
Regular City Council meeting was called to order by Mayor Kiffer at 7:02 p.m., September 1, 2022, with the following members present: Riley Gass, Janalee Gage, Jai Mahtani, Abby Bradberry, Judy Zenge, Mark Flora and Lalette Kistler.

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

Mayor Kiffer stated the Recital of Native Lands Acknowledgement.

Staff present were Acting City Manager Simpson, Finance Director Johansen, Finance Controller Hart, City Attorney Seaver, Public Works Director Hilson, Police Chief Walls, Fire Chief Hines, Fire Marshal O'Sullivan, Library Director Tully, Acting Telecommunication Divisions Manager Lindgren, Sales, Marketing and Customer Service Manager Simpson, Deputy Clerk Lee and City Clerk Stanker.

PUBLIC HEARING

Mayor Kiffer called the public hearing on Ordinance No. 22-1951 to order at 7:03 p.m. and requested public testimony.

As there was no testimony, Mayor Kiffer declared the public hearing closed at 7:03 p.m.

Mayor Kiffer called the public hearing on Ordinance No. 22-1950 to order at 7:03 p.m. and requested public testimony.

As there was no testimony, Mayor Kiffer declared the public hearing closed at 7:04 p.m.

COMMUNICATIONS

Mayor Kiffer read a proclamation proclaiming September as National Recovery Month and presented it to Danielle Duckworth, Christine Morrison and Estelle Cowie.

Danielle Duckworth thanked the Council for their continued support and acknowledgment of National Recovery Month. She felt with these programs, Ketchikan is a little more aware of the issues that we are dealing with here in the community.

Christine Morrison thanked the Council for having them here tonight and supporting their endeavor. She stated she is a person in long-term recovery, and Ketchikan was a place where she spent a lot of time struggling with her own addiction. She informed September is National Recovery Month across the entire United States.

Estelle Cowie said it was an honor and a privilege to be here tonight and thanked the Council for the proclamation. She stated once the person has crossed the line they can either die with the disease or from the disease. She said the reason she continues to be a voice is for more people to have the choice of recovery. She thanked the Council for supporting this program to prevent one less suicide and one less overdose.

Mayor Kiffer informed there a few items laid on the table, including; additional information regarding First City Homeless Services on their operations and occupation of 632 Park Avenue; additional information regarding the resolution amending the City of Ketchikan Compensation Plan; and a letter received from Mr. Harrington regarding the Library funding.

PERSONS TO BE HEARD

Steve Hayburn, Carol Kirkpatrick, Eric Riemer and Clarence Peel spoke in support of First City Homeless Services (FCHS) operations and occupation of the Park Avenue Safe Shelter.

John Judson stated his concerns regarding the City using funds to influence the Borough's ballot proposition to repeal the nonareawide library funding.

Grant EchoHawk supported the City using funds to influence the Borough's ballot proposition in order to not repeal the nonareawide library funding.

Mike Weston and Dan Jones of the American Legion, expressed their thanks to FCHS for meeting and working with them to address their concerns and issues.

Mary Stephenson provided the Council with her September directory, and suggested some revisions to the port dock vendor contracts.

Marco Angarano with KetchiTour, LLC expressed his concerns regarding violations his company has received on the Port and asked the Council to consider his appeal request that was submitted to the manager's office.

CONSENT AGENDA

Approval of Minutes – Regular City Council Meeting of August 18, 2022

Moved by Flora, seconded by Zenge for approval of the minutes from the regular City Council meeting of August 18, 2022.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Ordinance No. 22-1951 – An Ordinance Regarding the Filing and Payment of Citations by Amending Subsection (a); and Adding a New Subsection (b) to That Section of the Ketchikan Municipal Code (KMC) 1.02.080 Entitled “Disposition”; Amending KMC Section 1.02.090 Entitled “Payment of Fine Without Court Appearance”; KMC Section 10.24.030 Entitled “Fine Schedule for Traffic Offenses in This Chapter”; KMC 10.12.050 Entitled “Traffic Fine Schedule -Adoption of State Bail Forfeiture Schedule by Reference” – Second Reading

Copies of Ordinance No. 22-1951 were available for those present.

