

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, OCTOBER 13, 2016
IN THE BOROUGH ASSEMBLY CHAMBERS**

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

Mayor Pat Branson called the meeting to order at 7:32 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. 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 22, 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. Proclamation: Filipino American National History Month

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

Ada Llave, Representative and Mary Guiles-Hawver, President of Fil-Am Association accepted the proclamation. On behalf of the Filipino community, Ms. Llave thanked the Council for declaring Filipino American National History Month. Ms. Guiles-Hawver provided a reminder the Induction Ball is on October 22, 2016, from 5 p.m. until 9 p.m. at the Afognak building.

b. Public Comments

Chris Hatch said his son goes to Main Elementary and commented that Powell Avenue is extremely dark in the morning. He said there is speeding traffic, and drivers are making u-turns in the area. He said parents are patrolling the area but feels law enforcement needs to occur. He said it is dangerous, there is no lighting, and roads are going to get slippery. He urged the Council to help make the area near Main Elementary safer.

Ceilidh Prater said her son goes to Main Elementary and noticed the same concerns that Mr. Hatch shared. She commented that it is very dark and dangerous indicating there are speeders and she hopes the Council will look at the safety issues in the area.

David Blacketer commented on the crossing areas and stated some of the roads are state roads. He commented it is helpful if children are dressed in appropriate colors. He also commended Don Roberts for volunteering as a crossing guard.

John Glover, President of Kodiak Hockey League, said there are 140 registered skaters. He said they hosted Homer's hockey team and later won the state championship. He thanked the Council for their support.

Katie Baxter, Library Director said library card sign up is occurring; she gave the count and said the goal is to have 10,000 library card users. She said a focus has been on youth services to foster middle school and college and career readiness. She said the Kodiak Public Library was awarded a Future Ready grant from the Institute of Museum and Library Services that will support this initiative.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1359, Adopting Kodiak City Code 8.96.010, Discharge of Firearms and Other Dangerous Weapons Prohibited; Exceptions, and Amending Kodiak City Code 1.12.040, Disposition of Offenses—Fine Schedule, to Enact a Prohibition on Discharging Firearms in the City Subject to Certain Exceptions and a Penalty for Its Violation

Mayor Branson read Ordinance No. 1359 by title. This ordinance is intended to restrict the discharge of firearms and other dangerous weapons within the City of Kodiak jurisdiction. Alaska Statute 29.35.145 (b) (2) authorizes a municipality to enact and enforce an ordinance restricting discharge of firearms.

Councilmember Arboleda MOVED to adopt Ordinance No. 1359.

Mayor Branson closed the regular meeting and opened the public hearing.

Joseph Mauer spoke against Ordinance No. 1359 saying it affects private property owners. He said he shoots his bow in his yard privately without incident, and he does not want to lose that right. He said some items are not considered dangerous weapons, and he commented that criminal charges can be imposed if people are negligent. He urged the ordinance be amended.

Sandy Pherson said she opposes Ordinance No. 1359. She further commented she has no business interest and noted her business does not sell paint ball guns.

There being no further public testimony, the Mayor closed the public hearing and reopened the regular meeting.

Councilmember Davidson MOVED to postpone the vote on Ordinance No. 1359 to a future regular or special meeting to be determined by the City Manager.

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

V. NEW BUSINESS

- a. First Reading, Ordinance No. 1360, Amending Kodiak City Code 3.12.020, Limitation on City Manager's Authority; Kodiak City Code 3.12.030, Open Market Procedures; Kodiak City Code 3.12.040, Advertising for Bids; and Kodiak City Code 3.12.090, Purchase, Contract, or Sale Valid When-Prohibited When; to Increase the Limit on the City Manager's Contracting Authority From \$15,000 to \$35,000 and to Increase the Limit on Use of Open Market Contracting Procedures to \$50,000**

Mayor Branson read Ordinance No. 1360 by title. The update to the Kodiak City Code section 3.12.040 was last amended in 2000. Cost of goods and services has increased in this period, and this ordinance is intended to catch up with inflation. Many of the invoices and small projects recently exceed the City Manager's current spending authority, and this increase would make for more efficiency in the procurement process.

