



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, JUNE 15, 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
- 3 4. APPROVAL OF MINUTES**
 - A. May 18, 2021- Regular Meeting
- 5. APPROVAL OF REGULAR MEETING AGENDA**
- 11 6. MAYOR'S REPORT**
 - A. Mayor Report – Dave Dickason
 - B. Vice Mayor Report – Peter Denmark
- 12 7. MANAGER'S REPORT**
 - A. City Manager and Director Reports
 - B. Attorney Comments
- 18 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**
 - A. Winfluence Strategies - Cherie Curry

13. ORDINANCE (2nd Reading)

- 29 A. Ordinance #02-2021 – An Ordinance of The City Council of Whittier, Alaska Amending WMC Chapter 2.54 To Remove All Decision-Making Duties of The Port and Harbor Commission, Codify Process for Providing Recommendations to Council, and Remove Inconsistencies and Redundancy in the Reasons for and Processes Surrounding the Declaration of a Vacancy on the Commission

14. RESOLUTIONS

- 35 A. Resolution #14-2021 – A Resolution of the City of Whittier, Alaska, Conceptual Recreation Plan for Shotgun Cove Road Extension
- 46 B. Resolution #15-2021 – A Resolution of the City Council of the City of Whittier, Alaska, Rescinding Resolution #32-2019 and Amending the Participation Agreement with the Public Employees' Retirement System
- 48 C. Resolution #16-2021 – A Resolution Of The City Council Of The City Of Whittier, Alaska Authorizing The City Manager To Contribute No More Than \$5,000 From The Community Support Line Item In The City Council Budget Towards The Restoration Of Public Restrooms And Related Facilities In The Harbor Waterfront Area, And Appropriating Funds
- 50 D. Resolution #17-2021 – A Resolution of the City Council of the City of Whittier, Alaska Authorizing Purchase of a Harbor Skiff for an Amount Not to Exceed \$40,000 to Replace the Skiff Currently at the End of its Service Life, and Appropriating Funds
- 52 E. Resolution #18-2021 – A Resolution of the City Council of the City of Whittier, Alaska Authorizing Repairs to the City Dock Crane in an Amount Not to Exceed \$8,000 and Appropriating Funds
- 53 F. Resolution #19-2021 – A Resolution of the City Council of the City of Whittier, Alaska Authorizing the Harbormaster To Decommission the City-Owned Boat Lift Rather than to Incur \$25,000 in Repair Costs
- 57 G. Resolution #20-2021 – A Resolution of the City Council of the City of Whittier, Alaska Approving and adopting the Whittier Executive Session Guidelines

15. EXECUTIVE SESSION

16. UNFINISHED BUSINESS

- A. Res. #12-2021, Regarding Ad Hoc Committees

17. NEW BUSINESS

- A. Schedule a Work Session to Discuss Options to Recover the Cost of Trash Services
B. Personnel Policy and Procedures

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
REGULAR MEETING
TUESDAY MAY 18, 2021
7:00 PM
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING**

MINUTES

1. CALL TO ORDER

City Clerk, Naelene Matsumiya called the meeting to order at 7:01 p.m.

2. OPENING CEREMONY

Naelene Matsumiya led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum:

Victor Shen, Dan Blair, Monty Irvin, Peter Denmark, Tom Wagner (Joined at 7:52pm) and Dave Dickason.

MOTION: Monty Irvin made a motion to excuse David Pinquoch and Tom Wagner from tonight's meeting

SECOND: Dan Blair

DISCUSSION: None

VOTE: Motion passed unanimously

B. Administration Present:

Jim Hunt, City Manager

Naelene Matsumiya, City Clerk

Kris Erchinger, Finance Director

Scott Korbe, Public Works Director

Dave Borg, Harbormaster

Andre Achee, Police Chief

Others Present: Tim Wieland, Christina Wieland, Lindsey Erk, Roselle Medez, and Cathy McCord

4. APPROVAL OF MINUTES

April 20, 2021

MOTION: Peter Denmark made a motion to approve the minutes with amendments to add discussion of the personnel policy and procedures.

SECOND: Dan Blair

DISCUSSION: Peter Denmark requested the minutes be approved with the discussion of the policy and procedures included.

VOTE: Motion passed 4-1

5. APPROVAL OF THE REGULAR MEETING AGENDA

MOTION: Dan Blair made a motion to approve the May 18, 2021 Regular Meeting Agenda as is

SECOND: Monty Irvin

DISCUSSION: None

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 reported that it has come to his attention that there's been issues that the City has been dealing with encroachment issues regarding lease, parking issues, fire and safety issues, and right of way issues. He stated that he hopes Council endorses ordinances when it comes to these issues. He also reported that Administration has been working on the Buckner Building and mitigation issues that need to be addressed. He stated that major progress has been made and will be brought forward to the City Council. Encouraged everyone to come forward with concerns about this. He reported that he has been working with Eastern Aleutian Tribes Clinic for a grant for Covid sanitation of the Public Safety Building and ambulances. He reported that the City is undergoing its audit.

Monty Irvin stated that there are a lot of issues to deal with in a short amount of time.

Jim responded by saying he has been working with the lobbyist and having ongoing conversations. He addressed the restrooms in the Harbor. Stated that restrooms are open, and restoration is in store.

Peter Denmark responded to Jim's comment about parking. He stated he will make comments as a member of the audience and as a business owner and not at the dais as a Council Member.

Kris Erchinger highlighted on the renewal of the City's insurance. She commended staff for their work in their participation in Safety Training. She thanked Dave Borg and Dyanna Pratt for their leadership roles in the process and because of them, the City has met its requirements and will be getting a reduction of its premium and has received discounts in each line of insurance. She reported that the audit is ongoing. She mentioned leases and leases that were eligible for lease credit based on agreements between the lessor and the lessee. She brought up the Inn at Whittier

and Passage Canal Development as they were the entities with lease credits. She updated by saying the Inn at Whittier has exhausted their lease credit and Passage Canal Development is expected to exhaust theirs in 2022. She gave an update on the State funding to the City has totaled to \$2.2 million and gave thanks to the State for helping the community during the pandemic. She added that in Federal funding, the City has received more than a million dollars.

Dan Blair responded to Jim's comment about the restroom and stated his support in restoration. He said it was the right move.

Dave Borg gave his report and stated that he and his staff had been chasing leaks in various areas of the harbor since water has been turned on. He continues to work on the harbor restrooms. He reported on the issues with the Travel Lift and how the aspects of the tires have malfunctioned during replacement and has slowed down repair. He commented that replacing the parts would cost \$8,900 not including shipping. He did the math and stated that it was \$4,000 for the tires and another \$8,900 to fix them. He said he will bring the discussion to the Port and Harbor Commission on whether to continue usage or not. Dave also mentioned he will need to spend more money on fixing hydraulics on the lift to get it leak free and operational. He reported that the harbor skiff is also experiencing issues as it started taking on water due to corrosion in the keel of the boat. He is looking for options, but the skiff will need to be replaced. He gave good news in revenue and said he was very impressed by the staff and what they have collected.

Jim thanked Dave for his due diligence with his crew. Jim continued to say that these issues we are facing now are issues from the past that were deferred and ignored and does not reflect Dave as a Harbormaster or his team. He commended staff in every department and Kelly Bender for her work in the Chamber of Commerce and added that despite the lack of cruise ships this summer, he thinks Whittier will have a great summer.

Dave Borg added one last comment about the boardwalk and putting money towards items that need repair. He spoke about the degraded infrastructure in the harbor and that eventually he's going to have to make a decision to start restoration to it.

Monty Irvin made a comment and thanked the Harbormaster and his staff and said he thinks both the Harbormaster and his staff are doing a wonderful job. "Keep it up!" He added.

Andre Achee updated on staff and said Ruben Garcia had been hired. Gave a brief background history on Ruben for the Council. He reported that the Whittier Public Safety is maintaining their contract with the tunnel and there has been a slight increase with the advantage to the City. Public Safety has assisted with parking enforcement. He continued reporting on signage and enforcement. He is planning to speak with business owners in the triangle area and parking enforcements there on busy days because if there was an emergency, the fire apparatus will not be able to make it through there. He hopes to have conversations that will result in a plan for ease of access for emergency vehicles. He continues working with the Harbormaster as well as the Public Works director for the harbor area. He reported on the Bike Rodeo event that was held with the school to teach about bike safety in Whittier. He thanked all those who were involved.

Monty Irvin made a comment about basic communication and Whittier Police Department's collaboration with Anchorage Police Department. He gave a summary about an incident that happened to him on Portage road. He asked why APD was patrolling an area in which Whittier Police should have been patrolling instead. Andre explained.

Scott Korbe gave his report on snow removal, water meters, and parking. He continued his report

with progress on the earthquake emergency repair funding, Shotgun Cove Road, and the Whittier wells project. He said the City is within budget for the wells project and that it should be shovel-ready by November or December of this year. He reported that the environmental assessment for Shotgun Cove Road has been completed and closed. Responses have been sent to Western Federal Lands. Army Corps. Permit for the Shotgun Cove Road project is in finalization phase. Shovel ready by January 2022. Working with Whittier Seafood for speed bumps and striping in the facility area. Currently looking for people to stripe. Finalized a claim on damage for snow removal equipment for repair. Scott mentioned grants for Shotgun Cove Road for \$6 million ask and a \$2.5 million FLAP grant. He stated that the City applied for a \$150,000 ADC Planning project and a \$2.8 million grant for Capitol Improvement project for the wells. He mentioned that despite getting people to work, work is still getting done.

Monty Irvin asked about the Head of the Bay project. Scott replied that there are environmental concerns and that studies are still being done it is beyond the City's control at this point.

Jim responded and said his concerns will be sent to the attorney. In the meantime, there are still entities interested in developing on the northernmost portion of the land. "We are tightening it up."

B. Attorney's Comments

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 reported on the beach clean-up at the head of the bay in collaboration with the Prince William Sound Stewardship foundation and another potential follow up beach clean-up. He mentioned that the Parks and Recreation committee is looking to install flower pots around the City and creating a "adopt-a-planter" program.

D. Whittier Community School

Tim Wieland reported on the graduation of Jenessa and Jeffery. He shared his enthusiasm about the weather for that day. He reported that on the previous day, the school held a graduation for the pre-school children who were not able to have a celebration last year. He reiterated on the Bike Rodeo event and thanked WPD and Victor Shen. Hunter Safety Kayak survival skills are still being offered to the children as well as other programs. He stated Archery has been closed. He reported that on May 25, there will be city clean up and the last day of school on May 26. Tim presented two plaques to Whittier Seafood and the Eastern Aleutian Tribes clinic to express appreciation for their efforts to help the school during the pandemic.

E. Prince William Sound Aquaculture Corp.

Nothing new to report

F. Regional Citizen's Advisory Council

Nothing new to report

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

None

10. APPROVAL OF THE CONSENT AGENDA

None

11. PUBLIC HEARINGS (NON-ORDINANCE)

None

12. PRESENTATIONS

None

13. ORDINANCES

A. (Emergency Ordinance Public Hearing) Emergency Ordinance 2021-01- An Emergency ordinance of the City Council of the City of Whittier, Alaska, Retroactive Extending the City Manager's Proclamation of a Local Emergency In Order to Protect and Preserve the Health, Safety, and Welfare of the Whittier Community During a State and Local Public Health Emergency Resulting from Covid-19

MOTION: Dan Blair made a motion to open a Public Hearing for Emergency ordinance 2021-01 at 8:01 pm.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

No public testimony

MOTION: Dan Blair made a motion to close public testimony part of the public hearing and open it up for Council discussion.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

Council discussion:

Peter Denmark asked what the Covid policies are in terms of access to City Facilities. Jim responded that the City is mask-free and people have been visiting the Public Safety building. He reminded that if you do not feel comfortable you can still use your mask, doors are open and City staff still wear masks to their own discretion when seeing community members in their offices. Peter asked that administration come up with signage around the City that states "Please wear your mask." Jim asked for Council consensus and he will work with staff.

MOTION: Dan Blair made a motion to close the Public Hearing and adopt Emergency Ordinance #2021-01 and resume the Regular Meeting

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

B. Ordinance #02-2021 – An Ordinance of The City Council of Whittier, Alaska Amending WMC Chapter 2.54 To Remove All Decision-Making Duties of The Port and Harbor Commission, Codify Process for Providing Recommendations to Council, and Remove Inconsistencies and Redundancy in the Reasons for and Processes Surrounding the Declaration of a Vacancy on the Commission.

Dan Blair asked about his sponsorship to the Ordinance. He stated his intention was to modify a typo

in the code. He stated that he thinks the Council is getting ahead of himself. Naelene Matsumiya clarified that the ordinance was prepared by the City Attorney after both Dan and Peter requested this item be on the agenda.

Dave Dickason asked if this had anything to do with Personnel?

Jim answered that this is only pertaining to the Ports and Harbor Commission to clarify in the code that they are an advisory board and not a Quasi-Judicial Board that the code states.

Peter Denmark Stated his essential concern was the lack of information stream from them other than their minutes and historically it has been through resolutions from the Ports and Harbor Commission and the Minutes.