Moved by Flora, seconded by Zenge the City Council approve in second reading Ordinance No. 22-1951 amending Subsection (a) and adding a new Subsection (b) to that Section of the Ketchikan Municipal Code (KMC) Section 1.02.080 entitled “Disposition”; amending KMC Section 1.02.090 entitled “Payment of Fine Without Court Appearance”; KMC Section 10.23.0202 entitled “Fine Schedule for Traffic Offenses in this Chapter”; KMC 10.12.050 entitled “traffic Fine Schedule-Adoption of State Bail Forfeiture Schedule by Reference”, and establishing an effective date.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Budget Transfer – Change Order No. 1 to Contract No. 22-08 – Replacement Vehicle for Public Works – Building Maintenance, Bowen Scarff Ford

Moved by Flora, seconded by Zenge the City Council approve Change Order No. 1 to Contract No. 22-08, Replacement Vehicle for Public Works – Building Maintenance, between the City and Bowen Scarff Ford in the amount of \$12,006.19, bringing the total contract cost to \$71,769.90; authorize a budget transfer of \$12,006.19 from Appropriated Reserves of the Public Works Sales Tax Fund to the Public Works – Building Maintenance Division's 2022 Replacement Vehicle Capital Account; and direct the Acting City Manager to execute the change order on behalf of the City Council.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Change Order No. 1 (FINAL) to Contract No. 22-11 – 2022 Interim Bituminous Road Repairs, Colaska Inc. d/b/a SECON

Moved by Flora, seconded by Zenge the City Council approve Change Order No. 1 (FINAL) to Contract No. 22-11, 2022 Interim Bituminous Road Repairs between the City and Colaska Inc. d/b/a SECON in the amount of \$610.50 bringing the total contract cost to \$192,564.30; authorizing funding in the amount of \$610.50 from the contract contingency; and directing the Acting City Manager to execute the change order on behalf of the City Council.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Budget Transfer –Alaska Municipal League & Senator Murkowski Infrastructure Grant Symposium and Mayor & Council Department Travel-Business Appropriation

Moved by Flora, seconded by Zenge the City Council approve a budget transfer in the amount of \$5,000 from the Mayor & Council's 2022 Community Promotion Account No. 610.01 to the Mayor & Council's 2022 Travel-Business Account No. 600.01 and authorize travel expenditures not to exceed \$5,000 for the purposes of City staff attending the September Infrastructure Grant Symposium.

Councilmember Gass asked the Acting City Manager to expand on the symposium.

Acting City Manager Simpson stated this is a follow-up to the first one. She said the first symposium was very successful for the City to dig further into those grant programs that are available to Ketchikan.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Letter of Support for the PeaceHealth St. Joseph Medical Center Institutional Master Plan Amendment – PeaceHealth

Moved by Flora, seconded by Zenge the City Council approve the submission of a letter to the City of Bellingham Planning Commission in support of PeaceHealth's amendment of the 2006 Institutional Master Plan for the St. Joseph Medical Center as to be written by staff and/or as directed by the City Council.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Ordinance No. 22-1950 – Amending Section 1.08.490 Entitled “Canvass of Returns” and Section 1.08.530 Entitled “Certification of the Election Results” of the Ketchikan Municipal Code – Second Reading

Copies of Ordinance No. 22-1950 were available for those present.

