

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, FEBRUARY 9, 2017
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, Charles E. Davidson, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. Councilmember Randall C. Bishop was absent. Councilmember Gabriel T. Saravia arrived at 7:34 p.m. City Manager Aimée Kniazowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

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 January 24, 2017, special meeting and the January 26, 2017, regular meeting as presented.

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

Councilmember Saravia arrived at 7:34 p.m.

III. PERSONS TO BE HEARD

a. Proclamation: Applauding the USCG and Proclaiming USCG Appreciation Day

Councilmember Whiddon read the proclamation, which urges all citizens to recognize our Coast Guard community for their individual and collective efforts in making Kodiak and all the navigable waters of Alaska a safer and better place to live, work, and play.

CAPT Westling accepted the proclamation on behalf of the USCG and said it is an honor and a privilege to serve the nation, citizens, and the Kodiak community.

b. Public Comments

Lawrence Anderson, Vice President of the Board of Directors for Senior Citizens of Kodiak Inc. provided a quarterly report and provided a brief overview of the services provided. He emphasized that Kodiak's Senior Center is the only center that provides meals seven days a week in Alaska. He thanked the Mayor and Council for their support and stated that the Executive Director of the SCOK leads by example and does an exemplary job running the agency.

Joseph Mauer, via telephone, voiced his opposition to Ordinance No. 1359, which included the amendment.

Chastity McCarthy, Director of Discover Kodiak, thanked the Council for their continued support. She provided a report on agency activities including the production of the new trails and activity maps on their website, the production and distribution of a new visitors guide, launching a new food tour project, and new host of the salmon derby. She said they continue to make progress toward their five to ten year strategic goals and are striving toward additional funding mechanisms.

Tiffany Brunson, Executive Director, of the Kodiak Historical Society and Baranov Museum, said they have partnered with the City for 45 years and emphasized the museum is the oldest building in Alaska. She provided an agency report and indicated the high volume of visitors and participation in their educational programs. She highlighted the Baranov Museum Youth History and Film Summer Intensive was awarded the National Arts and Humanities Your Program Award, which is bestowed by the President's Committee. She thanked the Council for the City's help with operating costs and continued support. She said there is an event on March 30, 2017, which will be given by Senator Stevens on the 150 year old Alaska Purchase.

IV. UNFINISHED BUSINESS

a. Continued 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. Council postponed the vote on Ordinance No. 1359 at the October 13, 2016, regular meeting.

Councilmember Davidson MOVED to amend Ordinance No. 1359 by inserting at the end of Section 1(b) the words "and other dangerous weapons" and inserting Section 1(b)(4) "Except for organized sporting activities or on private property provided the weapon is discharged in a manner that does not endanger neighbors or the public at large."

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

Jeffery Woods indicated he researched the dangerous aspect of weapons. He spoke about the minimal poor outcomes of using air rifles and the benefits of weapons including archery for pest and animal control. He said his research concluded there was not a safety concern.

Joseph Mauer said as a resident of Kodiak he opposes Ordinance No. 1359. He said there are other laws that can be used to enforce reckless behavior from weapons if needed. He commented on having targeted areas for no weapons, such as Near Island.

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

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

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

V. NEW BUSINESS

a. **First Reading, Ordinance No. 1361, Enacting Kodiak City Code 2.04.160, Teleconference Participation In Meetings**

Mayor Branson read Ordinance No. 1361 by title. The Council began discussing teleconference participation in meetings during a planning work session. The current Kodiak City Code does not permit the elected and/or appointed officials to participate telephonically at work sessions and other committee/board meetings comprised of City officials. Staff drafted Ordinance No. 1361, which incorporates these changes.

Councilmember Arboleda MOVED to pass Ordinance No. 1361 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. **Appointment to Building Code Board of Appeals**

The Building Code Board of Appeals is a five member board. Currently, there are two vacancies that need to be filled. Since December 2016 volunteers were solicited via newspaper advertisements and recruitment efforts were made by the City Clerk, Building Official, and the department head. On January 11, 2017, an appointment was made during the regular Council meeting from the one application received. Since January an additional application has been received for appointment to the Building Code Board of Appeals. Appointments to this board are made by the Mayor and confirmed by the Council.

