas. Damage to several grave sites occurred at the cemetery as a result of the storm, and funds were expended to cover the cost to remove fallen trees.

Councilmember Whiddon MOVED to adopt Resolution No. 2016-04.

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

c. Authorization of Bid Award for Rehabilitation of Sanitary Sewer Lift Stations 1 and 2, Project No. 11-06/7509

Based on a full evaluation of the condition of the two downtown sanitary sewer lift stations, which are exposed daily to tidal influence and show significant corrosion, electrical and mechanical wear, and age, staff determined that refurbishment of the existing stations was the best and most affordable option. The project was put out to bid on December 11, 2015, and bids were opened January 14, 2016. Two bids were received, and following an evaluation of the bid,

staff recommends Council authorize the bid award for the rehabilitation of the sanitary sewer lift stations 1 and 2 to Brechan Construction LLC in the amount of \$1,048,600.

Councilmember Walker MOVED to authorize the bid award to Brechan Construction LLC for the refurbishment of the Sanitary Sewer Lift Stations 1 and 2 in the amount of \$1,048,600 with funds coming from the Sewer Capital Improvement Fund Project No. 11-06/7509 and authorize the City Manager to execute the documents on behalf of the City.

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

d. Authorization of Equipment Purchase for Alaska Shield 2016 Exercise

The City was awarded a 2015 State Homeland Security Grant in November 2015. The purpose of this grant is to provide funding for approved equipment purchases and to participate in the Alaska Shield 2016 statewide emergency response exercise. The monetary amount for this purchase exceeds the purchasing limits of the City Manager and needs authorization from the Council.

Councilmember Bishop MOVED to authorize the purchase of equipment for the Alaska Shield 2016 exercise from North American Rescue in the amount of \$23,515.40 with funds coming from General Capital Projects 300.443 4043 – 2015 SHSP account and authorize the City Manager to sign the documents on the City's behalf.

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

e. Authorization of a Professional Services Contract for Accounting Software Support

The City currently uses New World Systems for financial accounting, reporting, budgeting, building inspections, utility billing, project accounting, payroll, and HR functions. This software suite requires annual updates for changes in payroll and related taxes as well as software enhancement functionality.

Councilmember Arboleda MOVED to approve a five-year professional services agreement with New World Systems Corporation beginning March 1, 2016, and ending February 28, 2021, and payable in annual installments based on the following schedule: Year 1: \$28,070; Year 2: \$29,470; Year 3: \$30,940; Year 4: \$32,490; Year 5: \$34,110 with funds coming from the Finance Department, IT professional services operating budget line item and authorize the City Manager to sign the agreement for the City.

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

f. Acceptance of the FY2015 Comprehensive Annual Financial Report (Audit)

Each year the City Council retains a qualified accounting firm to perform an annual audit of the City's financial records and accounting practices. The City Charter and the City Code require the

Council to accept the comprehensive annual financial report. Council typically accepts the report and results of the audit by motion.

Councilmember Davidson MOVED to accept the City's Fiscal Year 2015 audited Comprehensive Annual Financial Report.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski referred to the 7.1 earthquake on Sunday stating the Police Chief, Fire Chief, Public Works Director, and Engineer assessed the Pumphouse and City buildings for damage and sent out a Nixle Alert. She indicated the Fire Station has some wall damage. She congratulated Finance Director Mayes and staff for receiving the distinguished budget award. She said the Matson ship should be arriving in Kodiak on February 3. She indicated staff is reviewing the strategic plan and will bring it to the Council for approval. She indicated there is some work being done at the Monashka Pumphouse; the facility is operational and has been taken over by the City. She gave an update on the compost facility, stating the air handling system is installed and the screener has been shipped to Kodiak. She said the Pier III site has been partially turned over to Matson. She said the decorative trash cans have arrived and installation will begin as time permits. She said Cynthia Franklin, Director of the Alcoholic Beverage and Marijuana Control Board presentation was interesting, and the City should discuss the impacts of marijuana legislation. She said the Near Island Plan public meeting with DOWL will occur on February 4. She has been working on emergency management issues.

b. City Clerk

City Clerk Marljar announced the annual Records Management Report was completed by the Records Manager for the Mayor and Council and she thanked the City Manager, Department Heads, and Records Coordinators for their involvement, support, and work to adhere to the records management program. She informed the public of the next scheduled Council work session and regular meeting.

