

**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 18, 2010  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

**MINUTES**

**1. CALL TO ORDER**

Mayor Lunceford called the meeting to order at 7:07 pm.

**2. OPENING CEREMONY**

Mayor Lunceford led the Pledge of Allegiance.

**3. ROLL CALL**

**A. Council Members Present:** Shawni Phillips, Jerry Vandergriff, Lester Lunceford, Juan Cardenas, Mary Brenneman, Shannon Tolman, Becky Cotner

**B. Council Members Absent:** None

**C. Excused Absence:** None

**D. Administration Present:** Brenda Krol, City Clerk; Ed Barrett, Interim City Manager

Others present included: Doug Aaron, Bill Rome, Dutch Lucore, Suzanne Eusden, Peter Denmark, Dave Schofield, Fred Whittingham, Scott Korbe, Jack Roskind, Mike Fretwell, Earl Whitcraft, Dave Goldstein, Chris and John Campabello, Scott Hicks

**4. APPROVAL OF MINUTES**

None

**5. APPROVAL OF REGULAR MEETING AGENDA**

**MOTION:** Juan Cardenas made a motion to approve the regular meeting agenda with amendments.

**SECONDED:** Jerry Vandergriff seconded the motion.

**DISCUSSION:** Jerry Vandergriff asked that agenda item 13B resolution #967-10 the resolution approving the City's budget line items for Governor Sean Parnell be removed from the agenda because that motion was made at the last meeting.

Mayor Lunceford stated that he is putting the finishing touches on a letter to the Governor and would copy everyone on that letter when it is finished.

**VOTE:** Motion passed unanimously.

**MOTION:** Juan Cardenas made a motion to hold an executive session.

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

**VOTE:** Juan Cardenas: Yes, Shawni Phillips: Yes, Jerry Vandergriff: No, Lester Lunceford: No, Mary Brenneman: No. Shannon Tolman: Yes, Becky Cotner: No.

**Motion failed 4-3.**

## **6. MAYOR'S REPORT**

### **A. Mayor Report – Mayor Lunceford**

Mayor Lunceford gave a brief verbal report. He stated that he has spent most of the week drafting a letter to the Governor's office requesting that our capital funds be intact for our projects including the Shotgun Cove project.

### **B. Vice Mayor Report – Shawni Phillips**

Vice Mayor Shawni Phillips gave a brief verbal report. She stated that Clean up Day was a success and she thanked the local business owners for their generous donations.

Vice Mayor Shawni Phillips also reminded everyone that tomorrow at 10 am volunteers will be meeting at the school to plant flowers for anyone that wishes to participate.

Vice Mayor Phillips also reported that they were able to raise six hundred dollars for flowers and five hundred dollars for the kids at school, which the kids voted today at school to put towards a new swing set.

## **C. Commission Reports**

### **1. Planning Commission**

None

### **2. Port and Harbor Commission**

None

## **7. CITY MANAGER'S REPORT**

### **A. City Manager Report – Ed Barrett**

See written report in original council packet.

Ed Barrett stated that the City had a good return on the RFP for Grant Administration. The proposals were opened on Wednesday by a grading committee consisting of three Department Heads who have come to a decision on a company that they think would be a good fit for our grant administration project.

Juan Cardenas asked who was on the grading committee.

Ed Barrett replied "myself, Scott Korbe and Dave Schofield."

Ed Barrett stated that since this is an unbudgeted item for this year he would be putting together a budget amendment, although it is not written in stone yet it appears that it will probably be a request for a not to exceed budget at \$60,000.

Ed Barrett stated that the City had received a check from Mr. Attleson who owns the fishing vessel "Tradition".

Ed Barrett stated that the agreement for storing the vessel does not go through to September it goes to July 1st 2010.

Ed Barrett stated that according to code he is supposed to be managing this property and situation but what is happening is that people are coming forward and asking Council to make management decisions and it's a very fuzzy way to manage a situation like this we cannot have terms and conditions that we can understand in order to manage this situation.

Ed Barrett told the Council if they want to continue to do business with Mr. Attleson then what we need is an agreement, a contract that we can refer back to.

Ed Barrett stated that if Council wants to keep that vessel in that area then he would ask that Council direct him to create an agreement that has terms and conditions that we can all agree to with a length of time and amount of money and an end.

**MOTION:** Jerry Vandergriff made a motion directing the City Manager to write a letter to Mr. Attleson requesting that his vessel "Tradition" be moved from Smitty's Cove by July 1<sup>st</sup> 2010 or the City will take possession of it.

