

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD THURSDAY, JULY 14, 2016  
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:35 p.m. Councilmembers Laura B. Arboleda, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. Councilmembers Charles E. Davidson and Randall C. Bishop were absent. City Manager Aimée Kniaziowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson were also present. *Councilmember Davidson arrived at 7:36 p.m.*

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

**II. PREVIOUS MINUTES**

Councilmember Whiddon MOVED to approve the minutes of the June 21, 2016, special meeting and June 23, 2016, regular meeting as presented.

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

**III. PERSONS TO BE HEARD**

**a. Public Comments**

**Chris Lynch** stated she would like to provide an explanation for the Kodiak Maritime Museum's nonprofit application as requested by the City Council during the work session on July 12, 2016. She said the \$5,000 costs were classified as administrative because they were not going to be used for capital projects. She informed the Council that the breakdown for the requested \$5,000 from KMM would be for the harbor lights festival in the amount of \$1,000; oral history program in the amount of \$2,500; and harbor walking tour in the amount of \$1,500. She said the other \$10,000 was to finish the Thelma C project. She noted additional funding was sought for the Thelma C. project from the Murdock Trust, Rasmuson Foundation, and two Alaska Legislative grants.

*Councilmember Davidson arrived.*

**IV. UNFINISHED BUSINESS**

None

**V. NEW BUSINESS**

**a. First Reading, Ordinance No. 1354, Amending Kodiak City Code 14.04.010; Regarding the Adoption of Building Codes**

Mayor Branson read Ordinance No. 1354 by title. The State of Alaska adopted new construction codes. As a deferred jurisdiction the City is required to adopt codes that meet or exceed the state's adopted codes. The Joint Building Code Review Committee met numerous times to discuss, review, and amend the proposed codes. The Joint Building Code Review Committee and staff recommend Council adopt the new codes.

Councilmember Arboleda MOVED to pass Ordinance No. 1354 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, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Bishop was absent. The motion passed.

**b. First Reading, Ordinance No. 1355, Authorizing a Memorandum of Agreement With the Alaska Marine Highway System Regarding Joint Use of Pier I, and a Supplemental Agreement No. 1 With the Alaska Marine Highway System for the Lease of Office Space and a License for Use of Pier II**

Mayor Branson read Ordinance No. 1355 by title. The City of Kodiak entered into an agreement with the State of Alaska, Alaska Marine Highway System (AMHS), authorizing the state to replace Kodiak's existing Pier I. The replacement project is scheduled for completion in July 2016, at which time Pier I will be ready for use again by AMHS vessels. Memorandum of Agreement (MOA) No. 2517S004 and Supplemental Agreement No.1, No. 2517S005, spell out the terms for AMHS's use of Pier I and II for the next five years. The adoption of this ordinance will allow for continued ferry service at Kodiak terminals.

Councilmember Walker MOVED to pass Ordinance No. 1355 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, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Bishop was absent. The motion passed.

**c. First Reading, Ordinance No. 1356, Authorizing a Lease to Kodiak Maritime Museum and Art Center of a 2,000+ Square Foot Portion of Alaska Tideland Survey No. 49 Located in St. Paul Harbor for the Thelma C Display and Rescinding Ordinance No. 1340**

Mayor Branson read Ordinance No. 1356 by title. The Kodiak Maritime Museum (KMM) developed the idea of restoring and displaying an historic 36' fishing vessel, the Thelma C, in the harbor area downtown. KMM representatives came to several City Council meetings since 2013 with their idea, which Council and harbor users supported. The KMM was given formal approval of the original lease site on the harbor spit and recently requested the location be adjusted to make the installation more affordable.

Councilmember Davidson MOVED to pass Ordinance No. 1356 in the first reading and advance to the second reading and public hearing at the next regular or special Council meeting.

