

Regular Ketchikan City Council meeting was called to order by Mayor Williams at 7:00 p.m., November 21, 2013, with the following members present: Kj Harris, Matthew Olsen, Robert Sivertsen (via teleconference), Marty West and Judy Zenge. Councilmember Karlson was absent. One councilmember seat was vacant.

The Pledge of Allegiance was given by all persons in the Chambers.

Staff present were Manager Amylon, Finance Director Newell, City Attorney Seaver, Fire Chief Share, Port and Harbors Director Corporon, Police Chief Bengaard, Public Works Director Allen, Acting Electric Division Manager Donato, Telecommunications Division Manager Cushing and City Clerk Suiter.



**PUBLIC HEARING ON RESOLUTION NO. 13-2532 – AMENDING
THE 2013 GENERAL GOVERNMENT ANNUAL BUDGET – FIRE
DEPARTMENT - \$25,353 – POLICE DEPARTMENT - \$33,000 –
PORT DEPARTMENT - \$175,000 AND TOURISM AND
ECONOMIC DEVELOPMENT - \$50,000**

Mayor Williams called the public hearing on Resolution No. 13-2532 to order at 7:01 p.m. and requested public testimony.

As there was no testimony, Mayor Williams declared the public hearing closed at 7:01 p.m.



**PUBLIC HEARING ON RESOLUTION NO. 13-2528 – AMENDING
THE 2013 KETCHIKAN PUBLIC UTILITIES ANNUAL BUDGET –
ELECTRIC DIVISION - \$2,107,000**

Mayor Williams called the public hearing on Resolution No. 13-2528 to order at 7:02 p.m. and requested public testimony.

As there was no testimony, Mayor Williams declared the public hearing closed at 7:02 p.m.



COMMUNICATIONS

Mayor Williams said there were a couple of things laid on the table, including: a report from Acting Electric Division Manager Donato regarding supplemental diesel generation; and early office closures on Christmas Eve and New Year's Eve.

PERSONS TO BE HEARD

Kathleen Light, Executive Director of Ketchikan Area Arts and Humanities Council, reported on the activities of the Arts Council during October and November. She

addressed several exhibits, the Winter Arts Faire, and the Winter Art Walk. She commented on a community meeting that was held and noted that concern came up regarding scheduling of events. She explained they have been working the past few weeks with the city clerk's office to use the calendar that is on the City's website, to coordinate events in the community. She said it has been working so far, and they will meet again in February to determine if this is the way to go.

Ms. Light also reported on arts education, specifically working with the schools to promote arts education. She stated today they learned that Ketchikan has been selected to host a basic arts institute this summer in partnership with the Alaska Arts Education Consortium. She explained the basic arts institute is a two-week intensive summer opportunity for educators to learn how to use the arts to motivate and increase student learning. She said these are tools that educators will be able to use for our students immediately. She concluded by encouraging the Council to keep the community agency funding at the same level as last year.

Thane Peterson spoke regarding the proposed building code ordinance, stating he would like to see that if the local code hasn't adopted an exception to a section of the International Building Code, any sections the State has excepted will automatically apply.

Building Official Dearden spoke to the process that was taken to arrive at the ordinance, and Mr. Peterson said he would like to see where Ketchikan has not codified something into law for a pertinent issue, that the City will refer back to the State of Alaska amendments instead of the International Building Code.

Public Works Director Allen said that was a very broad question, noting the code is based on Alaska statute and further customized for Ketchikan. He continued lacking any definitive specifics about what is being requested, he stated staff has the ability to address the variations that come through the individual permits. He reminded the City also has the appeals board, which is not just public employees. Manager Amylon summarized it appears the manner in which we are doing it allows the discretion at the local level.

CONSENT AGENDA

Mayor Williams asked if there were any objections to moving several items to the Consent Agenda, including: the ordinance relating to the tower collocation and land sublease with Alaska Wireless Network; the professional services agreement for Ketchikan Medical Center Elevator Consulting Services; the resolution amending the General Government 2013 annual budget; and the resolution amending the 2013 Ketchikan Public Utilities annual budget. No objections were heard.