Moved by Flora, seconded by Zenge the City Council approve in second reading Ordinance No. 22-1950 amending Ketchikan Municipal Code Section 1.08.490 entitled “Canvass of Returns” and Section 1.08.530 entitled “Certification of the Election Results”; and establishing an effective date.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Liquor License Premises Diagram Change – Cape Fox Lodge d/b/a 108 Tap House & Burger Bar

Moved by Flora, seconded by Zenge the City Council approve the diagram premises change for Cape Fox Lodge d/b/a 108 Tap House & Burger Bar.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Budget Transfer – Telecommunications Division Overtime

Moved by Flora, seconded by Zenge the City Council authorize the Acting General Manager to transfer \$154,250 from Appropriated Reserves of the KPU Enterprise Fund to the Telecommunications Division’s 2022 Overtime Wages Account No. 501.01 to fund unanticipated overtime expenditures through the end of 2022.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Exempting the Procurement of Annual Maintenance and Support Services for the IPTV Middleware System from Competitive Bidding/Written Quotation Requirements of the Ketchikan Municipal Code – Minerva Networks, Inc.

Moved by Flora, seconded by Zenge pursuant to subparagraph 6 of Section 3.12.050(a) of the Ketchikan Municipal Code, the City Council exempt the procurement of annual maintenance services for the IPTV Middleware System from the competitive bidding/written quotation requirements of the Ketchikan Municipal Code; authorize the procurement of such maintenance services from Minerva Networks, Inc. at a cost of \$42,931.10; approve funding from the Telecommunications Division’s 2022 Software and Equipment Maintenance Services Account No. 635.04; and direct the Acting General Manager to execute the contract documents on behalf of the City Council.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

UNFINISHED BUSINESS - None

NEW BUSINESS

Update and Presentation from First City Homeless Services on Operations and Occupation of 632 Park Avenue (Park Avenue Safe Shelter)

Jessica Pilcher, Board Chair of First City Homeless Services (FCHS) introduced Deborah Asper as their new CEO. She cited the mission, core values and history of the First City Homeless Shelter. She stated the shelter addresses hunger by providing two meals per day, seven days a week, and a brown bag lunch on Saturdays. She informed they provide fifty beds with an average of twenty-eight people per night. She stated their progress, what they have in motion for the patrons, and what they have addressed as far as complaints from the neighborhood.

Jessica Pilcher and Deborah Asper answered questions from the Council.

Police Chief Walls, Fire Chief Hines and Fire Marshal O'Sullivan answered questions from the Council.

Acting City Manager Simpson stated FCHS has yet to meet the last three objectives in order for the shelter to get the remaining \$40,500 grant funding.

After a lengthy discussion ensued the following points were made by Councilmembers:

- Board to take greater ownership in being proactive about addressing potential issues.
- Implement staff training.
- Board to be more proactive and knowledgeable about the facility and surrounding area.
- Completion of the Procedure Manual.
- FSHS staff to return at the first meeting in October to update the Council on their progress.

Acting City Manager Simpson said from what she has heard the following still needs to be completed:

- Job descriptions.
- Enter pertinent information into the Alaska Homeless Management System database.
- Update the handbook of the shelter's policy and procedures.

City Attorney Seaver answered questions regarding the lease agreement and the community grant contract.

Ms. Asper stated she would work on all these requests and return at a future meeting in October with an update.

The video for this presentation and discussion can be found at:

<https://ketchikan.primegov.com/Portal/Meeting?meetingTemplateId=2768>

Budget Transfer – Public Education Program Regarding the Ballot Proposition to Repeal the Ketchikan Gateway Borough’s Adoption of Nonareawide Library Powers and the Associated Mill Rate Dedicated to Library Operations

Moved by Gage the City Council approve the transfer of \$10,000 from Appropriated Reserves of the General Fund to the Library Department’s Ads and Public Announcements Account No. 605.01 to fund and authorize a public education program to influence the outcome of the ballot proposition to repeal the Ketchikan Gateway Borough’s adoption of nonareawide library powers and the associated mill rate dedicated to Library operations.

As there was no second, Mayor Kiffer ruled there was no motion to be considered.

