

Regular Ketchikan City Council meeting was called to order by Mayor Weinstein at 7:04 p.m., May 7, 2009, with the following members present: Sam Bergeron (via teleconference), Dick Coose, Charles Freeman, Jason Harris, Marty West and Lew Williams III. 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, Finance Director Newell, Human Resources Manager Miller, Port and Harbors Director Corporon, Police Chief Talik, Public Works Director Hansen, Acting Electric Division Manager Adams, Water Division Manager Kleinegger, Telecommunications Division Manager Abbott, Telecommunications Division Marketing Manager Cushing and City Clerk Suiter.

COMMUNICATIONS

Included in the packet was an email from Kevin Gadsey regarding low-speed vehicles. Mayor Weinstein said there is a draft resolution laid on the table regarding a commercial Dungeness crab fishery, and he asked if there were any objections to adding this to the agenda. None were heard.

Mayor Weinstein continued there is a letter from the hospital regarding the pharmacy relocation/expansion project, and a photo of a scooter.

PERSONS TO BE HEARD

Mayor Weinstein read a proclamation regarding Salvation Army Week and presented it to Major James Halverson, who thanked the Council for recognizing what the Salvation Army does in Ketchikan. He said they are here, steadfast, year after year.

Lloyd Gossman spoke regarding the summer Dungeness crab opening, stating it is real wasteful use of resources. He answered questions from the Council.

Lallete Kistler, 637 Tower Road, representing the Performing Arts Center Committee, said they are ready to purchase the Fireside building by the end of next month. She expressed support for the release of funds and said they are very excited to have the support from the City.

Keith Smith, 1260 Sayles Street, managing director of First City Players, thanked the City for the original earmark of \$500,000 for a performing arts center for Ketchikan. He said he is available should any questions arise during consideration of the item.

Robert McClory, 162 Shoup Street, representing Ketchikan Theater Ballet, also spoke in favor of the release of funds for the performing arts center. He stated they are working together to create an organizational structure to manage the building, facilities and the

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program. He stated they wanted to use the funds to realize this project that they have worked toward for so many years.

Karl Webb, 2660 Peyton Place, spoke regarding a section of road that is a continuation of Forest Avenue. He said there have been issues regarding parking in the right-of-way and development of the road. He stated there were police officers up there yesterday making an issue of it, and he didn't think it was a very proactive way for the City to be trying to work with companies to develop and enhance the area. He felt if there was some type of law issue or liability going on, he thought it would be very beneficial for everyone to work out a letter of intent for bettering the road. He expressed there should be some paperwork that could be put together to deal with the issue in a proactive way, instead of threatening to have vehicles towed or impounded. He answered questions from the Council.

Pam Roth, 284 Forest Park Drive, invited the Council to the Southern Southeast Alaska Building Industry Association's Construction Academy graduation on Wednesday, May 13, 2009 at 6:00 p.m. in the Robertson Building. She said they changed their program a little bit, and those who graduate will obtain an occupational endorsement as well as 12 college credits. She informed they will also have several certificates, including first aid, forklift training, and OSHA 10. She reported the Legislature extended their funding for this next year and they are gearing up to accomplish that. She also explained the Association worked with an economist to do a study of the impact that housing has on the Borough. She noted they have been working with several entities and companies to collect quality data, and the study is almost completed. She invited the Council to a luncheon on Monday where the results will be presented. She handed out flyers regarding each invitation.

Carol Dooley, 3033 Forest Avenue, owner of Alaska Sport Fishing Adventures and Alaska Mobility Adventures, spoke in favor of allowing low-speed vehicles in the City. She expanded on the virtues of electric vehicles, noting they are widely used in the lower 48 and Europe. She expressed surprise there was opposition to low-speed electric vehicles, hoping the Council would welcome the idea of being a greener community and welcome new businesses. She addressed speed limits, the requirement of permits, limits on the number of vehicles, and pre-approved routes. She wondered what kind of town this is, with permits, limits, and the city manager's authority to revoke citizens' rights. She spoke to work that had been done in past years to encourage tourism. She explained a new tour she was starting with electric vehicles that ride on sidewalks for disabled people. She felt there was no good reason to disallow low-speed vehicles in Ketchikan. Mayor Weinstein asked her to clarify her statement about renting the vehicles to disabled people, questioning if she would rent to non-disabled people. Ms. Dooley questioned who is she to define who is disabled and who is not. She continued if a person comes to her and wants to rent a scooter, she would have difficulty telling if the person was really disabled or not. She said she has 10 scooters.

