



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
REGULAR MEETING
TUESDAY, FEBRUARY 16, 2021
AT 7:00 PM
COUNCIL CHAMBERS
3rd fl. PUBLIC SAFETY BUILDING**

Page #

AGENDA

1. CALL TO ORDER

2. OPENING CEREMONY

3. ROLL CALL

- A. Council Members Present
- B. Administration Present

4. APPROVAL OF MINUTES

- A. December 08, 2020 – Special Meeting
- B. December 15, 2020 – Regular Meeting
- C. January 26, 2021 – Special Meeting

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5. APPROVAL OF REGULAR MEETING AGENDA

6. MAYOR'S REPORT

- A. Mayor Report – Dave Dickason
- B. Vice Mayor Report – Peter Denmark

7. MANAGER'S REPORT

- A. City Manager and Director Reports
- B. Attorney Comments

8. COMMISSION/COMMITTEE REPORTS

- A. Planning Commission
- B. Port & Harbor Commission
- C. Parks & Recreation Committee
- D. Whittier Community School
- E. Prince William Sound Aquaculture Corp.
- F. Regional Citizen's Advisory Council

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

10. APPROVAL OF THE CONSENT AGENDA

11. PUBLIC HEARINGS (NON-ORDINANCE)

12. PRESENTATIONS

13. ORDINANCE

Public Hearing (2nd Reading)

18

- A. Ordinance #01-2021– An Ordinance of the City Council of The City of Whittier, Alaska, Amending Whittier Municipal Code Harbor Title 12.04 Section 12.04.030, 12.04.060, 12.04.120, 12.04.160, 12.04.170, to update outdated language in The Port and Harbor Title as discussed with The Port and Harbor Commission.**

14. RESOLUTIONS

26

- A. Resolution #05-2021 - A Resolution Of The City Council Of The City Of Whittier, Alaska, Authorizing A Transfer Of \$1,014,900 In General Fund Reserves To A Newly-Created Capital Infrastructure Fund**

15. EXECUTIVE SESSION

- A. Jim Hunt, City Manager Evaluation – Matters that would tend to injure the reputation of a person; provided, however, that the person may request a public discussion; WMC 2.08.040 (2)**
- B. Land Dispute with the Alaska Railroad – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City; WMC 2.08.040 (1)**

16. UNFINISHED BUSINESS

17. NEW BUSINESS

- A. Designating the Whitter Manor as a Location for Public Notice**

18. COUNCIL DISCUSSION

19. CITIZEN’S DISCUSSION

20. COUNCIL AND ADMINISTRATION’S RESPONSE TO CITIZEN’S COMMENTS

21. ADJOURNMENT



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**WHITTIER CITY COUNCIL
SPECIAL MEETING
TUESDAY, DECEMBER 8, 2020
6:00 PM
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Dave Dickason called the meeting to order at 6:00 p.m.

2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum: Peter Denmark, David Pinguoch, Tom Wagner, Victor Shen, Dan Blair, and Dave Dickason

B. Administration Present:

Jim Hunt, City Manger
Annie Reeves, Assistant City Manager
Naelene Matsumiya, City Clerk
Kris Ercinger, Finance Director
Scot Korbe, Public Works Director
Andre Achee, Police Chief
Dave Borg, Harbormaster

Others present: Ted Spencer, Charlene Arneson, Lindsey Erk, and Pat Reeves (Via Microsoft Teams)

4. APPROVAL OF THE EMERGENCY SPECIAL MEETING AGENDA

MOTION: Dan Blair made a motion to approve the Special Meeting Agenda

SECOND: Tom Wagner

DISCUSSION: None

VOTE: Motion passed unanimously

5. ORDINANCES

Introduction

A. Ord. #05-2020 – An ordinance of the City Council of the City of Whittier, Alaska, Approving the 2021 Budgeted Revenues, Expenditures, Expenses and Interfund Transfers, and

Appropriating Funds

Kris gave a presentation on the budget, made comparisons to 2020's budget. Council asked about sales tax and other taxes and what has been and will be forecasted. Kris answered several more questions from the Council.

MOTION: Dan Blair made a motion to schedule a public hearing for Ordinance #05-2020 at the next regular meeting.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed, 4-2

6. RESOLUTIONS

A. Resolution #31-2020 – A Resolution of the City Council of the City of Whittier, Alaska, Adopting Budget Policies to Guide the City Toward Improved Financial Stability

Council discussed the resolution with Kris, made recommendations to the language.

MOTION: Peter Denmark made a motion to adopt Res. #31-2020

SECOND: Tom Wagner

DISCUSSION: None

VOTE: Motion passed unanimously

B. Res. 32-2020 – A Resolution of the City Council of the City of Whittier, Alaska, Authorizing a Cost-of-Living Increase of 1.39% Effective January 10, 2021 and Amending the Pay Scale Accordingly

Council discussed the resolution at length with administration. Kris and Andre addressed concerns from the Council

MOTION: Victor Shen made a motion to adopt Res. #32-2020

SECOND: Tom Wagner

DISCUSSION: None

VOTE: Motion failed, 3-3

7. COUNCIL DISCUSSION

Council discussed the following:

City Manager Review

Marsten Land Transfer

8. CITIZEN'S DISCUSSION

None

9. ADJOURNMENT

All were in favor of adjourning the meeting at 8:26 p.m.