Extended Appointment and Compensation for Acting City Manager/KPU General Manager

Moved by Kistler, seconded by Mahtani the City Council appoint Lacey Simpson to continue serving as Acting City Manager/KPU General Manager for the period of September 1 through September 30, 2022 and establish the continued compensation level for Lacey Simpson at Grade TL 992, Step U, plus 10%, at an annual salary of \$208,497, for the period effective September 1, 2022 through December 31, 2022.

Motion passed with Mahtani, Kistler, Gass, Zenge, Bradberry, Gage and Flora voting yea.

Ordinance No. 22-1952 – Amending Ketchikan Municipal Code Section 2.04.030 Entitled “Compensation of Mayor,” and Ketchikan Municipal Code Section 2.04.040 Entitled, “Compensation of Councilmembers;” – First Reading

Copies of Ordinance No. 22-1952 were available for those present.

Moved by Gass, seconded by Mahtani the City Council approve in first reading Ordinance No. 22-1952 amending Ketchikan Municipal Code Section 2.04.030 entitled “Compensation of Mayor,” and Ketchikan Municipal Code Section 2.04.040 entitled, “Compensation of Councilmembers;” and establishing an effective date.

Motion failed with Gass and Mahtani voting yea; Gage, Bradberry, Kistler, Flora, and Zenge voting nay.

Resolution No. 22-2856 – Amending the City of Ketchikan Compensation Plan

Moved by Flora, seconded by Mahtani the City Council approve Resolution No. 22-2856 amending the City of Ketchikan Compensation Plan; and establishing an effective date.

Moved by Bradberry, seconded by Mahtani to defer consideration of this motion to the City Council meeting of October 6, 2022.

Motion passed with Bradberry, Kistler, Gass and Mahtani voting yea; Gage, Flora and Zenge voting nay.

Accepting the Annual Comprehensive Financial Report of the City of Ketchikan, Alaska and the Supplementary Compliance Report Section for the Year Ended December 31, 2021

Moved by Bradberry, seconded by Kistler the City Council accept the Annual Comprehensive Financial Report of the City of Ketchikan, Alaska and the supplementary Compliance Report Section for the year ended December 31, 2021.

Finance Direct Johansen informed all Councilmembers should have received the annual comprehensive financial report, and the booklet handed out tonight is the compliance report. She said the compliance report outlines all the grants the City has received. She thanked all the finance staff, and especially Controller Hart for all the extra hours they put in to complete this, and during budget deliberations. She stated there is a lot of good statistical data at the very end, and can be useful information.

Monica Gardner, Audit Partner of Teuscher Walpole, LLC presented the results of the 2021 annual financial and compliance audit to the City Council.

Motion passed with Flora, Mahtani, Gass, Gage, Zenge, Bradberry and Kistler voting yea.

FY 2024 Community Priority List, Initial City of Ketchikan Legislative Requests

Moved by Kistler, seconded by Bradberry the City Council approve the City of Ketchikan priorities for inclusion in the FY 2024 Community Priority List as detailed in the Acting City Manager's report dated August 25, 2022 and/or as modified by the City Council.

Councilmember Bradberry questioned if this list can also include policies.

Acting City Manager Simpson informed in the past it has included policies, but this year the list is primarily dedicated to capital improvement projects, but it can be both.

Motion passed with Gass, Kistler, Mahtani, Flora, Bradberry, Zenge and Gage voting yea.

Discussion – A Resolution of the City Council Opposing the “Constitutional Convention” – Councilmember Gage

Councilmember Gage said she was approached by folks to support a no vote on the constitutional convention for various reasons, which include protection of our natural resources as stakeholders, to our home rule filing on how our City is run and the Permanent Fund. She informed the State of Alaska has one of the best constitutions in the United States, and should be left alone.

Councilmember Kistler felt it was safer to amend our constitution rather than open it up.

Councilmember Gass said there were passionate arguments on both sides and felt we need to let the voter decide.

