

**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY, DECEMBER 15, 2009
7:00 PM
COUNCIL CHAMBERS
P-12 BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Lunceford called the meeting to order at 7:03 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: Bill Rome, Ben Cottle, Dutch Lucore, KC Jackson, Marty Jackson, Bonnie Lymer, Dave Goldstein, Charlie Eldridge, Kelly Powers, Ed Barrett, Don Stevens, Suzanne Eusden, Charlene Arneson, Dave Schofield, Eula Schofield, Scott Korbe, Peter Denmark, Matt Abbey, Joey Viera-Gotay, Patrick Hensley, Becky Clement, Rob Cone-Clark, Doug Maliski, Stephanie Burgoon, Jake Ginn, Roger Truscott

4. APPROVAL OF MINUTES

A. 13 October 2009, Special Meeting Minutes

B. 04 November 2009, Special Meeting Minutes

C. 10 November 2009, Regular Meeting Minutes

MOTION: Jerry Vandergriff made a motion to approve the special meeting minutes of October 13th and November 4th 2009 and the regular meeting minutes of November 10th 2009 as written.

SECONDED: Becky Cotner seconded the motion.

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

Motion passed 7-0.

5. APPROVAL OF REGULAR MEETING AGENDA

Mayor Lunceford added an executive session to the agenda and removed resolutions #957-09, #958-09 and #960-09

Councilor Juan Cardenas asked what the executive session was in regards to.

Mayor Lunceford responded “personnel issues.”

Councilor Vandergriff asked Mayor Lunceford if he could explain why the resolutions should be removed.

Mayor Lunceford responded “after careful consideration and review of the Whittier Municipal Code this confirmation process is no longer in Title 2.”

Mayor Lunceford also removed the presentation by the Alaska Travel Industry Association because they were not able to attend the meeting.

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

SECONDED: Becky Cotner seconded the motion.

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

Motion passed 7-0.

6. MAYOR’S REPORT

A. Mayor Report – Mayor Lunceford

Mayor Lunceford stated that he was pleased to announce that the Governor submitted some funding in his operating budget that personally impacts the City of Whittier, one is the two million dollar budget item for the tunnel to help us continue the extended tunnel hours during the winter months and the other was a sprinkler system for the Whittier Community School.

B. Vice Mayor Report – Shawni Phillips

None

C. Commission Reports

1. Planning Commission

Charlene Arneson announced that after five years the plats are in the City office and Commissions Clerk, Becky Clement is just about to purchase the plat file cabinet that they go into so the Planning Commission was able to take this off their agenda.

2. Port and Harbor Commission

Ed Barrett stated that there is a quorum for the upcoming Port and Harbor meeting on Saturday, December 19th and there are two new members who will be introduced to the Commission, Dave Goldstein and Juan Cardenas.

7. CITY MANAGER’S REPORT

A. City Manager Report – Mark Earnest

Mark Earnest stated “this is my last meeting with the City of Whittier and I just wanted to take the opportunity to express my appreciation to you, your Honor and members of the Council and the Public Directors.” “It has been a great five years I think we have done a lot here, there’s a lot more to go.”

“I have been working hard, very diligently with staff to make sure that projects that we have underway continue.”

“I have been meeting with the Harbormaster and Public Works Director as well as State and Federal agencies and consultants and engineers to insure that there is continuity.”

B. Finance Report – November 2009

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

None

12. ORDINANCES

A. Introduction (first reading)

None

B. Public Hearing (second reading)

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

MOTION: Juan Cardenas made a motion to open the public hearing for ordinance #557-09.

SECONDED: Jerry Vandergriff seconded the motion.

DISCUSSION: Mark Earnest stated that in the drafting of the spreadsheet that accompanied the ordinance the proposed 20% increase for the transient moorage inadvertently was included in that first draft.

Mark Earnest stated “that has been corrected and I will be recommending to the Council that the fee proposal includes the current rate for transient moorage and I will request that that be done by amendment to the ordinance.”

VOTE: Motion passed unanimously.

MOTION: Juan Cardenas made a motion to close the public hearing for ordinance #557-09.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

Mark Earnest suggested that the record reflect that the fee schedule that would be adopted be the version dated 12/15/2009 at the bottom left hand corner and the only change with this version is the transient moorage all of the other fees that were introduced are unchanged.

MOTION: Juan Cardenas made a motion to adopt ordinance #557-09 as amended to reflect the fee schedule dated 12/15/2009.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

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

See CY 2010 budget message from City Manager in original council packet.