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor



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**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY DECEMBER 15, 2020
7:00 PM
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Dave Dickason called the meeting to order at 7:07 p.m.

2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum: David Pinguoch, Victor Shen, Tom Wagner Dan Blair, Monty Irvin, Peter Denmark, and Dave Dickason.

B. Administration Present:

Jim Hunt, City Manager
Annie Reeves, Assstaant City Manager
Naelene Matsumiya, City Clerk
Kris Erchinger, Finance Director
Scott Korbe, Public Works Director
Andre Achee, Police Chief
Dave Borg, Harbormaster

Others Present: Sean Baski, Eric Swedberg, Travis Holmes, Pat Reeves, Alice Rademacher, Matthew Stone, Time Wieland, Cathy McCord, Lisa Kruse, Lindsey Erk, Nick Olzenak, Christine Wieland, Kelly bender, Mike Bender, Andrea Korbe, Todd Perez, and Jenessa Lorenz

4. APPROVAL OF MINUTES

November 17, 2020 Regular Meeting Minutes
November 23, 2020 Special Meeting Minutes

MOTION: Dan Blair made a motion to approve the minutes.

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

5. APPROVAL OF THE REGULAR MEETING AGENDA

MOTION: Victor Shen made a motion to approve the Regular Meeting Agenda as is.

SECOND: Dan Blair

DISCUSSION: Add Presentation Item: Seward 75-90 Highway Project Update and move presentation item to 5a.

VOTE: Motion passed unanimously.

6. MAYOR'S REPORT

A. Mayor Report

Nothing new to report.

B. Vice Mayor Report

Nothing new to report.

7. MANAGER'S REPORT

A. City Manager and Director Reports- Jim Hunt

Jim and directors reported on the following:

Whittier wells project

Harbor office reopening

8. COMMISSION/COMMITTEE REPORTS

A. Planning Commission

Nothing new to report

B. Port & Harbor Commission

Nothing new to report

C. Parks & Recreation Committee

Victor Shen advertised that the Committee is still looking for volunteers to advocate trails.

D. Whittier Community School

Tim Wieland thanked parents in their efforts to support online learning and Victor Shen as well for offering lessons virtually for the shop class. He reported that the Thanksgiving meal deliveries will be postponed until further notice and that in-school sessions are expected to resume after Christmas break, depending on circumstances.

E. Prince William Sound Aquaculture Corp.

Nothing new to report

F. Regional Citizen's Advisory Council

Mike Bender reported that the advisory Council is in the process of prioritizing their budget.

9. CITIZENS COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

10. APPROVAL OF CONSENT CALENDAR

- A. Liquor License Renewal, Sportsman’s Inn – 1074
- B. Liquor License Renewal, Inn at Whittier – 4924

MOTION: Monty Irvin made a motion to approve the items in the consent calendar

SECOND: Dan Blair

DISCUSSION: None

VOTE: Motion passed, 6-1, Victor Shen recused, declared a conflict of interest

11. PUBLIC HEARINGS (NON-ORDINANCE)

None

12. PRESENTATIONS

Sean Baski and other members of the DOT gave a brief update on the Seward 75-90 Highway Project. Answered questions. Council thanked Sean and his team for the information.

13. ORDINANCES

(2nd Reading)

A. Ord. #05-2020 – An Ordinance of the City Council of the City of Whittier, Alaska, Approving the 2021 Budgeted Revenues, Expenditures/Expenses and Interfund Transfer, and Appropriating Funds

MOTION: Dan Blair made a motion to open the public hearing for public testimony at 7:34 pm

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

Kelly Bender, Todd Perez, and Nick Olzenak gave public testimony speaking in favor of the proposed 2021 budget.

MOTION: Dan Blair made a motion to close the Public Testimony part of the Public Hearing and open it up for Council Discussion

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

Council expressed some concerns in areas such as the Public Safety Department and the Harbor. They discussed future projects and its impact on the budget. Kris addressed the concerns and Council offered minor amendments. Council discussion ensued. Council thanked Kris for her work in the budget.

MOTION: Dan Blair made a motion to close the public hearing at 8:21pm

SECOND: Peter Denmark

DISCUSSION: None

VOTE: Motion passed unanimously

MOTION: Victor Shen made a motion to adopt Ordinance #05-2020 with the amendments

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed, 5-2

14. RESOLUTIONS

A. Res. #33-2020 – A Resolution of The City Council of The City of Whittier, Alaska, Adopting an Alternative Allocation Method for the FY2021 Shared Fisheries Business Tax Program and Certifying that this Allocation Method fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in Fisheries Management Area 15 – Prince William Sound

MOTION: David Pinguoch made a motion to adopt Res. #33-2020

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

15. UNFINISHED BUSINESS

16. NEW BUSINESS

17. COUNCIL DISCUSSION

Council Discussed the following:
Priorities
Harbor Fee Schedule

18. CITIZEN’S DISCUSSION

Kelly Bender advertised that on January 14, a presentation for the Barry Arm Landslide will be held to share information to the public. The event will be held from 1-4pm
Andre informed that there was a switch-over for fire apparatus in the Fire/EMS department
Nick Olzenak commended the Public Works Department for plowing the streets of Whittier.