Councilmember Arboleda MOVED to pass Ordinance No. 1360 in the first reading and advance to second reading and public hearing at the next special or regular meeting.

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

- b. Resolution No. 2016-35, Accepting Funding From the State of Alaska Harbor Facilities Grant Program**

Mayor Branson read Resolution No. 2016-35 by title. Resolution No. 2016-35 acknowledges the City's acceptance of grant funds from the State of Alaska Harbor Facilities Grant Program. On July 5, 2016, the State of Alaska awarded grant funds to the City of Kodiak for the Channel Transient Float Replacement Project No. 8525, in the amount of \$1,365,792.

Councilmember Walker MOVED to adopt Resolution No. 2016-35.

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

- c. Resolution No. 2016-36, Accepting a Code Blue Phase 16 Grant From the Southern Region EMS Council for Purchase of an Ambulance and Transferring \$20,010 From the FY2017 General Fund Balance to the General Capital Project Fund - Ambulance Replacement Project No. 4047**

Mayor Branson read Resolution No. 2016-36 by title. The City was awarded a Code Blue Phase 16 Grant with a 25 percent match this year to provide cost share funding for the purchase of an ambulance. This grant, along with 25 percent match, would cover the cost of replacing one of our aging ambulances, a total cost of \$195,000. This will be the second ambulance we have purchased utilizing the Code Blue Program. This year grant funding limitations have created a need to increase the City's originally requested 25 percent match by an additional \$20,010. This increases the City match, from the budgeted \$48,790 to \$68,800. Funds are available from the FY2017 General Fund Surplus to cover this increase.

Councilmember Davidson MOVED to adopt Resolution No. 2016–36.

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

d. Resolution No. 2016–37, Authorizing the Kodiak Hockey League to Sell Concessions and Offer Skate Sharpening to the Community at Baranof Park

Mayor Branson read Resolution No. 2016–37 by title. The Kodiak Hockey League (KHL), a local non-profit organization, has requested permission to sell concessions during games at Baranof Park. KHL additionally requested permission to sharpen skates at Baranof Park.

Councilmember Walker MOVED to adopt Resolution No. 2016–37.

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

e. Resolution No. 2016–38, Authorizing Payment for Two Additional Fiscal Year 2017 Nonprofit Organization Grants

Mayor Branson read Resolution No. 2016–38 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 total amount available in the FY2017 budget for nonprofit grants was \$184,500. In July, the City received twenty applications for FY2017 from nonprofit organizations that serve Kodiak for a total amount requested of \$177,201. On July 14, 2016, Council adopted Resolution No. 2016–23, which authorized payment of \$177,201 to nonprofit grants. The funded grant requests of \$177,201 left a balance of \$7,299 from the budgeted amount of \$184,500. In September, Council expressed support to award two additional FY2017 nonprofit grant awards in the amount of \$6,700; Kodiak Audubon Society and Kodiak Baptist Mission Food Bank.

Councilmember Davidson MOVED to adopt Resolution No. 2016–38.

Councilmember Whiddon MOVED to amend Resolution No. 2016–38 by striking \$5000 and inserting \$5,599 for the grant to the Kodiak Baptist Mission and striking \$599 and inserting 0 under nonprofit grants balance.