**SECONDED:** Mary Brenneman seconded the motion.

**VOTE:** Jerry Vandergriff: Yes, Mary Brenneman: Yes, Shannon Tolman: No, Becky Cotner: Yes, Juan Cardenas: No, Lester Lunceford: Yes, Shawni Phillips: No.

**Motion passed 4-3.**

Ed Barrett stated that the City has been working towards a large capital project, the rebuild of the harbor.

Ed Barrett stated "I have been here since the end of 2007 and have spent many hours working on the project."

Ed Barrett stated "We secured the best experts for both engineering and financing of this almost 16 million dollar capital project and we are at the point right now where we are going to start this project in the next construction season there are significant things that need to happen before July, one is if this community is going to agree to it we need a vote of the people for a revenue bond."

Ed Barrett stated "The revenue bond doesn't cost the people anything so I am confident that we can do that to match the Department of Transportation Municipal Harbor Facility Grant which needs to be applied for before July."

Ed Barrett stated "What I am asking council for is to back me up on this and if there is the political will we can get this capital project done."

Ed Barrett stated "After the amount of public hearings we have had I think we have seen that there are only about a handful in opposition."

Ed Barrett asked Council again for their support on this project and stated that that was the end of his report and he welcomed any questions.

Vice Mayor Shawni Phillips asked to be excused to sit in the audience.

Vice Mayor Phillips started by stating that she understands that the City has laws and ordinances but she did not see where Mr. Attleson is breaking the laws and ordinances. I understand that it is an eyesore and it's in a place that is inconvenient for a lot of people but the gentleman came in and basically begged and pleaded for the City to please work with him to come to any solution to help.

Vice Mayor Phillips stated that she felt the City does not work well with the local business's and explained some issues that Custom Marine had with the City when they were moving their tent.

Vice Mayor Phillips also stated “Today I had a citizen come to me and tell me that somebody from the City staff had discussed our business and mine and Larry’s reputations about how we do not have current business licenses which is untrue, my taxes are paid for the City except for property tax bills that I just got in the mail.”

Vice Mayor Phillips asked “Why is City staff out there talking about us like that and our business that is defamation of character for us and our business especially when it is falsehood about our character and I am very disappointed with what I heard today and the actions that I am seeing because we are a community and we are not asking for any bending of the rules.”

Vice Mayor Phillips said “We have had the cops called on us twice for a burn barrel that we do not have to have a permit for why are people calling the cops?” “We are not doing anything illegal but they are still sending them down to our shop anyhow and it is unnecessary so our cops are doing stuff that they shouldn’t have to do.”

Vice Mayor Phillips stated that she is fed up with the rumors and unnecessary actions coming from city staff and then returned to the council table.

Mayor Lunceford asked if there were any other comments.

Councilor Tolman asked “If the harbor can’t pay the revenue bond back who pays it back?”

Ed Barrett replied “The City would be signing on the bottom line. A revenue bond is very safe and I would not be advising us to enter into a revenue bond with the bond bank if I didn’t believe that we had a solid footing in that it would be paid back.”

Councilor Tolman stated that he had heard that the City had lost the funding for the Head of Passage Canal project.

Ed Barrett stated “I have heard this story; as a matter of fact someone from the railroad emailed me to let me know that this story was going around, that we lost the EDA grant for the Head of Passage Canal Project and that is flat untrue.”

Ed Barrett stated “Not only is it untrue but it is not 2.4 million dollars, the grant is for \$625,000 dollars and yes it is being held while we realign our project up there to match the project that we applied for the money for in the first place, which was a tractor launch.”

#### **B. Finance Report – April 2010**

See Revenue and Expense report in council packet.

#### **8. CITIZEN’S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

None

#### **9. CONSENT CALENDAR**

None

#### **10. PUBLIC HEARINGS (NON-ORDINANCE)**

None

#### **11. PRESENTATIONS**

##### **A. Lynden/ARRC – Future development plans for their operations in Whittier.**

Mike Fretwell and Steve Hicks spoke briefly on Lynden and the Alaska Railroad’s future development plans for their operations in Whittier.

Mike Fretwell stated that they are trying to move Lynden's enterprise out of the Railroads major yard operating area which is down by the waterfront and get them reestablished up on the old Gilman and Johnston property.

Mike Fretwell stated "As most of you know they would like to build a shelter for their forklifts and trucks and stuff, we have upgraded the electrical power and are in the process of designing the water and sewer upgrades."