Jim responded that anything after the passage of the Ordinance would be advisory only. He thanked Peter.

MOTION: Victor Shen made a motion to schedule a Public Hearing for Ordinance #02-2021 for the next regular meeting.

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

C. Ordinance #03-2021 – An Ordinance of The City Council Of Whittier, Alaska Amending WMC 2.10.040 To Permit The Mayor, Rather Than City Council, To Determine If Council Members Have Substantial Financial Interests Unless Council Overrides The Mayor’s Determination

Council discussed the ordinance for some time as there was some confusion on the process and what constitutes a financial interest.

MOTION: Dan Blair made a motion to schedule a Public Hearing for ordinance #03-2021 at the Next Regular Meeting.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion failed, 3-3.

14. RESOLUTIONS

None

15. UNFINISHED BUSINESS

A. Res. #12-2021, Regarding Ad Hoc Committee

Dan had some comments about using Seward’s guidelines as a template.

16. NEW BUSINESS

17. COUNCIL DISCUSSION

Dan Blair asked to bring forward a COLA resolution in July for an inflation impact of the cost of living.

Monty stated that several staff had outlived the step raises and how it has changed throughout the years.

18. CITIZEN'S DISCUSSION

Scott Korbe updated on the restrooms at the City Park by the basketball court. He also he mentioned a resolution coming forward at the next meeting regarding Shotgun Cove Road. He also stated that the Permit Coordinator will be here to explain what it is about.

Cathy McCord extended her thanks to the Whittier Community school for their recognition of Whittier Seafood and what they have done for the students. She stated that they do not do it for the recognition, they do it for the children. She stated that Whittier Seafood will continue to help the school/community and thanked everyone.

Peter Denmark made a comment as a member of the public and spoke about parking issues. He gave a summary of an incident that happened between a harbor staff and an employee of Alaska Sea Kayakers. He stated that the appropriate avenue would have been to address the concerns with the business owner and not an hourly worker. He continued stating that he was told to do things differently regardless of what it takes for the business. He gave a history of when kayaks used to be launched in the east ramp and a letter letting them know that the east ramp is no longer feasible as a kayak launch area. The letter recommended the west ramp as a kayak launching area but the west ramp no longer exists. He stated that he had written letter to the City for kayaking infrastructure asking where the kaya launch site was, to no response. He stated that in 2019, the beach by the ferry terminal that was used for kayak launching was covered in fish slime and fuel spills. The same as Smitty's Cove and the other side of the harbor. He stated that after years of multiple request, to no response. He concluded that he is trying to run the one of the largest kayaking operations in South Central Alaska, and there is no where to go.

Dave Dickason gave some input and suggested that maybe an association be formed with Peter's company and other kayaking entities in Whittier.

Peter responded that the City will be hearing from operations that utilize Smitty's cove and the beach by the ferry terminal. Peter went on to say that the ferry terminal beach is railroad property meaning the City has no say in access and is being leased by another company. He mentioned potential closings due to traffic issues or other situations by the ferry operations and could cause some restriction of use. He continued.

Dave Borg responded to Peter's concerns. He apologized for misunderstanding the pressing manner of the situation and said that when this issue was discussed, it was implicated that it was a future project and not a project that needed to be done right now. He acknowledged the email and was under the impression that the subject was to coincide with the Comprehensive Plan as a waterfront plan. He stated that, at the moment, there is no quick fix, but he is looking at options to help. Dave also mentioned the parking and that he will speak to his employee about apologized for not taking it on personally.

Peter responded to Dave and reiterated the conversation that was had with Annie and Dave and agreed that, yes, there are no easy answers as of right now. He commented that they will survive this year and that there is no imminent crisis that will shut them down, but restricted access point and they're close to done. He concluded by thanking Dave for his response.

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

None

20. ADJOURNMENT

Council adjourned the meeting at 8:54pm

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor

Date: June 15th, 2021
To: Whittier City Council and Administration
From: Dave Dickason
Subject: Mayor's Report – May / June

Meetings Attended:

- June 3rd - Port & Harbor

Upcoming Schedule:

- July 1st 6:00 PM: Port and Harbor
- July 7th 6:00 PM: Planning and Zoning
- July 20th 7:00 PM: Regular Council Mtg.

Follow-up:

Declaration of Emergency
RV Dump Station, Air Compressor
Pedestrian Improvements around Whittier Seafood
Communications
Budget Review
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.

To: Whittier City Council
From: City Manager Jim Hunt
Re: City Manager Report for June 2021

Introduction

The purpose of this report is to provide the Whittier City Council, and the public, a brief summary of the City of Whittier (“City”) projects that the City Administration worked on and advanced during May, 2021 and to provide City Council and the public a brief introduction to the projects the City anticipates tackling in June, 2021.

Summary of Projects

The following is a summary of the projects to which I, and City Staff, dedicated significant portions of time this month:

COVID-19 Mitigation and Preparation

I participated in regular conferences with the State of Alaska, Assistant City Manager Reeves, and the City’s emergency response team to monitor the current state of pandemic mitigation and response efforts as well as available and anticipated financial assistance programs arising from the Federal government passed through to the State of Alaska. I attended multiple Alaska Municipal League conference calls covering COVID-19 and the uncertainties for the state budget. I continued to collaborate with Paul Mueller regarding COVID-19 vaccination and testing efforts and capacity.

Note: We continue to use the 2nd Floor of Public Safety Building near clinic continues to receive vaccine patients and the City staff continues to encourage Whittier residents to take advantage of the services offered.

Council lobbying and legal reform Priorities

I, along with the staff, worked diligently on several projects identified by City Council as priorities, including:

- We held a meet and greet with Colonel Kevin McMahan of the 10th Homeland Response Force. The 10th Homeland Response Force (National Guard) is designated to assist Alaska in the event of any major disasters, including earthquakes and tsunamis. Their command is based out of Washington state. Their command staff will be doing a tour of Alaska and request a meet and greet with the City of Whittier (on their way down to Seward).
- Continue to work on preparation for conferences and planning sessions with the City State lobbyists to develop an effective lobbying approach to promote the City's interests and its needs in negotiations and interactions with the Alaska Railroad Corporation;
- Conferences and planning sessions with the City Attorney to draft and adopt laws recommended by individual Council members and to draft documents and strategies to develop concrete means to carry out Council directives;
- Attendance and preparation for a zoom meeting regarding projects identified on the City's State priority list;
- I worked with various stakeholders regarding the impact and forecast regarding the cruise ship delay and the anticipated CPV losses
- Working on the RFQ for the Buckner Building Environmental Study Grant

Additional Projects

The following is a brief itemization of other projects I completed this month:

1. Spoke with Rep. Rauscher regarding Whittier Land Use and opportunities
2. Attended PWS Economic Development meeting
3. We narrowed the scope of the DeLong Dock replacement grant applications as no one grant would cover the project.
6. We are working on letters of support for the Dock grant
7. Prepared for and led staff meetings

8. Staff is in a deep dive on some leases and is attempting to reconcile plats/resolutions and contract agreements.

Council-Initiated Projects and Assignments

In addition to the projects prioritized by City Council, which are reflected in the action memoranda and legislation included in the packet, the City staff as well as the City Attorney fielded a substantial amount of inquiries and requests for information from various Council members. While we always strive to be responsive, the volume of requests and the substantial dedication of Staff resources required to respond to them emphasized the importance of assisting City Council with the adoption of procedures and processes to ensure that the Staff is able to timely and efficiently respond to Council requests and that it can prioritize requests in a way that both ensures City business is efficiently completed and individual Council members have the support they need to propose legislation and complete their objectives and goals. I have been discussing this topic with the Mayor and will be present at the June meeting to discuss it in more detail with Council.

FINANCE MONTHLY REPORT

May Finance Monthly Report – with April PRELIMINARY financials

This report reflects an abbreviated look at finance-related **activities** through the end of May 2021, plus a recap of preliminary 2020 financial results based on completion of the 2020 annual audit. Financial Report information is provided in the packet through the end of April. The interfund transfers budgeted for 2021 have been entered and posted but we have not yet posted the transfer of General Fund capital funds authorized by Council in Resolution #05-2021 for \$1,014,900 because administration will request Council's reconsideration of that action, and instead request that the monies be set aside within the General Fund, as *assigned fund balance* that can only be used for capital purposes.

2020 FINANCIAL AUDIT AND PRELIMINARY 2020 FINANCIAL RESULTS

The audit of the City's financial records for 2020 took place the week of May 17 with staff continuing to respond to any follow-up requests for information from the auditors. Staff prepared workpapers for all balance sheet accounts for all City funds in advance of the auditor's arrival, leading to a smooth and efficient audit process. The audit was conducted by four individuals on-site for three days. The audit results will be presented to the public in a Council presentation upon completion of all audit work and final drafting of the financial statements. A summary of the General and Enterprise Funds' preliminary results follows.

The City's General Fund ended the year with a *preliminary* surplus of revenues and transfers-in over expenditures and transfers-out, of \$368,455. This is an improvement over the budgeted deficit of (\$123,498), of \$491,954. At the end of the day, the City's revenues fell short of budgeted projections by \$319,958, due to the adverse economic impacts of the pandemic which were largely offset by one-time surplus property sales revenues of \$164,400. Ultimately, the Council elected to set aside monies from the surplus property sales to fund future capital needs. Subsequent to year-end, the City received information suggesting that FEMA may not reimburse up to \$45,000 of pandemic-related costs associated with legal assistance. If those expenditures remained in the General Fund rather than having been recorded in the grant Fund, the 2020 General Fund surplus would decrease to approximately \$323,455.

The Water and Wastewater Enterprise Fund ended the year with a *preliminary* deficit -- excluding non-cash depreciation -- of (\$157,569) which is approximately equal to the amount that was loaned to the General Fund for the purchase of a public works motor grader. The General Fund is repaying that loan over 7 years, with 2021 representing year two of the loan. Revenues came in lower than budget by \$106,005 due largely to the loss of cruise ships. Expenses came in lower than budget by (\$56,995) when excluding depreciation.

The Harbor Enterprise Fund ended the year with a *preliminary* surplus (excluding non-cash depreciation) of \$330,217. This includes revenue coming in over budget by \$64,347 and expenses coming in under budget by \$166,922 (excluding depreciation).

The Delong Dock Enterprise Fund ended the year with a *preliminary* surplus of revenues over expenses and transfers-out -- excluding depreciation -- of \$944,840. The primary contributor to the surplus is a one-time insurance settlement of \$750,000 related to the Delong Dock fire. In addition, wharfage fees came in at \$349,207 versus budget of \$225,000.

ANNUAL INSURANCE RENEWAL

The City received an excellent insurance renewal quote for the upcoming fiscal year July 1, 2021 through June 30, 2022, compared to the prior year's significant increase in insurance costs. The City's premiums for general liability and auto coverage are expected to decrease by 17% (from \$116K to \$96K); property and mobile equipment premiums will increase just 1% (from \$84,363 to \$84,925); workers comp premiums will decrease by 13% (from \$80,946 to \$70,515). The City qualified for every discount offered by APEI to their customers, and the City of Whittier was the only city to do so. Staff achieved an overall 10% discount on workers' comp coverage including: 3% discount for the work of our safety committee, 2% discount for achieving required elements of the safety program, and 5% credit for more than 400 hours of employee safety training. We received an overall 4% discount on property insurance premiums based on timely boiler inspections and an overall 10% discount on general liability insurance based on: 2% discount related to Council member safety training; 3% discount based on employees participating in more than 50 hours of human resources training; and 5% credit for more than 400 hours of employee safety training. Great thanks to staff and Council members who worked hard to reduce the City's insurance premiums through increased safety measures, safety committee actions and meetings, investment in safety training, Council participation in APEI training, boiler inspections, etc. In total, the City qualified for discounts exceeding \$22,000 related to safety efforts.

The City will be requesting quotes for marine pollution coverage which the City has not previously held, as well as cyber coverage previously offered within the plan, but now offered on an opt-in basis, based on each community's specific cyber risks. A coverage decision will be made once the costs of each program are known.

GRANTS

Grant financial activity was finalized for the year and audit confirmation letters mailed to granting agencies to verify the City's accounting records against the granting agency records, as is standard for audit preparation. Public Safety staff are finalizing purchase of a new ambulance and related equipment and expect to complete the project by the end of June, and to receive reimbursement for project costs of \$291,630 soon thereafter.

We continue discussions with FEMA related to our request for reimbursement for pandemic-related costs. It appears FEMA may be disallow up to \$45,000 of requested legal fees related to pandemic-specific legal assistance such as work with Dr. Zink and local businesses to mitigate the spread of covid, work to craft Memorandums of Agreement with essential employers, preparation of emergency ordinance information, etc. If these costs are denied, we will determine whether other eligible pandemic-related costs which were not requested for reimbursement, may be eligible.