Approval of Minutes

Moved by West, seconded by Harris approval of the minutes of the regular meeting of November 7, 2013.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

**Revocable and Limited Permit to Work on or Encroach
Upon the Platted Right-of-Way – 429 Edmond Street**

Moved by West, seconded by Harris the City Council approve the Revocable and Limited Permit to Work on or Encroach Upon the Platted Right-of-Way to Dominique and Cade King for a portion of their residence structures that encroaches into the Edmond Street Right-of-way and authorize the city manager to execute the permit on behalf of the City Council.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

Negotiation of Easements at Main School Parking Lots

Moved by West, seconded by Harris the City Council rescind its motion of September 15, 2011 regarding the exemption from competitive bidding per KMC 3.12.060(d)(1) for the 5'-0" portion of USS 436, Block 16, Lot 7; approve the exemption from competitive bidding for the 5'-0" portion of USS 437, Block 16, Lot 7 in exchange for Public Access and Utilities Easements to cross Lots 5-A and Lot 7, pursuant to KMC 3.12.060(d)(3), pending completion of the survey, acquisition of easements, platting and other costs attendant to the transaction; and authorize the city manager to execute the Quitclaim Deed and Public Access and Utility Easement for Erik D. and Pamela P. Christianson on behalf of the City Council.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

**Financial and Compliance Audit for the Year Ending
December 31, 2013 – Mecham, Richardson and Company**

Moved by West, seconded by Harris the City Council approve a single-year contract with Mecham, Richardson and Company in the amount of \$63,000 for a financial and compliance audit for the year ending December 31, 2013; establish a \$4,900 contingency; and authorize the city manager to execute the contract on behalf of the City Council.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

**Ordinance No. 13-1735 – Approving A Tower Collocation
and Land Sublease Agreement Between the City of
Ketchikan d/b/a Ketchikan Public Utilities and The
Alaska Wireless Network, LLC – Second Reading**

Copies of Ordinance No. 13-1735 were available for all persons present.

Moved by West, seconded by Harris the City Council approve in second reading Ordinance No. 13-1735 approving a tower collocation and land sublease agreement between the City of Ketchikan d/b/a Ketchikan Public Utilities and the Alaska Wireless Network, LLC; providing for the filing of referendum petitions; and establishing an effective date.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

Professional Services Agreement for Ketchikan Medical Center Elevator Consulting Services – Lerch Bates

Moved by West, seconded by Harris the City Council direct the city manager to enter into a professional services agreement with Lerch Bates of Bothell, Washington in an amount not to exceed \$22,800 for Ketchikan Medical Center elevator upgrade consulting services and authorize funding from the Public Health Department's 2013 Ketchikan Medical Center Elevator Upgrade Capital Account.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

Resolution No. 13-2532 – Amending the 2013 General Government Operating and Capital Budget to Provide Supplemental Appropriations for the Port Department in the Amount of \$175,000; Fire Department in the Amount of \$25,353; Police Department in the Amount of \$33,000; and the Tourism and Economic Development Department in the Amount of \$50,000

Moved by West, seconded by Harris the City Council approve Resolution No. 13-2532 amending the 2013 General Government Operating and Capital Budget to provide supplemental appropriations for the Port Department in the amount of \$175,000; Fire Department in the amount of \$25,353; Police Department in the amount of \$33,000; Tourism and Economic Development Department in the amount of \$50,000; and establishing an effective date.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

Resolution No. 13-2528 – Amending the 2013 Ketchikan Public Utilities Operating and Capital Budget to Provide a Supplemental Appropriation for the Electric Division in the Amount of \$2,107,000; Authorizing the KPU General Manager to Transfer \$353,000 from the Electric Division's Purchased Power Account to the Electric Division's Generation Diesel Fuel Account