19. COUNCIL AND ADMINISTRATION’S RESPONSE TO CITIZEN’S COMMENTS

None

20. ADJOURNMENT

Council adjourned the meeting at 8:42pm

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor



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**WHITTIER CITY COUNCIL
SPECIAL MEETING
TUESDAY, JANUARY 26, 2021
7:00 PM
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Dave Dickason called the meeting to order at 7:03 p.m.

2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum: Peter Denmark, David Pinguoch, Tom Wagner, Victor Shen, Dan Blair, Monty Irvin, and Dave Dickason

B. Administration Present:

Jim Hunt, City Manger
Annie Reeves, Assistant City Manager
Naelene Matsumiya, City Clerk
Kris Ercinger, Finance Director
Scott Korbe, Public Works Director
Andre Achee, Police Chief
Dave Borg, Harbormaster

Others present: Aaron Baukle, Steven Bender, Dyanna Pratt, Joseph Gerace, Lindsey Erk, Paul Mueller, and Andrea Korbe (Via Microsoft Teams)

4. APPROVAL OF THE EMERGENCY SPECIAL MEETING AGENDA

MOTION: Dan Blair made a motion to approve the Special Meeting Agenda

SECOND: Monty Irvin

DISCUSSION: Move Executive Session Item to 9a.

VOTE: Motion passed unanimously

5. ORDINANCES

Introduction

A. Emergency Ordinance #2021-01 – An ordinance of the City Council of the City of

Whittier, Alaska, Extending the City Manager’s Proclamation of a Local Emergency.

MOTION: Peter Denmark made a motion to open the Public Hearing for the Emergency Ordinance at 7:06 pm.

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

Seeing no public testimony, the Council moved to close the public testimony portion of the public hearing and open it up for discussion with the Council

MOTION: Monty Irvin made a motion to close the public testimony portion of the public hearing and opened it up for discussion with the Council

SECOND: David Pinguoch

DISCUSSION: None

VOTE: Motion passed unanimously

Peter Denmark asked for the reason the Emergency Ordinance is being reintroduced. Naelene stated that the deadline for renewal was approaching. Jim added that the ordinance was to reflect the Governor’s declaration of emergency for the state.

MOTION: Monty Irvin made a motion to close the Public Hearing at 7:10 pm.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

MOTION: Monty Irvin made a motion to adopt Emergency Ordinance #2021-01

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

B. Ordinance #011-2021 – an ordinance of the City Council of the City of Whittier, Alaska, Amending the Whittier Municipal Code Harbor Title 12.04 Sections 12.04.030, 12.04.060, 12.04.120, 12.04.160, 12.04.170 to update outdated language in The Port and Harbor Title as discussed with The Port and Harbor Commission.

MOTION: Monty Irvin made a motion to schedule the Public hearing for the ordinance at the next Regular Meeting

SECOND: David Pinguoch

DISCUSSION: Discussion about the Public Hearing date ensued between Council, Administration, and the Chairperson of the Port and Harbor Commission.

VOTE: Motion passed unanimously

6. RESOLUTIONS

- A. Resolution Res. #01-2021– A Resolution of the City Council of the City of Whittier, Alaska, Establishing a New Internal Service fund for The Purpose of paying employee compensated absence Liabilities, and appropriating funds.

MOTION: Victor Shen made a motion to adopt Res. #1-2021

SECOND: Peter Denmark

DISCUSSION: None

VOTE: Motion passed unanimously

B. Res #02-2021- A Resolution of the City Council of the City of Whittier, Alaska, Establishing the City's 2021 Local Priorities.

Council directed Administration to add the Whittier Creek Levee Project to the resolution.

MOTION: Peter Denmark made a motion to adopt Res. #02-2021

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

C. Res #03-2021- A Resolution of the City Council of the City of Whittier, Alaska, Establishing the City's 2021 Federal Legislative Priorities.

MOTION: Peter Denmark made a motion to adopt Res. #03-2021

SECOND: Dan Blair

DISCUSSION: None

VOTE: Motion passed unanimously

D. Res #04-2021- A Resolution of the City Council of the City of Whittier, Alaska, Establishing the City's 2021 State Legislative Priorities.