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

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

f. Resolution No. 2016–39, Appropriating \$30,550 From the Water Capital Improvement Unassigned Fund Balance to the UV Water Treatment Facility Project No. 03-14/7023 and Authorizing a Professional Services Contract for Updating the UV Reactors to the 2012 Validation Status and Completing New Programming of the Operating System

Mayor Branson read Resolution No. 2016–39 by title. The City is required to get approval to operate from Alaska Department of Environmental Conservation (ADEC) for any water system modifications or new facility. Compliance regulations also require approval from ADEC to construct the new Ultra Violet (UV) Water Treatment Plant and, upon completion, we need to apply for final approval for our Certificate to Operate the UV Water Treatment Plant. CH2MHILL submitted the City's request for approval to operate on August 10, 2012. Since that time we have received several extensions to our interim approval to operate the UV Water Treatment Plant. CH2MHILL has continued to respond and coordinate the approval to operate with ADEC. In mid-year 2015, the updated and adopted US Environment Protection Agency (EPA) UV Guidance Manual was approved and accepted by ADEC. Several options were proposed to ADEC and they would accept several of the options as meeting their need for final approval.

Councilmember Bishop MOVED to adopt Resolution No. 2016–39.

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

g. Authorization of Up Fitting of Recently Purchased Police Department Vehicles

This action authorizes the Up fitting (or build) of three new Police Interceptor Utility SUV's for the Kodiak Police Department, which were recommended for replacement and purchased during FY2017. Up fitting includes accessory equipment needed to complete the patrol vehicle.

Councilmember Walker MOVED to authorize the City to sole-source purchase emergency equipment from Alaska Safety Inc. and authorize the company to complete the build of three (3) PI Utility SUV's, with funds coming from the FY2017 Kodiak Police Department Operational Budget, Police Canine Sub-Department, Machinery and Equipment Greater \$5000 line item in the amount of \$10,845; and funds coming from the FY2017 Kodiak Police Department Operational Budget, Uniformed Patrol Sub-Department, Machinery and Equipment Greater \$5000 line item in the amount of \$22,530 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.

h. Authorization of the First Amendment to Professional Services Contract With Windward Project Solutions LLC (WPS) for Design-Build Development for the Channel Transient Float (CTF) Replacement Project No. 8525

In December 2015, WPS was contracted to prepare the RFP for the CTF replacement project. The project is being solicited as a design-built project. On September 16, 2016, the RFP was advertised publicly. Moving forward, the RFP process involves communications with potential bidders, pre-proposal conference and preparation of addendums as needed. This authorization is

the first amendment to the professional services contract with Windward Project Solutions (WSP) to provide additional administrative services for the Channel Transient Float (CTF) Replacement Project, in an amount not-to-exceed \$8,500.

Councilmember Davidson MOVED to authorize first amendment to the Professional Services Contract with Windard Project Solutions in an amount not-to-exceed \$8,500 with funds from the Harbor Enterprise Fund, Capital Project No. 8525 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.

i. Amendment of the Previously Adopted Motion at the September 22, 2016, Regular Meeting to Cancel Certain October, November, and December Regular Meetings and Schedule Special Meetings

Some of the regularly scheduled Council meetings for October, November and December were cancelled at the September 22, 2016, regular meeting to reflect the holidays and elected official and staff travel schedules. After the September 22, 2016, regular meeting, the City Attorney notified the City Manager there were schedule changes to the refunding bond signing dates in Seattle, which include travel and attendance from the Mayor, City Manager, City Clerk, and Finance Director during the first week of November. This schedule alters the need to cancel the regular meeting of November 10 and hold a special meeting on November 3. This schedule change requires an amendment to the previously adopted motion to cancel regular and special meetings that were made at the September 22, 2016, regular meeting.

Clerk's Note: The following motion was adopted at the September 22 regular meeting: move to cancel the October 27, November 10, November 24, and December 22, 2016, regular meetings and schedule a special meeting for November 3, 2016, and authorize the City Manager to schedule additional special meetings if needed.

Councilmember Whiddon MOVED to amend the previously adopted motion at the September 22, 2016, regular meeting by striking the November 3, 2016, special meeting and inserting the November 10, 2016, regular meeting.