Moved by West, seconded by Harris the City Council approve Resolution No. 13-2532 amending the 2013 Ketchikan Public Utilities Operating and Capital Budget to provide a supplemental appropriation for the Electric Division in the amount of \$2,107,000; authorizing the KPU general manager to transfer \$353,000 from the Electric Division's Purchased Power Account to the Electric Division's Generation Diesel Fuel Account; and establishing an effective date.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

UNFINISHED BUSINESS

Ordinance No. 13-1736 – Repealing Existing Chapter 19.04 of the Ketchikan Municipal Code and Adopting a New Chapter 19.04 Entitled “Building Code”; Repealing Chapter 19.12 of the Ketchikan Municipal Code and Adopting a New Chapter 19.12 Entitled “Electrical Code”; Amending Chapter 19.14 of the Ketchikan Municipal Code Entitled “Plumbing Code”; Repealing Existing Chapter 19.16 of the Ketchikan Municipal Code and Adopting a New Chapter 19.16 Entitled “Housing Code”; Repealing Existing Chapter 19.24 of the Ketchikan Municipal Code and Adopting a New Chapter 19.24 of the Ketchikan Municipal Code Entitled “Mechanical Code”; Repealing Existing Chapter 19.26 of the Ketchikan Municipal Code and Adopting New Chapter 19.26 Entitled “Energy Conservation Code” – Second Reading

Copies of Ordinance No. 13-1736 were available for all persons present.

Moved by West, seconded by Olsen the City Council approve in second reading Ordinance No. 13-1736 repealing existing Chapter 19.04 of the Ketchikan Municipal Code and adopting a new Chapter 19.04 entitled “Building Code”; repealing Chapter 19.12 of the Ketchikan Municipal Code and adopting a new Chapter 19.12 entitled “Electrical Code”; amending Chapter 19.14 of the Ketchikan Municipal Code entitled “Plumbing Code”; repealing existing Chapter 19.16 of the Ketchikan Municipal Code and adopting a new Chapter 19.16 entitled “Housing Code”; repealing existing Chapter 19.24 of the Ketchikan Municipal Code and adopting a new Chapter 19.24 of the Ketchikan Municipal Code entitled “Mechanical Code”; repealing existing Chapter 19.24 of the Ketchikan Municipal Code entitled “Mechanical Code”; repealing existing Chapter 19.26 of the Ketchikan Municipal Code and adopting a new Chapter 19.26 entitled “Energy Conservation Code”; and establishing an effective date.

Motion passed with West, Olsen, Harris, Sivertsen and Zenge voting yea; Karlson absent; one seat vacant.

Ordinance No. 13-1737 – Repealing Existing Chapter 18.04 of the Ketchikan Municipal Code and Adopting a New Chapter 18.04 Entitled “Fire Code”; Amending Chapter 18.08 of the Ketchikan Municipal Code Entitled “Interpretation, Construction and Enforcement”; Amending Chapter 18.12 of the Ketchikan Municipal Code Entitled “Permits and Licenses”; Amending Section 18.16.010 of the Ketchikan Municipal Code Entitled “Flammable Liquid and Bulk Plant Limits Established”; Amending Section 18.24.010 of the Ketchikan Municipal Code Entitled “Penalties”; Amending Section 18.32.010 of the Ketchikan Municipal Code Entitled “Adoption”; Amending Section 18.36.010 of the Ketchikan Municipal Code Entitled “Amendment Procedure”; Amending Section 18.38 of the Ketchikan Municipal Code Entitled “Automatic Fire Extinguishing Systems” – Second Reading

Copies of Ordinance No. 13-1737 were available for all persons present.