Mayor Branson appointed Chris Sibrel to a three-year seat on the Building Code Board of Appeals with a term ending December 31, 2019.

Councilmember Davidson MOVED to confirm the Mayoral advisory board appointment to Building Code Board of Appeals as stated.

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

c. **Authorization to Cancel the March 9, 2017, Regular Meeting and Authorize the City Manager to Schedule a Special Meeting if Needed**

The regularly scheduled Council meeting for March 9, 2017, may be cancelled to reflect the City and Deputy Managers' travel schedules while they are in hearings with the Alaska Labor Rela-

tions Agency in Anchorage regarding union petitions. These scheduled hearings will prevent them from preparing, attending, and providing staff reports at the regular Council meeting. At a recent work session, the Council voiced a consensus to cancel the March 9, 2017, regular meeting and authorize the City Manager to schedule a special meeting if needed.

Councilmember Walker MOVED to cancel the March 9, 2017, regular meeting and authorize the City Manager to schedule a special meeting if needed.

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 focus of the City Manager's office has been preparing for Alaska Labor Relations Agency hearings from March 6 through March 10. She reminded the public about the snow removal process and the delays that will occur with the new site. She said Public Works Director Kozak and WWTP Manager Bormuel are hosting a WWTP Plant Manager from Unalaska to help them meet the requirements for completing the necessary hours in a certified laboratory. She said she will meet with Deputy Manager Tvenge and KIB Manager Powers on consolidation. She said CH2M Engineer Todd Williams has prepared a paper with ADEC regarding the success of Kodiak's compost facility. She stated Mr. Williams will present with Laurie Aldrich, ADEC to the Alaska Forum for the Environment in Anchorage and an additional presentation will occur in Seattle.

b. City Clerk

City Clerk Marlar informed the public of the next scheduled Council work sessions, special and regular meetings.

VII. MAYOR'S COMMENTS

Mayor Branson thanked Chris Sibrel for serving on the Building Board of Appeals. She said she was in Juneau for senior service provider meetings and funds are limited statewide. She commented that her focus for the City is PERS funding, community funds, and the Alaska Marine Highway, i.e. the replacement of the Tustumena. She encouraged citizens to advocate for Kodiak's needs to all legislators, especially those on the Finance and Transportation committees. She said she will attend Alaska Municipal League meetings the week of February 20, 2017.

VIII. COUNCIL COMMENTS

Councilmember Walker acknowledged it is okay to agree to disagree during Council work session and meetings in the best interest of the people. He stated he was proud to work with the Council.

Councilmember Davidson wished everyone well.

Councilmember Arboleda said people were traveling during the holidays; therefore, no meetings were scheduled for the Marijuana Committee, and they will plan to continue in the near future.

Councilmember Whiddon recognized the United States Coast Guard; he said many lives have been saved by them. He commented that Kodiak is one of seven recognized USCG cities, and he is proud of the cohesiveness of this community. He said the Fisheries Work Group just met and discussed its organization and is working to bring information forward more timely. He said next week's meeting will focus on the genetic study of fish origin, which can impact the Kodiak community.

Councilmember Saravia said he is pleased with the work of the Council. He asked everyone to drive carefully.

IX. AUDIENCE COMMENTS

None

X. EXECUTIVE SESSION

a. Dominion Law Suit Update

Councilmember Davidson 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 the Dominion lawsuit.

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

The Council entered into executive session at 8:27 p.m.

The Mayor reconvened the meeting at 8:57 p.m.

b. City Manager Contract Discussion

Councilmember Arboleda MOVED to enter into executive session as authorized by Kodiak City Code Section 2.04.100(b)(2) to discuss the City Manager's employment contract.

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

Council entered into executive session at 8:59 p.m.

The Mayor reconvened the meeting at 9:17 p.m.

XI. POTENTIAL ACTION FOLLOWING EXECUTIVE SESSION

a. Authorization of New City Manager's Employment Contract

Councilmember Davidson MOVED to authorize the new City Manager's employment contract, Record No. 229001.

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

XII. 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 9:20 p.m.

CITY OF KODIAK



MAYOR

ATTEST:


CITY CLERK

Minutes Approved: March 23, 2017