Mike Fretwell stated "As far as the railroad is concerned we do not have any projects other than our normal maintenance type stuff, we do not have it in the budget for this year or next year to go and do any of that road work that we had talked to people about the last time that I was here, we are not doing anything with Depot Road."

Mike Fretwell stated "The only thing that we might be coming back to you with is there are rumors that we are probably going to have to do something with the South side, the Whittier side of our yard to satisfy Homeland security because it is unsecure right now."

Mike Fretwell stated "There might be some fencing going in there and it might force us to block off Depot Road at Hill Street to do the improvements on the other access that we have already talked about come up Depot Road to Hill Street turn and go up the hill and around the facilities, we will not cut anyone off from using Smitty's Cove, that is our commitment to the community."

Mike Fretwell answered a few questions from the community.

Scott Hicks with Lynden stated "Mike Fretwell pretty much summarized exactly what we are planning on doing with our property, when Lynden purchased the Gilman Property the whole idea was to move our operation out of the middle of the rail yard because it is the busiest part of the whole yard and it is all about efficiency for us, and we are putting up a garage to store our equipment."

Scott Hicks stated "Lynden does not want to be in the way down here, we want to be good partners with the City, we have invested a great deal of money here, we don't plan on going anywhere we are here long term and we want to work with you guys as best we can."

Scott Hicks answered a few questions from the community.

Mayor Lunceford thanked Mike Fretwell from the Alaska Railroad and Scott Hicks from Lynden for coming to Whittier and giving the Council and the community an update on their development plans.

Mayor Lunceford stated "I think it is safe to say that before there is any closing of Depot Road or rerouting of Depot Road that there will be plenty of public notice given and we will be back here meeting again."

## **12. ORDINANCES**

### **A. Introduction (first reading)**

None

### **B. Public Hearing (second reading)**

None

## **13. RESOLUTIONS**

**A. #966-10 – A resolution authorizing the City of Whittier to grant a temporary use permit to Great Pacific Seafoods, Inc. for use of an abandoned sewer main and usage of an extra hundred feet at the helo-pad.**

Ed Barrett stated that he was contacted by Roger Stiles of Great Pacific Seafoods. We entered into an agreement with them last year to allow them to use an unused drainage pipe and outfall. There were no problems with that last year and subsequent to that they did install a steel pipe so that the City's drain pipe would not be damaged by their activities.

Ed Barrett stated "Mr. Stiles asked if we had to do this resolution or agreement every year."

Ed Barrett stated "Mr. Stiles also asked if Great Pacific Seafood's could lease another hundred feet at the helo pad, I do not see a conflict with that and it would be more revenue to the City so if Council chooses to adjust this resolution in its term and also wish to add that expanded use of the helo pad the City could enter into an agreement with Great Pacific for five years."

Mayor Lunceford asked Ed Barrett "so what you are asking then is to reword the resolution or to abandon that resolution altogether and just enter into an agreement?"

Ed Barrett replied "I would like to change this back to a consent agenda item and if Council would move to allow me to enter into an agreement with them."

Mayor Lunceford entertained a motion to move this to a consent agenda item and advise our City Manager to bring back an agreement for us to approve.

**MOTION:** Jerry Vandergriff made a motion to direct the City Manager to bring back to Council under consent agenda an agreement between the City of Whittier and Great Pacific Seafoods for use of the abandoned sewer main and an additional hundred feet at the helo pad for five years.

**SECONDED:** Becky Cotner seconded the motion.

**VOTE:** Jerry Vandergriff: Yes, Becky Cotner: Yes, Mary Brenneman: No, Shannon Tolman: Yes, Juan Cardenas: Yes, Lester Lunceford: Yes, Shawni Phillips: Yes.

**Motion passed 6-1.**

Ed Barrett stated "As a late breaking land lease issue, Ken Hunt has requesting a sub lease of Lot 13 Block 2 of the Harbor Loop Subdivision this is the little building that Prince William Sound Tours is using and is something that I understand has normally been done administratively, there is no change in use but I thought that I would personally bring it to your attention and if there is not objection I will sign the sublease."

**MOTION:** Jerry Vandergriff made a motion to direct the City Manager to go ahead with the authorization of subleasing Lot 13 Block 2 of the Harbor Loop Subdivision.

**SECONDED:** Becky Cotner seconded the motion.

**DISCUSSION:** Juan Cardenas asked "Is this one of the lots that we were potentially looking at as far as being current in regards to all the lease requirements in that whole loop area?"

Ed Barrett answered "I believe this one is."

Juan Cardenas asked "We never did get that resolved in regards to water and sewer and exactly what those contracts read correct?"

