

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

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

Staff present were Manager Amylon, Assistant Manager Martin, City Attorney Seaver, Assistant Fire Chief Dorman, Human Resources Manager Miller, Library Director Lyshol, Port and Harbors Director Corporon, Deputy Police Chief Dossett, Public Works Director Allen, Electric Division Manager McConnell, Telecommunications Division Manager Cushing and City Clerk Suiter.



**PUBLIC HEARING ON ORDINANCE NO. 13-1733 – AMENDING
CHAPTER 11.12 OF THE KETCHIKAN MUNICIPAL CODE,
TELECOMMUNICATIONS**

Mayor Williams called the public hearing on Ordinance No. 13-1733 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.



COMMUNICATIONS

Mayor Williams said there were several items laid on the table, including: a communication relating to Glacier Park Apartments and a list of board appointments.

PERSONS TO BE HEARD

Glen Thompson spoke in support of the recommended rain gauge. He said he was on the selection committee and noted it was an arduous process.

Linda Koons-Auger, Director of the Small Business Development Center, updated the Council regarding the events of the Center for the past couple of months. She thanked the Council for its support.

Agnes Moran, speaking on behalf of herself, addressed the litigation the Borough Assembly relative to education funding. She said when you look at what the Borough has done, it was not a rush to court. She noted it started before her time on the Borough Assembly, having been on it for five years, stating it was a very long, thought out

process. She explained they started working through the legislative process, hired an attorney to provide them with options and based on that, they took the next step. She said it has been a legislative priority for several years, and the City has supported the Borough in that when they went to the legislature last year. She reported that the Borough heard very clearly from both Senator Stedman and Representative Wilson that this was not something they felt the legislature was going to tackle. She noted they both recommended going the litigation route.

Ms. Moran continued that the basic issue for the Assembly is it is not a constitutional situation with the state levying essentially an education tax on boroughs and anyone that runs an organized school district. She said this is the issue that outside counsel has been hired to come in and take a look at all the work they've done to date, a contract that was issued this week. She stated they will be coming back to the Assembly with recommendations on the eighteen points that are being considered. She informed if the next step is to move forward with litigation, they will look at a minimal subset of those points that are believed to have a good chance at success.

Ms. Moran went on to address concerns about punitive action or retaliatory action on the legislative level against the community for this, stating that both Senator Stedman and Representative Wilson have assured them this will not be the case. She pointed out they will not be the first community that has sued the state, stating there have been numerous lawsuits from municipalities against the state. She felt it was a little bit disrespectful to think the legislators are not professional enough to refrain from taking punitive action against us – they are professionals. She again noted the Assembly has been told very clearly by our two legislators they believe this belongs on the judicial side of things, and that is the path the Assembly is investigating going forward on.

Susan Dougherty spoke in support of the rain gauge being recommended by the selection committee. She pointed out the committee has selected other pieces of art around town, and she encouraged the Council to honor the process and trust the committee.

Amanda Painter also spoke in support of the proposed rain gauge, noting she has been selected as the president of the board of the Arts Council to read a letter from Ray Troll. Mr. Troll's letter spoke of support for the rain gauge as selected by the committee, and Ms. Painter addressed other emails of support she received. She went on to speak of the visitor industry, noting the art installation design is from an international visitor. She felt it would be an iconic sensation, and felt we need to think big and expand our horizons.

CONSENT AGENDA

Mayor Williams suggested moving several items to the Consent Agenda, including: Ordinance No. 13-1733 regarding Telecommunications Service and Rates; the revised agreement for the payment of funds to the City for library services; Ordinance No. 13-1736 amending the Building Code; Ordinance No. 13-37 amending the Fire Code; the community grant form change; the budget transfers in the Electric Division; and the

public emergency relating to the cable replacement for the Bailey generators. He asked if there were any objections, and none were heard.

Approval of Minutes

Moved by Sivertsen, seconded by West approval of the minutes of the regular meeting of October 17, 2013.