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

**d. Resolution No. 2016–23, Authorizing Payment of Fiscal Year 2017 Nonprofit Organization Grants**

Mayor Branson read Resolution No. 2016–23 by title. Each year the City Council authorizes grant payments to local nonprofit organizations. The types and levels of funding are based on the City Council’s nonprofit funding policy guidelines adopted by Resolution No. 2015–16. The policy resolution stipulates the total amount available for nonprofit grants in a given fiscal year, which equals the maximum of one percent of budgeted general fund revenues, exclusive of any fund balance appropriations. The amount available in the FY2017 budget for nonprofit grants is \$184,500. The City received twenty applications for FY2017 from nonprofit organizations that serve Kodiak, down from twenty-two applications last fiscal year, for a total amount requested of \$177,201. Council reviewed the applications at the July 12 work session. Council’s support for the applicants is reflected in Resolution No. 2016–23.

Councilmember Davidson MOVED to adopt Resolution No. 2016–23.

Councilmember Whiddon MOVED to modify Resolution No. 2016–23 by striking \$5,000 from adult recreation programs for KMXT.

Councilmember Davidson stated he does not support the amendment to eliminate \$5,000 for KMXT adult recreation programs.

Councilmember Whiddon stated he does not support free training as described by KMXT in their request for funding, and said he does not feel it meets the level of urgency as the other requests.

The roll call vote on the amendment was Councilmembers Saravia and Whiddon in favor. Councilmembers Arboleda, Davidson, and Walker opposed. Councilmember Bishop was absent. The motion failed.

Councilmember Whiddon MOVED to withhold \$10,000 from KMM for construction of Thelma C project in Resolution No. 2016–23 until a budget is shown to support the project.

Councilmember Davidson spoke in opposition to the amendment and said obtaining a budget may be difficult if all the funds are not currently available for the Thelma C project and withholding funds may restrict moving forward to complete the Thelma C project.

Councilmember Walker stated he supports the request for information regarding KMM’s budget, because he is interested in knowing their other funding sources.

The roll call vote on the second amendment was Councilmembers Saravia, Walker, and Whiddon in favor. Councilmembers Arboleda and Davidson opposed. Councilmember Bishop was absent. The motion failed.

The roll call vote on the main motion was Councilmembers Arboleda, Davidson, Saravia, Walker, and Whiddon in favor. Councilmember Bishop was absent. The motion passed.

**e. Resolution No. 2016–24, Expressing a Deep Sense of Urgency for the Alaska State Legislature to Take Immediate Action During the Fifth Special Session of the 29<sup>th</sup> Legislature to Pass All Necessary Fiscal Legislation Required to Provide for a Fair, Balanced and Sustainable State Budget**

Mayor Branson read Resolution No. 2016–24 by title. Governor Bill Walker and staff have created a fiscal plan towards a sustainable future for the State of Alaska. The Administration has visited communities and held numerous conferences to explain the plan they produced. During the 29<sup>th</sup> Legislative Session, the Legislature failed to enact a fiscal plan, and has now been called back to Juneau by the Governor for a fifth Special Session.

Councilmember Walker MOVED to adopt Resolution No. 2016–24.

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

**f. Resolution No. 2016–25, Authorizing the Issuance of a Permit to the Filipino American Association of Kodiak for the Use of Public Property to Host Its Philippine Consulate Outreach Program**

Mayor Branson read Resolution No. 2016–25 by title. The Filipino American Association of Kodiak (Fil-Am) is hosting the Philippine Consulate General from San Francisco to provide Consular outreach services to Filipino Americans. Fil-Am will ask for a \$20 donation from participants. This service provides local Filipinos help obtaining and updating immigration documents without having to pay the travel expenses that otherwise would be required. This event is scheduled at the Teen Center auditorium from 8 a.m. to 6 p.m. on August 21 and 22.

Councilmember Arboleda MOVED to adopt Resolution No. 2016–25.