Ed Barrett answered "No."

Juan Cardenas stated "That is something that we need to think about before we allow a sublease on a property that is already defaulting on its current lease."

Ed Barrett stated "I would suggest to you that we do go ahead with this sublease and allow me time to mount an equal opportunity effort rather than attacking this one first."

Ed Barrett stated “I want to accomplish this in an orderly and legal way involving the City attorney.”

**VOTE:** Jerry Vandergriff: Yes, Becky Cotner: Yes, Mary Brenneman: Yes, Juan Cardenas: No, Shannon Tolman: Yes, Lester Lunceford: Yes, Shawni Phillips: Yes.

**Motion passed 6-1.**

#### **14. UNFINISHED BUSINESS**

##### **A. Harbor Uplands/Land Acquisition Process**

Ed Barrett stated that the Harbor Uplands/Land Acquisition Process, which is still underway with the attorney, has developed an interesting twist and I have backed away from this issue a little bit because I think Brooks will want to advise you on how to proceed.

Ed Barrett suggested that Council form a committee to meet with Brooks Chandler on this issue.

Councilor Tolman stated that David Cottrell gave the City no business plan or input whatsoever other than the deal wasn't going to happen unless we gave them the land.

##### **B. Discussion and/or suggestions for improving the video and audio recording of council meetings**

Ed Barrett stated that Scott Korbe has a new camera going for recording the council meetings.

##### **C. Seasonal City Cleanup Kickoff**

Ed Barrett stated that the seasonal city cleanup was started today.

##### **D. Grant for Hydroelectric power**

Ed Barrett stated that the hydroelectric power project has taken an interesting twist and is probably something that Council should discuss in executive session at some point with the advice of your attorney. There is a lawsuit that is being promoted by a proponent of an earlier hydro project regarding copyright infringement.

##### **E. Striping/Signage update**

Ed Barrett stated that the Parking Enterprise Fund has purchased a striping machine and we have determined that it would be much more efficient for us to do our own striping so that we can control the quality of the painting and stripes and where the stripes go and how the job is done in-house. We are going to share the striping machine with public works.

Councilor Tolman stated that he would like to see the written plan before any striping or signs are done.

Mayor Lunceford stated that he doesn't think that is an unreasonable request and asked Scott Korbe if he could bring an outline of the striping and signage to the next council meeting.

Scott Korbe stated that he would try to bring an outline to the next council meeting if not it would be the meeting after.

Scott Korbe asked if the Council would be opposed to the Public Works Department going ahead with installing street signs or should he hold off on that.

There were no objections to Public Works installing street signs.

##### **F. Shotgun Cove Survey**

Ed Barrett stated that he has made no progress on this because he has not had time to work on it.

### **G. Mutual Aid agreement –Dave Schofield**

Ed Barrett stated that the mutual aid agreement is complete and has his ink on it.

Dave Schofield stated that the police side of it is complete but the Fire and EMS is not.

### **H. Adopt a bear proof garbage can program**

Ed Barrett stated that there has been no progress on this project.

### **I. City of Whittier Tariffs**

Ed Barrett stated that in Council packets there are the tariffs that were adopted and Scott Korbe has produced some tariffs regarding the use of city owned equipment and labor.

Ed Barrett suggested that Council look over the tariffs and if they could think of anything else that the City does that should be charged for to make a note of it and bring it back to the next meeting.

Ed Barrett stated that after Council has had a chance to look the tariffs over then administration could bring back a resolution to adopt this addendum to the tariffs.

### **J. 5 year Comprehensive Plan update**

Ed Barrett stated that a few months ago I suggested to Council that we look at the Comprehensive Plan and add an addendum to it that speaks to our 5 year capital improvement plan.

Ed Barrett stated that we are trying to focus on three projects that will result in revenue back to the City; those three projects include Head of Passage Canal Development, Waterfront Rebuild and Shotgun Cove Land Sales.

## **15. NEW BUSINESS**

### **A. Approval to sub lease lot 13 Block 2 Harbor Loop Subdivision**

A motion was made approving this sub lease earlier in the agenda prior to unfinished business.

## **16. COUNCIL DISCUSSION**

There was some brief discussion regarding the P-12 roof.

Ed Barrett stated that replacing the P-12 roof is now over three million dollars.

Ed Barrett stated that getting out the asbestos containing material is a huge number.

Mayor Lunceford suggested keeping the P-12 roof on the front burner since we have been talking about it for a long time.

Mayor Lunceford stated that the Department of Defense is going to start dismantling the tank farm at the Head of the Bay.