Earthquake: The City finalized Project Worksheet 578 related to earthquake damage on the lift stations with final expenditures for that project of \$17,714.20. Through the end of May, the City has incurred costs for each project worksheet (compared against the total available funds) of: 1) PW571 Harbor Parking and Triangle (\$10,230 of \$139,982); 2) PW572 Dock Settlement (\$52,490 of \$363,023); 3) PW573 Treatment Lagoon (\$7,094 of \$92,173); 4) PW574 Storm Drains (\$23,610 of \$246,569); 5) PW575 Pavilion (\$10,974 of \$36,900); 6) PW576 Breakwater Settlement (\$10,324 of \$118,133); 7) PW577 Streets (\$19,126 of \$69,167); and 8) PW578 Lift Station 4 and 5 (\$17,714 of \$54,271).

SHOTGUN COVE ROAD: The City continues working with CRW Engineering and subcontractors on the Shotgun Cove Road project. We have submitted a recent grant application requesting an additional \$2.5

million for the project. We are also looking at other possible sources of revenue to continue this project. The City is currently operating under two Western Federal Lands Grants (WFL). One grant award totals \$2 million; of this amount, \$1,067,904 remains to be spent. The other grant award totals \$15,573,869; of this amount, \$1,707,555 remains to be spent. In addition, we were notified of approval of a third WFL grant for Shotgun Cove Road Extension Mile 2.0 to 4.5 and expect to hear about the level of funding for that grant in July, but are expecting the award to be approximately \$2.5 million.

GENERAL FUND 2021 REVENUE STATUS THROUGH APRIL

During preparation of the 2021 Budget, there was a level of uncertainty surrounding projected 2021 budgeted revenues resulting from the loss of cruise ships for the second consecutive season. The administration committed to providing periodic updates to the City Council on the comparative level of key General Fund revenues, to determine whether budgeted revenues were overly optimistic. The City's primary source of General Fund revenues impacted by visitors are Sales Tax (budgeted at \$375K), Passenger Transportation Business Tax (budgeted at \$150K) and Fish Tax (budgeted at \$50K). This chart will be updated monthly to assess the level of actual revenues compared to budget projections.

	Through April 30		
	Sales Tax	Passenger Transportation Business Tax	Fish Tax
2019	\$ 5,079	\$ 6,897	\$ 30,297
2020	\$ 588	\$ 2,127	\$ 6,718
2021	\$ 2,905	\$ 11,222	\$ 4,883



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

**PORT & HARBOR COMMISSION
REGULAR MEETING
THURSDAY, JUNE 3, 2021
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING
6:00 p.m.**

MINUTES

1. CALL TO ORDER

City Clerk, Naelene Matsumiya, called the meeting to order at 6:00 pm

2. OPENING CEREMONY PLEDGE OF ALLEGIANCE

Naelene Matsumiya

3. ROLL CALL

Ed Hedges, Mark Mitchell, Dave Goldstein (Joined at 6:32), Cathy McCord, and Steven Bender

MOTION: Mark Mitchell made a motion to excuse Brad VonWichman, Dave Goldstein, and Arnie Arneson from tonight's meeting.

SECOND: Ed Hedges

DISCUSSION: None

VOTE: Motion passed unanimously

ADMINISTRATION PRESENT

Dave Borg, Harbormaster

Jim Hunt, City Manager

Annie Reeves, Assistant City Manager

Naelene Matsumiya, City Clerk

PUBLIC PRESENT

Pat Reeves

Dave Dickason

4. APPROVAL OF REGULAR MEETING AGENDA

MOTION: Ed Hedges made a motion to approve the Regular Meeting agenda as is

SECOND: Cathy McCord

DISCUSSION: None

VOTE: Motion passed unanimously

5. APPROVAL OF MINUTES

MOTION: Mark Mitchell made a motion to approve the May 6, 2021 Regular Meeting Minutes as is.

SECOND: Ed Hedges

DISCUSSION: None

VOTE: Motion passed unanimously

6. HARBORMASTER AND CHAIRPERSON REPORT

Dave reported that most of his report will be discussed under New Business in terms of infrastructure. He reported the following:

- Summer season opening.
- Water running through majority of the Harbor.
- Let the fish out.
- McKay meters up and running 100%

Steven Bender commented stated that he didn't have anything substantial. He mentioned his meeting with Dave and encouraged the Commission to follow the new proposal for how the Commission should be doing things and thanked the Commission. He concluded by stating his excitement for working with the City Council.

7. UNFINISHED BUSINESS

A. Delong Dock

Nothing new to report

B. Harbor Phase 3

Nothing new to report

9. NEW BUSINESS

A. Harbor Infrastructure Issues

Dave Borg presented the issues by listing them. First issue was the Travel Lift. He summarized that when an individual came down to replace the tires on the lift, the rings that hold the tire bead to the rim had completely rotted out as well as the safety wire. He stated that he did his research, and each ring (2 for each tire) is \$1,000 a piece and additional cost for the safety wires. He reported that he did not go forward in purchasing the parts as he wanted to bring it up to the Commission for discussion. He said he spoke with Scott Korbe and they're looking at an estimated \$10,000-\$15,000 in repairs not including hoses and hydraulics. He told the Commission that he presents these issues to the Commission because he is looking at a \$20,000 investment in an equipment that only brought the Harbor \$30,000 last year and less in the years prior. He reminded that the dock structure that utilizes the lift was downgraded from 30 tons to 15 and he sees a pattern of slowly degrading equipment based on age and depreciation. He asked for guidance for how he should go forward because he does not have the money for this in the budget.

Mark Mitchell asked what the cost would be for the repair of the dock.

Dave responded that his best estimate is between 5-10 million dollars because construction

prices are going through the roof right now. He said that 5-8 million dollars' worth of infrastructure is a rough estimate to build back like it is now. He asked, do we spend \$20,000 on a 30 ton lift that's only capable of 15? He said it was a huge liability and the City saves money in the fact that they're not operating the equipment but we wouldn't have insure it either.

Mark Mitchell asked what would happen to the dock and Dave responded that it can still be utilized as a crane dock, but also the City Dock crane needs a hydro rebuild on the main cylinder which will be close to \$2,000-\$3,000 and the lift also needs a seal replaced so looking around \$4,000 to replace.

Dave asked the Commission about services the Harbor provides and what the Harbor wants to provide and what should be provided? He said the main ones he can think of were, water, power, moorage, restrooms, showers etc. But he also keeps the users of this equipment in mind when discussing these issues because it is equipment that is utilized in the winter as well. He brought up the floating breakwater and moorage inspection on that and says it's important to get an inspection on the moorage chains that hold the breakwater in place. He brought up the skiff and how it had almost sunk in the harbor due to holes from corrosion in the hull. He had Eddy take a look at it and he recommended re-skinning the entire thing and a whole rebuild. He stated that the harbor uses the skiff to tug boats through the harbor and go out to feed fish. He threw a price tag of \$30,000 to replace the boat if the harbor wants to maintain that service to the public. He brought up the pump-out cart and Gino's efforts in repairing it. He said that the pump-out works fine in the parking lot but not so well on the docks. He mentioned a Kiko Pump replacement, a hand operated pump that can be wheeled down to the docks and estimated it to cost around \$8,000-\$11,000 that he can support because it's a clean harbor situation. He wouldn't want people pumping into the harbor which they will end up doing if there isn't a service that the Harbor can provide. He brought up the Smitty's Cove launch repair and he has bids on that, that he can't disclose. He's looking at spending anywhere between \$75,000-\$150,000 to repair that as it should be. He has a bid right now for a fish cleaning station estimated for \$11,000-\$15,000. Harbor building needs some repairs as well, the back door specifically and he's looking at \$1,200 to fix it and the floor rotting out in the second floor due to wind blowing water in and soaking the floor. He's looking to refresh the bathrooms around the harbor waterfront area as well and he's looking at a price range of \$4,500. Dave mentioned striping and signage but those are currently being worked on. He stated last thing he wanted to discuss was the trash removal situation down at the harbor. He believes this will be a hot topic situation and encouraged the trash discussion be punted to the City Council and have them manage that discussion so as to get to a resolution a lot quicker. He asked how he should move forward with the information that was presented to the Commission.

Mark Mitchell stated that the skiff was a big priority as it offers an important service and have it be presented to the Council through a resolution because the harbor needs a replacement as soon as possible.

Steven Bender weighed in and stated his support to replace the harbor skiff. He asked if the Harbormaster was looking for a boat with the same dimensions or a completely different boat altogether. Dave responded that there were some standard changes, but the size is ideal. He updated that he found an appropriate skiff and given the time-sensitivity for the matter, hopefully a greenlight emergency purchase from the City Manager would be appropriate.

Mark Mitchell weighed in on the Travel Lift repairs and options around town. Ed Hedges stated that there are some boats in the harbor that require the Travel Lift. He believes that without a Travel Lift, the harbor is going to have very few people working on their boats in

Whittier which means we're going to be losing more customers.

Dave clarified that in terms of working on boats, there are still options, but he is unsure Whittier is the best place to have a boat yard and what customers Whittier wants to attract.

Steven mentioned the grid and it's limited access due to tide and/or availability and shared his concerns from a consumer standpoint. He shared that if Whittier limits their services, Whittier will continue to lose boaters which will negatively affect revenue through property tax and limited services.

Mark responded to Steven and said there is limited space in Whittier in terms of infrastructure to work on boats. Commission discussed the effect of the Travel Lift not being operational.

Jim Hunt weighed in and said that the administration and Council has been addressing deferred maintenance for some time. He stated that there is no where to build houses let alone infrastructure to offer for boat repair and that the City's water rates were raised just last year since 2006. He said yes, the City can dig deep into their reserves and repair and replace equipment, but financially, the City has to look at what's going to be returned. He agrees that the Travel Lift needs to be replaced eventually but it is not cheap and the City needs to think of a plan b.

Dave asked the Commission if harbor continues to subsidize the lifting of boats? He can bring forward a cost/benefit analysis would be appropriate for what numbers the lift brought in as well as the yard, but it's a lot of money for very little in return. He gave the options to bring information to the Commission or go forward with the recommendation to the City Council to ask for funding.

Mark asked if there is any place the City owns that can be utilized as a boat yard for repair.

Dave said what we have is what we have and that there is no place that will be environmentally safe for a boat yard, to his knowledge.

Steven stated that throwing a lot of money towards something that's been neglected for so long is not the right thing, economically, to do at this time. He stated that perhaps the Commission is expressing concerns because it is another thing that Whittier is losing. He stated that the money that was going to be put towards the Travel Lift can be put somewhere else instead.

Mark agreed. He continued his argument about the lack of land for boat repair. Steven added his concerns about the lack of land in Whittier. Dave Goldstein mentioned that facilities at the head of the bay would be ideal and to look for interim solutions in the meantime. He offered areas.

Dave Borg stated that he isn't against it, but there are definitely bigger fish to fry. He asked the Commission for recommendations to the Council. The Commission recommended resolutions for the following as priorities:

1. Replacing the harbor skiff
2. Repairing the City crane dock
3. Moving forward with what to do with the Travel Lift
4. Restrooms restoration

5. Discussion for city-wide trash removal

10. MISCELLANEOUS BUSINESS

Mark Mitchell mentioned the old gangway and ways that land could be utilized and possible land-permitting for generating revenue for a seasonal type business. Commission discussed what Mark envisioned and Mark gave options for retail space. Annie spoke about cost to have utilities connected to that area, structural integrity, and the cost/benefit of the area. She stated that it isn't impossible to lease it, but it has to be an ongoing conversation with several different department heads.

Mark said it can start off small and it will bring business to Whittier. Dave Goldstein agreed that it will be beneficial for when the cruise ships come back into Whittier. Mark Mitchell offered the idea of adding a telescope that looks across the canal. Conversation for options ensued.

11. COMMISSION DISCUSSION

Steven Bender asked Dave Borg is the Commission covered everything at tonight's meeting. Dave responded that yes, the Commission offered good recommendations, but at the end of the day a very comprehensive look at infrastructure and services we want to provide and make what we have better and if it doesn't make sense, the City needs to readdress what we're doing and the expense with it all.

12. CITIZENS DISCUSSION

None

13. ADJOURNMENT:

Meeting was adjourned at 7:07 pm.

ATTEST:

Naelene Matsumiya
City Clerk

Steven Bender
Commission Chairperson

ACTION MEMORANDUM

To: Whittier City Council

From: City Manager Hunt
Assistant City Manager Reeves

Re: New Business Item: Proposed Changes to Port and Harbor Commission Duties and Governance

INTRODUCTION

Several Council members requested revisions to Whittier Municipal Code Chapter 2.54 to ensure that: (1) the process for reporting Port and Harbor Commission findings and recommendations to City Council was expressly provided for in the Code; (2) The Commission had the staff support and resources needed to reliably present Commission recommendations to Council via resolution; and (3) the Commission was not inadvertently assigned duties that exceeded the advisory authority granted to the Commission. In response, the City Administration is in the process of drafting an ordinance that would amend WMC Chapter 2.54 to Remove All Decision-Making Duties of the Port and Harbor Commission, Codify Process for Providing Recommendations to Council, and Remove Inconsistencies and Redundancy in the Reasons for and Processes Surrounding the Declaration of a Vacancy on the Commission.” This memorandum provides Council a brief overview of the substantive revisions in the draft Ordinance and the reasons for these revisions.