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

**\$500 Donation and Use of Fire Station No. 1 for the 2013
Community Holiday Festival – Greater Ketchikan
Chamber of Commerce**

Moved by Sivertsen, seconded by West the City Council approve a \$500 donation to the Greater Ketchikan Chamber of Commerce and use of Fire Station No. 1 for the 2013 Community Holiday Festival; authorize funding from the City Council's 2013 Community Promotion Account No. 610.01; and direct the city manager to issue a purchase order to the Greater Ketchikan Chamber of Commerce in the amount of \$500.

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

**Resolution No. 13-2529 – Encouraging the Completion of
the Land Exchange Between the United States Forest
Service and the Alaska Mental Health Trust**

Moved by Sivertsen, seconded by West the City Council approve Resolution No. 13-2529 encouraging the completion of the land exchange between the United States Forest Service and the Alaska Mental Health Trust; and establishing an effective date.

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

**Easement for Non-Public Road and for Public Trail
Access – Whitman Lake Hydroelectric Project**

Moved by Sivertsen, seconded by West the City Council approve the Whitman Lake Hydroelectric Project easement for non-public road and for public trail access between the Ketchikan Gateway Borough and the City of Ketchikan d/b/a Ketchikan Public Utilities and authorize the general manager to execute the easement on behalf of the City Council.

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

Ordinance No. 13-1733 – Amending Chapter 11.12, Telecommunications Service and Rates – Second Reading

Copies of Ordinance No. 13-1733 were available for all persons present.

Moved by Sivertsen, seconded by West the City Council approve in second reading Ordinance No. 13-1733 amending Chapter 11.12, Telecommunications Service and Rates, of the Ketchikan Municipal Code; providing for a public hearing; and establishing an effective date.

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

Revised Agreement for the Payment of Funds to the City of Ketchikan for Library Services – Ketchikan Gateway Borough

Moved by Sivertsen, seconded by West the City Council approve the revised agreement between the City of Ketchikan and the Ketchikan Gateway Borough for the payment of funds to the City of Ketchikan for library services during Borough Fiscal Year 2013-14 and authorize the city manager to execute the agreement on behalf of the City Council.

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

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” – First Reading

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

Moved by Sivertsen, seconded by West the City Council approve in first 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 Zenge, Sivertsen, West, Karlson, Olsen and Bergeron voting yea; Harris absent.

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” – First Reading

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

Moved by Sivertsen, seconded by West the City Council approve in first 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 Zenge, Sivertsen, West, Karlson, Olsen and Bergeron voting yea; Harris absent.

Community Agency Grant Form Requested Changes

Moved by Sivertsen, seconded by West the City Council approve the revised community agency grant application and scoring form as recommended by the Community Grant Committee.

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

Budget Transfers – Electric Division Account Shortfalls

Moved by Sivertsen, seconded by West the City Council authorize the transfer of \$342,900 within various 2013 Electric Division accounts as detailed in the Electric Division manager’s October 25, 2013 Budget Transfer Request.

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

Budget Transfer – Declaration of Public Emergency for the Purchase of Cable for the Bailey Generator Unit Nos. 1 and 3 Cable Replacement Project, the Okonite Company

Moved by Sivertsen, seconded by West pursuant to paragraph (7) of Section 3.12.050(a) of the Ketchikan Municipal Code, the City Council declare the procurement of cable from The Okonite Company at a cost not to exceed \$46,619 for the Bailey Generator Unit Nos. 1 and 3 Cable Replacement Project as a public emergency; authorize the transfer of \$50,000 from Appropriated Reserves of the KPU Enterprise Fund to the Electric Division’s 2013 Bailey Generator Unit Nos. 1 and 3 Cable Replacement Project Capital Account; and direct the general manager to execute the contract documents on behalf of the City Council.