MOTION: Peter Denmark made a motion to adopt Res. #04-2021

SECOND: Dan Blair

DISCUSSION: None

VOTE: Motion passed unanimously

7. EXECUTIVE SESSION (Item was moved to 9a during the meeting)

A. Matters that, if immediately disclosed, would tend to adversely affect the finances of the City;
WMC 2.08.040 (1)

MOTION: Monty Irvin made a motion to enter into Executive Session at 8:22 pm

SECOND: Dan Blair

DISCUSSION: None

VOTE: Motion passed unanimously

MOTION: Victor Shen made a motion to exit out of Executive Session at 9:39

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

7. COUNCIL DISCUSSION

Council discussed the following:

Harbor Policy and Procedures Manual

City Manager Review

Evaluation Template

Inter-Government Relations

Council emails handles

Issues with emails

Enterprise fund to receive funds from the sale of the P-12 and City Owned BTI units

Capital funds and Reserve fund

Future for Planning

8. CITIZEN'S DISCUSSION

Paul Mueller spoke about the COVID vaccines. Stated 42 first-dose vaccinations have been administered so far in Whittier. He urged everyone that the Clinic is accepting phone calls to schedule appointments for the vaccination. He thanked the Council and Administration on their participation to get this to Whittier and is impressed by the numbers so far. Council thanked Paul.

9. ADJOURNMENT

All were in favor of adjourning the meeting at 9:40 p.m.

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor

Date: February 16, 2021
To: Whittier City Council and Administration
From: Dave Dickason
Subject: Mayor's Report – January / February

Meetings Attended:

- Work Session / Special Council Meeting January 26th

Upcoming Schedule:

- Mar. 3rd, 6:00 PM: Planning & Zoning
- Mar. 4th, 6:00 PM: Ports & Harbor
- Mar. 16th, 7:00 PM: Regular Council Mtg.

Follow-up:

CARES ACT Fund Status
Budget Review
Future Land-use Development Plan
Public Safety: Improvement of Dispatch Services

Open Goals:

SHORT TERM

- ARRC Land Transfer presentation to Legislature
- Policies and Procedures / Code Update
- Lease Standardization & Enforcement

MID TERM

- DOD Tank-Farm Land Transfer of 58 Acres
- US Forest Service Transfer of unused Marston Property
- Community Park Construction Funding (PWSED helping to seek grant funding)
- Determine Funding for Final Harbor Construction Phase

LONG TERM

- Shotgun Cove Road Extension
- Head of Bay Development
- Buckner Building: Environmental Remediation.

February 2021 City Manager Report
Regular Council Meeting

Regularly attended State COVID conference calls
Communicating city attorney and state lobbyist on Local Priority topics
Regular contact with state lobbyist
Regular contact with federal lobbyists
Continue to collaborate with Paul Mueller regarding COVID and community vaccinations.
2nd Floor of Public Safety Building near clinic continues to receive vaccine patients
Alaska Municipal League conference calls
Coordinated with legal firm, the Alaska Volcanic Observatory, and Army Corps of Engineers to place landslide event listening device at the head of the bay.
Working on CAPSIS submission with state lobbyist
Submitted priorities to state and federal lobbyists.
Virtually attended Anchorage Economic Development Outlook for 2021
Working with McKinley Group and PWS Economic Development as they / we create a new Comprehensive Economic Plan for the region
Attend virtual AML meetings.
Attended PWS Economic Board meeting
Staff is holding weekly Tsunami Preparedness work sessions.
Virtual meeting with PND regarding DeLong Dock replacement grant effort
Submitted comments as requested by state lobbyist to address a new management plan that would close the Tutka Bay Hatchery in Kachemak Bay
Federal lobbyists do not anticipate Washington D.C. receiving visitors until Summer or Fall.

ACM REPORT

February 16, 2021 Regular Meeting

Assisted PND to gather requisite information for Delong Dock grant proposal

Worked with PW and CRW to legally describe Lot 1, Area B, of the Harbor District

Reviewing lease assignment and lease contract procedures

Worked with ACS to update obsolete computer workstations

Worked with ACS to ensure all Council members have access to their official email

Follow up to ensure phone lines installed for two workstations

Submitted Employee Handbook (Policies & Procedures) and Title 2.70 Code language changes to attorneys for legal review

Met with directors to discuss tsunami preparedness plans and necessary next steps

- Leading weekly meeting to ensure timely progress of tsunami preparedness
- Creating three different levels of communication pieces for various stakeholders in Whittier

Drafted resolution for legal/legislative review

Leading weekly meeting to ensure all departments are making progress in necessary safety and training for their staff

Working with all departments to meet qualifications for APEI discount

Completed HAZWOPER training

Supported various departments as needed

Harbor Report

Admin

Collected all Preferential/Annual/waitlist renewals for all applicable harbor patrons
Field/Admin staff participated in the Alaska Association of Harbormasters and Port Administrators Annual Administrative workshop via zoom(free of charge)
Admin Staff converting transient moorage agreements from a binder system to a folder system for easier reference and tracking
Received \$1100.00 for past due accounts via MCA (Collection Agency)
Activated our City-wide online Safety Data Sheet library through MSDSONline
Sent out slip offering letter; (7) waitlist 0-28' and (5) waitlist 28-34'
Met with USCG Sector Anchorage Incident Management Division personnel to discuss operations/needs/expectations
Participated in Whittier Chamber Zoom Conference

Field Staff

Winter Operations/Snow Removal
Completing various online and in person safety related training. Lock out/Tag out, tool safety and Hazardous Communication to name a few

**CITY OF WHITTIER, ALASKA
ORDINANCE #01-2021**

AN ORDINANCE OF THE CITY COUNCIL OF WHITTIER, ALASKA, AMENDING WHITTIER MUNICIPAL CODE HARBOR TITLE 12.04 SECTIONS 12.04.030, 12.04.060, 12.04.120, 12.04.160, 12.04.170, TO UPDATE OUTDATED LANGUAGE IN THE PORT AND HARBOR TITLE AS DISCUSSED WITH THE PORT AND HARBOR COMMISSION.