Mayor Kiffer asked for a show of hands to have staff bring back a resolution opposing the Constitutional Convention, and at least four hands were shown.

APPROVAL OF VOUCHERS - None
CITY MANAGER'S REPORT

Acting City Manager Simpson said there will be an ad in the paper regarding the Schoenbar Raw Water Main Replacement project, and the closure of Schoenbar Road for an extended period. She said there will be signs posted from September 8 to the 23rd, and a large portion of the road will be closed and traffic will be redirected.

Councilmember Mahtani questioned the status of the Tourism Manager position.

Acting City Manager Simpson said nothing has progressed since the last meeting. She stated it has not been a priority for her as she is currently an office of one. She felt since the Borough is going through a tourism management strategy process that it would be wise for the Council to see where that goes before determining what the needs of the City might be. She said there has been discussion of a position that might represent that duty for the community as a whole.

Councilmember Bradberry said we are going to have a new manager shortly, but the Council did ask for this to be done some time ago, and as we travel into the New Year there is nobody that is looking after our best interest at the Port. She said there is much more that affects the City, and we need to get our ducks in a row with or without the Borough.

Councilmember Zenge said we need to understand that we have an acting manager who is working by herself and we are days away from the new manager starting, and today we have added another thing to her plate. She felt the new manager should weigh in on this position and work with the Port & Harbors Director on the job description.

Councilmember Kistler also supports the acting city manager to work on more pressing matters and get everything in order for our new manager in October. She thanked Ms. Simpson for taking on this huge task.

Councilmember Flora said this would be a new department within the City, but as far as he can see the body has not identified what the mission is, which is another good reason to wait until the new manager is on board, and have the next Council decide what that mission is. He indicated there will be a budget process to determine if this position is even viable or if it remains a priority. He said whoever writes that job description, it would be helpful to know what the target is so they can craft the job description that would be relevant.

Mayor Kiffer said if Councilmembers had questions regarding Mr. Angarano's appeal, they need to contact the Acting City Manager's office.

Schedule of General Government and KPU Appropriated Reserves Through the City Council Meeting of August 18, 2022

Acting City Manager Simpson attached for Council review a schedule of the current balance of Appropriated Reserves of the various funds of General Government and KPU through the City Council meeting of August 18, 2022.

Public Works Director's Project Status Report – August 2022

Acting City Manager Simpson attached for Council review the project status report of the Public Works Director for the month of August 2022.

Report from Ketchikan Police Department on Response to Disorderly Conduct and Open Container Offenses

Acting City Manager Simpson attached for Council review a transmittal memorandum prepared by Police Chief Walls, concerning the Ketchikan Police Department's response to disorderly conduct and open container offenses committed by homeless individuals.

First Annual 911 Public Safety Day

Acting City Manager Simpson attached for Council review an informational memorandum prepared by Fire Chief Hines, regarding the Fire Department's plan to organize and host the First Annual 911 Public Safety Day. She stated this event will take place on September 11, 2022 at Ketchikan Fire Station No. 1 and will celebrate and give thanks to the public safety agencies within our community.

K.P.U. MANAGER'S REPORT - None

CITY CLERK'S FILE

Alcohol Permits – Stores Serving Alcohol to their Customers

City Clerk Stanker informed the deadline to register to vote for the local October 4, 2022 election will be Sunday, September 4th. She said people can go to either the City Clerk's office at City Hall or the Borough Clerk's office at the Borough Building to register. She indicated a person could also register to vote online through the Division of Election's website.

City Clerk Stanker provided the Council information on the various available alcohol permits a person or entity can obtain through the State Alcohol and Marijuana Control Office. She said the stores that are serving alcohol to their customers are doing so illegally. She answered questions from the Council.