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

UNFINISHED BUSINESS – None

NEW BUSINESS

Ketchikan Area Arts & Humanities Council and Ketchikan Public Art Works Proposal for Art for Berth II Rain Gauge Sign Replacement

Kathleen Light, Director of Ketchikan Area Arts and Humanities Council, felt the paper helped start a very good conversation about public art. She thought art does that very well – it promotes conversations and provokes curiosity about something. She said the Ketchikan Public Art Works and the Ketchikan Area Arts and Humanities Council are very proud and honored to have been asked to facilitate this public process, and she thanked the Council for making the decision to spend CPV funds on public art. She explained it was a very wise choice because while it is on the dock and ostensibly for the cruise ship passengers, public art improves the quality of life for our community.

Ms. Light went on to say Ketchikan is a proud community of being the Salmon Capital of the World, proud of the logging history, proud of our rain and proud of being an arts community. She pointed out almost one million people will see this rain gauge every year from all over the world, and our community will see the piece every day. She stated these were the thoughts that the selection panel had in their head as they studied all 31 proposals, and the panel of 15 community members chose “The Great Catch” by artists Jennifer Townley and Bette Andriaanse of Amsterdam. She hoped the Council took time to read their proposal before this evening because this is exactly the process the selection panel went through. She informed they read all 31 submissions – the proposal, budget, resume and references – prior to coming together. She explained they met as a group and reviewed the images of the proposal. She felt, like many great art pieces, this one will surprise and – she hoped – delight the Council.

Ms. Light displayed a photograph of the proposed piece and went on to explain several attributes. She said it is a series of kinetic drainage bottles, saying the top funnel collects rain, will drain into the seven bottles on the top row which represents every day of the week. She stated people will be able to see how much rain we get every day of the week. She went on to say at the end of the week, the bottles will then drain into a larger bottle representing the month. She pointed out there will be lots of rain in October, and perhaps not as much in June. She said at the end of the year, all the months will then drain into the bottle on the bottom which will be the cumulative rain for the year. She pointed out the artwork around the electrical components and beneath the largest bottle will depict the rain shed of Ketchikan. She said the artists will come to the community and select what this art will look like based on what is most appropriate for the community. She explained this will be a circular theme, with water coming down from the mountains and pooling underneath the bottom bottle. She said at the end of the year, the lowest bottle will be emptied and we will start again.

Ms. Light addressed potential damage to the bottles, stating the acrylic is very durable. She spoke to the potential of algae, and said the artists are working with a biologist here

in Ketchikan who grows algae and who is working to figure out how to kill it. She said the bottles will be detachable from the structure and can be cleaned, pointing out they will get several replacement parts for the art work. She addressed freezing, noting a copper wire is wrapped each bottle that will not only represent the inches of rain but also will be heated to keep them from freezing. She said daily maintenance of the piece will be similar to the rock, stating they spoke to the City's Electric Division Senior Project Engineer Andy Donato. Mr. Donato said the discussion they had was whether the Electric Division could maintain the piece, which he affirmed. He addressed several specific details of the working components, and commented being an engineer he thought of ways it could be improved.

Ms. Light pointed out that she took Mr. Donato's suggestions to the artists, who are smart and flexible and they are working on solutions. She said these artists are kinetic artists, and their sensibility is to have visual movement on their piece so they are trying to figure out a different way to do this with keys and locks so you could still see the moving parts without eliminating them. She spoke to the experience and excitement of the artists.

Dave Rubin also spoke in support of the piece, noting he has the neighboring piece of art on the dock. He explained the process, stating we don't always hire local. Aaron Reeve also spoke in support of the piece, addressing several aspects that had been brought up.

Moved by Olsen, seconded by West the City Council approve Ketchikan Area Arts and Humanities Council and Ketchikan Public Art Works' proposal for public art to replace the Berth II Rain Gauge Sign as identified in the October 2, 2013 correspondence of Kathleen Light and direct the city manager to negotiate such a contract as may be required to commission the project, said agreement to be submitted to the City Council for formal consideration by the City Council.

Motion passed with West, Olsen, Bergeron and Williams voting yea; Karlson, Sivertsen and Zenge voting nay; Harris absent.

