

**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 15, 2013
7:00 PM
COUNCIL CHAMBERS
P-12 BUILDING**

MINUTES

1. CALL TO ORDER: Mayor Lunceford called the meeting to order at 7:00 pm.

2. OPENING CEREMONY: Mayor Lunceford led the Pledge of Allegiance.

3. ROLL CALL:

A. Council Members Present: Larry Bussman, Lester Lunceford, Mary Brenneman and Becky Cotner

Mayor Lunceford asked that the record reflect a quorum for tonight's meeting.

Mayor Lunceford stated that a request for an excused absence was received from Councilor Heddell but that he would be available telephonically if needed for a quorum.

MOTION: Larry Bussman made a motion to excuse Councilor Pete Heddell from tonight's meeting.

SECOND: Becky Cotner seconded the motion.

VOTE: Larry Bussman: Yes, Becky Cotner: Yes, Mary Brenneman: Yes, Lester Lunceford: Yes.

Motion passed 4-0.

Mayor Lunceford stated that a request to participate telephonically was received by Councilor Dave Pinquoch and that if there were no objects he would ask the City Clerk to give him a call.

Hearing no objections the City Clerk was asked to give Dave Pinquoch a call.

City Clerk, Brenda Krol apologized, she did not have Dave Pinquoch's phone number and it was not included in the email request to participate telephonically.

Mayor Lunceford stated that if there was no number included on the request to go ahead and proceed because a quorum has been established.

Mayor Lunceford stated that Vice Mayor Dan Blair was absent but that a written excuse had not been received and he entertained a motion to excuse Vice Mayor Blair.

Hearing none Vice Mayor Blair was unexcused.

MOTION: Larry Bussman made a motion to excuse Councilor Dave Pinguoch from tonight's meeting.

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

B. Council Members Absent: Pete Heddell, Dave Pinguoch and Dan Blair

C. Excused Absences: Pete Heddell and Dave Pinguoch

D. Administration Present: Brenda Krol, City Clerk

Others present included: Sue Miller, Dave Schofield, Dave Goldstein, Leslie and Seth Cottrell, Charlie Eldridge and Lee Snyder

4. APPROVAL OF MINUTES

None

5. APPROVAL OF REGULAR MEETING AGENDA

MOTION: Larry Bussman made a motion to approve the regular meeting agenda as written.

SECOND: Becky Cotner seconded the motion.

DISCUSSION: Becky Cotner asked if council could go into executive session later if needed.

Mayor Lunceford replied "Yes, if needed."

VOTE: Motion passed unanimously.

6. MAYOR'S REPORT

A. Mayor Report – Lester Lunceford

None

B. Vice Mayor Report – Dan Blair

None

7. CITY MANAGER'S REPORT

A. City Manager Report – Bob Prunella

None

B. Directors Reports

▪ **Finance Report – November 2012 – Sally Schug**

See finance report in original council packet

▪ **Harbor – Sue Miller**

See written report in original council packet

Sue Miller reported that the two pilings that were damaged a year ago have been replaced.

Sue Miller said "I am at the area where I am filling out the final reports requesting payments for the people and then we will get reimbursed from the granting agency."

Sue Miller stated that the harbor had some storm damage again this winter and that the lower half of the gangway to the passenger dock, the welds snapped loose, broke off and wedged itself into the decking of the passenger dock.

Sue Miller said “We couldn’t really do anything but make it safe so with help from the public safety and the public works department we chained it off and put a lead line on it, it did submerge, we could find it and on January 10th 2013 with Dojer’s help was able to tie onto it, loosen it and then take it to Smitty’s Cove, where we have it up safe and we are able to access the damage.”

Sue Miller said “We have a couple of months before season to see about getting it repaired.”

Sue Miller stated that the harbor has all of the hardware and cables for the VHF radio system antennae but that they are still waiting on the weather for the opportunity to attach it to the building.

Sue Miller stated that she had nothing else to report and she welcomed any questions.

▪ **Public Safety – Dave Schofield**

See written report in original council packet

Dave Schofield told council “There is a report in the packets but I do owe you an apology because about two thirds of the way down I have several errors, some of those actually should have been coming up on January’s report.”

