

Regular Ketchikan City Council meeting was called to order by Mayor Weinstein at 7:03 p.m., January 15, 2009, with the following members present: Sam Bergeron, Dick Coose, Jason Harris, Kj Harris, Marty West and Lew Williams III. Councilmember Charles Freeman was absent.

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

Staff present were Manager Amylon, Assistant Manager Martin, Finance Director Newell, Fire Chief Hill, Library Director McQuerry, Port & Harbors Director Corporon, Public Works Director Hansen, Electric Division Manager Schofield, Deputy Police Chief Dossett, other city employees and Deputy Clerk Welk.

### **COMMUNICATIONS**

Mayor Weinstein said there were several items laid on the table, including: an excerpt regarding Alaska population; a letter from the Historic Ketchikan Board supporting the proposed location for the new Fire station; Resolution No. 09-2263 recognizing Paul Bruening for nearly 21 years of service; Resolution No. 09-2262 recognizing Ruth Hill for 24 years of service; a memorandum from the manager regarding Port revenues and expenditures; a memorandum relative to the State FY2010 Comprehensive Behavioral Health Treatment and Recovery Grant program application and GCHS Advisory Board review; supplemental information from the manager regarding the items concerning adjustment to the Port's wharfage fee; and a memorandum from the manager providing additional information for the information regarding design concepts for the Berth I and II Rehabilitation Project.

Mayor Weinstein asked the Council if there were any objections to adding Resolution Nos. 09-2263 and 09-2262 to the agenda, and none were heard.

Mayor Weinstein also asked the Council if there were any objections to moving the two resolutions to this point in the meeting, and none were heard.

#### **Resolution No. 09-2263 – Recognizing Paul Bruening For Nearly 21 Years Of Service In The Ketchikan Police Department**

Moved by Coose, seconded by Kj Harris the City Council approve Resolution No. 09-2263 recognizing Paul Bruening for nearly 21 years of service in the Ketchikan Police department, and establishing an effective date.

Motion passed with Kj Harris, Coose, Williams, West, Bergeron and Jason Harris voting yea; Freeman absent.

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**Resolution No. 09-2262 – Recognizing Ruth Hill For Her Years Of Service In The Information Technology Department**

Moved by Bergeron, seconded by Jason Harris the City Council approve Resolution No. 09-2262 recognizing Ruth Hill for her years of service in the Information Technology department, and establishing an effective date.

Motion passed with West, Bergeron, Jason Harris, Kj Harris, Williams and Coose voting yea; Freeman absent.

Mayor Weinstein presented both Mr. Bruening and Ms. Hill with resolutions. Lieutenant Paul Bruening gave a brief acceptance speech to Council.

**PERSONS TO BE HEARD**

Tom LeCompte, 808 Harding Street, spoke on behalf of First City Players as their president. He advised the organization has been operating in this community for 43 years and has been recognized by the American Association of Community Theaters as the second most active community theater in America. Mr. LeCompte said this recognition is based on the amount of operational money, the type of venues, and the size of audience they drawn in. He remarked on First City Player's long-standing goal in looking for and acquiring a home. He informed they have been granted CPV funds, which will allow them to initiate the purchase proceedings on the Fireside building, and asked for the City's support.

In response to Councilmember Bergeron, Mr. LeCompte commented on the number of properties previously looked at, and confirmed they finally have a building within their grasp. He informed First City Players has received indication of funds from Rasmusen Foundation as well as others, which appear promising. He confirmed a condition study has been done, and this project would provide two to three years worth of jobs for local contractors.

Bess Clark, Executive Director of Community Connections, provided the Council with a handout regarding their legislative request. Ms. Clark discussed the capital project called Opportunity House, which is a supported living project for adults with developmental disabilities. She advised they will pay a subsidized rent and Community Connections will provide support to those individuals 24/7. She continued they received a federal grant through a HUD project and garnered additional funding through other organizations. Ms. Clark said the project is still \$500,000 short, hence the legislative request. She added the legislature recommended Community Connections come back to the Borough and City and ask to be added to the community priority list for capital projects in FY 2010.

Mayor Weinstein informally asked if there were any objections to adding this to the community priority list, and none were heard. The mayor instructed management to communicate this to the appropriate persons.