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

j. Certification of Election

The City of Kodiak held a regular election October 4, 2016, and voters cast ballots for the two three-year City Council positions and voted on Proposition No. 1 Providing for Collective Bargaining for the Employees of the City of Kodiak. The Canvass Board met October 12, 2016, to tally the votes of the admissible questioned and absentee ballots, together with votes counted on election night. The final results of the October 4, 2016, Municipal City election were:

City Council—Two Three-Year Terms
Charles Davidson629

John Whiddon.....557
 Write-Ins46

Proposition No. 1

Yes413
 No.....395

Of the 3,598 registered City voters, 856 cast eligible City ballots, for a 23.8% voter turnout, which is 6.6% higher than last year.

Councilmember Walker MOVED to certify the results of the October 4, 2016, regular election and declare Charles Davidson and John Whiddon elected to the City Council for three-year terms and that Proposition No. 1 passed.

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 said she will be focused on preparing for collective bargaining discussions. She said she will be out October 19 through October 21, 2016, for insurance and human resource training with the Deputy City Manager Tvenge.

b. City Clerk

City Clerk Marljar thanked the election workers and the Canvass Board for their work and service. She informed the public of the next scheduled Council joint work session and regular meeting. She said the Marijuana Advisory Committee will have a presentation from the Community Planner from the Fairbanks North Star Borough on October 17.

VII. MAYOR’S COMMENTS

Mayor Branson thanked the Clerk staff, election workers, and the Canvass Board for their service. She commended the Mill Bay Road repairs. She said they had a nice visit with Governor Walker and commented it is nice to have a Governor that is accessible. She said she would like to know more information on the crossing guard situation and to be further informed. She congratulated Library Director Baxter, Harbormaster White, and Fire Chief Mullican for receiving grant awards for the City. She stated she is pleased with the nonprofit award to the Food Bank.

VIII. COUNCIL COMMENTS

Councilmember Bishop congratulated Councilmembers Whiddon and Davidson on their reelection. He reminded citizens and businesses of the downtown trick or treat event at the end of the month and encouraged community involvement. He reported the Marijuana Advisory Committee will have recommendations to the Council soon and reminded everyone the opt-out period will end January 2017.

Councilmember Walker said he was pleased with Governor Walker's visit to Kodiak. He said the school district is working on lighting the area around Main Elementary, and the walk way is also being worked on. He complimented the Kodiak Hockey League for their efforts, and he said he looks forward to working with Councilmembers Davidson and Whiddon.

Councilmember Saravia congratulated the Mayor for her award at the Chamber of Commerce annual dinner. He congratulated Councilmembers Whiddon and Davidson on their re-election. He thanked the Library Director for acquiring national recognition for the Kodiak Public Library. He said he believes the Council is a group that is always problem solving in the best interest of the community.

Councilmember Arboleda congratulated the Mayor on her award and the Councilmembers for their re-election. She said she is a big advocate of children activities and strongly supports Resolution No. 2016-37.

Councilmember Davidson said he is a proud member of Kodiak and appreciates the support he received during elections. He congratulated the Library Director on the grant award. He said the debate was very interesting and commented that he looks forward to the Fil-Am Introduction Ball. He informed the public to drive safely.

Councilmember Whiddon said it is an honor and privilege to serve the community of Kodiak. He congratulated the Mayor for her local and international recognition recently. He commented on the debate. He said the KFWG met this week to discuss the overarching goals and objectives of Alternative 4. He said a letter will come before the Council soon regarding the EIS scoping comments. He commented that he is aware of a petition regarding the cross walks at Armstrong and Baranof, which will request consideration of a four way stop.

Mayor Branson congratulated Councilmembers Davidson and Whiddon for their re-election.

Councilmember Saravia said he participated in the Canvass and said the Clerk and volunteers did a great job.

Councilmember Whiddon said October is National Seafood Month.

Councilmember Davidson congratulated Councilmember Whiddon on his re-election.

IX. AUDIENCE COMMENTS

No audience comments.

X. OATH OF OFFICE

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

Clerk Marlar administered the Oath of Office to the City's re-elected officials.

XI. 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 9 p.m.



ATTEST:

Debra Moulton

CITY CLERK

CITY OF KODIAK

Pat Ryan

MAYOR

Minutes Approved: November 10, 2016