Discussion of Starting Time of City Council Meetings – Mayor Williams

Mayor Williams said he was thinking about a 6:00 p.m. starting time. Councilmember Olsen said there are pluses and minuses to every start time, and he cited some of the advantages and disadvantages. Councilmember Karlson felt the 6:00 time would be convenient, and she felt 7:00 was just enough time to make you want to stay home. Councilmember Zenge thought an earlier time would allow more time for families. Councilmember Bergeron observed that when he was on the Borough Assembly, which starts at 5:30 p.m., elected officials were talking more, so he felt 7:00 was a good time.

Mayor Williams asked if anyone wanted to make a motion for an earlier time, and no motion was made.

2015 Community of Ketchikan Capital Project Request Booklet

Moved by Sivertsen, seconded by West the City Council direct the city manager to take such action regarding the finalization of the 2015 Community of Ketchikan Capital Project Request Booklet and subsequent lobbying efforts as determined appropriate by the City Council.

Councilmember Sivertsen felt we should move the book forward, and he didn't feel there would be a lot of flack over it at this time. Manager Amylon said this is a tough issue, and felt it was unique this year because the City's highest priority is under SEAPA so the City wouldn't have a lot to lose in the upcoming legislative session. He expressed he has been at this business 35 years, and no matter what anyone says, when a lawsuit is initiated against the state that you're going to ask for funding, it can be an awkward and difficult situation.

Councilmember Olsen said he is not worried about the legislators but more about the governor's office. He related his experience the first time he went up there, noting he had to spell out who he was representing. He felt a major reason for the City's success is staff and their ability to communicate with the governor's office what our needs are. He thought something should be done that identifies the City, whether it is a letter or whatever, something that clearly defines the role of the City versus the role of the Borough.

Councilmember Karlson expressed appreciation that this is a delicate situation, but it comes to her mind that sometimes the Council picks and chooses when it is convenient to acknowledge the Borough. She explained when the City needs funding for something or it is of some value to the City, then the City steps up and wants to be friends and work things out. She didn't feel the litigation was unwarranted, and rather they are just trying to get a question asked and answered. She thought this particular venue would answer the question one way or the other. She continued the City needs to keep in mind to work cooperatively with them, and the litigation may not be as critical as the Council feels.

Councilmember Sivertsen said the governor's office knows that the SEAPA project is more than Ketchikan, but also Wrangell and Petersburg. He felt that lawsuits are the way that laws and statutes sometimes get changed.

Manager Amylon noted the priorities have already been submitted to the governor's office as a joint submission, so they know what the priorities are. Mayor Williams felt the governor understood the matrix between the Borough and the City, and his only concern is with the legislators because he doesn't know which ones would be happy or not happy. He said if the Council wanted to put out a letter to the legislators to let them know the different roles, he had no problem with that. Mayor Williams continued by stating that right now the motion would pass the capital project request booklet along, and we have nothing to address the other stuff at this time.

Ms. Moran addressed the Council, stating the Borough manager is going to be talking to other municipal managers at the Alaska Municipal League conference, the Borough attorney will also be talking to other municipal attorney to explain the position of Ketchikan Gateway Borough, and that will be happening well in advance of when the legislature comes in. She explained they have been invited to a work session the first part of December with the City of Fairbanks, where Fairbanks has also invited their representative to sit in on the work session to explain, again, what they are doing. She continued when they are up in Juneau for AML, they had met previously with members of the different municipalities – speaking with Kenai and Anchorage – and by the time we get to Juneau, we will probably have a very good feel for where the Borough is and what it is doing. She felt at that point if the City felt it might need to distance itself from the Borough, of course that is the City's choice. She didn't feel there would be any surprises at that stage because they have been very careful and done this very slowly and methodically in stages. She wondered if it might be premature to think the lawsuit or litigation may be commenced at that time. She said they will have a lot of work to do between now and February to educate people on what the Borough is doing, so by the time the City hits Juneau, it may or may not be an issue.