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Mike Dooley, 3033 Forest Avenue, said there are scooters outside the Chambers and invited anyone to check them out and take a ride. He stated they want to make the Port of Ketchikan the friendliest port for the disabled in the State. He expressed his concern that the Council is being anti-business, and the appearance of some on the Council being anti-disabled rights. He questioned if the Council is anti-tourism.

CONSENT AGENDA

Approval of Minutes

Moved by Jason Harris, seconded by Williams approval of the minutes of the special meeting of April 14, 2009 and regular meeting of April 16, 2009.

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

Live Entertainment Permit Application – Fat Stan’s

Moved by Jason Harris, seconded by Williams the City Council approve the 2009 live entertainment permit application for Fat Stan’s and authorize the clerk to sign the license.

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

UNFINISHED BUSINESS

Ordinance No. 09-1622 – Adding a New Subsection (b) to KMC Section 10.24.190 Entitled “Proof of Insurance to be Carried and Exhibited Upon Demand” and Amending KMC Section 10.88.120 Entitled “Disposition of Certain Offenses Without Court Appearance – Schedule of Fines” to Establish a Minimum Fine of \$500 Consistent with State Law – Second Reading

Copies of Ordinance No. 09-1622 were available for all persons present.

Moved by West, seconded by Jason Harris the City Council approve in second reading Ordinance No. 09-1622 adding a new subsection (b) to KMC Section 10.24.190 entitled “Proof of Insurance to be Carried and Exhibited Upon Demand” and amending KMC Section 10.88.120 entitled “Disposition of Certain Offenses Without Court Appearance – Schedule of Fines” to establish a minimum fine of \$500 consistent with State law; and establishing an effective date.

Police Chief Talik answered questions from the Council.

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

Ordinance No. 09-1616 – Amending Section 10.24.220 of the Ketchikan Municipal Code Entitled “Unlawful Use of Low-Speed Vehicles”; Adding a New Section 10.24.230 to the Ketchikan Municipal Code Entitled “Low-Speed Vehicle Permits” – Second Reading

Copies of Ordinance No. 09-1616 were available for all persons present.

Mayor Weinstein clarified the Council’s concern has never been with electric vehicles. He said if there are electric vehicles that can keep up with traffic, he didn’t think anyone cared, and the Council would encourage electric vehicles. He explained the issue is low-speed vehicles. He further clarified the entire Council has worked very actively with Southeast Alaskans for Independent Living and other advocacy groups to spend quite a bit of public money to remove handicapped barriers. He said any suggestion that this Council is not working actively with the disabled community is not warranted.

Moved by West, seconded by Coose the City Council approve in second reading Ordinance No. 09-1616 amending Section 10.24.220 of the Ketchikan Municipal Code entitled “Unlawful Use of Low-Speed Vehicles”; adding a new Section 10.24.230 to the Ketchikan Municipal Code entitled “Low-Speed Vehicle Permits”; and establishing an effective date.

Councilmember Williams disagreed with the limit to the downtown area, and said he would like to see the limit extended to the A&P area at the West end.

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

Southeast Alaska Power Agency Board

In light of his pending resignation, Mayor Weinstein recommended the following appointments to the Southeast Alaska Power Agency Board that will be effective with the date of his departure on May 28, 2009:

		<u>Seat 1</u>	<u>Seat 2</u>	<u>Seat 3 (rotating)</u>
Proposed	Voting	Dawson	Freeman	Williams
	Alternate	Jensen	(vacant)*	Elerding

*being held for the electric division manager

He asked if there were any objections, and none were heard.

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Appointments to Boards and Commissions – Mayor Weinstein

Mayor Weinstein recommended the following names as appointment to the Ketchikan Historic Commission:

Dave Rubin (3-year term), William Bird (3-year term), Elinore Jacobsen (2-year term, Tongass Historical Society representative), Morgan Barry (2-year term, architect representative), John Stewart (2-year term), Susan Peters (1-year term), Leslie Jackson (1-year term, Borough Planning Commission representative), Michael Naab (1-year term, previously appointed, Council designee). He asked if there were any objections, and none were heard.

Mayor Weinstein also recommended the following names as appointments for the Gateway Center for Human Services Advisory Board: Elizabeth LaCrosse (re-appointment) and Cathy Cooley (re-appointment). He asked if there were any objections, and none were heard.