The proposed ordinance, in its current draft form, is attached to this Action Memorandum. This draft has also been submitted to the Harbormaster for review and recommendations. While the City does not anticipate presenting this to Council for introduction until after it has been reviewed by the Harbormaster and his recommendations incorporated into its text, the goal was to provide City Council the draft so that any Council members who wished to sponsor the Ordinance had an opportunity to review it before it was finalized for introduction.

SUMMARY OF PRELIMINARY PROPOSED CODE CHANGES

The majority of the proposed revisions to Chapter 2.54 in its current state serve to remedy the concerns raised by individual Council members regarding the need for clear, timely, and written Commission recommendations on port and harbor matters and the apparent inconsistencies in the Code regarding the Commission’s duties as an advisory body. Additionally, the Ordinance proposes changes to WMC Chapter 2.54 that would remove inconsistencies and redundancies in Commission’s duties, its structure, and its organization as codified. The chapter was also updated to adopt uniform formatting and legal drafting principles. More specifically, Chapter 2.54 was amended to:

1. Remove any duty that is decision-making, rather than advisory in nature.

Whittier Municipal Code 2.54.030 clearly states that the “Commission shall act as an advisory board to the City Council in port and harbor matters.” However, many of the duties assigned to the Commission are not advisory, including the Commission’s quasi-judicial role in hearing appeals of Harbormaster decisions, the Commission’s “assistance” of Council in developing development strategies for the port and harbor; and most significantly, the Commission’s duty to set rates and fees that pay for the operation, administration, maintenance, and replacement costs for facilities. *See* WMC 2.54.040.

2. Remove inconsistent language regarding appointment and vacancies.

Whittier Municipal Code 2.54.020(A) permits City Council to remove a member of the Commission at any time. Whittier Municipal Code 2.54.020(B) states that no Commission member shall miss more than three consecutive regular meetings or three unexcused meetings. However, WMC 2.54.050 provides the exact circumstances that require a declaration of vacancy, including three consecutive unexcused absences. These provisions are contradictory. In the event Council wants to retain the authority to remove a Commission member for any reason, the Code should not provide the specific circumstances warranting vacation of a Commission seat. Further, any conduct requiring vacancy should be in a single section of the Code and there should not be varying requirements in other sections. For this reason, all references to vacancies were removed from all sections and the vacancy section and its terms of vacancy was retained.

3. Streamline and expand Definitions.

Whittier Municipal Code 2.54 has several references to port facilities, port and harbor matters, and facilities referenced throughout. These references were all revised to “port and harbor facilities” and a comprehensive definition of that term adopted.

4. Incorporate clear references to the ways in which the Commission adopts and presents its recommendations to Council.

Several Council members have expressed the need to formalize the Commission’s process for reporting its recommendations and determinations to Council to ensure that Council has the benefit of the Commission’s insight and considerations before taking official action on port and harbor matters. Accordingly, the Ordinance proposes language that expressly identifies when a resolution is needed or a report required. In addition to these references in the Code, the City Administration is developing a process to provide the Commission with assistance in drafting and presenting resolutions and guidance for the Commission that will ensure that the Commission is prepared to meet its memorialization and reporting requirements under the Code upon adoption of the Ordinance. In addition, City Administration will work with the City Clerk and Harbormaster to develop an administrative plan to provide for the Commission’s support needs and to ensure that a schedule is adopted that helps the Commission effectuate a presentation and recommendation process that Council can come to expect and more confidently rely upon.

5. Change title from Port and Harbor Commission to Port and Harbor Advisory Commission to easily identify advisory nature of the Commission.

This change is small but important to permit the public and applicants to the Commission to quickly and easily recognize the nature of the body and the scope of the Commission's duties.

PROPOSED WHITTIER MUNICIPAL CODE LANGUAGE

While the Ordinance provides the redlined changes to WMC Chapter 2.54, the redlined formatting required in legislation can make review of the final language difficult to discern. For this reason, Chapter 2.54 as proposed in the Ordinance will read as follows, if adopted:

Chapter 2.54

PORT AND HARBOR ADVISORY COMMISSION

Sections:

- 2.54.010 Definitions.
- 2.54.020 Membership – Organization.
- 2.54.030 Procedures generally.
- 2.54.040 Duties.
- 2.54.050 Filling of vacancies.
- 2.54.060 Cooperation of other agencies – Staff.

2.54.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless from the context a different meaning is clearly intended:

“Commission” means the City Port and Harbor Advisory Commission.

“Port and harbor facilities” means all facilities, systems, docks, and City property adjacent to all navigable contiguous waterways within the City limits, including, but not limited to, the DeLong Dock, the fuel dock, the City cargo dock, the small boat harbor, the ocean dock, and any other similar facility presently existing or which may be developed or obtained in the future.

2.54.020 Membership – Organization.

A. The Port and Harbor Advisory Commission shall consist of seven members. At least five members shall be City residents. Two members of the Commission may be individuals with knowledge and expertise in the maritime industry that are not City residents but are Alaska residents and are able to meet the duties required under this chapter. Commission members shall be appointed by the Mayor subject to confirmation by City Council. Appointments to the Commission shall be for three-year staggered terms except where an interim appointment is necessary to complete the term of a Commissioner who vacates his or her seat. In the event of vacancies, the Mayor, subject to confirmation by the City Council, shall make an appointment to fill the unexpired term of the absent member. A Chairperson and Vice-Chairperson of the Commission shall be elected annually by and from the Commission and shall serve in this capacity for a one-year period.

B. The Commission shall hold regular meetings the first Thursday of each month at a time and place as set by the Commission. Special meetings may be called by the Commission via motion or at the discretion of the chairperson.

C. A majority of the Commission shall constitute a quorum. Four affirmative votes by Commission members shall be necessary to carry any question.

D. The Commission shall, with the assistance of the City Manager or his designee, prepare minutes of all Commission meetings and file the minutes with the City Clerk no more than 30 days after the meeting.

E. To the extent possible, Commission membership will be made up of representatives of recreation industry, transportation industry, tourism industry, and commercial fishing industry.

2.54.030 Procedures generally.

A. The Commission shall act as an advisory board to City Council in port and harbor matters. The Commission shall present all recommendations to City Council via resolution. A Commission member shall be present at all Council meetings at which a Commission resolution is presented to City Council.

B. A Commission member shall attend all City Council regular meetings and provide Council with an update regarding the Commission's last meeting and outstanding projects. If a Commission member is not available to provide the report, a written update and the Commission minutes shall be submitted to the City Clerk for presentation to City Council no more than 30 days after the regular Commission meeting.

2.54.040 Duties.

The Commission shall:

A. Make recommendations to City Council with respect to the operation, acquisition, disposal, development, management, regulation and control of port and harbor facilities when requested by City Council or the City Manager or required in this chapter;

B. Review and make recommendations to City Council via resolution on all contracts regarding port and harbor facilities which are subject to City Council approval before City Council approves such contracts and submit a written report to City Council periodically and at least once per year updating City Council on All contracts involving port and harbor facilities that were or are subject to City Council approval;

C. Review any revision to this code, City policy, procedure or regulation impacting or regarding port and harbor facilities and make recommendations to City Council via resolution regarding the adoption of such revisions prior to their adoption;

D. Perform analysis and make recommendations to Council annually regarding rates and fees charged for the use of port and harbor facilities or related services and any changes to these rates and fees;

E. Periodically review the budget, capital improvement programs, and funding of port and harbor facilities, and report its findings to Council.

2.54.050 Filling of vacancies.

A vacancy shall be declared and filled as provided when a Commission member:

- A. Fails to qualify and take his office within 30 days after confirmation by ~~the~~ City Council;
- B. Submits a resignation to the Mayor;
- C. Is physically or mentally unable to attend Commission meetings or to attend to Commission business;
- D. Is absent from three or more consecutive, regular meetings of the Commission without an excuse approved by the Commission;
- E. Is convicted of a felony or other offense, an element of which is a violation of his or her oath of office;
- F. Is or becomes so directly interested in port and harbor matters in the course of his or her private affairs, that his or her membership on the Commission, and the belief of the Commissioners or the City Council, creates a conflict or the pervasive appearance of a conflict of interest.

2.54.060 Cooperation of other agencies – Staff.

- A. The Port Commission, as an advisory board of the City Council, shall receive full cooperation and support from the City Manager which shall include, but not be limited to, full access to any and all information bearing on port and harbor facilities, office or other administrative support, and the attendance of the City Manager and staff as may be required by the Commission in the execution of its duties.
- B. The Commission shall be provided with such office space as it shall require to file its minutes, correspondence, resolutions, and other documents which shall constitute public records of the City.
- C. The City Manager shall, in a prompt and expeditious manner, make available to the Commission such consultants, agents, attorneys, City staff, and other persons engaged by the City to aid the Commission in furtherance of the performance of the Commission's duties.

RECOMMENDED ACTION

The proposed ordinance is included in the agenda as new business and for discussion purposes. Consequently, the City Administration does not recommend any action on this item at this time. However, the City Manager does encourage any Council member who wishes to sponsor the Ordinance to contact the City Manager so that the Ordinance can be updated accordingly before its introduction. It is also worth noting that the Harbormaster has not yet had an opportunity to review the proposed Ordinance or provide his recommendations or insights. To this end, the City recognizes the importance of the Harbormaster's review before the Ordinance is presented to

Council for introduction. On another note, although most ordinances involving port and harbor matters are presented to the Commission for its recommendations, this ordinance revises the duties of the Commission and not operations in the Port and Harbor, and thus the Ordinance falls squarely within the purview of Council.

STAFF REVIEW

This Ordinance has been reviewed by the City Attorney, the Finance Director, the Assistant City Manager, and the City Manager but all departments have not yet completed their review. The City Attorney and Assistant City Manager will be available at the April regular meeting to address any questions Council may have regarding the Ordinance.

Sponsor(s): Peter Denmark, Daniel Blair
Introduced by: City Manager
1st reading: 05/18/2021
2nd reading/public hearing: _____

**CITY OF WHITTIER, ALASKA
ORDINANCE #02-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF WHITTIER, ALASKA AMENDING
WMC CHAPTER 2.54 TO REMOVE ALL DECISION-MAKING DUTIES OF THE PORT
AND HARBOR COMMISSION, CODIFY PROCESS FOR PROVIDING
RECOMMENDATIONS TO COUNCIL, AND REMOVE INCONSISTENCIES AND
REDUNDANCY IN THE REASONS FOR AND PROCESSES SURROUNDING THE
DECLARATION OF A VACANCY ON THE COMMISSION**

WHEREAS, WMC Chapter 2.54 currently requires the Port and Harbor Commission to conduct decision-making actions despite the Commission's advisory nature; and

WHEREAS, WMC Chapter 2.54 also contains inconsistent and redundant provisions governing the appointment and duties of Commission members; and

WHEREAS, the Code does not specify how and when the Commission presents its recommendations to Council regarding port and harbor matters; and

WHEREAS, Council members have expressed the need to limit the Commission's duties to actions that align with its advisory role and to provide clear guidance to current and future Commission members regarding the presentation of Commission recommendations to Council; and

WHEREAS, it is in the City's best interest to adopt clear and consistent laws that the public and City officials are able to follow and enforce,

NOW, THEREFORE, THE WHITTIER CITY COUNCIL ORDAINS:

Section 1. Whittier Municipal Code Chapter 2.54 entitled "Port and Harbor Commission" is amended to read as follows:

Chapter 2.54

PORT AND HARBOR **ADVISORY** COMMISSION

Sections:

- 2.54.010 Definitions.
- 2.54.020 Membership – Organization.
- 2.54.030 Procedures generally.
- 2.54.040 Duties.
- 2.54.050 Filling of vacancies.
- 2.54.060 Cooperation of other agencies – Staff.

2.54.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless from the context a different meaning is clearly intended:

“Commission” means the City Port and Harbor Advisory Commission.

“Port and harbor facilities” or “port and harbor facility” “Port” or “port facility” means all facilities, systems, **docks**, and City property adjacent to all navigable contiguous waterways within the City limits, ~~of the City,~~ including, but not limited to, **the Delong Dock**, the fuel dock, the City cargo dock, the small boat harbor, the ocean dock, and any other similar facility presently existing or which may be developed or obtained in the future.