Councilmember Olsen opined he was feeling uncomfortable for Ms. Moran, stating he felt she crossed the edge from representing herself to representing the Borough Assembly. Ms. Moran said she has not spoken anything to date that the Assembly has not already approved, and she has in a previous Assembly meeting asked if she could reach out to different municipalities, and she received four hands on that. She continued to explain she has done a lot of work with the folks on Prince of Wales. She noted everything she has mentioned to date has been passed through the Assembly as far as that, and said as she mentioned at one point she got four hands to approach other municipal entities.

Mayor Williams asked if there were four hands to write a letter to legislators, and there were not four shown.

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

Budget Transfer – Change Order No. 3 to Contract No. 12-38A, City Hall Exterior and Interior Renovations, Dawson Construction, Inc.

Moved by Olsen, seconded by West the City Council approve Change Order No. 3 in the amount of \$145,029 to Contract No. 12-38A, City Hall Exterior and Interior Renovations Project, between the City of Ketchikan and Dawson Construction, Inc., increasing the contract amount from \$2,400,000 to \$2,872,347; authorize a budget transfer of \$145,029 from Appropriated Reserves of the Public Works Sales Tax Fund to the Building Maintenance Division's City Hall Siding and Roof Replacement Capital Account;

approve funding from the Building Maintenance Division's City Hall Siding and Roof Replacement Capital Account; and direct the city manager to execute the change order on behalf of the City Council.

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

Declaration of Public Emergency for Evaluation of and Design of Interim Repairs to the Thomas Basin Promenade and Retaining Wall, PND Engineers, Inc.

Moved by Sivertsen, seconded by Olsen pursuant to paragraph (7) of Section 3.12.050(a) of the Ketchikan Municipal Code, the City Council declare the evaluation of and design of interim repairs to the Thomas Basin Promenade and retaining wall as a public emergency; award Contract No. 13-37, Thomas Basin Seawall Design, to PND Engineers, Inc. of Juneau, Alaska in an amount not to exceed \$42,094; direct staff to prepare a budget amendment to provide for Commercial Passenger Vessel tax revenues as a source of funding for the professional services agreement; and authorize the city manager to execute the contract documents on behalf of the City Council.

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

Exempting the Procurement of Core Network Equipment from Competitive Bidding/Written Quotation Requirements of the Ketchikan Municipal Code - CDW

Moved by Sivertsen, seconded by Olsen pursuant to subparagraph 6 of Section 3.12.050(a) of the Ketchikan Municipal Code, the City Council exempt the procurement of Brocade MLX router from CDW at a cost of \$134,000; authorize funding from the Telecommunications Division's 2013 Core Network Upgrade Capital Account; and direct the general manager to execute the contract documents on behalf of the City Council.

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

Award of Contract for 4G/LTE Antennas, Surge Protectors, Cable Distribution Equipment, Cabling and Other Miscellaneous Equipment – North Coast Electric Company

Moved by Sivertsen, seconded by West the City Council award a procurement contract for 4G/LTE antennas, surge protectors, cable distribution equipment, cabling and other miscellaneous equipment to North Coast Electric Company of Kent, Washington in the amount of \$55,565; establish a three percent contingency in the amount of \$1,667,

bringing the total project cost to \$57,232; authorize funding in the amount of \$57,232 from the Telecommunications Division's 2013 4G Mobile Capital Account; and direct the general manager to execute the contract documents on behalf of the City Council.

In response to Councilmember Sivertsen, Manager Amylon said he would provide a report relative to the status of the entire project and the funds spent to date.

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

Award of Contract for 4G/LTE Equipment Platforms, Ice Bridges, Boom Gates Meter Boxes and Transfer Switches – North Coast Electric Company

Moved by Olsen, seconded by West the City Council award a procurement contract for 4G/LTE equipment platforms, ice bridges, boom gates, meter boxes and transfer switches to North Coast Electric Company of Kent, Washington in the amount of \$39,303; establish a three percent contingency in the amount of \$1,179, bringing the total project cost to \$40,482; authorize funding in the amount of \$40,482 from the Telecommunications Division's 2013 4G Mobile Capital Account; and direct the general manager to execute the contract documents on behalf of the City Council.