NEW BUSINESS

Professional Services Agreement – Preparation of a Public Education Program Associated with Conversion from Sodium Hypochlorite Disinfection to Chloramine Disinfection and for Design Work Related to Secondary Chlorination at the Baranof Pump Station and for the Addition of Phosphate at the Existing pH Adjustment Facility

Moved by West, seconded by Williams pursuant to the Water Division manager's memorandum dated April 8, 2009, the City Council authorize the general manager to enter into a professional services agreement with CH2M Hill at a cost not to exceed \$120,000 for the preparation of a public education program associated with conversion from sodium hypochlorite disinfection to chloramine disinfection and for design work related to secondary chlorination at the Baranof Pump Station and for the addition of phosphate at the existing pH adjustment facility; and approve funding from the Water Division's 2009 Professional Services Account No. 60.

Water Division Manager Kleinegger answered questions from the Council.

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

Discussion of Ordinance No. 08-1613 Amending the Ketchikan Municipal Code by Adding a New Subsection

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**Regarding Councilmember Meeting Attendance by
Teleconference – Councilmember Kj Harris**

This item was deferred to the regular Council meeting of May 21, 2009 due to the absence of Councilmember Kj Harris.

The Council took a short break at 8:06 p.m. and reconvened at 8:16 p.m.

Mayor Resignation/Vacancy – Mayor Weinstein

Mayor Weinstein said the effective date will be May 28, 2009, and there is an ordinance regarding vacancies. After discussion, the Council opted to begin the process as outlined immediately to take applications for the position of mayor.

**Reorganization and Relocation of Ketchikan Public
Utilities Customer Service Division**

Moved by Williams, seconded by Coose the City Council authorize the general manager to enter into a five-year agreement in substantially the same form as that attached to staff's report dated April 23, 2009 for the lease of space at the Plaza for the KPU Customer Service Division at a cost not to exceed \$2.25 per square foot.

Telecommunications Marketing Division Manager Cushing answered questions from the Council.

In response to Councilmember Jason Harris, Telecommunications Division Manager Abbott said KPU has researched entering the wireless market, but there have been no licenses available.

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

**Offer of Employment – Telecommunications Division
Engineer**

Moved by Williams, seconded by Jason Harris the City Council authorize the general manager to offer the position of Telecommunications Division engineer to John Wray of Allenspark, Colorado based on a compensation level of 73R at an annual salary of \$94,677; annual vacation accrual of 15 days per year; and moving expenses not to exceed \$10,000.

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

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Resolution No. 09-2271 – Supporting the Pursuit of a Grant from the USDA Rural Development Community Facilities Program for the Ketchikan General Hospital Pharmacy Relocation and Expansion Project

Moved by Jason Harris, seconded by West the City Council approve Resolution No. 09-2271 supporting the pursuit of a grant from the USDA Rural Development Community Facilities Program for the Ketchikan General Hospital Pharmacy Relocation and Expansion Project, and authorize the city manager to execute the grant application forms.

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

Request for the Release of Remaining Funds Dedicated to the Ketchikan Performing Arts Center – First City Players

Moved by Freeman, seconded by West the City Council direct the city manager to release \$171,883.61 from the 2001 grant for the Ketchikan Performing Arts Center to the First City Players as requested in the April 29, 2009 correspondence of the First City Players Managing Director Keith Smith.

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

Award of Contract No. 09-19 – Water Street Promenade Crosswalk Project – Pool Engineering, Inc. - \$68,200

Moved by Coose, seconded by Jason Harris the City Council award Contract No. 09-19, Water Street Promenade Crosswalk Project, to Pool Engineering in the amount of \$68,200; authorize a 10% contingency in the amount of \$6,820 for a total project amount of \$75,020, with funding to come from the \$150,000 CPV grant awarded by the Ketchikan Gateway Borough; and direct the city manager to execute the contract documents on behalf of the City Council.

Port and Harbors Director Corporon answered questions from the Council. He handed out a photograph depicting the crosswalk.

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

Ordinance No. 09-1626 – Exempting the Lease of the KAR House Residential Treatment Center Property from Competitive Bidding and from the Provisions of KMC 3.12.060 – First Reading

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Copies of Ordinance No. 09-1626 were available for all persons present.

Moved by Williams, seconded by Coose the City Council approve in first reading Ordinance No. 09-1626 exempting the lease of the KAR House Residential Treatment Center property from competitive bidding and from the provisions of KMC 3.12.060; providing for the filing of referendum petitions; and establishing an effective date.