Dave Schofield stated that for EMS there were 8 ambulance calls, 1 ALS and 7 BLS and for Fire there were a total of 3 calls.

Dave Schofield stated that he did include in his report an outlook of the last three years.

Mary Brenneman asked Dave “Are these the same ALMR radios that the City was going to have reprogrammed for the police vehicles?”

Dave Schofield answered “the police department had received an ALMR grant prior to me coming here; EMS and Fire received the ALMR grant about a year and a half to two years ago.”

Dave Schofield said “we actually have two sets of AMLR radios now, there is a complete set for EMS/Fire and a complete set for police, and also it would be for council or emergency management.”

Dave Schofield stated that at this point in time there are about 30 handheld ALMR radios and 6 space stations or mobiles that can be in the units.

▪ **Public Works – Scott Korbe**

See written report in original council packet

Mayor Lunceford asked Dave Schofield if he knew where Scott Korbe was.

Dave Schofield replied that Scott Korbe was next door taking his EMT 1 class but said that council could interrupt him if needed.

Mayor Lunceford gave everyone a few minutes to look over the Public Works report.

Hearing no questions regarding the Public Works report Mayor Lunceford continued.

C. Commission Reports

▪ **Planning**

See original council packet for minutes from the last Planning meeting held on December 11, 2012.

▪ **Port and Harbor**

None

There was no Port and Harbor commission report because they did not have a quorum last month.

8. CITIZENS' COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

None

9. CONSENT AGENDA

None

10. PUBLIC HEARING (NON-ORDINANCE)

None

11. PRESENTATIONS

None

12. ORDINANCES

A. Introduction (first reading)

None

B. Public Hearings (second reading)

None

13. RESOLUTIONS

None

14. UNFINISHED BUSINESS

A. Smitty's Cove Marine Park, VonWichman and associated properties

B. Whittier Municipal Code Title 2

C. Harbor Rebuild Phase II

D. Shotgun Cove Land Development

E. P-12 Roof

Mayor Lunceford explained that the items listed under unfinished business were projects that were in the works but that he had nothing new to report on them.

Mayor Lunceford explained "unfinished business is items and projects that have been carried over from meeting to meeting."

Mayor Lunceford said "I don't believe that there had been much progress made on any of these projects since the last time that we met."

15. NEW BUSINESS

A. City Surplus Property

Mayor Lunceford apologized to the Council and audience and stated that he did not know anything about the city surplus property being on the agenda tonight.

Mayor Lunceford asked Dave Schofield if he had any idea as to why this is listed on tonight's agenda.

Dave Schofield replied "My understanding is that the city manager was looking for consideration of the council to move forward with getting rid of the City's surplus property either by selling or by bid and he would like council to approve the list."

Mayor Lunceford asked Dave Schofield "Do you have a copy of that list?"

City Clerk, Brenda Krol stated that everyone should have a copy of the list in their packets.

Mayor Lunceford asked the council if they would like to deal with this tonight or wait until the next council meeting when the city manager is here.

Councilor Becky Cotner stated that she would like to wait until the next meeting when the city manager is here.

Councilor Larry Bussman agreed, he stated that he would like to get some more information about it.

16. COUNCIL DISCUSSION

None

17. CITIZENS' DISCUSSION

Lee Snyder, Begich Towers manager introduced him and stated that he was there on behalf of the BTI regarding a water bill.

Lee Snyder explained that in October and November they had a toilet in the building that was running in an unoccupied condominium and it ran up over a \$10,000 water bill, what is normally \$3,500 ended up be \$10,000 for one month.

Lee Snyder stated that he gave city manager, Bob Prunella copies of this years and last years water bills and that he was going to evaluate it.

Lee Snyder asked the city council to please forgive the BTI, they caught the problem and took care of it and that they have measures in place so that it does not happen again.

Mayor Lunceford stated that the Council will put this on hold until they get a chance to talk to Bob about it.

Becky Cotner asked if the city forgave the Gilman's for their excessive water & sewer bill.

Mayor Lunceford replied "I don't believe so."

Becky Cotner stated that the marina had a similar problem with a meter and she felt that the City should investigate and at least look into this and the other similar incidents before acting on this tonight.