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Keith Smith, representing First City Players, commented on the Fireside building condition study and confirmed that due diligence has been completed on this project. Mr. Smith clarified an answer given at a previous Council meeting, and stated they did not have the funds secured by the six-week deadline, and he apologizes for not making that clear. He continued that communication with the City at this point is very important, and he is available to answer any questions Council may have.

Dave Rubin, 510 Edmond Street, explained he is a member of Historic Ketchikan, but his name does not appear on the letter presented to Council tonight. He added he feels Historic Ketchikan's mission is to restore historic buildings, and he supports First City Players in their quest to secure the Fireside building.

Mr. Rubin also commented on the statues he was commissioned to make for the City. He said three of them are in Portland being bronzed, another one is here in Ketchikan and another under way.

Kevin Gadsey, representing Southeast Alaskans for Independent Living, thanked the Council for their due diligence in the budget process and thanked the library staff for making the facility more accessible and user friendly. He asked that community access be one of the criteria used when making the decision on where to locate the new library and fire buildings. Mr. Gadsey addressed the constant need for substance abuse recovery programs for people of all income levels. He advised persons with disabilities experience substance abuse rates at two to four times that of the general population. He continued agency staff, including himself, often have limited training in how to assist these individuals, especially those who have a history of high-risk choices such as substance abuse. Mr. Gadsey stressed the urgency of maintaining the current level of recovery services, whether the services are provided by the City, a non-profit or for-profit group.

Justin Carro, 717 Forest Park, spoke to the Council regarding the Berth I & II redevelopment process. He concurs with the compromise made at the last user group meeting; however, he said it wasn't until the third or fourth meeting that he and other tour operators even realized these meetings were taking place. Mr. Carro informed the summer tour business is very competitive, and having only one tour vendor attend these meetings is unacceptable. He remarked the company performing the study was not aware of certain issues relative to the dock, such as double parking the buses, and he doesn't believe the community was well served by this project. Mr. Carro continued the dock vendors are not seasonal workers, they are locals, and the City should take steps to ensure that the local industry is always represented.

Steve McDonald, 655 South Pt. Higgins, stated the vast majority of vehicles traversing the dock are not the large buses, but the smaller vehicles. He commented on the TWIC agenda item, and remarked it could severely restrict who can access the port if this process is too long or too costly, especially for the smaller companies. He talked on the Berth I & II redevelopment project and said the dock runs as efficiently as it can, and this plan will ensure that. He inquired about the stimulus package program and the 12-year old plan to put a waterfront promenade in the area of Creek Street. He added he is a

Creek Street business owner, and asked if the completion of this promenade could be added as a port project.

Linda Millard, 501-A Front Street spoke to the Council about the renewal of the entertainment permit for the Arctic Bar, and said her concern is the music played on the back deck is very loud in the downtown area. She remarked on last year's permit and discussion thereof was not made very clear, and requested that the limitations are made clear when approving this year's license. Ms. Millard advised no one in their home can watch television, listen to music, or have a dinner conversation when music is being played on the Arctic Bar deck.

Ms. Millard continued by asking for the Council's support of the Performing Arts Center, as she believes the restoration of this historic building would be a good fit for the community. She also talked regarding the Berth I & II working groups and said the approved design is the exact same design of today with very little change. She remarked the plan is very biased towards vehicles, and that the process does not address the beautification of the dock. She advised the landscape architect agreed that the approved design would not provide the safety and the gateway that Ketchikan wanted, per the design goals. Ms. Millard continued the Wall Street Journal lists Ketchikan as one of the top ten worst cruise ship destinations, and she believes moving forward with this design will be the end to the industry. She added there should be a more balanced approach in the port design, as the new design increases the amount of buses and vehicles on the dock at one time.

Rita Carro, 717 Forest Park, commented on the Berth I & II redevelopment plan, and remarked buses going in reverse every time they leave the dock is very unsafe. She stated it is a dock, and no one makes any revenue from visitors being on the dock. She continued revenue is seen when cruise ship passengers go into town and experience the shops, parks, museum, etc. Ms. Carro said it is important that the dock be inviting, but the City should not spend millions of dollars making the dock look appealing when visitors are only going to stand on or traverse it.