Moved by West, seconded by Sivertsen the City Council approve in second reading Ordinance No. 13-1737 repealing existing Chapter 18.04 of the Ketchikan Municipal Code and adopting a new Chapter 18.04 entitled “Fire Code”; amending Chapter 18.08 of the Ketchikan Municipal Code entitled “Interpretation, Construction and Enforcement”; amending Chapter 18.12 of the Ketchikan Municipal Code entitled “Permits and Licenses”; amending Section 18.16.010 of the Ketchikan Municipal Code entitled “Flammable Liquid and Bulk Plant Limits Established”; amending Section 18.24.010 of the Ketchikan Municipal Code entitled “Penalties”; amending Section 18.32.010 of the Ketchikan Municipal Code entitled “Adoption”; amending Section 18.36.010 of the Ketchikan Municipal Code entitled “Amendment Procedure”; amending Section 18.38 of the Ketchikan Municipal Code entitled “Automatic Fire Extinguishing Systems”; and establishing an effective date.

Motion passed with Sivertsen, Zenge, Harris, Olsen and West voting yea; Karlson absent; one seat vacant.

NEW BUSINESS

Ordinance No. 13-1738 – Adding A New Section 3.12.053 Entitled “Change Directives” to Chapter 3.12 of the Ketchikan Municipal Code – First Reading

Copies of Ordinance No. 13-1738 were available for all persons present.

Moved by Olsen, seconded by West the City Council approve in first reading Ordinance No. 13-1738 adding a new Section 3.12.053 entitled “Change Directives” to Chapter 3.12 of the Ketchikan Municipal Code; and establishing an effective date.

Motion passed with Zenge, West, Harris, Sivertsen and Olsen voting yea; Karlson absent; one seat vacant.

Ordinance No. 13-1739 – Adding a New Subsection (i) to Section 3.12.043 of the Ketchikan Municipal Code Entitled “Competitive Sealed Proposals” – First Reading

Copies of Ordinance No. 13-1739 were available for all persons present.

Moved by Olsen, seconded by West the City Council approve in first reading Ordinance No. 13-1739 adding a new subsection (i) to Section 3.12.043 of the Ketchikan Municipal Code entitled “Competitive Sealed Proposals”; and establishing an effective date.

Motion passed with Harris, Olsen, West, Sivertsen and Zenge voting yea; Karlson absent; one seat vacant.

Request for Easement and Encroachment Permit – USMS 731, Block C, Lot O Creek Street and Ketchikan Creek Tidelands

Moved by West, seconded by Harris the City Council direct staff to advise Mr. Marvin Oliver that the City will not consider his request for an easement and encroachment permit for USMS 731, Block C, Lot O Creek Street and Ketchikan Creek Tidelands until such time as he, the owner, complies with the City’s August 5, 2010 order to demolish the abandoned and unsafe structure at 419 Dock Street, commonly referred to as the Knickerbocker Hotel.

Motion passed with Sivertsen, Olsen, Zenge, Harris and West voting yea; Karlson absent; one seat vacant.

Accepting Resignation of Councilmember Sam Bergeron

Moved by West, seconded by Olsen the City Council accept the resignation of Sam Bergeron from the position of councilmember and direct the city clerk to advertise the vacancy in accordance with Ketchikan Municipal Code Section 2.04.029.

In response to Councilmember Olsen, Clerk Suiter said the position would be advertised on Saturday and by Code must be advertised for seven days. She said applications would be due by Monday, December 2, 2013 at 5:00 p.m. Mayor Williams said let’s see how many we have, and then we’ll see what we want to do relative to interviews, noting right now we’ll shoot for December 5, 2013.

Councilmember Harris announced to the general public to get an application from the Council if they have any interest at all because this was their big chance.

Motion passed with Harris, Zenge, Sivertsen, West and Olsen voting yea; Karlson absent; one seat vacant.

Southeast Alaska Power Agency Requests for Offers of Power and Energy – Sale of Whitman Lake Hydroelectric Project

Moved by Harris, seconded by Olsen pursuant to the Southeast Alaska Power Agency's January 31, 2013 Request for Offers of Power and Energy, the City Council authorize the general manager to propose the sale of the Whitman Lake Hydroelectric Project on such terms and conditions as detailed in staff's report dated November 13, 2013.

Acting Electric Division Manager Donato answered questions from the Council.

Motion passed with West, Olsen, Harris, Sivertsen and Zenge voting yea; Karlson absent; one seat vacant.

