

**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, DECEMBER 01, 2009  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

**MINUTES**

**1. CALL TO ORDER**

Mayor Lunceford called the meeting to order at 7:04 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; Mark Earnest, City Manager

Others present included: Matt Abbey, Dave Schofield, Scott Korbe, Peter Denmark, Sue Miller, Rob Cone-Clark, Charlene Arneson, Becky Cotner, Bonnie Lymer, Jake Ginn, KC Jackson, Ben Cottle, Don Stevens, Karen Valenta, Monte Irvin, Fred Whittingham, Charlie Eldridge, Suzanne Eusden, Eula Schofield.

**4. APPROVAL OF MINUTES**

**A. 15 September 2009, Regular Meeting Minutes**

**MOTION:** Juan Cardenas made a motion to approve the regular meeting minutes for September 15th 2009 as written.

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

**VOTE:** Motion passed unanimously.

**5. APPROVAL OF REGULAR MEETING AGENDA**

**MOTION:** Jerry Vandergriff made a motion to approve the regular meeting agenda.

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

**VOTE:** Motion passed unanimously.

**6. MAYOR'S REPORT**

**A. Mayor Report – Mayor Lunceford**

Mayor Lunceford touched briefly on the 6 pm work session that was held earlier this evening with the city's lobbyists Kris Knauss.

Mayor Lunceford stated “we will be dealing with our priorities later on in the agenda; basically the outcome of the workshop was that we were pretty much on target with our State priorities and if we continue to show consistency with those priorities we will probably be in good shape.”

**B. Vice Mayor Report – Jerry Vandergriff**

None

Peter Denmark asked the City Manager “In the wake of that workshop how much funding money have our lobbyists been bringing us in the last couple of years?”

Mark Earnest replied “Well through the State of Alaska just in the small boat harbor alone the Department of Fish & Game we received 4.9 million dollars and some of the components of that effort, three and a half million dollars this year in the federal stimulus monies that went through the State of Alaska, Whittier was the only community in the State that received those funds as a community rather than have those funds go through the Department of Transportation Public Facilities.

Mark Earnest stated that between the City, Mayor, Council, Administration, Kris Knauss and Representative Hawker, without all of those components, individuals and groups that never would have happened.

Mark Earnest stated that there are many other examples but those are just some of the recent ones that Kris Knauss has been instrumental in assisting.

Peter Denmark thanked Mark and stated that given the millions of dollars that come to the City through that process it was very disappointing for him to see that the majority of the Councilors chose not to attend the earlier workshop.

**7. OATH OF OFFICE FOR NEWLY ELECTED COUNCIL MEMBER**

**A. City Council Seat D – Jerry Vandergriff**

City Clerk, Brenda Krol swore in Jerry Vandergriff to City Council Seat D.

The audience applauded.

**B. Mayor Appointment**

Mayor Lunceford opened for nominations for Mayor.

Jerry Vandergriff nominated Lester Lunceford for Mayor.

Shawni Phillips nominated Mary Brenneman for Mayor.

Hearing no further nominations Mayor Lunceford asked the City Clerk to pass around paper for the Council to vote.

City Clerk, Brenda Krol read aloud the votes.

Mary Brenneman = 3

Lester Lunceford = 4

Lester Lunceford was appointed Mayor by the City Council vote 4-3.

The audience applauded.

Mayor Lunceford told Council that he appreciated the confidence.

### **C. Vice Mayor Appointment**

Mayor Lunceford opened for nominations for Vice Mayor.

Becky Cotner nominated Jerry Vandergriff for Vice Mayor.

Mary Brenneman nominated Shawni Phillips for Vice Mayor.

Hearing no further nominations Mayor Lunceford asked the City Clerk to pass around paper for the Council to vote.

City Clerk, Brenda Krol read aloud the votes.

Jerry Vandergriff = 3

Shawni Phillips = 4

Shawni Phillips was appointed Vice Mayor by City Council vote 4-3.

The audience applauded.

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

### **A. City Manager Report – Mark Earnest**

Mark Earnest briefly went over the financials for October 31st 2009.