WHEREAS, the City of Whittier is the municipal government for Whittier, Alaska; and

WHEREAS, the Port & Harbor Commission has advisory capacity to suggest updates as needed to the harbor code and policies and procedures; and

WHEREAS, the Port and Harbor Commission has met and discussed the changes with the Harbormaster and Assistant City Manager; and

WHEREAS, the Port & Harbor Commission has determined that the needs of the City and Harbor would be better served by having following code provisions updated and implemented; and

WHEREAS, the Whittier City Council has determined that the following amendments in the Harbor title of the Whittier Municipal Code be updated

THE WHITTIER CITY COUNCIL HEREBY ORDAINS;

Section 1: Classification. This ordinance is general and permanent in nature and shall become a part of the Whittier Municipal Code.

Section 2: Amendment of Chapter 12.04.030 Whittier Municipal Code Chapter 12.04.030 is hereby amended to read as follows HARBOR TITLE 12.04 NEEDED CODE CHANGES:

1. 12.04.030 Jurisdiction

- **Current:** The small boat harbor facilities are under the ownership of the State of Alaska Department of Transportation and by the management agreement shall be under the jurisdiction of the Council of the City, who shall have the authority to classify areas of the harbor, set fees for the use of facilities, make rules and regulations for the governance of the harbor, and appoint a Harbormaster to implement this chapter. [Ord. 34, 1986].
- **Change:** The small boat harbor facilities are under the ownership of the ~~State of Alaska Department of Transportation~~ **City of Whittier** and ~~by the management agreement shall be under the jurisdiction of the Council of the City,~~ who shall have the authority to classify areas of the harbor, set fees for the use of facilities, make rules and regulations for the governance of the harbor, and appoint a Harbormaster to implement this chapter.

2. 12.04.060 Implied Agreement

- **Current:** The moorage or use or presence of any boat within the small boat harbor shall constitute an agreement by the owner, operator, master or

managing agent to conform to the provisions of these regulations and any rule, code or order made pursuant thereto. [Ord. 34, 1986].

- **Change:** The moorage, ~~or~~ use, or presence of any boat within the small boat harbor shall constitute an agreement by the owner, operator, master, or managing agent to conform to **State and Federal laws, and** the provisions of these regulations and/or any rule, code, or order made pursuant thereto.

3. 12.04.120 Harbor privilege agreement.

- **Current:** A. The harbor privilege agreement shall be signed by the waiting list applicant who must own or retain ownership of at least 51 percent of the vessel to be moored and agree to the terms and provisions thereof. The following terms and provisions shall be made part of the harbor privilege agreement:
- **Change:** The harbor privilege agreement shall be signed by the waiting list applicant who ~~must own or retain ownership of at least 51 percent of the vessel to be moored and~~ agrees to the terms and provisions thereof. The following terms and provisions shall be made part of the harbor privilege agreement:

4. 12.04.160 Prohibited Acts.

- **Current:** It is unlawful for any person in the boat harbor facilities to:
 - i. A. Operate or to be in the actual control of any boat when under the influence of intoxicating liquor, illicit narcotics, or other dangerous drugs.
 - ii. B. Operate or cause to be operated any boat within the boat harbor facilities that exceeds the posted speed limit or causes a wake or wave action which will damage or endanger, or be likely to endanger, any other boats or any boat harbor facilities, including but not limited to floats, finger floats, other boats or occupants thereof.
 - iii. C. Operate or cause any boat to be operated recklessly or otherwise engage in a course of conduct within the boat harbor facility that is dangerous or a nuisance to persons or property.
 - iv. D. Throw or otherwise cause to be deposited any gasoline, oil, sewage, trash, garbage, or debris of any type into the waters or into the entrance to the boat harbor facilities, nor upon the grounds thereof.
 - v. E. Create or maintain any nuisance within the boat harbor facilities or to become a nuisance thereon.
 - vi. F. Allow dogs or any animals to run at large on any the boat harbor facilities. Dogs must be on a leash and accompanied by the owner who will be responsible for cleaning any offal left by the animal.
 - vii. G. Allow children under the age of 12 years within the float or beach areas of the harbor facilities unless they are accompanied by the parent or other responsible adult.
 - viii. H. Erect, place, post or maintain any advertising matter, other than legal notices, upon any part of the boat harbor facilities without the approval thereof first being obtained from the Harbormaster. All unauthorized advertising and signs shall be removed by the Harbormaster.