VOUCHERS

Moved by West, seconded by Harris for approval of vouchers to Ketchikan Daily News in the amount of \$1,213.07.

Motion passed with Sivertsen, Zenge, Harris, Olsen and West voting yea; Karlson absent; one seat vacant.

CITY MANAGER'S REPORT

Schedule of General Government and KPU Appropriated Reserves Through the City Council Meeting of November 7, 2013

In his report, Manager Amylon provided the Council a schedule of the current balance of Appropriated Reserves of various funds of General Government and KPU through the City Council meeting of November 7, 2013.

Contract No. 13-08, Phase III of Berths I and II Rehabilitation Project – Construction Meeting Minutes of November 1 and 8, 2013

Manager Amylon transmitted the November 1 and 8, 2013 construction meeting minutes for Contract No. 13-08, Phase III of Berths I and II Rehabilitation Project.

Contract No. 13-09, Bar Harbor Drive Down Float Facility – Construction Meeting Minutes of October 28 and November 6, 2013

Manager Amylon included copies of the October 28 and November 6, 2013 construction meeting minutes for Contract No. 13-09, Bar Harbor Drive Down Float Facility.

**Contract No. 13-10, Berth II Port Security Building –
Construction Meeting Minutes of November 1 and 8, 2013**

Manager Amylon provided the construction meeting minutes of November 1 and 8, 2013 that was held for Contract No. 13-10, Berth II Port Security Building.

**Alaska Chapter of the American Institute of Architects
2013 Design Honor Award and Peoples Choice Design
Award – Bettisworth Welsh Whiteley, LLC**

Manager Amylon provided an email correspondence from Roy Rountree of Bettisworth North Architects and Planners detailing that the Alaska Chapter of the American Institute of Architects awarded Bettisworth Welsh Whiteley, LLC a Design Honor Award for the Ketchikan Public Library at its annual convention the weekend of November 8, 2013. He explained the Design Honor Award is the highest award given, and Bettisworth Welsh Whiteley received one of the two given. He noted the firm also won the Peoples Choice Design Award for the most Alaskan project.

**Contract No. 13-38 – Ketchikan Medical Center
Expansion Request for Proposals for a General
Contractor/Construction Manager**

Manager Amylon included a memorandum from Public Works Director Allen explaining that a Request for Proposals for the selection of a General Contractor/Construction Manager for the Ketchikan Medical Center Expansion Project has been released. He informed the responses will be evaluated by a seven-member selection committee, then finalists will likely be interviewed in Ketchikan in January.

**Contract No. 12-34 Update – Jackson Street Area
Reconstruction Project, S&S General Contractors and
Equipment Rentals, Inc.**

Manager Amylon transmitted an update from the Engineering Division summarizing project activities for the Jackson Street Reconstruction Project through the end of October.

**Contract No. 12-38A, City Hall Exterior and Interior
Renovations – Construction Meeting Minutes of October
30 and November 6, 2013**

Manager Amylon attached for Council review the minutes of the construction meetings that were held on Wednesday, October 30 and November 6, 2013 regarding the City Hall Exterior and Interior Renovations Project.

Management Leadership Training/Employee Training

Manager Amylon provided a memorandum from Safety Coordinator Alderson presenting a summary of the management leadership training and employee workplace training that was conducted in October and November 2013.

Public Works Department Project Status Report – October 2013

Manager Amylon provided for Council review the project status reports of the Public Works Department for the month of October 2013.

Holiday Half-Days

Manager Amylon said he would inform employees about the Council's direction to allow non-essential employees a half-day off on Christmas Eve and New Year's Eve.

Children's Librarian Absence

Manager Amylon provided pictures of employees helping out during the library's Story Time in the absence of a children's librarian.

K.P.U. MANAGER'S REPORT

Project Status Reports of the KPU Operating Divisions – October 2013

Manager Amylon included the project status reports of the KPU's operating divisions for the month of October 2013.