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

Award of 4G/LTE Site Construction and Equipment Installation Contract for Knudson Cove and Eichner – New Horizons Telecom, Inc.

Moved by Sivertsen, seconded by Olsen the City Council award a 4G/LTE site construction and equipment installation contract for Knudson Cove and Eichner to New Horizons Telecom, Inc. of Palmer, Alaska in the amount of \$182,044; establish a three percent contingency in the amount of \$4,956, bringing the total project cost to \$187,000; authorize funding in the amount of \$187,000 from the Telecommunications Division's 2013 4G Mobile Capital Account; and direct the general manager to execute the contract documents on behalf of the City Council.

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

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 – First Reading

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

Moved by Olsen, seconded by Sivertsen the City Council approve in first 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 Sivertsen, Bergeron, Zenge, Olsen, West and Karlson voting yea; Harris absent.

VOUCHERS

Moved by West, seconded by Sivertsen for approval of vouchers to Ketchikan Daily News in the amount of \$15,828.90.

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

CITY MANAGER'S REPORT

Schedule of General Government and KPU Appropriated Reserves Through the City Council Meeting of October 17, 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 October 17, 2013.

Contract No. 13-08, Phase III of Berths I and II Rehabilitation Project – Construction Meeting Minutes of October 11 and 18, 2013

Manager Amylon transmitted the October 11 and 18, 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 11 and 18, 2013

Manager Amylon included copies of the October 11 and 18, 2013 construction meeting minutes for Contract No. 13-09, Bar Harbor Drive Down Float Facility.

Port and Harbors Director Corporon said the fill was clean fill and fabric, and they are setting up the grid to set the pilings next week.

Contract No. 12-38A, City Hall Exterior and Interior Renovations – Construction Meeting Minutes of October 9, 16 and 23, 2013

Manager Amylon attached for Council review the minutes of the construction meetings that were held on Wednesday, October 9, 16 and 23, 2013 regarding the City Hall Exterior and Interior Renovations Project.

Contract No. 13-10, Berth II Port Security Building – Preconstruction Meeting Minutes of October 18, 2013

Manager Amylon reported a preconstruction meeting was held for Contract No. 13-10, Berth II Port Security Building, and provided the Council with the minutes of October 18, 2013.

Report on 2013 Annual Conference of Alaska Association of Harbormasters and Port Administrators

Manager Amylon included a report from Port and Harbors Director Corporon detailing the 2013 Annual Conference of the Alaska Association of Harbormasters and Port Administrators. Mr. Corporon pointed out Andrew Mulder was named Ketchikan's Port and Harbors Department Employee of the Year, and Les Zetterberg received a certificate of appreciation from AAHPA for his service.

Phase IV Design of Berths I and II Rehabilitation Project

Manager Amylon provided a report from Port and Harbors Director Corporon alerting of a public meeting to seek input relative to design of Phase IV of the Berths I and II Rehabilitation Project. Mr. Corporon noted one major item identified during initial meetings with the design team is the need for a timber overlay for the plaza area south of the Visitors Bureau. He continued it was determined that it would be much easier to install during Phase III this winter rather than to wait for Phase IV next winter. Manager Amylon noted that unless the Council directs otherwise, he intended to authorize Mr. Corporon to solicit a change order to accomplish the work.

Conceptual Design Review of Bar Harbor South Float 1N and 9 Replacement

Manager Amylon transmitted a report from Port and Harbors Director Corporon outlining events taken to date on the design of Bar Harbor South Float 1N and 9 Reconstruction. Mr. Corporon summarized the major design elements that have been addressed during the conceptual review of the project, and Manager Amylon expressed his intent to authorize proceeding to 35% design unless otherwise directed by the Council.

**“2013 Library Design Showcase” – September/October
Edition of American Libraries**

Manager Amylon informed that the Ketchikan Public Library was featured in the “2013 Library Design Showcase,” which is American Libraries Magazine’s annual celebration of new and newly renovated libraries.

