

7a(6)



<b>TRANSMITTAL MEMORANDUM</b>
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TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: May 27, 2021

RE: **Ordinance No. 21-1933 – Declaring An Emergency Due To The Continuing COVID-19 Pandemic; Extending Emergency Ordinance No. 20-1907 Until August 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.

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 June 3, 2021. If adopted, the motion provides for approving Ordinance No. 21-1933 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until August 1, 2021; and establishing an effective date.

By separate report [see agenda statement 7a(5)], my office has submitted to the City Council for formal consideration Ordinance No. 21-1934. If adopted, the ordinance would amend KMC Section 2.04.020 to allow the City Council to meet at a location within the City other than the Council Chambers at City Hall. The proposed ordinance also amends KMC Section 2.04.023 concerning telephonic participation to suspend the requirements that a quorum and presiding officer be physically present when participation by telephonic or other electronic means occurs during a state of emergency.

Since the ordinance will require two readings and a thirty-day effective date, the City Attorney has submitted Ordinance No. 21-1933 extending Emergency Ordinance No. 20-1907 to August 1, 2021. Adoption of the ordinance is consistent with the City Council's discussion at its meeting of May 20, 2021.

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. 21-1933 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until August 1, 2021; and establishing an effective date.

**Recommended Motion:** I move the City Council approve Ordinance No. 21-1933 declaring an emergency due to the continuing COVID-19 pandemic; extending Emergency Ordinance No. 20-1907 until August 1, 2021; and establishing an effective date.

**Mitch Seaver**  
**City Attorney**

City of Ketchikan, Alaska

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

**TO:** Karl Amylon  
City Manager

**FROM:** */s/* Mitch Seaver  
City Attorney

**DATE:** May 25, 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. Emergency Ordinance No. 21-1927 extended Emergency Ordinance 20-1907 until July 1, 2021. Proposed Emergency Ordinance No. 21-1933 which would extend Emergency Ordinance 20-1907 until August 1, 2021 is transmitted herewith as is a copy of Emergency Ordinance 20-1907.

Charter Section 2-14 required 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. 21-1933**

**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 AUGUST 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 July 1, 2021 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 August 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

EFFECTIVE	DATE: *		
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
BRADBERRY			
FLORA			
GAGE			
GASS			
KIFFER			
ZENGE			
MAYOR			

## THE CITY OF KETCHIKAN, ALASKA

### ORDINANCE NO. 20-1907

**AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA DECLARING AN 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; AND ESTABLISHING 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 2. 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 2. 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 \_\_\_\_\_ March 19, 2020 \_\_\_\_\_.

  
Robert Sivertsen, Mayor

**ATTEST:**

  
Kim Stanker, MMC  
City Clerk

EFFECTIVE DATE: March 19, 2020			
ROLL CALL	YEA	NAY	ABS
BERGERON	X		
COOSE	X		
FLORA	X		
GAGE	X		
CHAPEL	X		
KIFFER	X		
ZENGE	X		
MAYOR			



## FUTURE AGENDA ITEMS

Councilmember Flora gave an update from the Ports & Harbors Advisory Board (PHAB) meeting asking for a report on the status and options on the fireboat Harry Newell that is currently out of the water.

Councilmember Gass asked whose call is it for the Council to have meetings at Ted Ferry Civic Center (TFCC) or via WebEx.

Vice-Mayor Kiffer stated it is dependent on the levels the EOC sets.

Manager Amylon said that is the practice the Council has been following, depending on the alert level that allows for in-person meetings and because of the level we are at today the recommendations from the EOC has been to not do in-person meetings. He said if Council would like to override that direction they have the authority to do so.

Councilmember Gass stated meetings are more effective when we are meeting in-person and the CDC has made changes to their recommendations regarding gatherings due to the amount of people vaccinated. He said even if we are in a COVID outbreak there is room to space out at the TFCC and would like to meet in-person.