Mayor Lunceford agreed and informed Lee Snyder that the city would like to look into this some more and would put it on hold for right now.

Lee Snyder stated that BTI paid the bill but would like to be credited on a future bill for some, if not all of the \$10,000.

Charlie Eldridge stated that the marina had a part of their water bill forgiven, they had a big line drop out and no one knew about it because it was under water.

Dave Goldstein recalled another incident with Matt Kopec, he had a broken pipe and the city forgave half of his water bill so there is precedence for all of this.

Becky Cotner stated that she wouldn't have a problem with forgiving half of it.

Mayor Lunceford stated that he wouldn't either but that he would like to hear Bob's comments and then make a decision after that.

Dave Goldstein asked if the council could make a motion, basically throwing this back in the hands of the city manager and directing the city manager to work out a solution with Begich Towers.

Mayor Lunceford entertained a motion to direct the city manager to look into this and to come up with a resolution.

MOTION: Larry Bussman made a motion to direct the city manager to look into Begich Tower's water bill and to come up with a solution or suggestion for council's approval.

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

18. COUNCIL AND ADMINISTRATIVE RESPONSE TO CITIZENS' COMMENTS

None

19. COUNCIL DIRECTION TO CITY MANAGER

None

20. EXECUTIVE SESSION

MOTION: Mary Brenneman made a motion to go into executive session at 7:19 pm for reasons which might possibly affect the city financially.

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Becky Cotner made a motion to go back into regular session at 8:00 pm.

SECOND: Mary Brenneman seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Becky Cotner made a motion to post for the position of city manager.

SECOND: Mary Brenneman seconded the motion.

DISCUSSION: Becky Cotner stated that the reason for this is because council had made that direction several months ago and we have not had that done.

VOTE: Motion passed unanimously.

MOTION: Becky Cotner made a motion to rescind the agreement to pay the city manager's travel to Wrangell.

SECOND: Mary Brenneman seconded the motion.

DISCUSSION: Becky Cotner stated that when the city made the decision to pay every so many weeks for the city manager to go to Wrangell we were under the assumption that he was a short timer and this has turned into a long term and we cannot be spending city funds to continue to do this forever.

VOTE: Motion passed unanimously.

Becky Cotner stated that the city manager appointing an acting city manager in his absence is in direct violation of our code.

MOTION: Becky Cotner made a motion to appoint Mayor Lunceford as acting city manager effective immediately.

SECOND: Larry Bussman seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Mary Brenneman made a motion to restrict the personal use of city vehicles and credit cards.

SECOND: Larry Bussman seconded the motion.

DISCUSSION: Becky Cotner asked if this also restricts the red fire truck and police vehicles.

Mary Brenneman answered yes.

VOTE: Motion passed unanimously.

MOTION: Mary Brenneman made a motion to authorize travel to Juneau for Mayor Lunceford for the purpose of attending the Mayor's Conference.

SECOND: Larry Bussman seconded the motion.

VOTE: Motion passed unanimously.

Mayor Lunceford said "with the council's permission, being that I've just been appointed the Acting City Manager, I would like to ask if Mr. Schofield will continue to hold down the fort until the city manager returns from vacation."

Mayor Lunceford told Dave Schofield "I will get a memo out sometime tomorrow that you will be in charge just like you are now the only difference is that the memo that the city manager sent out appointed you as acting city manager which is violation of code.

Mayor Lunceford told Dave Schofield "you are not appointed city manager you are just left in charge, it's a little play on words but your responsibility continues to be the same as it did under Bob's memo its just that his memo is in direct conflict with the code."

Mayor Lunceford asked if there was any other city discussion.

Councilor Mary Brenneman said “our roads are horrible, they are slick, and they are not kept up, what’s the problem? I don’t know who to ask because the Public Works Director is not here.”

Councilor Brenneman said “we need to do something about that, because I have watched cars all day long fish tailing up and down the roads, you can’t walk on them, and you can’t drive on them.” Dave Schofield stated that Scott Korbe was next door in training and asked Mayor and Council if they would like him to go get him.

Mayor Lunceford replied “yes.”