2013 Sales Tax Report No. 7

Manager Amylon copied the Council with a memorandum from Finance Director Newell outlining the 2013 year to date sales tax collections. Mr. Newell pointed out that total collections for 2013 are up by 1.33% when compared to the same period last year.

Centennial Building Lighting Failure

Manager Amylon provided a report from Museum Director Simpson detailing the most recent lighting failure at the Centennial Building. He noted interim measures were taken by the Building Maintenance Division to minimize the immediate risk to staff and the building, but stated the lighting will need to be replaced. He included the Centennial Building Condition Analysis that was prepared by Bettisworth Welsh Whiteley and submitted to the City Council in January of this year, and explained he has directed staff to prepare a Capital Improvement Project for the replacement of the lighting.

Manager Amylon further informed that staff was on the roof this week and saw there were actual holes in the roof. He stated a contract will be put together under an emergency declaration to affect repairs.

**2014 Proposed General Government and Ketchikan
Public Utilities Annual Budgets**

Manager Amylon said it is staff’s intent to electronically submit the 2014 Proposed General Government and Ketchikan Public Utilities Annual Budgets on or about November 7, 2013.

Manager Amylon explained the electronic budgets will be transmitted tomorrow. He strongly recommended the Council read the transmittal letter prior to going through the budget document.

**Closeout of Contract No. 12-09 – City Underground
Storage Tank Removal and Site Closure, S&S General
Contractors & Equipment Rental, Inc.**

Manager Amylon transmitted a memorandum from Contracts/Grants Administrator Barry explaining Contract No. 12-09, City Underground Storage Tank Removal and Site Closure, has been successfully completed and the Department of Environmental

Conservation has closed its case files regarding the removal of these tanks. He acknowledged Mr. Barry's efforts for the successful conclusion of the project.

**Mayor's Letter Relative to Rehabilitation of Glacier Park
Apartments Repairs**

Mayor Williams asked if there were any objections to writing a letter in support of this project, and none were heard.

K.P.U. MANAGER'S REPORT

**Whitman Lake Hydroelectric Project – Construction
Meeting Minutes of October 8, 15 and 22, 2013**

Manager Amylon provided the October 8, 15 and 22, 2013 minutes of construction meeting Nos. 37, 38 and 39 for the Whitman Lake Hydroelectric Project.

Notification of Resignation – Electric Division Manager

Manager Amylon informed the Council that Electric Division Manager Tim McConnell has tendered his resignation effective November 15, 2013. He expressed his appreciation to Mr. McConnell for his service to the Electric Division and the community, and wished him the best in his future endeavors. He noted Senior Electric Systems Engineer Andy Donato will be appointed as Acting Electric Division Manager pending a search for a successor candidate.

Manager Amylon reported the City spent about \$2.6 million in diesel runs last year, and the lake levels this year are not in as good of shape as they were last year. He explained we may be looking at more diesel runs and SEAPA has already suggested the City may want to consider doing the diesel runs this fall, which staff is looking at now. He concluded diesel is definitely in our future.

In response to Councilmember West regarding energy conservation, Mr. McConnell said the last two months we've been down on consumption – last month about 5% and this month about 8%. He wondered if it was related to heating degree days and the warmer temperatures we've had. He noted the two amendments related to the contract, especially the money related to LEDs lighting was money well spent.

Mr. McConnell continued by saying he will carry away indelible memories of the people he has worked with, the professionalism and devotion the manager has. He felt the City was very well run, and he tipped his hat to the Council.

Report of October 20, 2013 Power Outage

Manager Amylon transmitted a memorandum from Senior Electric Systems Engineer Donato regarding the power outage of October 20, 2013.

CITY CLERK'S FILE

Pulltab Operator Renewal Application

Clerk Suiter provided a copy of the 2014 Pulltab Operator Renewal Application for Gold Pin Pulltabs.

CITY ATTORNEY'S FILE – None

FUTURE AGENDA ITEMS – None

MAYOR AND COUNCIL COMMENTS

Councilmember Olsen thanked Mr. McConnell for the past couple of years for working with the City and helping get through some issues. He commented the Centennial Building roof and lighting issues were all predicted by Bettisworth Welsh Whiteley, and he felt we were just getting the tip of the iceberg. He felt we needed to decide at some point in the near future what we're going to do with that building.