- ix. I. Disregard, deface, remove, tamper with, or damage any sign or notice posted by the Harbormaster relating to the use of harbor facilities.
- x. J. Fail to register with the Harbormaster any vessel prior to occupying any of the boat harbor facilities.
- xi. K. Pump bilge containing petroleum products or chemicals or brine tank into boat harbor waters.
- xii. L. Deposit, place or leave any cargo, merchandise, supplies, articles or things upon any float, ramp, decline, walk or other public place within the facility excepting at such places as may be designated as loading areas by the harbor.
- xiii. M. Dump any offal or refuse, including but not limited to, waste materials from canneries, fish processors and other land-based or water-based facilities within the harbor or in such close proximity as to cause overflow or drift of such material into the harbor facilities or the entrance thereto.
- xiv. N. Store any explosives, gasoline or any other flammable substance in drums, cans, or any other type of containers within the boundaries of the boat harbor facilities.
- xv. O. Set any net or fish-taking device within the harbor facility unless it is attended at all times and shall not interfere with the movement of vessels within the harbor.
- xvi. P. Swim, water-ski, or use any unorthodox type of boat, raft, or other device within the harbor.
- xvii. Q. Loiter around the premises of the harbor facility without lawful reason or justification.
- xviii. R. Refuse to comply with any lawful order of the Harbormaster.
- xix. S. Failure to provide designated agent to provide boat care if owner cannot respond to an emergency call within one hour of notification.
- xx. T. In mooring any boat or vessel within the port facilities, the master of the boat or vessel or any person having charge thereof, to leave or permit any fire aboard the vessel or leave unattended fire which creates an unjustifiable risk of harm to person or to property. Heating devices for long-term use such as furnaces, thermostatic controlled heaters, and heat lamps are excluded from this prohibition. Cooking stoves used also as heating units are classified as an unjustifiable risk. An unjustifiable risk is a risk of such nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation.

5. **Change:** 12.04.160 Prohibited Acts **and Penalties.**

- i. A. Operate or to be in the actual control of any boat when under the influence of intoxicating liquor, illicit narcotics, or other dangerous drugs. **A person who violates this provision is subject to a civil penalty of \$500.**
- ii. B. Operate or cause to be operated any boat within the boat harbor facilities that exceeds the posted speed limit or causes a wake or wave action which will damage or endanger, or be likely to endanger, any other boats or any boat harbor facilities, including but not limited to

- floats, finger floats, other boats or occupants thereof. **A person who violates this provision is subject to a civil penalty of \$200.**
- iii. C. Operate or cause any boat to be operated recklessly or otherwise engage in a course of conduct within the boat harbor facility that is dangerous or a nuisance to persons or property. **A person who violates this provision is subject to a civil penalty of \$500.**
 - iv. D. Throw or otherwise cause to be deposited any gasoline, oil, sewage, trash, garbage, or debris of any type into the waters or into the entrance to the boat harbor facilities, nor upon the grounds thereof. **A person who violates this provision is subject to a civil penalty of \$500.**
 - v. E. Create or maintain any nuisance within the boat harbor facilities or to become a nuisance thereon. **A person who violates this provision is subject to a civil penalty of \$500.**
 - vi. F. Allow dogs or any animals to run at large on any the boat harbor facilities. Dogs must be on a leash and accompanied by the owner who will be responsible for cleaning any offal left by the animal. **A person who violates this provision is subject to a civil penalty of \$100.**
 - vii. G. Allow children under the age of 12 years within the float or beach areas of the harbor facilities unless they are accompanied by the parent or other responsible adult.
 - viii. H. Erect, place, post or maintain any advertising matter, other than legal notices, upon any part of the boat harbor facilities without the approval thereof first being obtained from the Harbormaster. All unauthorized advertising and signs shall be removed by the Harbormaster.
 - ix. I. Disregard, deface, remove, tamper with or damage any sign or notice posted by the Harbormaster relating to the use of harbor facilities. **A person who violates this provision is subject to a civil penalty of \$250.**
 - x. J. Fail to register with the Harbormaster any vessel prior to occupying any of the boat harbor facilities **within four (4) hours during normal Harbor business hours. The registration period shall not exceed 24 hours. A person who violates this provision is subject to a civil penalty of \$100.**
 - xi. K. Pump bilge containing petroleum products or chemicals or brine tank into boat harbor waters. **A person who violates this provision is subject to a civil penalty of \$500.**
 - xii. L. Deposit, place or leave any cargo, merchandise, supplies, articles or things upon any float, ramp, decline, walk or other public place within the facility excepting at such places as may be designated as loading areas by the harbor. **A person who violates this provision is subject to a civil penalty of \$50.**
 - xiii. M. Dump any offal or refuse, including but not limited to, waste materials from canneries, fish processors and other land-based or water-based facilities within the harbor or in such close proximity as to cause overflow or drift of such material into the harbor facilities or the entrance thereto. **A person who violates this provision is subject to a civil penalty of \$500.**