Attorney Seaver stated the Manager has been regulating our facilities in the interest of the public health and welfare and the practice has been to look at the need of the meeting and the number of people and follow the EOC/CDC's recommended guidelines. He said he will be bringing forth an emergency ordinance relative to Council's procedures so there won't be a gap and a permanent ordinance that will allow the Council to designate another physical location within the City for meetings.

Vice-Mayor Kiffer said the Council does have meetings at other venues.

Attorney Seaver said those were special meetings per the Ketchikan Municipal Code (KMC). He informed this is a policy decision and the Council might want to change it to have that option. He stated per the KMC, regular meetings should be held in the Council Chambers at City Hall.

Councilmember Gass said he would like a future agenda item for Council to determine the future of the EOC operations as it relates to COVID.

Manager Amylon said he will draft a memo and submit it to Councilmember Gass for review. He asked Attorney Seaver, if the Council would like to meet at the TFCC, regardless of any recommendations from the EOC, can they do that.

Attorney Seaver stated they cannot do that for regular meetings if we are following the ordinance in the KMC.

Manager Amylon clarified, until we get a new ordinance we should be following the EOC recommended guidelines.

Attorney Seaver stated no, the current emergency ordinance that is set to expire, if we still want that option, gives the City Manager authority to regulate City facilities.



# "UNAPPROVED" May 20, 2021

Manager Amylon said he will discuss this with the City Attorney and get something back to the Council.

Councilmember Bradberry said they were told by the EOC not to have a public meeting. She continued if we have a show of four hands to meet in-person then as an elected body, we should be able to meet in-person.

Manager Amylon said the question is if you direct us to meet in-person for a regular Council meeting under current circumstances that it would have to take place in the Chambers as opposed to the TFCC. He informed if the Council wants to meet in-person, until we can amend the KMC, they will have to meet at the Chambers.

Councilmember Bradberry questioned how have we been able to meet in-person at the TFCC.

Manager Amylon said it was based on the direction of the EOC depending on the community's alert levels which is consistent with the Emergency Declaration. He stated we were keeping in accordance with the direction from the EOC. He informed until we have an amendment to the code that is where we are at.

Vice-Mayor Kiffer questioned if we have to wait until July 1, 2021 or can we start the process now.

Attorney Seaver said how the ordinance is worded gives the managers authority to regulate City buildings in the interest of public safety due to the pandemic. He informed that is who you would give the authority to to have the meeting in a different physical location. He continued as it has been administered the manager looks to the EOC for public safety considerations to how we structure a meeting and where we physically hold it. He explained that authority, unless we extend it, goes away on July 1. He continued as to the physical location of our meetings to make a permanent code change will take two readings and thirty days. He said this will change the code to allow the Council the flexibility to have physical meetings at an alternate location as long as the public is given enough notice.

Vice-Mayor Kiffer clarified when will the process to change the code take place.

Attorney Seaver explained we will start the process but it will not be in place because ordinances require two readings plus thirty days.

EOC Incident Commander Hoage informed the EOC has updated its recommendations based on CDC guidelines. He said our recommendations to organizations is to consider the mitigating factors such as vaccinations and ability to social distance. He continued you can have a meeting of 20 vaccinated individuals per the CDCs current recommendations. He said the challenge as a municipal government is how do you apply that equally to people who want to attend without asking for their vaccination status. He explained there are broader recommendations for vaccinated people versus unvaccinated people.

Councilmember Gass said given the fact that vaccinated people are safe and unvaccinated people are choosing to take the risk we are at a point where we can move forward and meet in-person.

Vice-Mayor Kiffer said he would like to move forward with the process to start meeting in-person though maybe not in the small Council Chambers.



## **"UNAPPROVED"** May 20, 2021

Councilmember Bradberry clarified we are asking Attorney Seaver to bring back an amendment to our emergency order that has nothing to do with the EOC.