VII. MAYOR'S COMMENTS

Mayor Branson said Pat Pitney, Alaska State Budget Director, and Diane Kaplan, Rasmuson Foundation President/CEO, will be in Kodiak on Saturday for the State of the State budget presentation, which the City is a co-sponsor along with other local agencies. She thanked Deputy Clerk Shuravloff-Nelson for the records management report and Finance Director Mayes for her impressive work on the audit. She indicated the letter of concern regarding crosswalks downtown from Judy Bissett at Trident has been resolved, and she thanked Public Works Director Kozak for working on the issue. She said she and Councilmember Whiddon will attend the NPFMC meeting next week. She referred to Dan Ogg and John Butler's public comments regarding

accessory dwelling units concerns. She said she would like to schedule time to discuss the letter at the next work session. She wished Clerk Marlar a happy birthday.

VIII. COUNCIL COMMENTS

Councilmember Walker thanked Dan Ogg for his comments and thanked the department heads for their work and stated they represent the City well. He thanked Finance Director Mayes and said the audit by Michelle Drew, BDO, was very helpful.

Councilmember Davidson wished everyone a happy and healthy new year. He said he appreciated the comments from Dan Ogg and John Butler and sharing the ramifications of the Borough's ordinance.

Councilmember Arboleda thanked John Butler and Dan Ogg for addressing their concerns. She advised drivers to watch for children at the crosswalks and thanked Don Roberts for his services as a crossing guard. She congratulated Finance Director Mayes for the budget award and thanked finance staff for their work. She commented on Nixle and encouraged the public to download the app because it is helpful. She said there are Serendipity and Hospice fundraising events occurring within the next month.

Councilmember Whiddon acknowledged the Finance Director and staff and her comprehensive work on the audit this year. He said it is the sentinel year of United States Coast Guard and would like to recognize the USCG at a meeting in the near future. He said he will be at the NPFMC next week. He said it is the year of policy development in the fishing industry, and he believes the Council and community need to be informed to maintain a vital and healthy waterfront. He thanked the Fire Chief for the 2016 Alaska Shield Exercise involvement.

Councilmember Saravia thanked the Finance Department and Mr. Ogg for his comments. He thanked the Deputy Clerk for the annual records report. He said he is very supportive of visiting parents and urged Clerk Marlar to enjoy time with family. He thanked Chief of Police Wallace for keeping the citizens within the community safe. He said he appreciated Fire Chief Mullican's work on the Alaska Shield grant.

Councilmember Bishop said he attended the Joint Building Code Review Committee and read the KIB Ordinance title FY2016-12, Title 15. He said the language in the ordinance was unclear and there may be liabilities. He thanked Cynthia Franklin, stating she is smart and innovative. He indicated he supports reviewing ways for extra revenue and is interested in further discussion.

IX. AUDIENCE COMMENTS

John Butler said the Borough is scheduled to review Ordinance No. FY2016-12 dealing with engineering codes at their meeting on February 4. He said he is writing a letter regarding affordable housing and will submit it to the Mayor and Council. He wished Clerk Marlar a happy birthday.

Dan Ogg thanked the Council for listening to his concerns regarding additional dwelling units. He said Planning & Zoning has had several public hearings and urged the timeliness of City elected official involvement.

X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 8:40 p.m.



CITY OF KODIAK

Pat Braun

MAYOR

ATTEST:

Delia Marden

CITY CLERK

Minutes Approved: February 11, 2016