Councilmember West said the Community Grants Committee met and made the recommendations the Council approved tonight. She noted another recommendation that was discussed was having the Small Business Development Center moved into funding from this area. She said they also talked about inviting members of the Borough Assembly and the Cooperative Relations Committee, and she said they would like to invite them to come in and see how the process works. She said they would be most welcome to discuss items along with the Council, not as voting members but as participants in the process. She felt we could work toward doing this together in the future.

Mayor Williams said tomorrow morning the Council would be getting a letter from Councilmember Bergeron, noting he may be having a tough time tonight. He stated he hasn't been to the number of meetings in a six month period that qualifies him to remain on the Council. He said the next Council meeting we will have business relative to that to take care. He said there is a Cooperative Relations Committee meeting tomorrow in the Council Chambers.

Mayor Williams read the list of Council committee appointments:

Matt Olsen – Library Advisory Board, Museum Advisory Board, Lobbying Executive Committee

Judy Zenge – Port and Harbors Advisory Board, Ketchikan Visitors Bureau, Community Grant Committee

Sam Bergeron – KPU Advisory Board, Public Facility Naming Committee, Local Emergency Planning Committee

Kj Harris – Public Facility Naming Committee, Community Grant Committee, Cooperative Relations Committee
Sivertsen – SEAPA (voting member), Hospital Governing Board, Lobbying Executive Committee
Marty West – Community Grant Committee, Cooperative Relations Committee
DeAnn Karlson – Cooperative Relations Committee, Local Emergency Planning Committee
Mayor Williams – SEAPA (voting member), Lobbying Executive Committee
Charles Freeman – SEAPA (non-voting member)
Andy Donato – SEAPA (non-voting member)
Dragon London – Community Grant Committee
Shauna Lee – Community Grant Committee
Lacy Simpson (council appointee) – Ketchikan Historic Commission

OTHER NEW BUSINESS – None

EXECUTIVE SESSIONS

Request for Executive Session – Collective Bargaining Agreement Between the City of Ketchikan and the Ketchikan Professional Firefighters Association, Local 2761, I.A.F.F.

Moved by West, seconded by Sivertsen the City Council declare that consistent with the city manager's memorandum dated October 24, 2013 it is in the best interest of the City to discuss negotiations regarding a collective bargaining agreement between the City of Ketchikan and the Ketchikan Professional Firefighters Association, Local 2761, I.A.F.F. in executive session; in accordance with that finding, the City Council go into executive session in accordance with KMC 2.04.025(a)(1) and (b)(2) and AS 44.62.310(c)(1) and (3) to discuss said negotiations and the auxiliary items described in the city manager's memorandum dated October 24, 2013, which matters include the need to discuss subjects the knowledge of which would have an adverse impact upon the finances of the City and upon the City's ability to negotiate favorable labor settlements.

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

The Council recessed into executive session at 8:40 p.m. and reconvened at 8:55 p.m.

Mayor Williams said the Council has completed an executive session to discuss negotiations regarding a collective bargaining agreement between the City of Ketchikan and the Ketchikan Professional Firefighters Association, Local 2761, I.A.F.F. and no action would be taken tonight.

ADJOURNMENT

November 7, 2013

As there was no further business, the Council adjourned at 8:55 p.m.

Lew Williams III, Mayor

ATTEST:

Katherine M. Suiter
City Clerk

FYI ITEMS INCLUDED

Unapproved Minutes of the October 8, 2013 Port & Harbors Advisory Board Meeting
Boys & Girls Clubs of Southcentral Alaska's Quarterly Activity Report - July through
September 2013

Ketchikan Area Arts & Humanities Council's Quarterly Activity and Financial Reports -
July through September 2013

Alaska Legal Services Corporation's Quarterly Financial Report - July Through
September 2013

August and October 2013 Editions of the Southeast Alaska Power Agency's Community
Flyer