2.54.020 Membership – Organization.

A. The Port **and Harbor Advisory** Commission shall consist of seven members. At least five members shall be **City** residents. **Two members of the Commission may be individuals with knowledge and expertise in the maritime industry that are not City residents but are Alaska residents and are able to meet the duties required under this chapter.** ~~Up to a maximum of two (with expertise) may be nonresidents of Whittier who are registered to vote in the State of Alaska.~~ **Commission** ~~The seven~~ members shall be appointed by the Mayor subject to confirmation by ~~the~~ City Council. Appointments to the Commission shall be for three-year staggered terms except where an interim appointment is necessary to complete the term of a Commissioner who vacates **his or her seat**. ~~resigns, dies, or is otherwise removed from office.~~ In the event of vacancies, the Mayor, subject to confirmation by ~~the~~ City Council, shall make an appointment to fill the unexpired term of the absent member. ~~Members may be removed by the City Council at any time.~~ **A Chairperson and Vice-Chairperson of the Commission shall be elected annually** ~~Chairpersons shall be elected by and from the Commission and shall serve in this capacity for a one-year period. The City shall provide staff support for the Commission.~~

~~B. The Commission shall establish rules of procedure providing that there be regular meetings of the Commission. The Port and Harbor Commission shall hold regular meetings theevery first Thursday of each month at a date, time and place as set by the Commission. Special meetings may be called by the Commission via motion or at the discretion of the chairperson, or by a majority of the voting members of the Commission. No member shall miss more than three consecutive regular meetings or three unexcused meetings. All meetings of the Commission shall be open to the public.~~

C. A majority of the Commission shall constitute a quorum ~~for the transaction of business.~~ Four affirmative votes by Commission members shall be necessary to carry any question.

D. The Commission shall, with the assistance of the City Manager or his designee, prepare minutes of all Commission meetings and file the minutes with the City Clerk no more than 30 days after the meeting. ~~The permanent records, or minutes, shall be kept. The minutes shall be properly filed in the office of the City Clerk and shall be open to inspection by any person.~~

E. To the extent possible, Commission membership will be made up of representatives of recreation industry, transportation industry, tourism industry, and commercial fishing industry.

2.54.030 Procedures generally.

A. The Commission shall act as an advisory board to ~~the~~City Council in port and harbor matters. The Commission shall present all recommendations to City Council via resolution. A Commission member shall be present at all Council meetings at which a Commission resolution is presented to City Council. ~~All resolutions and either minutes of the Port Commission, or a similar report, shall be presented to the City Council by a Commission member, or in his absence, by the City Manager.~~

B. A Commission member shall attend all City Council regular meetings and provide Council with an update regarding the Commission's last meeting and outstanding projects. If a Commission member is not available to provide the report, a written update and the Commission minutes shall be submitted to the City Clerk for presentation to City Council no more than 30 days after the Commission meeting. ~~An agenda of meetings shall be prepared and published according to established rules of the City Council.~~

2.54.040 Duties.

The Commission shall:

~~A. Advise the~~ **Make recommendations to City** Council with respect to the operation, **acquisition, disposal, development,** management, regulation and control of the City's port and harbor facilities **when requested by City Council or the City Manager or as required in this chapter;** which include, but are not limited to, the City dock, the fuel dock, the small boat harbor, ocean dock, and any other facility within the port of Whittier, all of which are referred to in this chapter as the "port facilities";

~~B. Advise the Council with respect to the port facilities concerning the acquisition, ownership, exchange, transfer, lease, rent, conveyance or disposal, and use of real or personal property and any interest therein;~~

B.G. Review and make recommendations to City Council via resolution on all contracts regarding port and harbor facilities which are subject to City Council approval before City Council approves such contracts and submit a written report to City Council periodically and at least once per year updating City Council on prior to execution, and monitor and periodically report to the Council concerning the status of all all contracts involving port and harbor facilities that were or are subject to City Council approval; ~~executed with respect to the port facilities;~~

~~D. Advise the Council with respect to the construction, improvement, alteration, or repair of a port facility or any part thereof;~~

C.E. Review any proposed revision to this code, City policy, procedure or regulation impacting or regarding port and harbor facilities and make recommendations to City Council via resolution regarding the adoption of such revisions prior to their adoption; ~~Assist the Council in developing ways and means whereby the City may encourage and permit the development of port facilities by private and public developers and builders;~~

~~F. Hear appeals from actions of the Port Director;~~

D.G. Analyze ~~Perform analysis and make recommendations to the Council~~ **annually regarding** ~~with respect to the setting and adjustment by the City, from time to time as deemed necessary, of~~ **rates and fees charged for the use of port and harbor facilities or related services and any recommended changes to these rates and fees;** ~~rent and fee schedules pertaining to port facilities and of routes, fares, schedules, and levels of service pertaining to use of the port facilities;~~

E.H. Periodically review the budget, capital improvement programs, and funding of port and harbor facilities ~~City-owned or municipal port facility and systems, and report its findings to the Council;~~

~~I. Establish fares, rates, or fees which will pay the cost of operation, administration, maintenance, and replacement of facilities at the end of the expected life of those facilities;~~

~~J. Perform such other duties as the Council may refer to it from time to time;~~

~~K. Do such other acts as are necessary and proper for the performance of the duties and functions set forth in this chapter.~~

2.54.050 Filling of vacancies.

A vacancy shall be declared and filled as provided when a **Commission** member:

~~A. Fails to qualify and take his office within 30 days after confirmation by the City Council;~~

~~B. Departs from the City with the intent to remain away for a period of 90 days or more, or is physically absent from the City for 90 days or more;~~

~~B~~**C**. Submits a resignation to the Mayor;

~~C~~**D**. Is physically or mentally unable to attend Commission meetings or to attend to Commission business;

~~D~~**E**. Is absent from three or more consecutive, regular meetings of the Commission without an excuse approved by the Commission;

~~E~~**F**. Is convicted of a felony or other offense, an element of which is a violation of his or her oath of office;

~~F~~**G**. Is or becomes so directly interested in port and harbor matters in the course of his or her private affairs, that his or her membership on the Commission, and the belief of the Commissioners or the City Council, creates a conflict or the pervasive appearance of a conflict of interest.

2.54.060 Cooperation of other agencies – Staff.

A. The ~~Port~~ Commission, as an advisory board of the City Council, shall receive full cooperation and support from the City Manager which shall include, but not be limited to, full access to any and all information bearing on **port and harbor facilities**~~the port and harbor matters~~, office or other administrative support, and the attendance of the City Manager and staff as may be required by the Commission in the execution of its duties.

B. The Commission shall be provided with such office space as it shall require to file its minutes, correspondence, resolutions, ~~administrative regulations~~, and other documents which shall constitute public records of the City.

C. The City Manager shall, in a prompt and expeditious manner, make available to the ~~Port~~ Commission such consultants, agents, attorneys, City staff, and other persons engaged by the City to aid the Commission in furtherance of the performance of the Commission's duties.

Section 2. Classification. This Ordinance is a permanent code ordinance.

Section 3. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council on this ____ day of _____, 2021.

Dave Dickason
MAYOR

ATTEST:

Naelene Matsumiya
CITY CLERK

Ayes:
Nays:
Absent:
Abstain:

**CITY OF WHITTIER, ALASKA
RESOLUTION # 14-2021**

**A RESOLUTION OF THE CITY OF WHITTIER, ALASKA,
CONCEPTUAL RECREATION PLAN FOR SHOTGUN COVE ROAD
EXTENSION**

WHEREAS, the City of Whittier (“City”), partnered with the U.S. Forest Service, is currently designing, and seeking funding for a 2.5-mile road extension starting at the end of the existing Shotgun Cove Road and ending on U.S. Forest Service land at Trinity Point; and

WHEREAS, a primary goal of the road extension funding is to increase resource access, including access to Forest Service land, state uplands, and coastal waters; and

WHEREAS, the State of Alaska deeded 600 acres of land along Passage Canal and in the Shotgun Cove area to the City with the condition that the land must be sold; and

WHEREAS, the sale of all land adjacent to the road extension will reduce existing public recreation areas and limit access to State uplands and coastal waters; and

WHEREAS, a conceptual layout of parcels has been presented to the public, but has not been fully developed or approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED;

Section 1. The City of Whittier Council hereby adopts the Shotgun Cove Road Extension Conceptual Recreation Plan (May 2021) as the current framework for improving recreational facilities adjacent to the proposed road extension.

Section 2. The City of Whittier Council hereby confirms intent to retain City ownership of lands (approximately 13 acres) and reserve them for public recreation. Acreage and boundary of said lands will be finalized following construction of the road, during platting of adjacent lands. Acreage and boundary of said lands are subject to change.

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council on this 15th day of June, 2021.

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor

Ayes:
Nays:
Absent:
Abstain:

Shotgun Cove Road Extension Mile 2.0 to 4.5

Conceptual Recreation Plan

I. Introduction

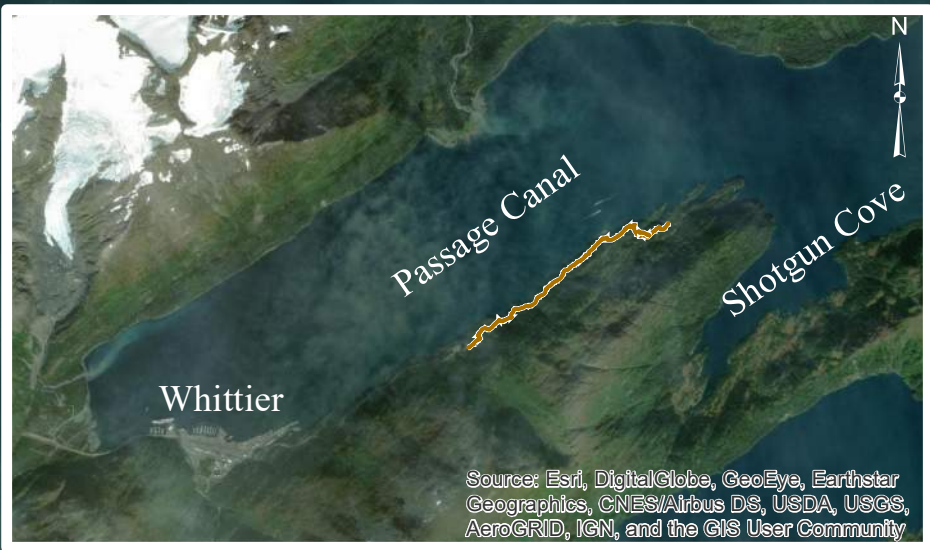
The City of Whittier (City) has contracted with CRW Engineering Group, LLC to provide professional services to prepare a Design Study Report for the Shotgun Cove Road Extension from its current constructed location near Second Salmon Run (Mile 2.0), to the U.S. Department of Agriculture Forest Service (U.S. Forest Service) land at Trinity Point (Mile 4.5). The land along the project corridor, and further east to Shotgun Cove, was transferred from the State of Alaska to the City in 1994, under the stipulation that the City would provide access and prepare adjacent lands for public sale. The City applied for funding from the Federal Land Access Program (FLAP) for permitting, design, and construction. The FLAP application identified two main objectives for this project: 1) increase resource access, including access to Forest Service land, state-owned uplands, and coastal waters; and 2) improve regional transportation systems, such as providing alternative entry points for non-motorized water craft to access Passage Canal outside the existing harbor. The conceptual recreation plan is based on excerpts from the Environmental Assessment.

II. Existing Uses

The project area is surrounded by opportunities for outdoor recreation. Whittier provides one of a few access points to deep water fisheries, hunting lands for deer and bear, and camping. Residents and visitors use the marine waters adjacent to the project area for commercial, sport, and subsistence fishing and the land for hunting. Other popular summer recreation activities in and around the project area include hiking, berry picking, and kayaking, and winter recreation includes snowshoeing, skiing, and snow machining.

The existing Shotgun Cove Road and Emerald Cove Trail provide access to recreation activities. Emerald Cove Trail begins at the existing end of Shotgun Cove Road, follows the coastline with a maintained dirt track through forest and muskeg, dwindling to a barely-discernable cut in the underbrush prior to reaching Emerald Bay (see Figure 1). The trail is located on land owned by the City, was built by the Alaska Department of Natural Resources (ADNR) Division of Parks and Outdoor Recreation, and is maintained by the City.

