



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 21, 2015  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 7:04 p.m.

### 2. OPENING CEREMONY

Mayor Daniel Blair led the Pledge of Allegiance.

### 3. ROLL CALL

**A. Council Members Present:** Victor Shen, Ata Ma'ae, Dave Pinguoch, Shawni Phillips, Dan Blair and Peter Denmark

**B. Council Members Absent:** Debra Hicks

**C. Administration Present:** Brenda Krol, City Clerk and Mark Lynch, City Manager

Others present: Sue Miller, Charles Coe, Cynthia Monrean, Dave Schofield, Scott Korbe, Cole Haddock, Terry Bender, Brandy Bender, Jean Swingle, Tinoi Ma'ae, Harry Fulmer, Beverly Waltz, Brooks Chandler and Patrick Munson

### 4. APPROVAL OF MINUTES

**MOTION:** Shawni Phillips made a motion to approve the regular meeting minutes for February 17<sup>th</sup> 2015.

**SECONDED:** Ata Ma'ae seconded the motion.

**VOTE:** Shawni Phillips: Yes, Ata Ma'ae: Yes, Dave Pinguoch: Yes, Victor Shen: Yes, Peter Denmark: Yes, Dan Blair: Yes.

**MOTION PASSED 6-0.**

**MOTION:** Shawni Phillips made a motion to approve the regular meeting minutes for March 17<sup>th</sup> 2015.

**SECONDED:** Ata Ma'ae seconded the motion.

**VOTE:** Shawni Phillips: Yes, Ata Ma'ae: Yes, Victor Shen: Yes, Peter Denmark: Yes, Dave Pinguoch: Yes, Dan Blair: Yes.

**MOTION PASSED 6-0.**

## **5. APPROVAL OF REGULAR MEETING AGENDA**

**MOTION:** Shawni Phillips made a motion to approve the regular meeting agenda as written.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

Mayor Daniel Blair handed the gavel to Vice Mayor Dave Pinguoch and then took a seat with others in the audience for Sue Miller's "name clearing" hearing.

Vice Mayor Pinguoch turned the floor over to City attorney, Brooks Chandler so that Mr. Chandler could explain the process of the "name clearing" hearing

Brooks Chandler stated that this hearing is being held based on a specific request from former employee Sue Miller.

Brooks Chandler stated that there is a provision in our City code that allows employees who serve at the pleasure of the City Manager and whose employment has been terminated to request an opportunity to come before the public for a session when they feel that this is something that they want to do.

Brooks Chandler briefly explained the process of a "name-clearing" hearing and stated that he is here to answer any questions that Council may have.

## **6. PUBLIC HEARING (NON-ORDINANCE)**

**A. Post-termination "name clearing" hearing – Sue Miller  
(WMC 2.70.680- Dismissal for disciplinary reasons)**

Charles Coe stood up and introduced himself and then turned the floor over to Sue Miller to give council a brief history of her work experience.

Charles Coe said "What Ms. Miller's concern about is trying to clear her name and what we are talking about is a letter that is in her personnel file."

Sue Miller gave a brief history of her work experience prior to her employment with the City of Whittier.

## **7. MAYOR'S REPORT**

**A. Mayor's Report by Mayor Daniel Blair**

None

**B. Vice Mayor Report by Vice Mayor Dave Pinguoch**

None

## **8. MANAGER'S REPORT**

**A. City Manager's Report - Mark Lynch**

See written manager's report in original council packet.

Mark Lynch briefly went over his written report.

● **Finance Report- March 2015- Sally Schug**

See March 2015 financial reports in original council packet.

## **B. Directors Reports**

- **Harbor Report – Cole Haddock**  
See written report in original council packet.
- **Public Safety Report- Dave Schofield**  
See written report in original council packet.
- **Public Works Report- Scott Korbe**  
See written report in original council packet.

Scott Korbe reported that the City of Whittier was recognized nationally as the third best tasting water in the nation and he presented to Mayor Daniel Blair the Bronze medal on behalf of his staff.

## **9. COMMISSION REPORTS**

- **Planning Commission**  
See minutes from the last Planning Commission meeting in the original council packet
- **Port and Harbor Commission**  
See minutes from the last Port and Harbor Commission meeting in the original council packet
- **Park & Recreation Committee**
  1. Draft Master Plan
- **PWSAC**  
None

## **10. CITIZEN'S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

### **11. CONSENT AGENDA**

None

### **12. PUBLIC HEARING (NON-ORDINANCE)**

None

### **13. PRESENTATIONS**

None

### **14. ORDINANCES**

#### **A. Introduction (1<sup>st</sup> reading)**

1. **#27-2015 – An ordinance amending WMC section 12.18 to make the reporting of passenger user fees and the passenger transportation tax payments coincide.**