MOTION: Juan Cardenas made a motion to open the public hearing for ordinance #558-09.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

Ben Cottle stated that the thousand dollars for physical exams seems under budget with the increase in membership in the Volunteer Fire Department.

Ben Cottle also stated that travel, training and development should be increased because he felt that was the heart of the department and it is essential that everybody be properly trained.

Jerry Vandergriff asked Ben Cottle “At the last meeting didn’t you mention that you had put in for a grant, for money to train?”

Ben Cottle answered “That money is not specifically for training, there are facets of it for training but it doesn’t specifically cover training, it leaves a lot of short falls that we need to cover elsewhere.”

Juan Cardenas asked “Any recommendations, what are you wanting to change in the budget?”

Ben Cottle replied “Well the current year’s budget for travel, training and development is \$7,000.”

Doug Maliski added “We went from four people on the department to twenty and our training budget went from \$7,000 to \$5,000.”

Juan Cardenas suggested that the Department Heads get together and bring Council a proposal for a new fire department budget.

Mayor Lunceford asked if there were any further citizen’s comments.

Charlene Arneson stated that she did not see the ordinances posted.

City Clerk, Brenda Krol stated that a Public Hearing Notice has been posted for two weeks, it reads the ordinance number and title and that full copies of the ordinances are available at the City Office because some of the ordinances are too big to post them all on the bulletin board.

Councilor Vandergriff confirmed that it was posted on green paper on the City board.

Ben Cottle stated “I’ll switch over to the EMS budget and again would appeal to the Council to review the training, there is currently three certified EMT’s in town and I think it would be a terrible mistake to allow what happened last winter with the ambulance being decertified, we need to focus on that to increase the training and some of the other budget items.”

Juan Cardenas stated “Once again that should go back to the Department Heads for review.”

Mark Earnest replied “Administration with follow up on the concerns.”

MOTION: Juan Cardenas made a motion to close the public hearing for ordinance #558-09.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

Mayor Lunceford welcomed any Council discussion.

Juan Cardenas asked “Is it critical that we pass this now or can it wait until after the review of the Fire and EMS budgets?”

Mayor Lunceford replied “Well Council held a work session on this and we believe that this is the bare bones and best budget that city administration can do in light of the revenue that we are expecting and/or not expecting to receive this year.”

There was some brief discussion between Council and Administration regarding projected review.

MOTION: Jerry Vandergriff made a motion to adopt ordinance #558-09.

SECONDED: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

13. RESOLUTIONS

A. #956-09 – A resolution appointing an abatement officer for the City of Whittier

MOTION: Jerry Vandergriff made a motion to adopt resolution #956-09.

SECONDED: Shannon Tolman seconded the motion.

DISCUSSION: Peter Denmark stated that he would be happy to volunteer for this.

Peter Denmark stated “I will be traveling here for five or six weeks so reality is I won’t be back in town until early February but if you approve this, have Matt Abbey give me the files and the abatement orders I am aware of every one of them and the people involved. I will be happy to make phone calls while I’m away.”

Peter Denmark stated “I thought about this and I know the people involved and I really don’t think most of these should be a big deal and I think if somebody would just approach the people involved, get their opinion, impression of the issues. This is not an enforcement position in any way, shape or form and my response would be to bring those responses from the individuals in question back to Council to adjudicate if necessary so it’s a messenger boy job and I will be happy to do it.”

VOTE: Motion passed unanimously.

B. #959-09 – A resolution authorizing the City Manager to enter into an addendum to an existing professional services agreement with Alaska Education Business Services

MOTION: Jerry Vandergriff made a motion to adopt resolution #959-09.

SECONDED: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

14. UNFINISHED BUSINESS

None

15. NEW BUSINESS

None

16. COUNCIL DISCUSSION

Mayor Lunceford stated “I would like to take this time to thank Mark for his time here in Whittier, he has done a tremendous job and I think he is going to be sorely missed in this community if not now, months from now.”

Mayor Lunceford also stated “I have been receiving calls from legislators, the governor’s office as well as people outside of government saying that we have lost a good man.”

The Council and audience applauded.

Mayor Lunceford stated “that goes for you to Matt, we are going to sorely miss you too, and you have done a great job in your position. You have already come up with a clean copy of Title 2 as well as policies and procedures.”

Mark Earnest also expressed his appreciation to Matt Abbey.

Everyone applauded Matt Abbey.

There was some brief discussion regarding Title 2 and council confirmation of department heads.