The Council took short break at 7:53 p.m. and reconvened at 8:10 p.m.

## **CONSENT AGENDA**

### **Approval of Live Entertainment Permit Applications for Arctic Bar & Liquor Store and VFW Post 4352**

Moved by Williams, seconded by Jason Harris the City Council approve the 2009 live entertainment permit applications for the Arctic Bar & Liquor Store and VFW Post 4352.

Councilmember Bergeron asked to pull the 2009 live entertainment permit for the Arctic Bar and Liquor Store from the consent agenda for discussion. Mayor Weinstein asked if there were any objections, and none were heard.

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Motion to approve the 2009 live entertainment permit for the VFW Post 4352 passed with Kj Harris, Coose, Williams, West, Bergeron and Jason Harris voting yea; Freeman absent.

[Clerk's Note: The motion before the Council was to approve the live entertainment application for the Arctic Bar and Liquor Store.]

Councilmember Bergeron remarked he does not believe a live entertainment permit is a license to disturb the peace, and the deck music at the Arctic Bar has ruined the quality of life in his home. He asked if the Council approved the permit, there be a condition restricting live music on the Arctic Bar deck. He continued there were conditions placed on their permit last year, and they ignored those conditions.

Moved by Bergeron, seconded by West to amend as a condition of the live entertainment permit, the Arctic Bar be restricted from having live music on the back deck.

Councilmember Bergeron asked what would preclude other establishments that hold live entertainment permits from doing the same thing. He advised he has read the original ordinances and they reference wanting to keep music inside of establishments.

Councilmember Williams stated there have been noise issues previously with the Arctic Bar, and he felt it would be prudent to have the owners available for discussion on this subject and would like to defer this item to the next meeting.

Bergeron requested if staff is going to contact the bar owners, they should also contact adjacent property owners, so that everyone can be available for comment at the meeting.

Moved by Bergeron, seconded by West to postpone this item to next regular meeting.

Motion passed with Kj Harris, West, Jason Harris, Williams and Coose voting yea, Bergeron voting nay; Freeman absent.

## **UNFINISHED BUSINESS**

### **Approving a One-Year Extension to Contract No. 07-42, Advertising Agency and Media Consultation Services – Rebecca Brown d/b/a Two Plus One Media Consulting**

Moved by Williams, seconded by Jason Harris the City Council award a one-year extension to Contract No. 07-42, Advertising Agency and Media Consultation Services, to Rebecca Brown d/b/a Two Plus One Media Consulting at a cost of \$3,000 per month not to exceed \$36,000; authorize funding in an amount not to exceed \$36,000 from the Administration Division's 2009 Professional Services Account No. 60; and direct the general manager to execute the contract documents on behalf of the City Council.

Councilmember West asked whether there was any overlap with this contract and the vacant Telecommunications marketing positions. Manager Amylon confirmed there

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could be overlap if that division were fully staffed, however that is not the case. He stated until such time they do get fully staffed and Council makes a determination relative to the potential sale of the division, this contract makes the most sense.

Councilmember West clarified her question stating would there be a way for Ms. Brown to perform some of those job duties left by the telecommunication vacancies. Mr. Amylon said he has not discussed this with Ms. Brown, but felt it would be difficult as she resides on Prince of Wales Island, and has two small children at home.

Motion passed with Williams, Jason Harris, Coose, Kj Harris, Bergeron and West voting yea; Freeman absent.

## **NEW BUSINESS**

### **State Fiscal Year 2010 Comprehensive Behavioral Health Treatment & Recovery Grant Program Application – Gateway Center for Human Services Advisory Board Review**

Moved by Coose, seconded by Williams the City Council direct the City Manager to prepare an application for SFY10 Comprehensive Behavioral Health Treatment & Recovery grant funding on the basis of contracting with Tongass Substance Screening for ASAP/JASAP services and four beds of inpatient substance abuse services reserved for indigent clients as detailed in staff's report dated December 24, 2008.

Councilmember West, speaking as a member of the Gateway Center for Human Services Advisory Board, confirmed they agree. She continued the only concern of the board had been the care of indigent people and that issue has been addressed by all parties involved.

Councilmember Williams advised he also supports this idea and he would like to recommend the City apply for a grant relative to youth services, therefore reducing costs at Gateway Center for Human Services.