Mark Earnest stated that there was a considerable amount of revenue in the general fund that came in over the past month and he is expecting a number of other significant payments through the State of Alaska from a variety of programs that the City is eligible for.

Mark Earnest also said “I feel fairly optimistic that we are actually going to end the year very close to our budgeted revenue in spite of the downturn and particularly with the loss of two critically important general fund revenues, that being sales tax and the PTBT. Those were considerably down this year.”

Mark Earnest stated that he would like to request from Council a number of work sessions between now and December 15<sup>th</sup> to pass the budget for 2010, the fee schedule for 2010 and establish the goals for 2010.

Mark Earnest stated that the 2010 budget ordinance in on tonight's agenda for introduction only there will be no discussion but he touched on a few highlights of the budget.

Mark Earnest encouraged any council members to come by his office in the next two weeks with any questions regarding the budget.

Council scheduled a budget work session for Thursday, December 3<sup>rd</sup> at 4:00 pm.

### **B. Director Reports**

#### **1. Administration – Matt Abbey**

See written report in original council packet.

#### **2. Harbor – Ed Barrett**

See written report in original council packet.

#### **3. Public Safety – Dave Schofield**

See written report in original Council packet.

#### **4. Public Works – Scott Korbe**

See written report in original council packet.

Scott Korbe reported that Ben Leniz and Cam Bender had each received 3 Continuing Education Units towards their Water/Wastewater licenses.

Scott Korbe reported that he has been working with the Admin Department on recognition awards for city employees for long term service at the 5, 10, 15 and 20 year mark, as well as plaques for Ben Leniz and Cam Bender for their achievements in the best tasting water in Alaska. These will be given out on December 12<sup>th</sup> at the City's Awards Banquet.

Scott Korbe announced that Ben Leniz had received Water Operator of the Year recognition from ARWA.

Councilor Brenneman thanked Public Works Director Scott Korbe and his staff for working through the holidays during the horrible weather conditions. Ms. Brenneman stated that the Public Works Department is doing a great job.

Everyone applauded.

Scott Korbe thanked Councilor Brenneman for her appreciation and stated that he would pass her appreciation on to his staff.

Charlene Arneson announced that the City had three more unsung heroes when it comes to snow removal and that is in the harbor department. She stated that they were out there and did an extremely good job on the harbor floats and parking lot.

Mayor Lunceford thanked Charlene Arneson and stated that the appreciation will be passed on.

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

None

#### **10. CONSENT CALENDAR**

None

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

None

#### **12. PRESENTATIONS**

None

Council recessed at approximately 8:02 pm for a 15 minute break.

Council reconvened at 8:25 pm.

Vice Mayor Shawni Phillips and Councilor Shannon Tolman both excused themselves before the reconvening.

#### **13. ORDINANCES**

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

##### **1. #557-09 – An ordinance establishing the 2010 Fee Schedule**

**MOTION:** Jerry Vandergriff made a motion to introduce ordinance #557-09, setting a public hearing date for December 15<sup>th</sup> 2009.

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

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

**Motion passed 5-0.**

**2. #558-09 – An ordinance approving the CY 2010 budget of revenue and appropriations as necessary for the budget.**

**MOTION:** Jerry Vandergriff made a motion to introduce ordinance #558-09, setting a public hearing date for December 15<sup>th</sup> 2009.

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

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

**Motion passed 5-0.**

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

None

**14. RESOLUTIONS**

**1. #950-09 – A resolution establishing the City’s 2010 State Legislative Priorities.**

**MOTION:** Jerry Vandergriff made a motion to adopt resolution #950-09.

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

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

**Motion passed 5-0.**

**2. #951-09 – A resolution establishing the City’s 2010 Federal Legislative Priorities.**

**MOTION:** Jerry Vandergriff made a motion to adopt resolution #951-09.

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

**VOTE:** Motion passed unanimously

**3. #952-09 – A resolution authorizing the City Manager to enter into an addendum to an existing professional services agreement with Knauss Group to represent the City of Whittier’s interests with the State of Alaska.**

