

**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 19, 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, Pete Heddell, Lester Lunceford, Dave Pinguoch, Mary Brenneman, Dan Blair, Becky Cotner

B. Council Members Absent: None

C. Excused Absences: None

D. Administration Present: Brenda Krol, City Clerk and Tom Bolen, City Manager

Others present included: Dave Goldstein, Barbara Ensminger, Andrea Korbe, Stephanie Burgoon, Sue Miller, Sandy Fee, Scott Korbe, Marilyn Heddell, Sally Schug, Dyanna & Keith Pratt, Charlie Eldridge, Peter Denmark, Bob Prunella, Monty Irvin, Alyssa Ginn, Rob Cone-Clark, Leslie Cottrell, Seth Cottrell, Ken Smith-Turnagain Times, Bob Dille, Joe Graffius, Brandy Bender, Erika Swearingen

4. APPROVAL OF MINUTES

A. 18 February 2013, Special Meeting Minutes

MOTION: Mary Brenneman made a motion to approve the special meeting minutes for February 18th 2013 as written.

SECOND: Larry Bussman seconded the motion.

VOTE: Mary Brenneman: Yes, Larry Bussman: Yes, Pete Heddell: Yes, Dave Pinguoch: Yes, Dan Blair: Yes, Becky Cotner: Yes, Lester Lunceford: Yes

Motion passed 7-0.

5. APPROVAL OF REGULAR MEETING AGENDA

The January 15th 2013 Regular Meeting Minutes (amended version) was removed from the agenda.

The February 2013 Finance Report was added to the agenda under 7B.

Resolution #03-2013 and #04-2013 was added to the agenda as 13B and 13C.

Ethics violation and ethics committee was added to the agenda under new business, 15B and 15C

MOTION: Becky Cotner made a motion to approve the regular meeting agenda for March 19th 2013 as amended

SECOND: Mary Brenneman seconded the motion.

VOTE: Motion passed unanimously.

6. MAYOR'S REPORT

A. Mayor Report – Lester Lunceford

None

B. Vice Mayor Report – Dan Blair

Dan Blair said “I received some phone calls last week, one from the Turnagain Times and one from KCHU radio and the topic of those calls were not good, they wanted to know why the City of Whittier had two city managers.”

Dan Blair said “I did not have a good reason for that.”

7. CITY MANAGER'S REPORT

A. City Manager Report – Tom Bolen

See written manager's report in original council packet.

B. Directors Reports

▪ Finance Report – January 2013/February 2013 – Sally Schug

See January and February 2013 finance reports in original council packet.

▪ Harbor – Sue Miller

See written report in original council packet.

▪ Public Safety – Dave Schofield

See written report in original council packet

▪ Public Works – Scott Korbe

See written report in original council packet

C. Commission Reports

▪ Planning

See original council packet for minutes from the last Planning meeting held on February 12th, 2013.

▪ **Port and Harbor**

Marilynn Heddell gave a brief verbal report of the last Port and Harbor meeting.

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

Monty Irvin asked if Brooks Chandler and the Council were aware that there is already an Ethics Committee in place.

Monty Irvin stated that Marty Jackson and he are both currently serving on the Ethics Committee.

9. CONSENT AGENDA

A. Liquor License Renewal – The Outpost

Larry Bussman stated that this should not be on the agenda and that RC Collin's Liquor License was still valid and was not up for renewal yet.

10. PUBLIC HEARING (NON-ORDINANCE)

None

11. PRESENTATIONS

A. City of Whittier Computer Server Problem/Resolution IT Proposal – Dan Blair

See Vice Mayor Dan Blair's proposal for the City's computer server problem resolution in original council packet.

Dan Blair stated that he had done a little research since the last council meeting when Jennifer Prowell from Arctic IT presented to council a proposal for addressing the City's computer server problem and replacing their servers.

Dan Blair stated that the proposal from Arctic IT had really large dollar value numbers and he wanted to make sure the council and the city administration were aware of possible alternatives and different pricing.

Dan Blair briefly went over his proposal which was included in the council packets.

Tom Bolen told Vice Mayor Blair that he would like to close this conversation by saying "It is a very interesting idea and I am more than willing to look at what you have, for me the proof would be talking to another Alaskan client who already is working with this type of a system and reporting great success."

Vice Mayor Blair agreed with Mr. Bolen.

12. ORDINANCES

A. Introduction (first reading)

None

B. Public Hearings (second reading)

1. #01-2013 – An ordinance amending WMC 2.08.010 changing the regular meetings of the city council to the first and third Tuesday of each month.

MOTION: Becky Cotner made a motion to open the public hearing on ordinance #01-2013

SECOND: Mary Brenneman seconded the motion.

VOTE: Motion passed unanimously

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

MOTION: Becky Cotner made a motion to close the public hearing on ordinance #01-2013

SECOND: Larry Bussman seconded the motion.