**MOTION:** Shawni Phillips made a motion to introduce ordinance #27-2015, setting the public hearing for May 19th 2015.

**SECONDED:** Victor Shen seconded the motion.

**VOTE:** Shawni Phillips: Yes, Victor Shen: Yes,

**MOTION PASSED 5-0.**

**2. #28-2015 – An ordinance amending WMC sections 3.08.280 and 3.10.050 to correct a previous conflict in reporting passenger transportation tax.**

**MOTION:** Shawni Phillips made a motion to introduce ordinance #28-2015, setting the public hearing for May 19th 2015.

**SECONDED:** Ata Ma'ae seconded the motion.

**VOTE:** Motion passed unanimously.

### **B. Public Hearing (2<sup>nd</sup> reading)**

**1. #24-2015 – An ordinance amending WMC, sections 17.16.050 and 17.16.230 to allow campground, public use and recreational uses within industrial zoned areas of the City.**

**MOTION:** Shawni Phillips made a motion to open the public hearing on ordinance #24-2015.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

Hearing no public comment Mayor Blair entertained a motion to close the public hearing.

**MOTION:** Shawni Phillips made a motion to close the public hearing on ordinance #24-2015.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

**MOTION:** Shawni Phillips made a motion to adopt ordinance #24-2015.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

**2. #25-2015 – An ordinance amending WMC, 2.70 to clarify Employee and Workplace Drug Policies following State legalization of marijuana**

**MOTION:** Shawni Phillips made a motion to open the public hearing on ordinance #25-2015.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

**MOTION:** Shawni Phillips made a motion to close the public hearing on ordinance #25-2015.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

**MOTION:** Shawni Phillips made a motion to adopt ordinance #25-2015.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

**MOTION:** Shawni Phillips made a motion to postpone ordinance #25-2015 until the May 19<sup>th</sup> 2015 meeting.

**SECONDED:** Dave Pinguoch seconded the motion.

**VOTE:** Motion passed unanimously.

### **15. RESOLUTIONS**

**1. #46-2015 – A resolution stating the rate of levy, date of Board of Equalization and date when taxes become delinquent for the 2015 tax role.**

**MOTION:** Shawni Phillips made a motion to adopt resolution #46-2015.

**SECONDED:** Ata Ma'ae seconded the motion.

**VOTE:** Motion passed unanimously.

2. #47-2015 – A resolution requesting FY 2016 Payment in Lieu of Taxes (PILT) funding from the State of Alaska, Department of Commerce, Community and Economic Development.

**MOTION:** Shawni Phillips made a motion to adopt resolution #47-2015.

**SECONDED:** Ata Ma'ae seconded the motion.

**VOTE:** Motion passed unanimously.

3. #48-2015- A resolution adopting an amended Harbor Fee Schedule for 2015.

**MOTION:** Dave Pinquoch made a motion to adopt resolution #48-2015.

**SECONDED:** Shawni Phillips seconded the motion.

**VOTE:** Motion passed unanimously.

4. #49-2015 – A resolution authorizing the City Manager to enter into a professional services agreement with Peek Architects for final design and engineering of a Public Safety Building.

**MOTION:** Dave Pinquoch made a motion to adopt resolution #49-2015.

**SECONDED:** Shawni Phillips seconded the motion.

**VOTE:** Motion passed unanimously.

5. #50-2015 – A resolution authorizing the Mayor and City Manager to execute documents reassigning a ground lease on Block 2, Lot 6, Harbor Loop Subdivision, Whittier, Alaska

**MOTION:** Peter Denmark made a motion to adopt resolution #50-2015.

**SECONDED:** Shawni Phillips seconded the motion.

**VOTE:** Motion passed unanimously.

## **16. COUNCIL DISCUSSION**

Councilor Shawni Phillips asked that the Whittier Manor Lease be kept under unfinished business so that council does not forget to act on it.

Council scheduled a work session on Monday, April 27<sup>th</sup> 2015 at 6:00 p.m. to discuss harbor parking issues.

## **17. CITIZEN'S DISCUSSION**

## **18. EXECUTIVE SESSION**

None

### **2.08.040 Executive Session**

A. The City Council may, after convening as a public meeting, and upon a majority vote of the body, determine to meet in an executive session to consider any matter set forth in subsections (B) or (C) of this section. The motion calling for the executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private, and no other matters may be considered at the executive session.

## **19. UNFINISHED BUSINESS**

- A. Shotgun Cove Road Project
- B. WMC Title 2 Revision
- C. ARRC/COW Land Swap
- D. Improve Salmon sport fishing in Northwest PWS

**20. NEW BUSINESS**

**A. Appointment to vacant Port & Harbor Commission**

Mayor Dan Blair appointed Dave Goldstein to the vacant Port & Harbor seat.

**21. ADJOURNMENT**

**MOTION:** Shawni Phillips moved to adjourn the meeting at 10:28 p.m.

**SECONDED:** Dave Pinquoch seconded the motion.

**VOTE:** Motion passed unanimously.

**Attest:**



\_\_\_\_\_  
Brenda Krol  
City Clerk



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Daniel Blair  
Mayor