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

**g. Resolution No. 2016–26, Appropriating \$165,000 From the Cargo Terminal Fund to the Cargo Development Capital Project Fund to Pay for Additional Construction and Project Management Services Needed in the Pier III Replacement, Project No. 11-07/8024**

Mayor Branson read Resolution No. 2016–26 by title. The Pier III construction project is currently in the final stages of completion. Additional funding is requested through this resolution for construction administration support through the claims and mediation process, City engineering personnel costs related to project delays, and additional construction to complete paving.

Councilmember Walker MOVED to adopt Resolution No. 2016–26.

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

**h. Authorization of Amendment to Lease No. 219595 for City Hall Office Space in the Kodiak Island Borough Building**

The previous Kodiak Island Borough (KIB) Manager and the City Manager revised the terms of a lease for office space the City occupies in the Borough Building in July 2015. The new five-year lease increased the leased office space from 3,444 sf to 4,727 sf. At the May 7, 2016, budget work session City Clerk Debra Marlar presented the need for additional records storage space. Council expressed support during the budget work session to pursue two additional rooms in the Borough building for the City-wide records management program. Staff worked with the KIB Resource Management Officer for a lease amendment to the current office space agreement.

Councilmember Davidson MOVED to authorize the first amendment to Lease No. 219595 for City Hall Office Space in the Kodiak Island Borough Building in the amount of \$11,565.40 per month from the General Fund Nondepartmental Building Rental line item and authorize the City Manager to execute the lease amendment document on behalf of the City.

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

**i. Authorization of Amendment 3 to the Five-Year Regional and Community Jail Contract**

The City of Kodiak is in year four of a five-year contact with the Department of Corrections (DOC) for the Regional and Community Jail Program. DOC has brought forward an amendment to the contract for FY2017. The amended contract amount for the term beginning July 1, 2017, is \$991,552, which is the same funding amount as FY2016.

Councilmember Walker MOVED to authorize the professional services contract Amendment 3 for Regional and Community Jail services with the Alaska Department of Corrections commencing on July 1, 2016, and ending on June 30, 2017, for \$991,552 and authorize the City Manager to sign the contract on behalf of the City.

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

**j. Authorization of Amendment No. 9 to the Professional Services Contract for Pier III Project Management with ARCADIS US Inc.**

Amendment No. 9 to ARCADIS is for additional construction phase project management services for the Pier III replacement project. Project Manager Roe Sturgulewski submitted a proposal, which provides extended project management services to complete closeout of the project and assist with resolution of Pacific Pile & Marine LP, including Dominion Pipe and Piling claims.

Councilmember Arboleda MOVED to authorize Amendment No. 9 to the professional services contract with ARCADIS in an amount not-to-exceed \$50,000 for project management services, Project No. 11-07/8024, with funds from the Cargo Development Capital Project Fund and authorize the City Manager to execute the documents on behalf of the City.

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

**k. Authorization of Purchase of Dump Truck**

The Public Works department has ten medium/heavy duty International trucks in the fleet. Staff has had very good service and performance from International's medium/heavy duty line of trucks and recommended the sole source purchase of an International dump truck from RWC INTERNATIONAL LTD. Kodiak City Code 3.12.070 2(d) allows for the City Manager to recommend the sole source purchase.

Councilmember Walker MOVED to authorize the purchase of a 2017 International 7400 Dump Truck from RWC INTERNATIONAL LTD in the amount of \$ 121,479 with funding from the Streets, Machinery and Equipment account and authorize the City Manager to execute the documents on behalf of the City.