Motion passed with Coose, Jason Harris, West, Kj Harris, Williams, and Bergeron voting yea; Freeman absent.

### **2009 Ketchikan Fire Department Medical Director Services Agreement – William Anthes, M.D.**

Moved by Jason Harris, seconded by Williams the City Council approve the 2009 Medical Director Services Agreement between the City of Ketchikan and William Anthes, M.D. in an amount not to exceed \$12,000; authorize funding from the Fire Department Administration Division's 2009 Contractual Services Account No. 53; and direct the city manager to execute the agreement on behalf of the City Council.

Motion passed with Kj Harris, Bergeron, West, Jason Harris, Williams and Coose voting yea; Freeman absent.

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**Resolution No. 09-2260 – Application for Department of Homeland Security Port Security Grant Program (PSGP) Funding**

Moved by Jason Harris, seconded by Williams the City Council adopt the motion approving Resolution No. 09-2260 authorizing an application for Department of Homeland Security Port Security Grant Program funding for the purchase of TWIC equipment and agreeing to a 25% local match; and establishing an effective date.

In response to Councilmember Coose, Port & Harbors Director Corporon stated the equipment consists of laptop computers, electronic fingerprint equipment, card activation machine and servers, and possibly other items. In response to Mayor Weinstein, Director Corporon confirmed in a worse case scenario TWIC card processing would be done in-house for the community, and best-case scenario would be a contractor such as Tongass Substance Screening, who currently holds a contract for this work.

In response to Councilmember Coose, Director Corporon continued the cost to run in-house would be \$2,500 a year, which would cover equipment maintenance and upgrades, and the processing of one card takes approximately ten minutes, so not much personnel time would be required. Director Corporon added if we receive the grant, purchase the equipment and do just in-house cards, it would still pay for itself in one year. He also advised the cards are good for five years and cost \$132.50 per card.

Motion passed with Jason Harris, Bergeron, Williams, Coose, Kj Harris and West voting yea; Freeman absent.

**Library Design Update – Authorizing Configuration of Facility Parking – Deferred from January 8, 2009**

Councilmember Coose said he was concerned with the Main School site and said the square footage should be downsized. He asked staff for footprints on both the library and fire station sites, and commented that there are more options being presented.

Councilmember Bergeron presented the Council with a handout from the Alaska Department of Labor, Workforce and Development Research and Analysis regarding population projections. He stated the City needs to take a serious look at this information relative to the current economic hardships, and determine if these projects are feasible. He continued they estimate Ketchikan's population will greatly decrease, and the City should not be spending money on a decreasing population.

Councilmember Williams said he is all for a special meeting, as more options are coming forward. He asked the Council if they are still interested in the Fireside building, and remarked the Council needs to lead and make a decision on these projects and the prospective sites.

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Mayor Weinstein said he agrees with some of what Councilmember Bergeron said; however, he wants to remind the community that around 1997, following the pulp mill closure, they voted to float a \$10 million bond for the hospital, and another significant amount for a Ketchikan Public Utilities generator. The mayor explained it showed the community continued to have faith in Ketchikan, as it should now. He agreed the Council needs to hold a special meeting to review sites, move ahead and give closure to these projects.

Manager Amylon asked if the Council wanted to step back and start from scratch, because at the last meeting he was given direction to put out an RFP for a construction manager. Mr. Amylon stated his read of putting the library on top of the hill would include spending millions for a parking garage or building sub-terrain parking. He reminded Council he will soon be bringing a ballot proposition for approximately \$7 million for bridge repairs, as there is no guarantee of economic stimulus or state funding. He added of all the projects on the table, the library is the easiest to complete relative to securing funding, plus already accrued assets, if we can provide on-site parking. Mr. Amylon continued the Dawson property fits this project best, but it then displaces the Fire station project.

Councilmember Coose agreed with Mr. Amylon's frustration, and said Council needs to hold a special meeting to consider all projects. He asked what the size of the library building would be while still meeting the Borough parking code.

Manager Amylon asked Council for clarification on staff's direction if the motion passes. The mayor confirmed direction is to choose potential sites for the two projects, and to have discussion of relative merits or lack thereof. He advised the public needs to be informed of the Berth IV proposals, so that people can comment on what they believe is appropriate. Mayor Weinstein continued if the motion passes, staff would need to summarize all existing information.