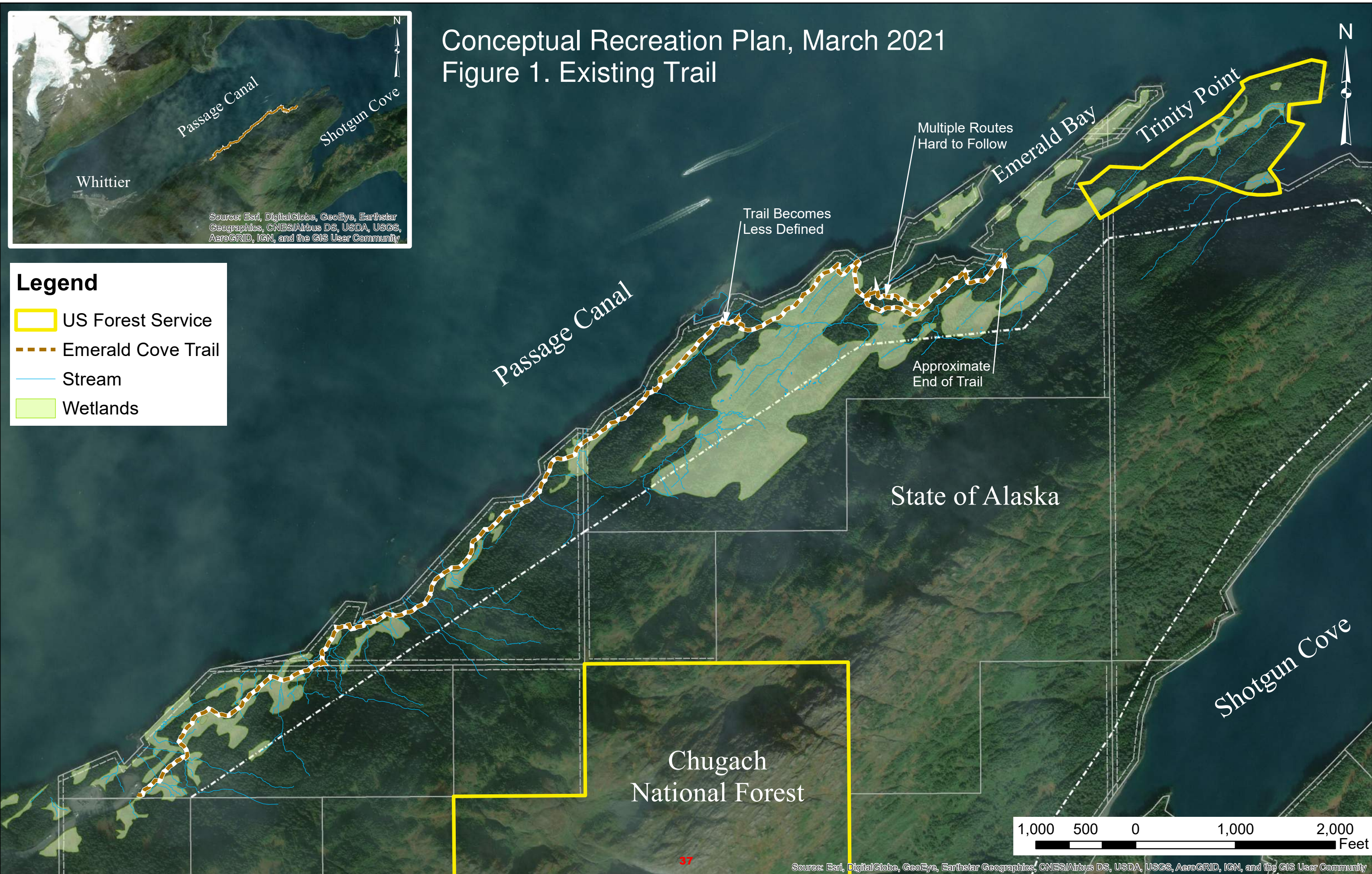
The City and ADNR, the officials with jurisdiction (OWJ) over the Emerald Cove Trail, have dissolved their 1997 agreement under which the trail was created and maintained. Further, the City has determined that the trail is not a significant recreation resource. As a result of this dissolution and determination by the OWJ, FHWA has concluded that the trail is not subject to protection under Section 4(f) of the Department of Transportation Act of 1966.



Conceptual Recreation Plan, March 2021
Figure 1. Existing Trail

Legend

- US Forest Service
- Emerald Cove Trail
- Stream
- Wetlands



Impact of New Road Construction

During some periods of the construction phase, access to recreation activities within and adjacent to the project area would be limited, and the Emerald Cove Trail and trailhead would be inaccessible.

The Proposed Action (see Figure 2) would permanently impact the trail at several points and convert some portions to roadway. Approximately 0.6 miles of the trail will be permanently removed with the placement of the road; a larger portion of the trail would be segmented by the roadway and abandoned in place. Short segments of the trail would remain to access City lands in the project area. Loss of this recreation resource would be mitigated by allowing vehicle access to public lands along the corridor and construction of new trail segments (see Mitigation Measures section below). The existing recreation experience would be altered, but walkers, bicyclers, and skiers (in the winter) would not be excluded from using the roadway to travel on and to access public lands including National Forest System (NFS) lands at Trinity Point.

With the potential future addition of private parcels along the roadway alignment, some existing areas used for recreation would no longer be accessible. However, the Proposed Action would increase recreation opportunities in the area by adding features such as parking areas and viewpoints, and would spur development of many easily-accessible points of entry for recreational activity including trailheads and beach access. The Proposed Action would also provide access to federal lands previously only accessible by boat or backcountry hikers and better access to state lands above (south of) the roadway.

Recreation use of Trinity Point will increase with construction of the Proposed Action. It is unlikely to exceed the desired level of social encounters for the designated Recreation Opportunity Spectrum (encountering more than 15 other visitor groups per day) for most of the summer season; many groups would use the road terminus as a launching area for kayaking to destinations within Prince William Sound beyond Passage Canal and not remaining on Trinity Point.

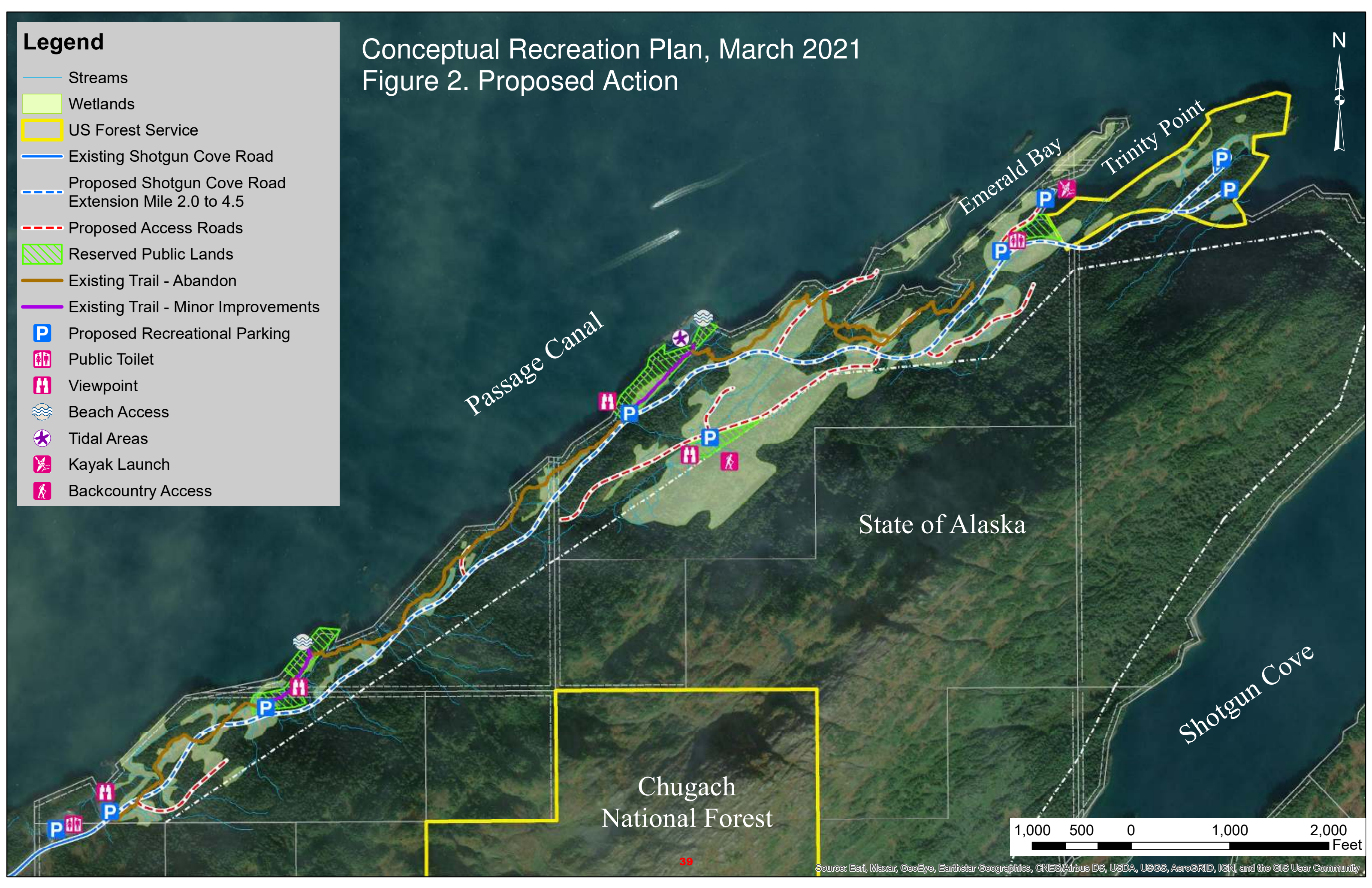
Launching from Trinity Point would bring kayakers a day closer to farther-flung destinations in Prince William Sound, such as the Nellie Juan-College Fiord Wilderness Study Area, increasing visitation and human impacts to these remote NFS lands. For some recreationists, easier access to more remote areas would be welcome. For others, easier access could diminish their desired experience and lower the opportunity for solitude by leading to increased social encounters in these remote areas.

Conceptual Recreation Plan, March 2021

Figure 2. Proposed Action

Legend

- Streams
- Wetlands
- US Forest Service
- Existing Shotgun Cove Road
- Proposed Shotgun Cove Road Extension Mile 2.0 to 4.5
- Proposed Access Roads
- Reserved Public Lands
- Existing Trail - Abandon
- Existing Trail - Minor Improvements
- Proposed Recreational Parking
- Public Toilet
- Viewpoint
- Beach Access
- Tidal Areas
- Kayak Launch
- Backcountry Access



III. Mitigation Measures

To mitigate for impacts to recreation resources in the project area, the following measures would be implemented along with the Proposed Action.

- Approximately 13 acres of land will be reserved along the corridor for public recreation access (see Figures 3a - d). Ownership of these lands would be retained by the City. Acreage and boundary of said lands will be defined following construction of the road extension and platting of adjacent land, and are subject to change.

Section	Area	Acreage	Description
17	1a	±2.0	Bounded by future ROW to the south, streams to the east and west, and section line to the north.
8	1b	±2.8	Bounded by section line to the south, stream to the east, and shoreline to the north and west.
9	2	±5.4	Bounded by future ROW and streams to the south and east, and shoreline to the north and west.
9	3	±1.8	Bounded by State land to the south, stream to the west, and future ROW to the north.
9	4	±1.8	Bounded by future ROW to the south and west, Forest Service land to the east, and shoreline to the north.

- Nine new parking lots will be constructed along the roadway and access roads as part of the Proposed Action. These parking lots will be constructed as construction of the roadway progresses from mile 2.0 to 4.5, with parking lots closer to mile 4.5 potentially not scheduled to be constructed until the last year of construction.
- To mitigate for the loss of Emerald Cove Trail, at a few of these parking lots there are segments of the existing trail that will remain and undergo minor improvements (and at one parking lot a new trail segment will be constructed) which could lead to recreational resources or to shoreline access. While the portions of Emerald Cove Trail to be left in place would not be widened or realigned, minor improvements will include:
 - removing deteriorated or deficient puncheons and rebar;
 - hardening the trail surface with gravel base or surface course, wood retainers, and/or puncheons;
 - installing short-span (less than 10 feet) wood structures across small drainages;
 - pruning of branches impeding on the trail; and
 - removing old bridges in these sections.
- New wayfinding signs will be installed to direct travelers to Trinity Point, Emerald Cove, viewpoints, parking areas, beach access, hiking, and picnic areas.