While Dave Schofield stepped out to get Scott Korbe, Charlie Eldridge asked Mayor Lunceford if Bob Prunella was going with him to Juneau.

Councilor Becky Cotner replied “no we just made the motion for Lester to go.”

Mayor Lunceford said “I think there have already been reservations made for Bob Prunella to go.”

Mary Brenneman asked “doesn’t council have to give him permission.”

Mayor Lunceford replied “typically, yes.”

Scott Korbe came in and Mayor Lunceford told him that there have been a lot of complaints on the roads.

Mayor Lunceford said “I understand with them freezing and then flooding it is hard to keep up with the maintenance of the roads but the question is that we have less snow this year than we did last year and the community does not understand why the roads are the way they are right now.”

Scott Korbe replied “with the heavy freezing and thawing we are out there scraping them down as much as we can but with our failing roads if we scratch too hard we risk peeling a lot more asphalt and doing a lot more damage.”

Scott Korbe said “we have been trying to keep them as smooth as possible and we have put a lot more sand on them this year and with this heavy freeze and thaw it’s tough to get them smooth.”

Scott Korbe said “this is our second break up in the last 3-4 weeks, so we are doing the best that we can, we try to scratch down where are roads are good and maintain them the best that we can.”

Larry Bussman said “The last couple real snowfalls where nobody got up and did anything about it, I go to work early in the morning and have had to drive through 8-10-12 inches of snow and slush and I can get through it but a lot of other people can’t because they have smaller vehicles and I go home in the evenings and it’s the same slush and snow that is still there.”

Scott Korbe said “typically in the morning we start at 8am, my staff usually shows up at 7:30am. If it’s bad they go out early. Our typical rule around here is if we are getting rain, we try and let the rain knock it off as much as we can, if we go out and plow every two inches on the weekend....”

Larry Bussman replied “I’m not talking two inches.”

Scott Korbe said “I’ll take some credit for that, I have driven around in my little white car and have gotten around and there are cleared paths and ways to go, a couple times I have not been in town or

I've been out early and it's gone. I probably should have stayed in town and did a more diligent watch or been on my staff, who has been here to make the call a little sooner than what they have done so I will take some of the responsibility for that."

Scott Korbe told Councilor Bussman "I understand the one incident that you are talking about, my staff is empowered to make the call, if they feel it is necessary to get out; they get out there and make the call."

Mary Brenneman asked "how come the roads weren't sanded or graveled today?"

Scott Korbe replied "today, I didn't think it was that bad."

Mary Brenneman stated that she had watched cars fishtail all day long between Whittier Street and BTI and vehicles were sliding on the way down here tonight.

Scott Korbe said "Okay, when my staff is out I will make sure that they pay a little more diligence to it."

Mayor Lunceford asked if there were any more questions for Public Works Director, Scott Korbe.

Hearing none Mayor Lunceford thanked Scott.

Councilor Larry Bussman also thanked Scott.

Scott Korbe said "I apologize, I will be back at the next council meeting, this is the last series of classes, thank you for letting me do this."

Becky Cotner asked "are we going to talk about the public safety issues, the bar fight in particular?"

Mayor Lunceford told Public Safety Director, Dave Schofield. "We live in a small town and it doesn't take long for citizens to start calling council members to ask and/or try to find out why certain things happen or why they don't happen and one of the rumors is I think each one of us, individually have been approached about some recent incidences that police had to respond to and either you weren't available or someone else, who is non certified went to some of these calls."

Mayor Lunceford asked Dave Schofield "can you respond to that?"

Dave Schofield responded "Well since the injury I still have not been released to full work. I am released for 40 lbs. non repetitive motion. I am released to do office work and at this point in time I have not been released to take calls. That is a Workman's Comp issue, I am doing physical therapy 3 times most weeks and 2 times the other times and until I'm released we do have an issue that way."

Mayor Lunceford replied "to be honest with you the council had no idea about that."

Dave Schofield said "okay, I have turned all the paperwork in. The injury was the 3rd of July, the surgery was mid October and I am looking to be released the first or second week of February."

Mary Brenneman said "none of us were told that you were injured."