**MOTION:** Jerry Vandergriff made a motion to adopt resolution #952-09.

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

**VOTE:** Motion passed unanimously

**4. #953-09 – A resolution authorizing the City Manager to enter into an addendum to an existing professional services agreement with Pathway Strategies, LLC to represent the City of Whittier’s interests in Washington D.C.**

**MOTION:** Jerry Vandergriff made a motion to adopt resolution #953-09.

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

**VOTE:** Motion passed unanimously

## **15. UNFINISHED BUSINESS**

None

## **16. NEW BUSINESS**

### **A. Appointment to vacant Planning Commission Seats**

Mayor Lunceford appointed Charlene Arneson, Rob Cone-Clark and Ed Hedges to the Planning Commission.

**MOTION:** Jerry Vandergriff made a motion to confirm the Mayor's appointment to the Planning Commission.

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

**VOTE:** Motion passed unanimously.

### **B. Appointment to vacant Port and Harbor Commission Seats**

Mayor Lunceford appointed Dave Goldstein, Brad VonWichman and Juan Cardenas to the Port and Harbor Commission.

**MOTION:** Jerry Vandergriff made a motion to confirm the Mayor's appointment to the Port and Harbor Commission.

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

**VOTE:** Motion passed unanimously.

## **17. COUNCIL DISCUSSION**

Juan Cardenas stated that he was just informed that we have some time sensitive issues in regards to a topic for Public Safety.

Dave Schofield stated that this is regarding funding for the Fire Department and he had asked Ben Cottle to brief Council on this issue and answer any questions that Council may have.

Ben Cottle stated that a lot of the funding opportunities for Fire and EMS are time sensitive and right now a grant specifically for staffing for emergency response opened on November 16<sup>th</sup> and closes on December 18<sup>th</sup> 2009 and we would like to put in for that grant it is an opportunity to fund Fire Fighting full time positions or for volunteer recruitment retention.

Ben Cottle stated that there is no need for financial obligation from the City.

Ben Cottle stated that the Volunteer Fire Department would like to apply for the safer grant and that would require a resolution from the Council in support of that.

Ben Cottle stated that in addition the Volunteer Fire Department is looking at replacing the ladder truck with something that would be NFPA (National Fire Protection Association) compliance and that better meet the needs of our community.

Ben Cottle stated that the aerial apparatus that we are looking at is an articulating platform, it's 135 feet and will hold a thousand pounds in the basket, additionally there is funding through State agencies that come available from time to time that hopefully we could get.

Juan Cardenas asked if there was any obligation to the City for the aerial apparatus.

Ben Cottle replied "No, we are asking permission to seek funding from State agencies for this."

Juan Cardenas asked Dave Schofield if he supported this.

Dave Schofield replied "I support any way that we could improve our equipment and response."

**MOTION:** Juan Cardenas made a motion to adopt resolution #954-09, a resolution allowing Public Safety to seek grant funding for the aerial apparatus/ladder truck

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

**VOTE:** Motion passed unanimously

Mayor Lunceford asked if there was any further Council discussion.

**MOTION:** Mary Brenneman made a motion to reconsider her vote from last night's grievance hearing.

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

**DISCUSSION:** Mary Brenneman said "that the motion was that the grievance be resolved by an independent arbitrator at the full expense of the City and I would like to change my vote to no."

Juan Cardenas asked "do we need four votes to accept that change?"

Mark Earnest replied "Clarification the motion is for the reconsideration and it will take four affirmative votes to reset that prior vote. So it's a two step process one is, there needs to be a majority vote on the motion to reconsider and then there would be second vote to be made after the vote to reconsider."

Jerry Vandergriff said "he would have to recues himself just as he did during the grievance process because he had prior knowledge if the situation."

There was some brief discussion on whether Jerry Vandergriff could vote on the motion.

Mayor Lunceford stated that a motion was made for reconsideration, it has nothing to do with changing a vote so anyone could vote on this motion."

Juan Cardenas asked "what has changed from yesterday to today?"

Mary Brenneman replied "I reconsider."