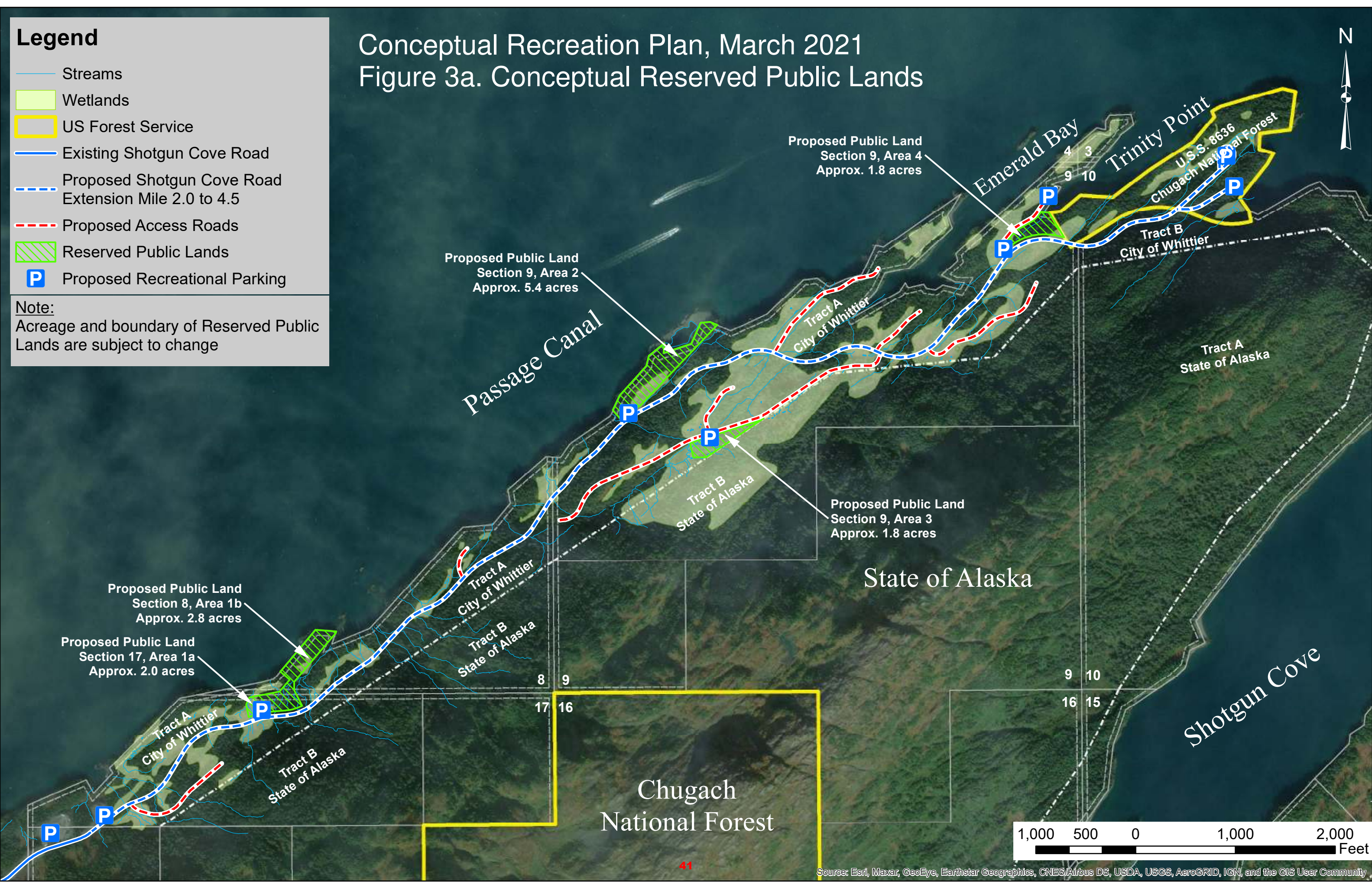
Conceptual Recreation Plan, March 2021

Figure 3a. Conceptual Reserved Public Lands

Legend

- Streams
- Wetlands
- US Forest Service
- Existing Shotgun Cove Road
- Proposed Shotgun Cove Road Extension Mile 2.0 to 4.5
- Proposed Access Roads
- Reserved Public Lands
- Proposed Recreational Parking

Note:
Acreage and boundary of Reserved Public Lands are subject to change



Conceptual Recreation Plan, March 2021

Figure 3b. Conceptual Reserved Public Lands

Legend

- Streams
- Wetlands
- US Forest Service
- Existing Shotgun Cove Road
- Proposed Shotgun Cove Road Extension Mile 2.0 to 4.5
- Proposed Access Roads
- Reserved Public Lands
- Proposed Recreational Parking


Note:
Acreage and boundary of Reserved Public Lands are subject to change





Conceptual Recreation Plan, March 2021


Figure 3c. Conceptual Reserved Public Lands


Legend


 Streams


 Wetlands


 US Forest Service

 Existing Shotgun Cove Road

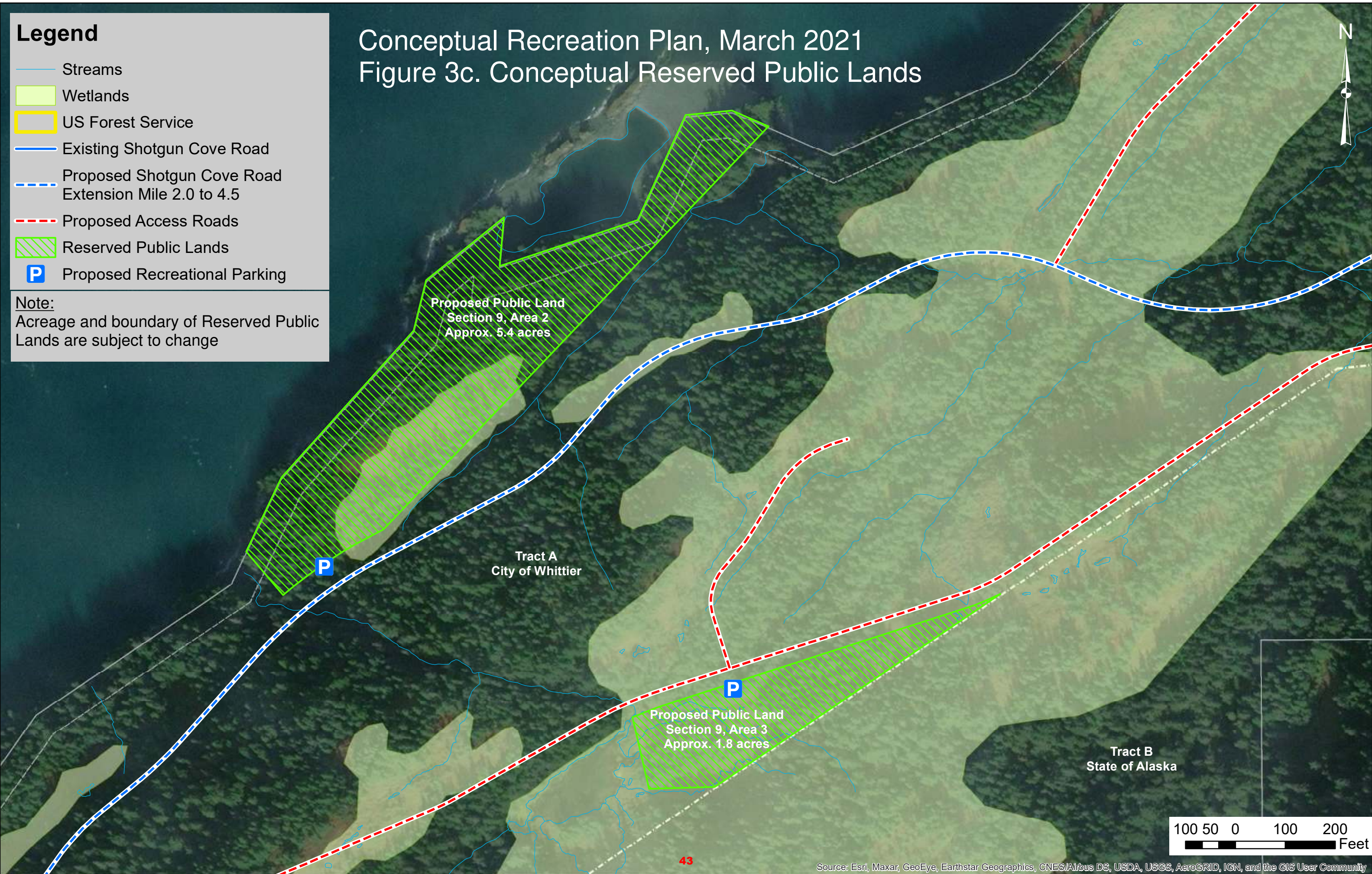
 Proposed Shotgun Cove Road Extension Mile 2.0 to 4.5

 Proposed Access Roads

 Reserved Public Lands

 Proposed Recreational Parking

Note:
Acreage and boundary of Reserved Public Lands are subject to change



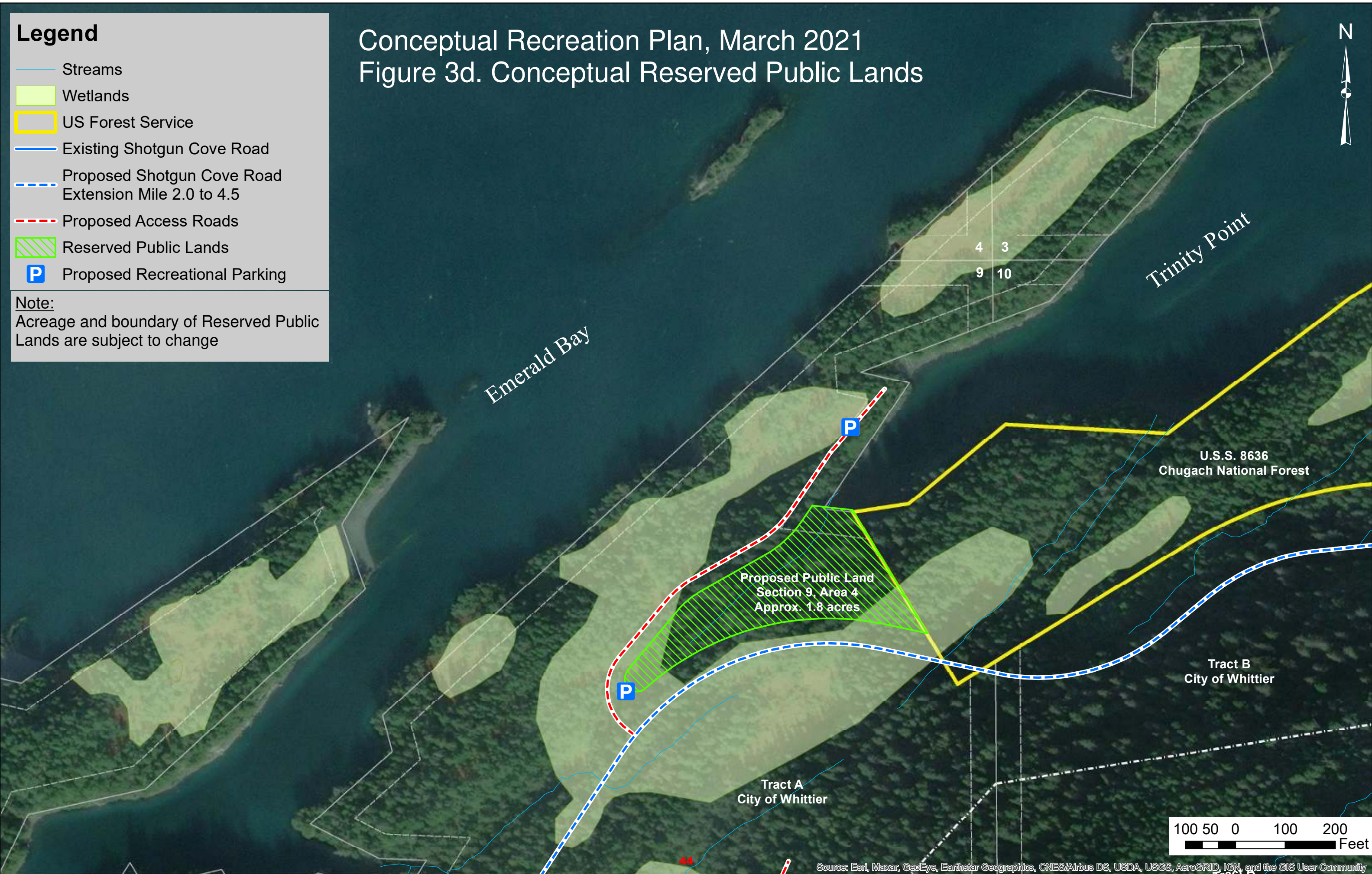
Conceptual Recreation Plan, March 2021

Figure 3d. Conceptual Reserved Public Lands

Legend

- Streams
- Wetlands
- US Forest Service
- Existing Shotgun Cove Road
- Proposed Shotgun Cove Road Extension Mile 2.0 to 4.5
- Proposed Access Roads
- Reserved Public Lands
- Proposed Recreational Parking

Note:
Acreage and boundary of Reserved Public Lands are subject to change



ACTION MEMORANDUM REGARDING PERS RESOLUTION

To: Whittier City Council

From: Jim Hunt, City Manager

Re: Resolution #15-2021

INTRODUCTION

The Whittier City Council passed Resolution #32-2019 in November 2019, authorizing removal of the finance director position from PERS. A termination study was performed by the State's actuaries in July 2019. The City was not aware that the termination study was valid for a period of only 90 days. The resolution passed in November 2019 was not considered timely; therefore no action was taken to remove the position from PERS.

The City recently requested a new study in order to satisfy the State's 90-day notice requirement; the cost to remove the position from PERS is \$2,415 (a one-time cost). Opting the position out of PERS will require that the City pay the lower past service cost (currently 17.44%) rather than the full employer rate of 22%. The position can be reinstated in the future at no cost to the City, upon passage of a Council resolution.

RECOMMENDED ACTION

The administration recommends rescinding Resolution #32-2019 and replacing it with a new resolution following the recommendation of the retirement system director, to remove the position on the first day of the month following 90 days after Council approval of the resolution. The new termination study was completed on May 27, 2021. With Council approval on June 15, 2021, the termination will become effective October 1, 2021. Thereafter, the City will pay the lower past service cost rate (currently 17.44%) rather than the full 22% contribution rate.

STAFF REVIEW

This resolution has been reviewed by the City Manager, the City Clerk and the Finance Director, who will be available to answer any questions that Council may have regarding the Resolution.