VOTE: Motion passed unanimously

Mayor Lunceford entertained a motion to adopt ordinance #01-2013.

Hearing no motion ordinance #01-2013 was not adopted.

13. RESOLUTIONS

A. #02-2013 – A resolution authorizing administration and city council check signers.

MOTION: Becky Cotner made a motion to adopt resolution #02-2013 as amended adding Sue Miller as a check signer.

SECOND: Dave Pinguoch seconded the motion.

DISCUSSION: Becky Cotner asked that Sue Miller be added to the resolution as a check signer since all the other department heads are on there.

VOTE: Motion passed unanimously

B. #03-2013 – A resolution accepting FY 2013 National Forest Receipt Funds

MOTION: Mary Brenneman made a motion to adopt resolution #03-2013

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously

C. #04-2013 – A resolution accepting payment of FY 2013 CVP (Cruise Vessel Passenger) Excise Tax from the State of Alaska

MOTION: Dan Blair made a motion to adopt resolution #04-2013

SECOND: Larry Bussman seconded the motion.

VOTE: Motion passed unanimously

14. UNFINISHED BUSINESS

A. Bob Prunella Contract

MOTION: Mary Brenneman made a motion to terminate Bob Prunella's contract with his 30 day notice beginning tomorrow.

SECOND: Becky Cotner seconded the motion.

VOTE: Mary Brenneman: Yes, Becky Cotner: Yes, Dan Blair: No, Dave Pinguoch: No, Pete Heddell: No, Larry Bussman: Yes, Lester Lunceford: Yes.

Motion passed 4-3.

B. Direction to City Attorney requesting a legal opinion on utility corridor ownership

MOTION: Becky Cotner made a motion to direct the city manager to give direction to the city attorney requesting a legal opinion on the utility corridor ownership with the understanding that the attorney not spend more than 5 hours on this.

SECOND: Mary Brenneman seconded the motion.

VOTE: Becky Cotner: Yes, Mary Brenneman: Yes, Dave Pinguoch: Yes, Pete Heddell: Yes, Larry Bussman: Yes, Dan Blair: No, Lester Lunceford: Yes.

Motion passed 6-1.

15. NEW BUSINESS

A. Memorandum of Understanding between the City of Whittier and Eastern Aleutian Tribes

MOTION: Dave Pinguoch made a motion to enter into a memorandum of agreement between the City of Whittier and Eastern Aleutian Tribes with the amendments that the clinic remains on the 3rd floor until the Cullum Room is renovated, that the renovations not exceed 10,000 and that section 13 on page 6 of the agreement be removed.

SECOND: Pete Heddell seconded the motion.

VOTE: Motion passed unanimously

B. Ethics Committee

MOTION: Pete Heddell made a motion to appoint Councilor Dave Pinguoch as the alternate from the council to chair the Ethics Committee.

SECOND: Larry Bussman seconded the motion.

VOTE: Motion passed unanimously

16. COUNCIL DISCUSSION

Pete Heddell stated that he believes that the city has opened itself up to a huge financial exposure.

Pete Heddell said “My concern is how and why something happened not so much who but what I am referring to is subsequent to an executive session upon which a police report was taken in to the executive session that report was later found in a common area of the BTI.

Pete Heddell stated that there was sufficient personal information contained in that report to allow if you will for someone to impact the finances and the character of those named in the report.

MOTION: Pete Heddell made a motion directing the city manager to direct the city attorney or his designee to follow through with an investigation of particular records and to have this corrected by ordinance so that this does not happen again.

SECOND: Dave Pinguoch seconded the motion.

VOTE: Motion passed unanimously

17. CITIZENS' DISCUSSION

Peter Denmark asked if the Cruise Vessel Passenger tax revenues were still being managed as an enterprise fund.

Sally Schug answered "yes."

18. COUNCIL AND ADMINISTRATIVE RESPONSE TO CITIZENS' COMMENTS

None

19. COUNCIL DIRECTION TO CITY MANAGER

Vice Mayor Dan Blair told Mr. Bolen that if he is emailing a council member and it pertains to city business he would like to be sent a copy as well.

20. EXECUTIVE SESSION

MOTION: Mary Brenneman made a motion to go into executive session a 9:40 pm regarding client/attorney confidentiality so that the City Manager can brief council on communications from the City Attorney regarding the lawsuit that has been filed against the City by the Whittier Inn.

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously

MOTION: Becky Cotner made a motion to go back into regular session at 10:03 pm.

SECOND: Mary Brenneman seconded the motion.

VOTE: Motion passed unanimously

21. ADJOURNMENT

MOTION: Mary Brenneman made a motion to adjourn at 10:03 pm.

SECOND: Becky Cotner seconded the motion.

VOTE: Motion passed unanimously.

Attest:

Brenda Krol
City Clerk

Lester Lunceford
Mayor