Councilor Tolman asked how Council confirmation of department heads got removed from Title 2.

Mark Earnest replied "Well they weren't removed they were, in the drafting they just didn't get transferred and the Council did approve the Title 2 ordinance in June 2008."

Mark Earnest stated "That was a major rewrite of the Title 2 and the intent was certainly not to make that change and so to rectify that would just take an ordinance to amend Title 2 to have that confirmation process reinstated."

Mark Earnest stated that Vice Mayor Phillips actually caught this for us and we should thank her for that because we had missed it, we were operating as if it was still there.

Juan Cardenas asked "so where do these two employees stand?"

Mayor Lunceford replied "they are full time employees for the City of Whittier."

Peter Denmark asked "That is why the confirmations were removed from the agenda?"

Mayor Lunceford replied "yes."

Everyone applauded full time employees Scott Korbe and Dave Schofield.

There was some brief discussion regarding probationary periods.

17. CITIZENS' DISCUSSION

Peter Denmark stated to Council "having been blessed with sitting behind that table for six years I am very passive about some of the issues surrounding the City. I think with Mark and Matt leaving that the challenges in front of you is significant. It is going to be extremely difficult to maintain the momentum on capital project development in town, Recodification and policies and procedures."

Peter Denmark stated that during transition time the notions of organizational structure, checks and balances are all the more critical and historically we have always developed goals and objectives that would serve as a guideline for us going through the rest of the year. If we were wondering what we deemed important I was always able to look back and say these are our general objectives or goals and was able to tell if I was applying my thinking productively.

Peter Denmark asked the current council "how in the hell did you guys pass a budget without establishing any goals or objectives?"

Peter Denmark stated that he is gravely concerned about the organization's ability to sustain itself here.

Peter Denmark said "this is a basic organizational step that has just been forgotten, my question remains, can anyone answer it?"

Hearing no response Peter Denmark said "thank you, I wish you guys well there have been a lot of politics around town, we do a good job of talking behind each others back but there is a lot of work in front of us. Serious business, the future of the City is at stake here." I do wish you well."

Mayor Lunceford replied “to answer you question Peter we have established a pretty in depth goals for the coming year and for the next five years that coincide with our budget.”

Peter Denmark stated “we are going into 2010 without executive managers, we are coming out of what has been a difficult economic year into what is likely another difficult economic year and there is any number of things to consider here, I agree you can use the budget as your guide but the budget should be developed as a function of general incentive goals.”

Peter Denmark told Council “I also saw only one budget workshop that was sparsely attended, Mark put this budget together without your input.”

Peter Denmark stated “pardon my scolding but I sat there for six years and took it very seriously and I see more politicking than forward thinking going on.”

18. COUNCIL AND ADMINISTRATION RESPONSE TO CITIZENS' COMMENTS

None

19. COUNCIL DIRECTION TO CITY MANAGER

None

20. EXECUTIVE SESSION

MOTION: Jerry Vandergriff made a motion to go into executive session at approximately 8:34 pm to discuss personnel issues.

SECONDED: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Jerry Vandergriff made a motion to go back into regular session at approximately 9:26 pm.

SECONDED: Juan Cardenas seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Juan Cardenas made a motion to accept recommendation #2 from the Board of Ethic's findings.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

There was some brief discussion amongst the Council on asking the Interim Manager for a weekly report.

Mayor Lunceford said “The code reads that the Mayor is the liaison between City Administration and the Council in the absence of our Council meetings.”

Councilor Becky Cotner stated “If we are a City Manager form of government we cannot sit here and dictate each department we can talk to the City Manager and ask him questions, we don't need to sit down with him every week and direct him we have to trust that we hired the right person.”

Ed Barrett talked briefly about the importance of keeping continuity during transition and the importance of understanding City Manager form of government and the chain of command.

MOTION: Juan Cardenas made motion to go into executive session at approximately 9:41 pm to discuss personnel issues.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Jerry Vandergriff made a motion to go back into regular session at approximately 9:55 pm.

SECONDED: Juan Cardenas seconded the motion.

VOTE: Motion passed unanimously.

MOTION: Juan Cardenas made a motion to accept Ed Barrett as Interim City Manager for the City of Whittier with the pay that was discussed in executive session.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously.

21. ADJOURNMENT

MOTION: Mary Brenneman moved to adjourn the meeting at 9:56 pm.

SECONDED: Jerry Vandergriff seconded the motion.

VOTE: Motion passed unanimously

Attest:

Brenda Krol
City Clerk

Lester Lunceford
Mayor