Councilmember Jason Harris asked if we already have a footprint of the Fireside building, to which Manager Amylon responded yes, a very rough footprint.

In response to Councilmember Williams, Mayor Weinstein confirmed a special meeting will be held shortly after the manager advises him the information is compiled.

Moved by Coose, seconded by Bergeron the City Council direct the manager to review the library site and related parking garage.

Motion passed with Coose, Kj Harris, Williams, West, Bergeron and Jason Harris voting yea; Freeman absent.

**Adjustments to the Port of Ketchikan Passenger Wharfage  
Fee and Qualification for Commercial Passenger Vessel  
Excise Tax Funding**

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Mayor Weinstein advised the State of Alaska appropriated \$3 million for design and construction of Berth I & II replacement, and there may be another \$3 million coming this year. He stated for whatever reasons, none of those funds were programmed into this year's budget, and we are using head tax and other revenues. The mayor said if we do use the state money it would free up a substantial amount to pay back the economic development fund for the loan. He urged the Council to go this route and advised Manager Amylon concurs.

Mayor Weinstein continued we can see what happens during this legislative session as one of the top priorities for state/federal funding is the port project, and the industry very much supports the Ketchikan project as one of its top Alaska projects. The mayor advised if we get a substantial appropriation, that would relieve the City of interim repairs made each year and there wouldn't be any need to increase the marine passenger fee. He added when the Council approved raising the marine passenger fee from \$6.00 to \$7.00 it had a sunset in 2010, which was agreed upon at that time. He suggested if this were to happen, something be done to drop or extend that sunset date until such time as the \$2 million plus interest is paid back.

Councilmember Bergeron said he would like to see a comparison in wharfage and dockage fees to what Juneau pays and what west coast ports pay.

Mayor Weinstein asked if there were any objections to the idea he has put forth, giving the manager direction to start using state appropriation for design and construction, use some of the appropriated money to pay back the economic development fund and look at 2010 issues as appropriate. No objections were heard.

Manager Amylon said he would like clarification relative to converting the passenger wharfage fee to a dockage fee. He explained that during earlier discussions he advised the Council that in order to start the process in getting an answer from the state, a financial comparison will need to be completed and then submitted to the Department of Revenue, who will then submit it to the Department of Law for review. Mr. Amylon asked whether this issue is still on the table, or should it be set aside, and all Councilmembers agreed to set the issue aside.

### **Berth I & II Rehabilitation Project Phase III Conceptual Designs**

Moved by Williams, seconded by Jason Harris the City Council approve the Working Group's selection of "Compromise One and Three January" as the preferred design for Berths I & II Replacement Project and direct the city manager to advise PND Engineers, Inc. to finalize the design of Phase I of the project accordingly.

Mayor Weinstein asked what happened to the Visitors Center, and Manager Amylon stated it will be removed in Phase I, temporarily relocated during Phase II, and then if the building can be salvaged or modified it will come back slighter. Mr. Amylon remarked you are essentially looking at a new building.

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Port & Harbors Director Corporon answered questions from Council.

Councilmember Bergeron asked if the new design met the goals that were outlined at the beginning of the process. Port & Harbors Director Corporon explained the basic layout is similar to what we have now, but there are some differences. He continued one of the key safety factors was to ensure that there was an identified pedestrian walkway between the Ketchikan Visitor Bureau, if it returned, and the bus lane. Mr. Corporon added the other big difference is that the non-secure vehicle exit no longer exits at Mission Street, it is being proposed to exit north of Mission Street, which will take away some of the traffic congestion in that area.

Motion passed with Williams, Jason Harris, Coose, Kj Harris, Bergeron and West voting yea; Freeman absent.

### **VOUCHERS**

Moved by West, seconded by Jason Harris for approval of vouchers to Ketchikan Daily News in the amount of \$1,392.00

Motion passed with Kj Harris, Bergeron, West, Jason Harris and Coose voting yea; Williams abstaining; Freeman absent.

Moved by West, seconded by Jason Harris for approval of vouchers to Alaska Outboard Service in the amount of \$950.22.

Motion passed with Coose, Jason Harris, West, Kj Harris, Williams and Bergeron voting yea; Freeman absent.

### **CITY MANAGER'S REPORT**

#### **Public Works Department Project Status Report – December 2008**

In his report, Manager Amylon included copies of the December 2008 Public Works department project status report.

#### **Public Defender – 2008 Caseload and the Responsibility of the City to Provide Services**

In response to a request from Councilmember Coose, Manager Amylon provided information relative to the 2008 caseload of the Municipal Public Defender, as well as information regarding the mechanism that requires a municipality to provide public defender services.

### **K.P.U. MANAGER'S REPORT**

#### **Utility Operating Divisions' Project Status Reports – December 2008**

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Manager Amylon included copies of the Utility Operating Divisions' project status reports for December 2008.

**CITY CLERK'S FILE** – None

**CITY ATTORNEY'S FILE** – None

**FUTURE AGENDA ITEMS**

Councilmember Williams asked that the Gateway Center for Human Services Grant Application for children's services be added to the February 5, 2009 agenda.

**MAYOR AND COUNCIL COMMENTS**

Manager Amylon questioned pursuant to the earlier discussion, whether staff should hold off on issuing the Request For Qualifications for a construction manager until the Council's special meeting.

Mr. Amylon advised the City received notification from ADEC of the clean water fund and drinking water fund loan applications. He stated these provide 1% to 1.5% money, and the applications are due February 9, 2009. He continued he would normally bring back an application package for Council consideration at the meeting of February 5, 2009; however that is not possible in this case. Mr. Amylon explained ADEC has said applications received first are going to get a higher priority, and he would like to submit applications for the Baranof Reservoir, Jackson Street Reconstruction, and Tongass Ave. Water and Sewer Phase II. Mayor Weinstein asked if there were any objections and none were heard.

Mayor Weinstein requested that staff move ahead with the Request For Qualifications process for a construction manager.

Councilmember Coose asked that staff figure out a way to provide Council with information prior to night of the meeting.

Councilmember Kj Harris requested an update on the status of the city attorney candidate, and asked if there was a signed contract. Mayor Weinstein remarked the contract is under review and there are a couple of issues she wishes to discuss. The Mayor suggested staff make contact with her and move this to a conclusion, and if there are specific points requiring discussion, he would be glad to speak with her. Mr. Harris asked if there were a projected time limit, and the mayor responded that she intends to be here towards the end of the month.

Mayor Weinstein clarified all he and Councilmember Bergeron did was to let her know the Council was offering the position and asked the acting city attorney to forward a draft contract and list of benefits.

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Councilmember Coose stated a contract should be finalized prior to her heading to Ketchikan, to which the mayor agreed. Mayor Weinstein added that maybe the manager and acting city attorney could contact the candidate. Mr. Amylon agreed it would be appropriate for him to correspond with her and if there are issues that require discussion with Council, Councilmember Bergeron, Mayor Weinstein and/or Councilmember Jason Harris would be available.

Councilmember West advised she is the Council representative for the Ketchikan Public Utilities Advisory Board, and would like the process to get moving. Mayor Weinstein asked that the clerk advertise for this board.

Councilmember Jason Harris commented that the City did notify the public regarding the Berth I & II working groups, and Manager Amylon confirmed those meetings were advertised in advance. He continued it may not always seem that the city manager's office does a great job of disseminating information to the public; however, the manager's office goes to great lengths to involve the public in as many projects as possible. Mr. Harris said if the public has suggestions on how to provide information more thoroughly, he is certain that Mr. Amylon would be happy to get those ideas.

Mayor Weinstein informed he will be attending the Inauguration in Washington DC next week, and if anyone is concerned, he is paying his own way.

**OTHER NEW BUSINESS** – None

**EXECUTIVE SESSIONS**

**ADJOURNMENT**

As there was no further business, the Council adjourned at 9:25 p.m.

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Bob Weinstein, Mayor

ATTEST:

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Heidi Welk, Deputy City Clerk

**FYI ITEMS INCLUDED**

State of Alaska DOT&PF Supplemental Environmental Impact Statement (SEIS),  
Scoping Summary Report – Gravina  
Water Utilization Study Report – December 2008  
Lake Levels and System Generation Report – December 2008