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

**Motion passed 4-1.**

**MOTION:** Mary Brenneman made a motion that the Grievance Committee upholds the employees appeal.

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

**VOTE:** Mary Brenneman: No, Juan Cardenas: Yes, Lester Lunceford: No, Becky Cotner: No.

**Motion failed 3-1.**

Mayor Lunceford asked if there was any further council discussion.

Juan Cardenas stated that there should have been two resolutions for Public Safety, the one for the aerial apparatus and one for the safer grant which is training and so forth.

**MOTION:** Juan Cardenas made a motion to adopt resolution #955-09, a resolution authorizing the Whittier Volunteer Fire Department to apply for a Homeland Security 2009 SAFER grant.

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

**VOTE:** Motion passed unanimously.

## **18. CITIZENS' DISCUSSION**

KC Jackson, President of B.T.I. Board of Directors read aloud a letter to the City of Whittier, Mayor Lester Lunceford and City Council regarding the letter of complaint received from Mayor Lunceford regarding B.T. I. Board Member, Juan Cardenas pertaining to an incident that occurred on Friday, October 16<sup>th</sup> 2009 at approximately 1700 hours.

See copy of letter in original council packet.

Juan Cardenas stated "I will temporarily take a seat in the audience and say that this matter will be handled internally on the Council because there have been several issues that have come up with this."

"In regards to this letter there was no directive that was given on my behalf this was a very simple thing."

"There was an Ethics Committee Meeting being held at the B.T.I. and when I showed up there was no quorum and I was asked to leave."

"If anyone knows procedure this was a posted meeting that never had a quorum and yet I was asked to leave, for no specific reason other than I was not welcome."

"I already have a letter from my attorney for Shane and we will take the appropriate action."

There was some brief discussion regarding Smitty's Cove.

Peter Denmark stated "There is still ongoing conversation about the disposition of available space in Smitty's Cove for City's use with all of the industrial concerns down there right now."

Peter Denmark stated "The first plan that the Railroad presented left a little space down there with room to park I think 17 cars and I just want to remind the Council that Smitty's Cove has been considered by the City of Whittier an important recreation access area through resolutions in 1986, 1993 and most recently in 2009 or 08."

Peter Denmark stated that he is going to bring at least two new nuisances to Council's attention right now and one of them is the loose piers at the First Salmon Run, one of them has already been logged and is a significant navigation hazard and there are two more pieces down there that are tenuously tied to the shoreline as the first piece was and they are coming out too.

Peter Denmark stated that he has brought this up from the Council table years ago and nothing has been done.

Peter Denmark stated that the Council in their wisdom in Smitty's Cove has allowed the vessel Tradition to use up space at Smitty's Cove until September of next year but that did not include that vessel blocking the ramp which it now does.

Peter Denmark stated that he would like to ask the Council to appoint a nuisance abatement officer tonight and address the issues at hand.

Jerry Vandergriff gave a brief history on Smitty's Cove and in response to Peter's concern regarding the parking spaces that the Railroad is allowing there are 14 and the vessel Tradition takes up six of them.

**MOTION:** Becky Cotner made a motion to appoint Matt Abbey as the nuisance abatement officer for the City of Whittier.

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

**VOTE:** Motion passed unanimously.

Councilor Becky Cotner requested that the old Alaska Marine Highway building and the vessel Tradition both be declared a nuisance.

**19. COUNCIL AND ADMINISTRATION RESPONSE TO CITIZENS' COMMENTS**

None

**20. COUNCIL DIRECTION TO CITY MANAGER**

None

**21. EXECUTIVE SESSION**

**MOTION:** Jerry Vandergriff made a motion to go into executive session at 9:42 pm for personnel issues.

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

**VOTE:** Motion passed unanimously.

**MOTION:** Jerry Vandergriff made a motion to go back into regular session at 9:51 pm.

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

**VOTE:** Motion passed unanimously.

**22. ADJOURNMENT**

**MOTION:** Juan Cardenas moved to adjourn the meeting at 9:52 pm.

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

**VOTE:** Motion passed unanimously

**Attest:**

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

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Lester Lunceford  
Mayor