Attorney Seaver said he will bring back something to extend the emergency ordinance and a permanent ordinance that will give authority to meet somewhere besides the Council Chambers.

Councilmember Zenge said what she heard from EOC Incident Commander Hoage is that vaccinated people can meet in-person and we are choosing not to.

Vice-Mayor Kiffer explained the challenge is how broadly do we open up the meeting to the public, staff and the Council even though not everyone will be vaccinated.

Councilmember Zenge said we have closed other City buildings to the public and feels it is more important for the Council to meet in-person.

Councilmember Bradberry questioned if the City Council meets in-person do we have to allow the public in the building or can the public watch via all of the available platforms and call-in like they have been doing.

Deputy Clerk Lee said meetings have to be open to the public. She stated she does not know if the Council meets in-person do we then have to physically allow the public to be here as well or if we can continue to offer them access the way we currently have been. She informed she will have to look into it.

Vice-Mayor Kiffer stated staff has direction for how the majority of the Council would like to proceed to meet in-person. He agreed with Councilmember Bradberry that virtual meetings are not as effective as meeting in-person.

### **MAYOR AND COUNCIL COMMENTS**

Councilmember Bergeron said while we consider future agenda items it is important to note that the New York Times rated the Ketchikan Gateway Borough as the sixth highest COVID rate per capita in the nation. He stated we should consider that as we moved forward. He wished everyone a safe and happy rest of the night and does not feel well and will not participate in the executive sessions.

Councilmember Bergeron left the meeting at 9:35 p.m.

Councilmember Flora thanked Norwegian Cruise Lines for their generous donation to the City of Ketchikan.

Councilmember Bradberry thanked everyone for their patience. She said she is still confused but felt that she learned a lot.

Councilmember Gass said he has been advised by the City Attorney that due to his new employment he should not participate in any IBEW collective bargaining negotiations. Councilmember Gass recused himself from both executive sessions.

### **OTHER NEW BUSINESS** – None



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 adapt 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.**



March 19, 2020

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.



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.

February 4, 2021

**Ordinance No. 21-1927 – Declaring an Emergency Due to the Continuing COVID-19 Pandemic; Extending Emergency Ordinance No. 20-1907 Until July 1, 2021**

Copies of Ordinance No. 21-1927 were available.

Moved by Bradberry, seconded by Kiffer 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.

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

**Ordinance No. 21-1926 – Amending Chapter 13.10 of the Ketchikan Municipal Code, Entitled “Passenger Wharfage Fees”; to Impose such Fees Directly on Passengers and to Provide for the Collection, Payment and Enforcement of Such Fees – First Reading**

Copies of Ordinance No. 21-1926 were available.

Moved by Kiffer, seconded by Flora the City Council defer consideration of Ordinance No. 21-1926 to a special meeting after staff has consulted with the cruise industry and other Southeast communities.

Manager Amylon informed that our outside Attorney Blascoe has been working on this ordinance.

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

**Ordinance No. 21-1928 – Tourism Steering Committee for the Mayor and Council – First Reading**

Copies of Ordinance No. 21-1928 were available.

Moved by Kiffer, seconded by Gage the City Council defer consideration of Ordinance No. 21-1928 to a special meeting.

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

**Ordinance No. 21-1924 – Increasing Electric Rates By One and One-Half Percent (1.5%); Establishing a Date for a Public Hearing – First Reading**

Copies of Ordinance No. 21-1924 were available.

Moved by Gage, seconded by Flora the City Council approve in first reading Ordinance No. 21-1924 increasing electric rates by one and one-half percent (1.5%); establishing a date for a public hearing; and providing for an effective date.

Councilmember Gage felt this has been a long time coming and unfortunately, it couldn't be at a worst time. She said this utility has continued to operate in the red, and she would support this motion.

Councilmember Bergeron said he would not support a rate increase in the middle of a pandemic, and felt it was unethical.