CITY ATTORNEY'S FILE - None

FUTURE AGENDA ITEMS

Councilmember Bradberry asked for a show of hands to ask staff to draft a resolution to Senator Murkowski and Senator Sullivan to continue working and bring forward a vote on the passenger vessel service act waiver for the Southeast Alaska cruise industry. She stated we are one of the communities that had the largest impact in terms of ships being able to stay here longer because they won't have to call in Canada, which would increase our dock fees and fees associated with the ship coming, as well as spending dollars. It would also allow us to increase business by creating new itineraries in Southeast Alaska, and lastly, we would not be held hostage by the Canadian tugboats, which caused a ship to cancel coming to Ketchikan.

Mayor Kiffer asked for a show of hands for staff to prepare a resolution and at least four hands were shown.

MAYOR AND COUNCIL COMMENTS

Councilmember Bradberry thanked the public safety department for planning the 9/11 Safety Day. She said it is a really great way to engage the community, and for the community to see improvements that are being done and to see the new faces working for the City.

Councilmember Mahtani thanked the Acting City Manager and all of the staff for all of the great work they are doing.

Councilmember Gass thanked the people who came and spoke in support of National Recovery Month as we all know someone who is affected by this in town. He said in response to the homeless issue, we are moving in the right direction and thanked everyone involved. He stated it is important for the people who live in the area to feel safe, and for people to have a safe place to stay, and looks forward to the shelter's progress.

Mayor Kiffer agreed with the comments made by Councilmember Gass regarding the homeless and people suffering from addiction issues. He reminded everyone the Stomp the Stigma march is on September 10 and everyone is invited. He stated that even though the Council did not vote on the public education campaign for the library that this doesn't mean a lack of support for the library and what they do. He said that he supports the library 100% and believes most of the Councilmembers do as well.

OTHER NEW BUSINESS – None

EXECUTIVE SESSION

Request for Executive Session –Annual Evaluation of the City Clerk

Moved by Flora, seconded by Mahtani the City Council go into executive session in accordance with Ketchikan Municipal Code 2.04.025(a)(2) for the purpose of conducting the annual evaluation of the City Clerk, which may involve discussion of “subjects that tend to prejudice the reputation and character of any person, provided that person may request a public discussion.”

Motion passed with Bradberry, Flora, Mahtani, Kistler, Gass, Zenge and Gage voting yea.

The Council took a short break at 9:40 p.m. and recessed into executive session at 9:50 p.m. and reconvened into regular session at 10:30 p.m.

Moved by Zenge, seconded by Flora to raise the salary of the City Clerk to \$92,000 annually effective immediately.

Motion passed with Bradberry, Flora, Mahtani, Kistler, Gass, Zenge and Gage voting yea.

**Request for Executive Session – KPU Telecommunications
Division Potential Broadband Grant Funding Opportunities**

Moved by Flora, seconded by Bradberry the City Council declare that consistent with the Acting General Manager's memorandum dated August 24, 2022, it is recommended that the City Council adopt the motion declaring that it is in the City's best interest to consider broadband grant funding opportunities in executive session and that the City Council go into executive session under Ketchikan Municipal Code 2.04.025(a)(1) and (3) to review and discuss those aspects of the grant funding opportunities concerning matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City and matters which are required to be confidential pursuant to the Alaska Trade Secrets Act.

Motion passed with Bradberry, Flora, Mahtani, Kistler, Gass, Zenge and Gage voting yea.

The Council took recessed into executive session at 10:30 p.m. and reconvened into regular session at 10:40 p.m.

Mayor Kiffer said the Council has completed its executive session to review and discuss those aspects of the grant funding opportunities concerning matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City and matters which are required to be confidential pursuant to the Alaska Trade Secrets Act and direction was given to staff.

ADJOURNMENT

As there was no further business, the Council adjourned at 10:45 p.m.

Dave Kiffer, Mayor

ATTEST:

Kim Stanker, MMC
City Clerk

FYI ITEMS INCLUDED

Ketchikan Committee for the Homeless' Quarterly Financial Report – April Through June 2022