- xiv. N. Store any explosives, gasoline or any other flammable substance in drums, cans, or any other type of containers within the boundaries of the boat harbor facilities. **A person who violates this provision is subject to a civil penalty of \$500.**
- xv. O. Set any net or fish-taking device within the harbor facility unless it is attended at all times and shall not interfere with the movement of vessels within the harbor. **A person who violates this provision is subject to a civil penalty of \$250.**
- xvi. P. Swim, water-ski, or use any unorthodox type of boat, raft, or other device within the harbor. **A person who violates this provision is subject to a civil penalty of \$250.**
- xvii. Q. Loiter around the premises of the harbor facility without lawful reason or justification.
- xviii. R. Refuse to comply with any lawful order of the Harbormaster. **A person who violates this provision is subject to a civil penalty of \$500.**
- xix. S. Failure to provide designated agent to provide boat care if owner cannot respond to an emergency call within one hour of notification. **A person who violates this provision is subject to a civil penalty of \$250.**
- xx. T. In mooring any boat or vessel within the port facilities, the master of the boat or vessel or any person having charge thereof, to leave or permit any fire aboard the vessel or leave unattended fire which creates an unjustifiable risk of harm to person or to property. Heating devices for long-term use such as furnaces, thermostatic controlled heaters, and heat lamps are excluded from this prohibition. Cooking stoves used also as heating units are classified as an unjustifiable risk. An unjustifiable risk is a risk of such nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation. **A person who violates this provision is subject to a civil penalty of \$500.**

6. 12.04.170 Acts Prohibited Without Harbormaster Approval

- **Current:** The following acts are prohibited without the prior approval of the Harbormaster:
 - i. A-H (these are okay as is)
 - ii. I. Failure to register within four hours after entering the harbor. [Ord. 34, 1986].
- **Change:** The following acts are prohibited without the prior approval of the Harbormaster:
 - i. ~~I. Failure to register within four hours after entering the harbor.~~ [Ord. 34, 1986].
 - **ANNIE NOTE:** “I” in this section is the same as “J” in 12.04.160 except added the “four hours” language to “J” to keep the intent the same.

7. 12.04.210 Disposition of Impounded Boats and Property

- **Current: A. Vessels may be impounded if:**
 - i. (1) The vessel is within the harbor, including its dry storage areas, and is a derelict or a nuisance as defined in this title.
 - ii. (2) The fees for the vessel (on which the City has a lien) are 60 days delinquent.
 - iii. (3) The vessel is located in the harbor, including its dry storage areas, and is in violation of this title, or a State or Federal law; or
 - iv. (4) The owner, operator, master, or managing agent is not aboard the vessel and the vessel is not properly identified by a name and/or number.
- **Change: A. Vessels may be impounded if:**
 - i. (1) The vessel is within the harbor, including its dry storage areas, and is a derelict or a nuisance as defined in this title.
 - ii. (2) The fees for the vessel (~~on which the City has a lien~~) are 60 days delinquent.
 - iii. (3) The vessel is located in the harbor, including its dry storage areas, and is in violation of this title, or a State or Federal law; or
 - iv. (4) The owner, operator, master, or managing agent is not aboard the vessel and the vessel is not properly identified by a name and/or number.
- **Current: B. Notice to Owner**
 - i. (2) Distribution. The notice of intent to impound shall be at least 21 days before impoundment.
- **Change:** (2) Distribution. The notice of intent to impound shall be at least 10 days before impoundment.
- **Current: C. Hearing**
 - i. (1) Demand for Hearing. The owner, master, or managing agent or any other person in lawful possession of a vessel proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is cause to impound the vessel. Any such person desiring a hearing shall file a written demand with the City Clerk within 10 days after the mailing and posting of the notice of intent to impound.
- **Change: C. Hearing**
 - i. (1) Demand for Hearing. The owner, master, or managing agent or any other person in lawful possession of a vessel proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is cause to impound the vessel. Any such person desiring a hearing shall file a written demand with the City Clerk within 10 **business** days after the mailing and posting of the notice of intent to impound.

8. 12.04.230 Violation - Penalty.

- **Current:** A. A person who violates the provisions of this chapter is subject to a civil penalty as set out below for each violation:
 - i. (1) WMC 12.04.140, ~~for~~ for violation - \$25.

- ii. (2) WMC 12.04.160(A), fee for violation - \$50.00
- iii. (3) WMC 12.04.160(B), fee for violation - \$50.00
- iv. (4) WMC 12.04.160(C), fee for violation - \$150
- v. (5) WMC 12.04.160(D), fee for violation - \$150
- vi. (6) WMC 12.04.160(F), fee for violation - \$25
- vii. (7) WMC 12.04.160(I), fee for violation - \$25
- viii. (8) WMC 12.04.160(J), fee for violation - \$25
- ix. (9) WMC 12.04.160(K), fee for violation - \$150
- x. (10) WMC 12.04.160(L), fee for violation - \$25
- xi. (11) WMC 12.04.160(M), fee for violation - \$25
- xii. (12) WMC 12.04.160(N), fee for violation - \$150
- xiii. (13) WMC 12.04.160(O), fee for violation - \$25
- xiv. (14) WMC 12.04.160(P), fee for violation - \$150
- xv. (15) WMC 12.04.160(R), fee for violation - \$150
- xvi. (16) WMC 12.04.160(S), fee for violation - \$25
- xvii. (17) WMC 12.04.160(T), fee for violation - \$150
- xviii. (18) WMC 12.04.210(A), fee for violation \$75

