



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
SPECIAL MEETING,
TUESDAY OCTOBER 11, 2011
5:30 PM
COUNCIL CHAMBERS
P-12 BUILDING**

MINUTES

1. CALL TO ORDER

Vice Mayor Vandergriff called the meeting to order at 5:35 pm.

2. OPENING CEREMONY

Vice Mayor Vandergriff led the Pledge of Allegiance.

3. ROLL CALL

A. Council Members Present: Shawni Phillips, Jerry Vandergriff, Lester Lunceford, Dan Blair (Telephonic), Shannon Tolman, Becky Cotner

B. Administration Present: Robert Prunella, City Manager; Brenda Krol, City Clerk

Vice Mayor Vandergriff stated that a written request was received from Councilor Dan Blair asking to participate telephonically.

MOTION: Shawni Phillips made a motion to allow Councilor Dan Blair to participate in this meeting telephonically.

SECONDED: Becky Cotner seconded the motion.

VOTE: Shawni Phillips: Yes, Becky Cotner: Yes, Shannon Tolman: Yes, Lester Lunceford: Yes, Jerry Vandergriff: Yes.

Motion passed 5-0.

4. APPROVAL OF SPECIAL MEETING AGENDA

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

SECONDED: Becky Cotner seconded the motion.

VOTE: Shawni Phillips: Yes, Becky Cotner: Yes, Shannon Tolman: Yes, Lester Lunceford: Yes, Dan Blair: Yes, Jerry Vandergriff: Yes.

Motion passed 6-0.

5. BUSINESS ITEMS THE SUBJECT OF THE SPECIAL MEETING;

A. Canvass – October 04, 2011 Regular Municipal Election

1. Announcement of the Vote Count

City Clerk/Election Official Brenda Krol read the following election results:

Seat E

<i>Billy Collins</i>	56
<i>David Pinguoch</i>	90
<i>Huck</i>	01
<i>Lester Lunceford</i>	05
<i>Peter Denmark</i>	01
<i>Blank</i>	08

Seat F

<i>Arlen "Arnie" Arneson</i>	29
<i>Shannon Tolman</i>	56
<i>Lester Lunceford</i>	69
<i>Blank</i>	07

Proposition #1

<i>Yes</i>	66
<i>No</i>	64
<i>Blank</i>	31

2. Other Canvass Related Items

Notice of Election Contest was submitted by the following individuals:

Thomas W. Roehl
Amy Roehl
Paul Frederickson
Gary W. Carr
Larry Gilman
Anne M. Smith
Shannon Tolman
Catherine L. Oliveras
Phyllis J. Pinguoch
Jacob Ginn
Babs Reynolds
Ronald D. Graham
Frankie A. Graham
Timothy J. Harris
Craig Stark
Juan Cardenas

See original Council packet for copies of the 2011 Election Notice of Contest.

Vice Mayor Vandergriff asked the City Clerk to read a letter from the City Attorney, Brooks Chandler.

City Clerk, Brenda Krol read aloud two letters she had received from the City Attorney. **(See original Council packet for copy of letters.)**

City Clerk, Brenda Krol read aloud the Notice of Election Contest that was submitted by Mr. Juan Cardenas. All 16 of the Notice of Contest that were submitted were alike. **(See original Council packet for copies of the 2011 Election Notice Contest, 16 total was submitted.)**

Mr. Juan Cardenas asked who paid for the mail out, the Mayor's newsletter.

City Clerk, Brenda Krol answered "the City paid for the mail out."

Anne Smith stated that that was illegal.

Juan Cardenas agreed.

Vice Mayor Vandergriff stated that the City has always paid for the mail out of the Mayor's Newsletter.

Juan Cardenas replied "It didn't have an agenda like that one though Jerry."

Jerry Vandergriff said "Well I read that and it didn't say anything about him running a write in campaign."

Juan Cardenas asked "What about the mil rate increase, what is your take on that?"

Jerry Vandergriff replied "I didn't think anything about it."

Juan Cardenas asked "Even though he was pro for it, you thought that was a correct letter for the City to mail out."

Jerry Vandergriff replied "Well I think the City should be for it, since we have been trying to get an increase, yes."

Juan Cardenas stated "That is not legal though."

Jerry Vandergriff stated "I think that should be left to the investigation, I don't think you or I, either one of us should make that determination."

Brenda Tolman stated "I think that the mil rate increase should have been on a separate form because there were a lot of voters who did not see it,"

Brenda Tolman stated "I think it should go before the people again there were 31 blank that is too big of a percentage."

Jerry Vandergriff stated "Since Proposition #1 has been contested we cannot do anything with it anyway until it has been investigated."

Jerry Vandergriff entertained a motion to certify the election of Dave Pinquoch to Seat E.

B. Certification of Election – October 04, 2011 Regular Municipal Election

MOTION: Shawni Phillips made a motion to certify the election of Dave Pinquoch to Seat E.

SECONDED: Becky Cotner seconded the motion.

VOTE: Shawni Phillips: Yes, Becky Cotner: Yes, Shannon Tolman: Yes, Dan Blair: Yes, Lester Lunceford: Yes, Jerry Vandergriff: Yes.

Motion passed 6-0.

MOTION: Shawni Phillips made a motion to have an investigation done on Seat F and on Proposition #1

SECONDED: Shannon Tolman seconded the motion.

DISCUSSION: Juan Cardenas asked who was going to run the investigation.

Jerry Vandergriff stated "The City Attorney and the City Clerk."

Juan Cardenas stated "I think the City Attorney is somewhat bias because he is a paid employee for the majority of the City Council."

Jerry Vandergriff said "That is out of order Juan."

Juan Cardenas said "That is my feeling about it, he works for the majority of the Council, if four of you guys say do something he does it."

Jerry Vandergriff said "No he doesn't."

Juan Cardenas said "Yeah he does, three years on the Council taught me that much."

Craig Stark asked "Mr. Chairman is there an option to consider an independent counsel for this matter?"

Anne Smith said "Yes, I agree."

Juan Cardenas said "So do I, I think we need to be transparent about this."

Jerry Vandergriff said "According to code the City Attorney and the City Clerk will hold the investigation, it's a public meeting it is transparent."

Craig Stark asked "Can the City entertain retaining independent counsel to conduct the investigation?"

Jerry Vandergriff answered "no."

Shannon Tolman withdrew his second to the motion.

Becky Cotner seconded the motion

VOTE: Shawni Phillips: Yes, Becky Cotner: Yes, Shannon Tolman: Yes, Dan Blair: Yes, Lester Lunceford: Abstain, Jerry Vandergriff: Yes.

Motion passed 5-1 Abstain.

6. CITIZEN'S DISCUSSION (agenda items only);

None

7. ADJOURNMENT

**A motion was made to adjourn at 6:07 pm.
M/S Phillips/Tolman
Motion passed unanimously.**

ATTEST:

Brenda Krol
City Clerk

Lester Lunceford
Mayor