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

Ordinance No. 09-1625 – Amending Chapter 2.52 of the Ketchikan Municipal Code Entitled “Department of Law” to Clarify Appointment and Removal Authority – First Reading

Copies of Ordinance No. 09-1625 were available for all persons present.

Moved by Coose, seconded by West the City Council approve in first reading Ordinance No. 09-1625 amending Chapter 2.52 of the Ketchikan Municipal Code entitled “Department of Law” to clarify appointment and removal authority; and establishing an effective date.

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

Change Order No. 1 (Final) – Contract No. 08-54 Berth I and II Timber Dock Repairs – North Pacific Erectors, Inc.

Moved by Freeman, seconded by Jason Harris the City Council approve Change Order No. 1 (Final) to Contract No. 08-54 between the City of Ketchikan and North Pacific Erectors, Inc. in the amount of \$4,896 bringing the total project cost to \$365,307.72, and authorize the city manager to execute the change order on behalf of the City Council.

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

Moving Expenses and Vacation Accrual Rate – Electric Division Manager

Moved by Williams, seconded by Jason Harris the City Council authorize the general manager to offer moving expenses not to exceed \$15,000, and 15 days annual leave to Mr. Michael Kline of Grantham, New Hampshire in conjunction with accepting the position of Electric Division manager at Grade 84 Step I.

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

**Moving Expenses and Vacation Accrual –
Telecommunications Outside Plant Engineer**

Moved by Williams, seconded by Jason Harris the City Council authorize the general manager to offer moving expenses not to exceed \$10,000 and 15 days annual leave to Mr. Todd Renton of Charleston, South Carolina in conjunction with accepting the position of Telecommunications Outside Plant Engineer at Grade 69 Step H.

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

**Change Order No. 3 – Contract No. 08-42 – Ketchikan
Lakes Unit No. 3 Rehabilitation Project – NAES Power
Contractors**

Moved by Coose, seconded by Williams the City Council approve Change Order No. 3 to Contract No. 08-42, Ketchikan Lakes Unit No. 3 Rehabilitation Project, in the amount of \$1,629 between the City of Ketchikan and NAES Power Contractors, increasing the current contract amount from \$377,176.50 to \$378,805.50 with funding to come from the 2009 Hydro Modernization Capital Account; and direct the KPU general manager to execute Change Order No. 3 on behalf of the City Council.

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

**Award of Contract No. 09-11, 2009-2011 Bailey Power
Plant Fuel Supply – Petro Marine Services**

Moved by Williams, seconded by Jason Harris the City Council award Contract No. 09-11, 2009-2011 Bailey Power Plant Fuel Supply to Petro Marine Services for the fuel delivery charges listed in their proposal, and authorize the general manager to execute the contract documents on behalf of the City Council.

The proposal outlined the following delivery charges:

- \$0.50 per gallon barge delivery
- \$0.52 per gallon truck delivery
- \$0.56 per gallon truck delivery to North Point Higgins Substation

Councilmember Jason Harris expressed concern about lack of access to the fuel tanks because of shipyard activities, and he is disappointed the ratepayers are paying more because of it.

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

Additional Grant Street Trestle Repair Cost, Phase II – Pool Engineering, Inc.

Moved by Williams, seconded by Jason Harris the City Council authorize the city manager to execute a purchase order adjustment of \$71,943 to Pool Engineering, Inc. for Phase II repairs to the Grant Street trestle, authorize a budget transfer of \$71,943 from the Appropriated Reserves of the Public Works Sales Tax Fund to the Streets Division's Bridges and Trestles Repair and/or Replacement Capital Account, and approve funding from the Streets Division's Bridges and Trestles Repair and/or Replacement Capital Account.

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

Dunton Street Trestle Completion and Additional Repair Costs

Moved by Williams, seconded by Jason Harris the City Council authorize the city manager to execute a purchase order adjustment in the amount of \$28,476 to Pool Engineering, Inc. for interim repairs to the Dunton Street Trestle, authorize a budget transfer of \$28,475 from Appropriated Reserves of the Public Works Sales Tax Fund to the Streets Division's Bridges and Trestles Repair and/or Replacement Capital Account, and approve funding from the Streets Division's Bridges and Trestles Repair and/or Replacement Capital Account.

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

Amendment No. 1 to Contract No. 09-02, Contract Administration and Inspection Services – Professional Services Agreement for Hawkins/Denali Storm Drain Design, R&M Engineering-Ketchikan, Inc.