- **Change:** A. A person who violates the provisions of this chapter is subject to a civil penalty as set out below for each violation:

- i. ~~(1) WMC 12.04.140, fee for violation - \$25.~~
- ii. ~~(2) WMC 12.04.160(A), fee for violation - \$50.00~~
- iii. ~~(3) WMC 12.04.160(B), fee for violation - \$50.00~~
- iv. ~~(4) WMC 12.04.160(C), fee for violation - \$150~~
- v. ~~(5) WMC 12.04.160(D), fee for violation - \$150~~
- vi. ~~(6) WMC 12.04.160(F), fee for violation - \$25~~
- vii. ~~(7) WMC 12.04.160(I), fee for violation - \$25~~
- viii. ~~(8) WMC 12.04.160(J), fee for violation - \$25~~
- ix. ~~(9) WMC 12.04.160(K), fee for violation - \$150~~
- x. ~~(10) WMC 12.04.160(L), fee for violation - \$25~~
- xi. ~~(11) WMC 12.04.160(M), fee for violation - \$25~~
- xii. ~~(12) WMC 12.04.160(N), fee for violation - \$150~~
- xiii. ~~(13) WMC 12.04.160(O), fee for violation - \$25~~
- xiv. ~~(14) WMC 12.04.160(P), fee for violation - \$150~~
- xv. ~~(15) WMC 12.04.160(R), fee for violation - \$150~~
- xvi. ~~(16) WMC 12.04.160(S), fee for violation - \$25~~
- xvii. ~~(17) WMC 12.04.160(T), fee for violation - \$150~~
- xviii. ~~(18) WMC 12.04.210(A), fee for violation \$75~~

Section 3: Effective Date. This ordinance is effective immediately upon adoption.

Introduction date: January 26, 2021

Public Hearing:

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor

Ayes:
Nays:
Absent:
Abstain:

**CITY OF WHITTIER
RESOLUTION #05-2021**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA, AUTHORIZING A TRANSFER OF \$1,014,900 IN GENERAL FUND RESERVES TO A NEWLY-CREATED CAPITAL INFRASTRUCTURE FUND

WHEREAS, the City of Whittier has established budget policies aimed at strengthening the City's financial condition over time; and

WHEREAS, one of those policies seeks to build the General Fund's fund balance to a level equal to between nine (9) and twelve (12) months' operating expenditures and transfers-out, while another set of policies utilizes proceeds from the sale of City capital assets for capital rather than operating purposes; and

WHEREAS, the City completed construction of the new Public Safety Building (PSB) in 2018 and upon completion, was \$1,854,592 short of funding to pay for the capital infrastructure costs. As required by Generally Accepted Accounting Principles, the accounting department transferred \$1,854,592 out of General Fund Reserves into the capital project fund to close out the project. This transaction reduced the City's Fund Balance from \$3,260,360 to \$1,405,768 or from 13.6 to 5.8 months' reserves, a loss of 7.8 months of reserves; and

WHEREAS, the City then sold the P12 building for \$850,500 and City-owned condo units in Begich Towers for \$164,400, for a combined \$1,014,900, with proceeds deposited in the General Fund. This action in effect, reimbursed the General Fund for 54% of its investment in new City infrastructure (the Public Safety Building) and restored 4.2 months of the 7.8 months of lost City's reserves. The action was consistent with the budget policies aimed both at using proceeds from the sales of fixed assets toward investments in other City-owned assets, as well as in strengthening City General Fund reserves; and

WHEREAS, the City could elect not to restore General Fund reserves with proceeds from the sale of the P12 building and the BTI condos and instead place those proceeds into a Capital Fund. Such action would reduce the City's current level of reserves from an estimated \$2.5 million to \$1.48 million, or from 10.8 to 6.4 months' reserves, falling well below the City's minimum goal of 9 months' of reserves, but would create a new source of capital infrastructure funding of \$1.0 million to fund future capital needs; and

WHEREAS, alternatively, the City could decide that it already utilized 100% of the proceeds from the sale of City-owned assets (\$1,014,900) toward funding new City infrastructure when it contributed more than \$1.8 million of General Fund reserves to close out the new capital investment in the Public Safety Building, and that the General Fund was reimbursed 54% of the lost reserves spent to close out the PSB. This action is also consistent with both budget goals ensuring that proceeds from fixed asset sales are used for investments in other capital assets, and also that General Fund reserves are strengthened to meet the City's primary goal of improving the City's overall financial condition.

NOW THEREFORE, the Whittier City Council hereby resolves;

Section 1: The City Council hereby authorizes creation of a Capital Infrastructure Fund which is distinguished from the City’s current Fund 14 – Public Works Equipment Fund, and is to be used for funding either major repair and/or replacement of existing capital infrastructure, or construction of new capital infrastructure.

Section 2. The amount of \$1,014,900 is hereby transferred from the General Fund reserves account (01-990-9992) to a newly-established Capital Infrastructure Fund.

Section 3: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by a duly constituted quorum of the City Council for the City of Whittier, Alaska on this 16th day of February, 2021.

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor

Ayes:
Nays:
Absent:
Abstain: