



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: January 26, 2021

RE: **Ordinance No. 21-1927 – Declaring An Emergency Due To The Continuing COVID-19 Pandemic; Extending Emergency Ordinance No. 20-1907 Until July 1, 2021; And Establishing An Effective Date**

At its meeting of March 19, 2020, the City Council adopted a motion approving Ordinance No. 20-1907, an Emergency Ordinance of the Council of the City of Ketchikan, declaring a public health disaster emergency due to the COVID-19 pandemic; suspending certain requirements of Ketchikan Municipal Code Section 2.04.023 entitled “Teleconferencing”; authorizing the City Manager to take certain actions in response to said emergency; and establishing an effective date. At its meeting of October 15, 2020, the City Council adopted a motion approving Ordinance No. 20-1920 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until March 1, 2021; and establishing an effective date.

The motion detailed below was prepared at the request of City Attorney Mitch Seaver, who asked that it be placed before the City Council for consideration at its meeting of February 4, 2021. If adopted, the motion provides for approving Ordinance No. 21-1927 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until July 1, 2021; and establishing an effective date. The rationale for the ordinance is detailed in the City Attorney’s transmittal memorandum and requires no elaboration on the part of my office. I concur with the City Attorney’s recommendation.

Charter Section 2-14 requires the affirmative vote of a least five members of the council for final passage of an emergency ordinance.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended the City Council adopt the motion approving Ordinance No. 21-1927 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until July 1, 2021; and establishing an effective date.

Recommended Motion: I move the City Council approve Ordinance No. 21-1927 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until July 1, 2021; and establishing an effective date.

Mitch Seaver
City Attorney

334 FRONT STREET
Ketchikan, Alaska 99901
Telephone (907) 228-5611

City of Ketchikan, Alaska

TO: Karl Amylon
City Manager

FROM:  Mitch Seaver
City Attorney

DATE: January 26, 2021

SUBJECT: Extending Emergency Ordinance

Emergency Ordinance No. 20-1907 adopted in response to the COVID-19 pandemic provides that it is effective until November 1, 2020 unless earlier extended or repealed. Ordinance No. 20-1920 extended that ordinance until March 1, 2021. Proposed Emergency Ordinance No. 21-1927 which would extend Emergency Ordinance 20-1907 until July 1, 2021 is transmitted herewith, as is a copy of Ordinance No. 20-1907.

Charter Section 2-14 requires the affirmative vote of at least five members of the council for final passage of an emergency ordinance.

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 21-1927

**AN EMERGENCY ORDINANCE OF THE COUNCIL OF
THE CITY OF KETCHIKAN DECLARING AN
EMERGENCY DUE TO THE CONTINUING COVID-19
PANDEMIC; EXTENDING EMERGENCY ORDINANCE
NO. 20-1907 UNTIL JULY 1, 2021; AND ESTABLISHING AN
EFFECTIVE DATE.**

RECITALS

A. WHEREAS, the United States Centers for Disease Control (CDC) has determined that COVID-19, a respiratory disease that can result in serious illness or death and that is a new strain of coronavirus not previously identified in humans; and

B. WHEREAS, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 on January 31, 2020, retroactively applicable to January 27, 2020; and

C. WHEREAS, on March 11, 2020, the World Health Organization (WHO) Director-General declared COVID-19 to be a global pandemic, and the WHO situation report has determined the global risk assessment posed by COVID-19 to be “very high”; and

D. WHEREAS, on March 11, 2020 Alaska Governor Mike Dunleavy issued a declaration of public disaster emergency in response to the anticipated outbreak of COVID-19 in Alaska, and in order to ensure that the public is educated about the public risk; and

E. WHEREAS, on March 16, 2020 the Mayors of the cities of Ketchikan and Saxman and the Ketchikan Gateway Borough issued a Greater Ketchikan Area Joint Declaration of Local Disaster Emergency in response to the COVID-19 pandemic; and

F. WHEREAS, a significant economic impact has occurred and is expected to continue as a result of the decline in tourism activity in the greater Ketchikan area; and

G. WHEREAS, social distancing is a vital tool in combating said pandemic; and

H. WHEREAS, a declaration of a public health disaster emergency will alert the public to the continuing seriousness of the risk, and provide direction to sources of information and other available public health resources, while the City works in cooperation with other local and state agencies through the Ketchikan Emergency Operations Center to implement actions and responses to address the COVID-19 outbreak; and

I. WHEREAS, an Emergency Ordinance No. 20-1907 enacted to respond to the COVID-19 pandemic has been extended until March 1, unless earlier extended or repealed; and

J. WHEREAS, the public health disaster emergency due to the COVID-19 pandemic continues to exist;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Findings. The matters set forth in the above Recitals are hereby adopted as the findings of the Council.

Section 2: Emergency. Pursuant to Charter Section 2-14 the Council hereby declares that a public health disaster emergency exists due to the continuing COVID-19 pandemic and that the provisions of this ordinance are necessary to immediately respond to that emergency in the interest of the public health, safety and welfare.

Section 3: Emergency Ordinance Extended. The expiration of Emergency Ordinance No. 20-1907 is hereby extended until July 1, 2021 unless earlier extended or repealed.

Section 4: Effective Date. This ordinance shall become effective immediately upon final passage.

FINAL PASSAGE _____.

Robert Sivertsen, Mayor

ATTEST:

Kim L. Stanker
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

EFFECTIVE	DATE: *		
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
CHAPEL			
COOSE			
FLORA			
GAGE			
KIFFER			
ZENGE			
MAYOR			

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 20-1907

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN DECLARING AN EMERGENCY DUE TO THE COVID-19 PANDEMIC SUSPENDING CERTAIN REQUIREMENTS OF SECTION KMC 2.04.023 ENTITLED “TELECONFERENCING”; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS IN RESPONSE TO SAID EMERGENCY AND; ESTABLISHING AN EFFECTIVE DATE;

RECITALS

A. WHEREAS, the United States Centers for Disease Control (CDC) has determined that COVID-19, a respiratory disease that can result in serious illness or death and that is a new strain of coronavirus not previously identified in humans; and

B. WHEREAS, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 on January 31, 2020, retroactively applicable to January 27, 2020; and

C. WHEREAS, on March 11, 2020, the World Health Organization (WHO) Director-General declared COVID-19 to be a global pandemic, and the WHO situation report has determined the global risk assessment posed by COVID-19 to be “very high”; and

D. WHEREAS, on March 11, 2020 Alaska Governor Mike Dunleavy issued on March 11, 2020 a declaration of public disaster emergency in response to the anticipated outbreak of COVID-19 in Alaska, and in order to ensure that the public is educated about the public risk; and

E. WHEREAS, with the approach of the 2020 tourist season, Ketchikan can expect a large number of visitors and seasonal workers traveling from a wide range of global destinations; and

F. WHEREAS, a significant economic impact is expected as a result of the decline in tourism activity in the greater Ketchikan area; and

G. WHEREAS, social distancing is a vital tool in combating said pandemic; and

H. WHEREAS, a declaration of a public health disaster emergency will alert the public to the seriousness of the risk, and provide direction to sources of information and other available public health resources, while the City works in cooperation with other local and state

agencies through the Ketchikan Emergency Operations Center to implement actions and responses to address the probable COVID-19 outbreak.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Findings. The matters set forth in the above Recitals are hereby adopted as the findings of the Council.

Section 2: Emergency. Pursuant to Charter Section 2-14 the Council hereby declares that a public health disaster emergency exists due to the COVID-19 pandemic and that the provisions of this ordinance are necessary to immediately respond to that emergency in the interest of the public health, safety and welfare.

Section 3: Suspension of Certain Teleconferencing Requirements. The provisions of KMC 2.04.023 (a)(1) requiring that a quorum of Council members be physically present is hereby suspended. Notwithstanding any provision of KMC 2.04.023 the Mayor and any or all Council Members may telephonically participate in any meeting, public hearing or work session of the Council.

Section 4: Emergency Authority of Manager. The City Manager is hereby authorized to:

(a) Enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional and City Charter requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental equipment, purchase of supplies and materials, and other expenditures of public funds (provided that, to the extent, if any that necessary expenditures exceed appropriations in the current approved budget, the Finance Director must verify that unobligated funds are available, therefor),

(b) Close, restrict or otherwise regulate the use of City property or facilities as is reasonably necessary to protect the public health, safety and welfare from the threatened or actual adverse impacts of the COVID-19 pandemic.

(c) Use all available resources of the City as reasonably necessary to protect the public health, safety and welfare from the threatened or actual adverse impacts of the COVID-19 pandemic.

Section 5: Effective Date - Duration. This ordinance shall become effective immediately upon final passage and remain effective until November 1, 2020 unless earlier extended or repealed by the Council.

FINAL PASSAGE _____.

Robert Sivertsen, Mayor

ATTEST:

Kim L. Stanker
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

EFFECTIVE DATE: *			
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
CHAPEL			
COOSE			
FLORA			
GAGE			
KIFFER			
ZENGE			
MAYOR			

October 15, 2020

Mayor Sivertsen informed that Canada is now in the second wave of the pandemic, and they are concerned on how they will respond and what things will look like moving forward. He didn't feel at this time Canada had any intention of adjusting their boarder restrictions.

Ongoing Review and Discussion of State of Alaska COVID-19 Health Mandates –Councilmember Bergeron

Mayor Sivertsen asked EOC Incident Commander Hoage to explain the protocols the schools have in place in the case of a positive COVID student.

EOC Incident Commander Hoage explained the different levels of safety measures implemented at the various schools in regards to how they were set up to handle cases of COVID-19. He said generally speaking they have taken action to minimize the number of times the students interact with each other in order to have less students per class. He said in the case of a positive student it would minimize the number of students that would need to be quarantined for seven to fourteen days.

Councilmember Bergeron questioned if the EOC has given thought to how they would handle the homeless population as they could potentially bog down our health care system.

In answer to Councilmember Bergeron, EOC Incident Commander Hoage stated they have had discussions regarding this topic, and they work in conjunction with the First City Homeless Shelter. He said they have designed locations for isolation, and they have reached out to Juneau to gather information on what lessons they have learned from their outbreak. He stated from that we will meet locally and continue to work on planning and implementing solutions.

Ordinance No. 20-1920 – Declaring an Emergency Due to the Continuing COVID-19 Pandemic; Extending Emergency Ordinance No. 20-1907 until March 1, 2021

Copies of Ordinance No. 20-1920 were available for all persons present.

Moved by Kiffer, seconded by Zenge the City Council approve Ordinance No. 20-1920 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until March 1, 2021; and establishing an effective date.

Motion passed with Bergeron, Gage, Kiffer, Bradberry, Gass, Zenge and Flora voting yea.

Budget Transfer – Settlement Agreement Between the City of Ketchikan, Ketchikan Youth Initiative and Residential Youth Care to Transfer Ownership of 632 Park Avenue to the City

Moved by Kiffer, seconded by Gage the City Council approve a budget transfer of \$271,000 from the Community Facilities Development Fund to the 2020 Public Health Department's Overnight Warming Center Capital Account and authorize staff to negotiate a settlement agreement between the City of Ketchikan, Ketchikan Youth Initiative (KYI) and Residential Youth Care, Inc. (RYC) providing for renovation of 632 Park Avenue to serve as an overnight warming center (\$119,354); payment of outstanding KYI Contractor claims (\$76,646); payment to RYC for Ketchikan youth programming activities (\$75,000); and transfer of the property back to the City as detailed in the city manager's report dated October 8, 2020, said agreement to be submitted to the City Council for formal consideration and approval.

Councilmember Bradberry questioned the length of time the outstanding balances were to the contractors.

March 19, 2020

Councilmember Zenge said our downtown businesses are going to be struggling this year and every person on that bus represents tax dollars and sales dollars. No matter the amount charged we need to wrap this up and move forward.

Councilmember Chapel recommended moving forward with a one-year contract to collect the necessary data and adept the next year.

Manager Amylon said Council has provided staff with a few different concepts for them to work on and for them to reach out to with WCDG.

Mayor Sivertsen asked for a show of four hands to give staff direction for negotiations for the use of a ground transportation staging area in downtown Ketchikan with Ward Cove Dock Group, and at least four hands were show.