Moved by Jason Harris, seconded by Williams the City Council amend Contract No. 09-02, Professional Services Agreement for Hawkins/Denali Storm Drain Design with R&M Engineering-Ketchikan, Inc. to include contract administration and inspection services in an amount not to exceed \$10,800 and authorize the city manager to execute Amendment No. 1 on behalf of the City Council.

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

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Resolution No. 09-2274 – Requesting an Emergency Closure For the Scheduled Summer Commercial Dungeness Crab Season in Districts One and Two of Southeast Alaska

Moved by Coose, seconded by Williams the City Council approve Resolution No. 09-2274 requesting an emergency closure for the scheduled summer commercial Dungeness crab season in Districts One and Two of Southeast Alaska.

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

VOUCHERS

Moved by West, seconded by Freeman for approval of vouchers to Ketchikan Daily News in the amount of \$5,561.11.

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

CITY MANAGER’S REPORT

Award of Contract No. 08-02, 2008-2010 Dock Vendor Program – Venture Travel, LLC

In his report, Manager Amylon provided a memorandum from Port and Harbors Director Corporon notifying that one of the dock vendors has indicated it will not operate in 2009. As a result, Manager Amylon said the contract will be awarded to Venture Travel, LLC who was the next highest bidder.

Appraisal of Shamrock Parking Lot

Assistant Manager Martin advised that, pursuant to comments made at the April 16, 2009 Council meeting, staff intended to proceed with advertising a request for qualification for appraisal services in order to appraise the Shamrock parking lot.

Alaska Avenue Reconstruction Bid Date

Assistant Manager Martin reported, according to a memorandum from Senior Project Engineer Jurczak, the scope of the project for reconstruction of Alaska Avenue has changed to include water, sewer and storm utilities. He noted as a result, the timing of the project will be pushed back so the construction period will be from March – October of 2010.

Efforts on Bridge and Trestle Repair

Assistant Manager Martin commended the hard work of staff and contractors alike who have stepped up to the plate to maximize efforts to conduct the repairs and replacements of many of the bridges and trestles in the Ketchikan area. He particularly noted the hard work of Senior Project Engineer Seth Brakke for spearheading the coordination of the projects and his dedication to ensure the projects are completed as safely and efficiently as possible.

Creek Street Refuse Collection

Assistant Manager Martin informed the Council that the Creek Street refuse collection site has been moved from the previous location in the midst of the Creek Street area to a location adjacent to the Dock Street parking lot. He advised the primary reason for the change is to mitigate potential injury hazards involved with the previous location. He additionally noted the Public Works Department is in the application process with the Borough Planning Department to consider both a temporary partition and a permanent enclosure to house the containers adjacent to the parking lot.

K.P.U. MANAGER'S REPORT

Report of April 20, 2009 Power Outage

Manager Amylon provided a report from Electric Division's Chief Powerhouse Operator Graham regarding the April 20, 2009 power outage.

Report of April 11 and 13, 2009 Telecommunications Outage

Manager Amylon provided reports from Telecommunications Division Manager Abbott regarding the April 11 and 13, 2009 telecommunications outages.

CITY CLERK'S FILE – None

CITY ATTORNEY'S FILE – None

FUTURE AGENDA ITEMS – None

MAYOR AND COUNCIL COMMENTS

Councilmember West said the KPU Advisory Board has a meeting tentatively set for Thursday, May 28, 2009. She noted she contacted some of the people who were appointed to the Advisory Board, and she will try to contact the rest of them shortly as well. She informed next Tuesday night Gateway Center for Human Services is sponsoring a community-wide suicide prevention awareness meeting at the Civic Center

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from 6:00 p.m. to 7:00 p.m. Considering the tragic rash of suicides in the City, she said they are looking to talk with people in the community and other people who are in a position to counsel or otherwise help those who might be in the position of considering suicide to not. She hoped people would attend.

Councilmember Jason Harris thanked those who have been involved in the efforts regarding repair of bridges and trestles, as he appreciated their hard work to get the streets open to residents. He noted this is what he was referring to with his comments from the last Council meeting, working with people in the community to get projects done and hopefully improve our community.

OTHER NEW BUSINESS – None

EXECUTIVE SESSIONS – None

ADJOURNMENT

As there was no further business, the Council adjourned at 9:10 p.m.

Bob Weinstein, Mayor

ATTEST:

Katherine M. Suiter
City Clerk

FYI ITEMS INCLUDED

April 10, 2009 Edition of the Legislative E-Bulletin
April 21, 2009 Edition of the Legislative E-Bulletin