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

**VI. STAFF REPORTS**

**a. City Manager**

Manager Kniazowski said the fifth special session of the 29<sup>th</sup> Legislature is still in session and the session may close by the end of the week. She said the City is following the Legislature's discussion regarding sales tax and is prepared to lobby in opposition. She said Lori Aldrich from Alaska DEC complemented the staff for their work at the compost site. She said the compost site building should be constructed by the middle of August. She said Pier I is expected to be complete, and the Tustemena is scheduled to dock on July 22, 2016. She said she is scheduled to meet with the Kodiak Island Borough Manager on Friday. She said mediation for the Pier III project is scheduled on July 26, 2016. She said she will meet with the staff and processors regarding the water rates on Friday, July 15, 2016. She said last week Homeland Security was in Kodiak to renew the Tsunami Ready service, and they had a public meeting to share various types of situations that could occur if a tsunami occurs. She said public education and outreach will be done in the future for tsunami preparedness. She informed the public she will be out of the office July 28 through August 27, 2016, and Mike Tvenge will be Acting City Manager.

**b. City Clerk**

Clerk Marlar informed the public she certified a petition to initiate an ordinance by a vote of the people providing for collective bargaining for employees of the City. She read the title of the ordinance that will be on the ballot and stated a copy of the ordinance is available in the Clerk's Office. She informed the public of the next scheduled Council meetings.

**VII. MAYOR'S COMMENTS**

Mayor Branson referred to Resolution No. 2016–24 and the additional whereas clauses that were included to urge the Legislature to pass necessary legislation required for a fair, balanced, and sustainable state budget. She said she heard on the news if the Legislature does not pass a budget there will not be anything left in two years. She said this will impact the City, other municipalities, agencies, and residents of Alaska, which she feels is very unfortunate and citizens should be aware. She said she met with Anjuli Grantham about the ArtPlace funding that supports bringing art and culture to Shelikof Street. She wished Anjuli good luck in her request. Mayor Branson said during her meeting with the Shelikof Industrial project reviewers, Sun’aq expressed an interest in an icehouse and crane on Shelikof, and she referred them to the City Manager. She said the ordinance that KIB Assembly is introducing for consolidation at their next meeting has not been discussed with the City Council. She said consolidation and building codes are on the agenda item for the next joint work session on August 23, 2016. She said there was good discussion and enhancement of definitions for the nonprofit grant process at the work session earlier in the week.

## VIII. COUNCIL COMMENTS

Councilmember Saravia thanked the nonprofit organizations for the work and services they provide to the community.

Councilmember Whiddon thanked the nonprofit organizations for their services; he said there are four designations within the nonprofit application that he hopes will be reviewed in the future. He said he fought hard to help low income families in need, and he commented he will continue to scrutinize the application process to make sure funding is available to support social services that are essential to the community. He said the Fisheries Work Group meeting will be Tuesday, July 19, 2016. He said the goals will be to refine the talking points to create a letter for Gulf trawl by-catch issues for the fall NPFMC meetings.

Councilmember Arboleda said she appreciated Councilmember Whiddon’s comments. She said she is thankful for the services within the community. She said the next Marijuana Advisory Committee meeting will focus on the cultivation and retail process.

Councilmember Davidson said he is regretful about the situation in Dallas; the vulnerability of first responders is unfortunate and fear is prevalent. He encouraged citizens to thank and appreciate their first responders. He said the citizens should contact legislators about the budget and commented that he believes Governor Walker has done a great job.

Councilmember Walker said he appreciates the work of staff, department heads, and Council on the UV project, Pier III, and other infrastructure projects that have been progressive. He gave a heartfelt thank you for the flowers and well wishes he received during his recent surgery. He thanked the nonprofit agencies.

## IX. AUDIENCE COMMENTS

**Chris Lynch** said the Thelma C project budget was available in the KMM’s nonprofit application grant.

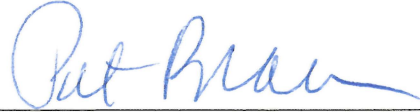
**X. ADJOURNMENT**

Councilmember Davidson MOVED to adjourn the meeting.

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

The meeting adjourned at 8:39 p.m.

CITY OF KODIAK



MAYOR

ATTEST:

  
CITY CLERK

Minutes Approved: August 11, 2016