Whitman Lake Hydroelectric Project – Construction Meeting Minutes of October 29 and November 5, 2013

Manager Amylon provided the October 29 and November 5, 2013 minutes of construction meeting Nos. 40 and 41 for the Whitman Lake Hydroelectric Project.

Whitman Lake Hydroelectric Project – Construction Report No. 9

Assistant Manager Martin copied the Council with the FERC-required Construction Report No. 9 for the period October 1-31, 2013

CITY CLERK'S FILE

Clerk Suiter reported she and the deputy clerk attended training the first part of this week, and she was honored to be the recipient of the Alaska Association of Municipal Clerks 2013 Clerk of the Year award.

CITY ATTORNEY'S FILE – None

FUTURE AGENDA ITEMS – None

MAYOR AND COUNCIL COMMENTS

Councilmember Harris apologized for missing the last Council meeting, and he encouraged all people to get out there to thank a vet. He said we wouldn't be here if we didn't have the vets who took care of us to get us here. He also mentioned a couple weeks ago the Council showed hands to stick with the 2013 budget, noting he wasn't one of the ones who raised his hand. He stated he didn't know of anything that is the same price it was in 2013, and he has a real hard time figuring out how the Council can hold the budget the same when everything has gone up, especially now that we are talking about layoff or suspension of employees. He noted Karl has a real hard job with that. He reported he would be meeting with Kathleen Light at the Arts Council, and he invited all fellow Council to join him, stating he wanted to hear their side of how the rain gauge recommendation came about. He stated he was hearing a lot of different things from a lot of different people, and he wanted to give them a chance. He also led applause for Clerk Suiter for her award.

Councilmember West said she was the glad the Council addressed the issue about the Knickbocker Hotel, stating it is important for the Council to let people know they are serious about requiring that owners of properties to be responsible for those properties so we don't find ourselves in the same situation as we did with the Ketchikan Apartment Building. She offered congratulations to Clerk Suiter, stating she felt she was great and was glad they recognized it on a state level.

Councilmember Olsen echoed what Ms. West said on both counts, saying we spent close to three-quarters of a million tearing down one building and \$70,000 tearing down another we don't need to tear down. He thanked former Councilmember Bergeron for his service, noting when things stabilize we'll see him again.

Councilmember Sivertsen also thanked Mr. Bergeron for his service, and he said it was a real prestigious award for the clerk that was awarded by peers. He said it was nice to be there to see her accept the award, and he offered his congratulations.

Councilmember Zenge echoed everyone's comments, thanking the clerk's office for the arrangements made for the NEO training. She said it was very long training, but she really enjoyed the experience in Anchorage, noting it was very, very cold.

Mayor Williams also thanked Clerk Suiter, and said he hoped things go well for Mr. Bergeron in the future. He expressed happiness on the building code, stating it didn't go as well in prior years. He reported on Monday he met with Mike Chenalt, speaker of the house, along with Mr. Acteson and Mayor Kiffer, to push Swan Lake and other projects. He said he has gotten all kinds of input on the rain gauge, stating there are people who

want to make it where it is a real rain gauge and others who don't want to spend the money. He went on to say this has caused a lot of talk and he was enjoying listening to people. He stated there are a lot of locals who would like to have some input, and he told them as it moves forward they would get a chance to throw their ideas out. He reported he cracked the budget, but hasn't gotten very far. He wished everyone a Happy Thanksgiving.

OTHER NEW BUSINESS – None

EXECUTIVE SESSIONS – None

ADJOURNMENT

As there was no further business, the Council adjourned at 7:52 p.m.

Lew Williams III, Mayor

ATTEST:

Katherine M. Suiter
City Clerk

FYI ITEMS INCLUDED

Women In Safe Homes Financial Report – Calendar Year 2013

Boys & Girls Clubs of Southcentral Alaska's Quarterly Financial Report – July Through September 2013

Lake Levels and System Generation Report for the Month of October 2013

Unapproved Minutes of the November 8, 2013 Ketchikan Gateway Borough/City of Ketchikan Cooperative Relations Committee Meeting