Mayor Lunceford stated that he has received notification of the transfer of property to the City of Whittier.

Juan Cardenas asked what we are planning in regards to a long term City Manager.

Mayor Lunceford stated that the City is advertising for the position again.

Ed Barrett suggested that the Council consider Brooks' recommendation for a hiring committee so that there is not the confusion of whether we have to have a special meeting.



**MOTION:** Jerry Vandergriff made a motion to form a hiring committee consisting of 2 council members, 2 city employees and 1 citizen at large.

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

**VOTE:** Jerry Vandergriff: Yes, Shawni Phillips: Yes, Becky Cotner: Yes, Shannon Tolman: Yes, Juan Cardenas: Yes, Mary Brenneman: Yes, Lester Lunceford: Yes.

**Motion passed 7-0.**

Juan Cardenas nominated Shawni Phillips and Jerry Vandergriff as the two council members for the hiring committee.

## **17. CITIZENS' DISCUSSION**

There was some brief citizens' discussion.

Peter Denmark asked the City Manager if the Whittier Manor Condominium Board has submitted a letter to the City expressing an interest in extending their lease after the property falls from the Railroad to the City.

Ed Barrett replied "No."

Peter Denmark stated that this should also be a thought as a function of the comprehensive plan as it is one of two residence facilities of the City.

Jack Roskind stated that the Chamber of Commerce's Veteran's Tournament is Friday and approximately 55 veterans from Elmendorf will be coming to Whittier through the first tunnel at 5:30 am and final weigh in is at 6:00 am. Anyone interested in coming down for the weigh in is welcome we are still deciding on where that is going to be.

Mayor Lunceford reminded everyone that the tunnel will be closed for paving on May 20<sup>th</sup> from 7:45 am until 12:00 Noon.

Dave Goldstein stated that in regards to the harbor rebuild project this has been an ongoing project for a lot of years and throughout the history a lot of public discussion occurred and everyone was behind this project up until the Northern Economic study which has the boat owners coming up with very very high rates.

Dave Goldstein stated that initially Mark Earnest's thinking was that the City would fund this project with grants therefore we wouldn't have to take out a loan. The big problem is the increase on the harbor patrons.

Dave Goldstein stated "The harbor patrons that I have talked with are willing to pay an increase but what I would ask the Council to do is to work on a project that causes the City to kick in some money towards that harbor also."

Dave Goldstein stated to the Council "Each one of you have took an oath to uphold the ordinances and laws of the City, people look up to you and we have people in town who blatantly don't follow the ordinances they do their own thing, we have a nuisance ordinance and a lot of the parts of the nuisance ordinance just aren't enforced and we have to get a handle on this."

Dave Goldstein stated "I really encouraged the Council to communicate with the City Manager better and make sure that people do comply with the ordinances."

## **18. COUNCIL AND ADMINISTRATION RESPONSE TO CITIZENS' COMMENTS**

Shawni Phillips reminded everyone that the Whittier Boat Owners Association will be at the next Council meeting on June 1<sup>st</sup>.

Shawni Phillips stated "I believe the WBOA is planning on presenting to Council some of their ideas for funding the harbor rebuild project."

Mayor Lunceford asked Ed Barrett if he wanted some direction maybe in the form of a motion to maybe discuss the harbor.

Ed Barrett stated "I guess what I was asking for was the Council's political will, now is the time for us to be at one mind on this if we are not we cannot accomplish it."

Jerry Vandergriff stated "I don't think it requires a motion I think actually what you are asking us is when you bring something to us regarding this that we stand behind you on this."

Ed Barrett stated "I think that it has been engineered, it's been studied and it has a recommendation of expert, we paid those experts a lot of money and now is the time that we need to believe that we are going to do this and ask our voters."

Mayor Lunceford asked the City Clerk to research the time line on putting something like the bond issue on the ballot.

City Clerk stated that she recalls a 60 day preclearance with the Department of Justice and two council meetings for the ordinance.

Juan Cardenas stated "I think we are almost at the last step where we can act on it, I would like for us to wait until we get our final input from the Boat Owners Association."

## **19. COUNCIL DIRECTION TO CITY MANAGER**

None

## **20. EXECUTIVE SESSION**

None

## **21. ADJOURNMENT**

**MOTION:** Mary Brenneman moved to adjourn the meeting at 9:00 pm.

**SECONDED:** Juan Cardenas seconded the motion.

**VOTE:** Motion passed unanimously

**Attest:**

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Brenda Krol  
City Clerk

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Lester Lunceford  
Mayor