Dave Schofield replied "I was in a wheelchair and then on crutches."

Mary Brenneman said "I'm sorry."

Dave Schofield said "so yeah I have not been as responsive as I have been in years past, I am trying to get my hip back so that I can be 100% again."

Mayor Lunceford said "and obviously we respect that and understand that but are there non certified personnel responding."

Dave Schofield said "we have 1 officer that is in his first year of work, he has already graduated the academy but he has not gotten his basic certificate. That is a year process that he has to work and he will be certified in May."

Dave Schofield said "all of our staff have been through the academy and have successfully completed that."

Dave Schofield said "so it is just the first year of him working until he gets his basic certificate, everybody else on staff has a basic or intermediate certificate."

Becky Cotner said "what we are concerned about is the bar fight when one officer responded and brought a department head with him, is that department head certified to handle situations like that?"

Dave Schofield replied "He is not."

Becky Cotner said "I believe that is a liability issue and is kind of scary to us."

Dave Schofield said "I had gone into town to have dinner with my wife and the car that we were in broke down that day but I was back the next day."

Dave Schofield said "That was my fault, yes and it wasn't my intention to leave the town that way."

Dave Schofield said "I apologize but it was outside of my control."

Becky Cotner replied "okay, we are just concerned about that kind of stuff."

Becky Cotner said "this is a small town and we have been hearing a lot of things."

Becky Cotner said "we also heard another altercation that someone might need medical attention and they said to let the cop ask him or let the cop know because they have to call Girdwood, I thought we had a lot of EMS people trained."

Dave Schofield replied "we do, I am not familiar with that call."

Mayor Lunceford told Dave "one of our council members had to sign checks recently and as a result they were verified or checked into a lot more than some times and other things that came up were three charges at the Bird Creek Essential One, one was for December 16th, one for December 17th and one for December 18th. The charges on December 16th was at 4:56 pm, the one on December 17th was at 9:53 pm and the one on the 18th was at 9:51 pm so two of them were at almost 10 o'clock at night totally \$227.37."

Dave Schofield replied "I can double check the dates but that would have been me returning back from town from physical therapy, at the time I was not cleared to drive a patrol car and Bob had told

me at that point in time to drive my car but to charge the gas to the city for those trips and its close together because I used the vehicle in between for personal business and filled it up on my own.”

Mary Brenneman asked “so it was the police vehicle?”

Dave Schofield replied “no it was not.”

Mary Brenneman said “one of these was indeed a police vehicle that followed you and we called you about it and you said you didn’t know whose car it was out of town.”

Becky Cotner added “that was the night of the council meeting.”

Dave Schofield said “if it is on the credit card, I did two charges that I know for sure for fuel that was a personal vehicle but it was for me going in for physical therapy.”

Mary Brenneman said “well this was a police vehicle at ten o’clock at night.”

Mayor Lunceford said “I don’t know if it was any of the three dates in question but there was a night that a police vehicle followed me back to Anchorage.”

Mary Brenneman said “December 18th.”

Dave Schofield said “I don’t have an answer for you on that, I would have to look into it.”

Mayor Lunceford said “also we have no idea or understanding of why a check for \$3017.00 was made out to Lithia auto body for councilor Heddell’s vehicle.”

Dave Schofield replied “the city’s truck backed into his vehicle at the loop by the Whittier Inn.”

Mary Brenneman asked “why was that not turned into the insurance company, why is it out of pocket for the city?”

Dave Schofield replied “I didn’t handle that part, I don’t know.”

Mary Brenneman asked “what city vehicle was it that hit him.”

Dave Schofield answered “the gray water truck.”

Mary Brenneman asked “and what was the gray water truck doing there.”

Dave Schofield replied “I don’t have that information either, that was the time that Bob was driving the truck.”

Mayor Lunceford asked if there were any further comments or questions.

Mary Brenneman replied “no, I think he answered everything else.”

Mayor Lunceford told Dave Schofield that he was sorry to hear about his injury.

21. ADJOURNMENT

MOTION: Mary Brenneman made a motion to adjourn at 8:22 pm.

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

Attest:

Brenda Krol
City Clerk

Lester Lunceford
Mayor