**Ordinance No. 20-1907 - General Government and Ketchikan
Public Utilities COVID-19 Virus Response – Emergency
Ordinance**

Ordinance No. 20-1907 was available for all persons present.

Moved by Coose, seconded by Gage the City Council approve Ordinance No. 20-1907, an Emergency Ordinance of the Council of the City of Ketchikan declaring a public health disaster emergency due to the COVID-19 pandemic; suspending certain requirements of the Ketchikan Municipal Code, Section 2.04.023 entitled “Teleconferencing”; authorize the city manager to take certain actions in response to said emergency; and establishing an effective date.

Manager Amylon explained Ordinance No. 20-1907 and how it will allow the Council to meet via teleconference, and gives the City Manager’s office some flexibility with the Ketchikan City Code and Charter to deal rapidly with issues that will arise while from the COVID-19 pandemic.

City Attorney Seaver said the primary driver with this Ordinance is to keep the Council, staff and the public safe by practicing social distancing. He continued that this Ordinance does not supersede any Charter requirements, but gives flexibility to allow them to react faster to the unknowns of this pandemic and allows for appropriations if the Finance Director says the money is available.

Councilmember Coose requested that if the City Manager needs to do something out of the ordinary that he discussed it with the Mayor or Vice-Mayor to keep the Council abreast. He said he does not care for the end date for this Ordinance of November 1, 2020.

City Attorney Seaver stated in response to Mayor Sivertsen, the emergency declaration filed by the City, Borough and Saxman was a resolution that can be repealed. He said he put the end date out that far because we do not know how long we will be in these circumstances, and to give some lead-time in case it needs to be repealed. He said moving forward we should get information from the EOC to combat the COVID-19. He felt any records from the EOC could help Ketchikan with and Federal disaster funds that might become available. He stated since this is an emergency ordinance it takes five affirmative votes of the Council to pass it, and if that is the case it is effective immediately.

Mayor Sivertsen explained this Ordinance would give the City Manage powers to take care of emergencies quickly and not have to bring everything before the Council.

Manager Amylon answered questions from the Council, and said his office is in contact with the Mayor and the EOC continuously. He stated anything he would be doing would be in conjunction with the Emergency Manager Hoage.

Councilmember Flora requested that moving forward decisions and expenditures be included in the Manager's Reports for Council review as they unfold.

Many Councilmembers had concerns on how quickly they will be updated on the current pandemic to be able to inform the community.

Motion passed with Coose, Gage, Flora, Kiffer, Bergeron, Chapel and Zenge voting yea.

Downtown Street Lighting

Electric Division Manager Donato explained improvements the Electric Division has completed to improve lighting in the downtown area. He felt the street lighting in the downtown area was pretty complete at this time.

Manager Amylon agreed with Mr. Donato regarding his summary in what they tried to address relative to the street lighting. He suggested the Council go in the downtown and see what has been done, or what else needs to be done. He suggested bringing this back in a month or two for further review.

Mayor Sivertsen asked if there were any objections to have staff bring back any additional information regarding downtown street lighting, and no objections were heard.

VOUCHERS

Moved by Flora, seconded by Coose for approval of Vouchers to SEAK Professional Services, LLC in the amount of \$65.00.

Motion passed with Coose, Kiffer, Chapel, Flora, Bergeron and Gage voting yea; Zenge abstaining.

Moved by Flora, seconded by Coose for approval of Vouchers to Millard & Associates Architects, LLC in the amount of \$5,647.50.

Motion passed with Coose, Kiffer, Chapel, Flora, Zenge and Gage voting yea; Bergeron abstaining.

CITY MANAGER'S REPORT

Manager Amylon said he is impressed on how the Borough, City and City of Saxman have been working collaboratively in responding to the COVID-19. He continued he has put out a hiring freeze except for the Fire Department, dispatchers, journeymen and linemen. He stated they are encouraging people to stay home and work remotely if possible, and if any City or KPU employee has travelled out of town they are requesting they stay home. He informed at the next meeting staff provide a summary and recommendations of capital improvements projects for 2020 that will be deferred as a result of the current COVID-19 situation.