**CITY OF WHITTIER, ALASKA
RESOLUTION #15-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER,
ALASKA, RESCINDING RESOLUTION #32-2019 AND AMENDING THE
PARTICIPATION AGREEMENT WITH THE PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

WHEREAS, the City of Whittier ("City") and the State of Alaska entered into an agreement ("Agreement") relating to participation by the City in the Public Employees' Retirement System of Alaska ("PERS") and amendments can be made to the Agreement by Council resolution; and

WHEREAS, the City Council passed Resolution #32-2019 on November 12, 2019, authorizing removal of the finance director position from PERS; the administration postponed action due to the time elapsed between the State's termination study and the effective date of the resolution; and

WHEREAS, the State requires that a City intending to amend its agreement provide the retirement system administrator 90 days' notice of intent to remove a position from participation and recommends the termination become effective on the 1st day of a month following the 90 days' notice. The City requested and received an updated termination study from the PERS actuaries on May 27, 2021 with a one-time cost of \$2,415. With Council approval of the resolution on June 15, 2021, the effective date of termination is October 1, 2021; and .

WHEREAS, cities contribute 22% for positions covered by PERS (covering both normal cost rate and past service cost rate), and only the past service cost rate for positions removed from PERS (currently 17.44%); and

WHEREAS, opting a position into or out of PERS requires a Council Resolution authorizing an amendment to the PERS Participation Agreement and a position can be reinstated into PERS in the future at no additional cost to the City, upon passage of a City Council resolution.

NOW, THEREFORE, BE IT RESOLVED; the City Council excludes from participation in the Public Employees' Retirement System (WMC 2.70.280) the position of finance director and authorizes the city manager to take all steps necessary to execute an amendment to the Participation Agreement between the City of Whittier and the State of Alaska, Department of Administration, to accomplish same. The position will be terminated from PERS effective October 1, 2021.

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council on this 15th day of June, 2021.

ATTEST:

Naelene Matsumiya
City Clerk

Dave Dickason
Mayor

Ayes:
Nays:
Absent:
Abstain:

**CITY OF WHITTIER, ALASKA
RESOLUTION #16-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA
AUTHORIZING THE CITY MANAGER TO CONTRIBUTE NO MORE THAN \$5,000
FROM THE COMMUNITY SUPPORT LINE ITEM IN THE CITY COUNCIL BUDGET
TOWARDS THE RESTORATION OF PUBLIC RESTROOMS AND RELATED
FACILITIES IN THE HARBOR WATERFRONT AREA, AND APPROPRIATING
FUNDS**

WHEREAS, the Whittier Harbor has a total of 8 public restroom facilities (6 on the waterfront and 2 in the Harbor building); and

WHEREAS, the restrooms are open for public use for 6 months out of the year; and

WHEREAS, the City of Whittier recognizes that the public restrooms are in need of repair and restoration for continual use; and

WHEREAS, the City of Whittier authorized the City manager to contribute \$5,000 to the restoration of these public facilities within the Harbor waterfront area; and

NOW THEREFORE BE IT RESOLVED by the City Council of Whittier, Alaska to:

1. Appropriate \$5,000 from the General Fund reserves account to the Community Support account no. 01-401-6240; and
2. Authorize the City Manager to contribute \$5,000 from the City Council budget towards the restoration and repair of public facilities in the harbor Waterfront area

Passed and approved by a duly constituted quorum of the Whittier City Council on this 15th day of June 2021.

Introduced by: Jim Hunt, City Manager

Dave Dickason
MAYOR

ATTEST:

Naelene Matsumiya
CITY CLERK

Ayes:
Nays:
Absent:
Abstain:

**CITY OF WHITTIER, ALASKA
RESOLUTION #17-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA
AUTHORIZING PURCHASE OF A HARBOR SKIFF FOR AN AMOUNT NOT TO
EXCEED \$40,000 TO REPLACE THE SKIFF CURRENTLY AT THE END OF ITS
SERVICE LIFE, AND APPROPRIATING FUNDS**

WHEREAS, the harbor utilizes a skiff for numerous purposes, including to move boats within the harbor, to move fish pens, to move the gut barge and dispose of fish guts from the gut barge; and

WHEREAS, the harbor's current skiff has reached the end of its service life, is severely pitted such that it would require a complete re-skin making repairs of the skiff cost-prohibitive; and

WHEREAS, the Harbor requires a safe skiff to conduct routine harbor operations, and by obtaining Council approval in advance of purchasing a replacement, the harbormaster will have flexibility to make an offer on any new or used vessel meeting the service needs of the harbor, without delays associated with an after-the-fact purchase authorization; and

WHEREAS, the Harbor plans to dispose of the safe boat, a Boston whaler and a 50 horsepower motor via surplus sale, with proceeds from the sale to return to the Harbor to partially offset the costs associated with the purchase of a new skiff.

NOW THEREFORE BE IT RESOLVED by the City Council of Whittier, Alaska that the City Manager is hereby authorized to purchase a replacement skiff for use in the Whittier Small boat Harbor for an amount not to exceed \$40,000, with funding of \$40,000 hereby appropriated from the Harbor Reserves to the Harbor Capital Equipment account no. 51-800-9520.

Passed and approved by a duly constituted quorum of the Whittier City Council on this 15th day of June 2021.

Introduced by: Jim Hunt, City Manager

Dave Dickason
MAYOR

ATTEST:

Naelene Matsumiya
CITY CLERK

Ayes:
Nays:
Absent:
Abstain:

**CITY OF WHITTIER, ALASKA
RESOLUTION #18-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA
AUTHORIZING REPAIRS TO THE CITY DOCK CRANE IN AN AMOUNT NOT TO
EXCEED \$8,000 AND APPROPRIATING FUNDS**

WHEREAS, the City-owned City Dock crane is in need of a rebuild on two hydraulic rams at an estimated cost of \$8,000; and

WHEREAS, the crane provides a critical service to commercial and other fishermen year-round, serving to offload fish, shrimp, crab and other product, as well as enabling vessels to load and offload vessels with gear and equipment; and

WHEREAS, these repairs must be performed in order to allow the continued use of the crane, and failure to perform the repairs will result in a significant adverse impact to numerous fishermen and other harbor users, as well as a reduction in related wharfage revenue to the harbor.

NOW THEREFORE BE IT RESOLVED by the City Council of Whittier, Alaska that the City Manager is hereby authorized to pursue repairs to the City Dock crane in an amount not to exceed \$8,000, with funding of \$8,000 hereby appropriated from the Harbor Reserves to the Harbor equipment repair account no. 51-800-9520.

Passed and approved by a duly constituted quorum of the Whittier City Council on this 15th day of June 2021.

Introduced by: Jim Hunt, City Manager

Dave Dickason
MAYOR

ATTEST:

Naelene Matsumiya
CITY CLERK

Ayes:
Nays:
Absent:
Abstain:

ACTION MEMORANDUM REGARDING TRAVEL LIFT RESOLUTION

To: Whittier City Council

Through: Jim Hunt, City Manager

From: Dave Borg, Harbormaster

Re: Resolution #19-2021

INTRODUCTION

The City of Whittier owns a marine travelift with an original lifting capacity of up to 30 tons. To ensure the safety of vessels and vessel operators, City staff have previously reduced the lifting capacity of the lift to 15 tons, based on the deteriorated condition of the lift and the dock. In addition to the condition of the lift, the City must consider the condition of the dock on which lifts take place, when assessing the ability of the City to continue providing for safe lift operations.

The current lift requires more than \$25K in costs to repair (tires, hydraulics), simply to return the lift to operational condition. It is highly likely that the deteriorating condition of the dock will render it unusable in the next 2-3 years, and that the lift will continue to require costly repairs and maintenance, in addition to a necessary dock inspection/assessment that will cost approximately \$10K. It appears fiscally imprudent to invest in repairs of this magnitude, given the limited remaining service life of the lift/dock, as well as other service priorities competing for limited harbor resources.

The ability to lift and launch boats is a valuable service to commercial and recreational harbor customers. However, the pending need to replace the boat lift (at a cost of between \$750K and \$1.5 million), combined with the requirement to invest in costly dock upgrades, may price the City out of the boat lift market in the short-term. The Harbor performs fewer than 100 lifts per year and the service, as in other harbors, does not generate sufficient revenue to pay for itself. While boat lift services do bring vessels into the harbor to moor and use other services, Whittier currently lacks some of the related services that could contribute to cost recovery of the investment in a new lift (i.e. washdown pad with stormwater protection plan, grid, storage facilities). Simply put, it is not currently financially viable for the City to remain in the boat lift business, without significant capital investment. If the City decommissions the boat lift, a local privately-owned business has equipment capable of assisting most vessels into and out of the Whittier harbor.

The harbormaster and Port and Harbor Commission have identified other higher priorities for limited Harbor funding; priorities that would serve many more customers than those served by boat lifts (e.g. shower upgrades, coin-operated crane operations, pump-out system improvements).

that require a minimum investment of \$25K to return the lift to operation. Given competing priorities of other administration finds that continued use of the travelift may pose a safety threat to harbor personnel and may expose the City to potential liability associated with lifting vessels. It is prudent to consider retiring this equipment prior to experiencing any adverse event, to protect the City and its employees.

RECOMMENDED ACTION

The administration recommends City Council approval to decommission the current boat lift rather than to continue funding a service that loses money and will continue to require substantial financial commitment, and before the lift or the dock reaches the point of posing a safety threat to personnel or property.

If Council desires, the Harbormaster will evaluate the boat lift service, the cost to replace the lift, and the necessary cost to restore the dock to a condition necessary to resume lift services in the future. This information can be vetted through the Port and Harbor Commission for future recommendation to the City Council.

STAFF REVIEW

This resolution has not been reviewed by the Port and Harbor Commission, as the action requires policy direction from the City Council. However, members of the Commission have expressed support for decommissioning the boat lift to ensure the safety of vessels and operators, and to make better use of scarce harbor reserves.

**CITY OF WHITTIER, ALASKA
RESOLUTION #19-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA
AUTHORIZING THE HARBORMASTER TO DECOMMISSION THE CITY-OWNED
BOAT LIFT RATHER THAN TO INCUR \$25,000 IN REPAIR COSTS**

WHEREAS, the Whittier Harbor operates a 30-ton boat lift currently operating at a 15-ton capacity due to the condition of both the lift equipment and the dock on which lifts take place; and

WHEREAS, the boat lift is in need of repairs exceeding \$25,000 which does not seem like a prudent investment given that the equipment is reaching the end of its useful life, and the dock on which lifts take place will require significant repairs in the next 2-3 years; and

WHEREAS, Whittier has a local private operator currently providing services to haul vessels in and out of the harbor; and

WHEREAS, the City has a limited pool of harbor reserves available to meet many other competing priorities in the harbor, such that an investment of this magnitude seems imprudent at this time.

NOW THEREFORE BE IT RESOLVED by the City Council of Whittier, Alaska that the City Council supports the recommendation of the harbormaster to decommission the 30-ton boat lift rather than to invest an additional \$25,000 in short-term repairs.

Passed and approved by a duly constituted quorum of the Whittier City Council on this 15th day of June 2021.

Introduced by: Jim Hunt, City Manager

Dave Dickason
MAYOR

ATTEST:

Naelene Matsumiya
CITY CLERK

Ayes:
Nays:
Abstain:
Absent:

ACTION MEMORANDUM REGARDING RESOLUTION #19-2021

To: Whittier City Council

From: City Manager Hunt
Assistant City Manager Reeves

Re: Resolution No.20-2021

INTRODUCTION

At the February 26, 2021 City Council meeting, the Whittier City Council reiterated its interest in adopting uniform and clear policies and guidelines for local governance to ensure consistent and efficient governance. To this end, City Council directed the City Manager to devise executive session guidelines that were instructive for Council, administration, the City Clerk, and the public. Resolution #20-2021 approves the Whittier Executive Session Guidelines, which were drafted by Assistant City Manager Annie Reeves, and address record keeping, attendance, and document disclosure in and/or regarding executive sessions. The Guidelines were reviewed by City Attorney Wells. Although the Guidelines do not legally require Council approval under the Whittier Municipal Code, the City Administration is seeking approval to afford City Council an opportunity to offer recommendations or revisions to the guidelines and to ensure that the public is aware of the guidelines is also able to offer comments or suggestions regarding the Guidelines content.

RECOMMENDED ACTION

The City Administration recommends Council adopt the Resolution

STAFF REVIEW

The Guidelines have been reviewed by the City Attorney, the Assistant City Manager, and the City Manager. The City Clerk and City Attorney will be available at the June 15, 2021 regular meeting to address any questions Council may have regarding the Resolution.

Sponsor(s): City Manager
Introduction Date: _____
Adoption Date: _____

**CITY OF WHITTIER, ALASKA
RESOLUTION #20-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY WHITTIER,
ALASKA APPROVING AND ADOPTING THE WHITTIER EXECUTIVE
SESSION GUIDELINES**

WHEREAS, the City of Whittier Council and Administration are working diligently to create streamlined and transparent internal procedures regarding City of Whittier operations; and

WHEREAS, City Administration has drafted, with consultation with the City Attorney, the “Whittier Executive Session Guidelines” to provide a uniform approach to entering into, memorializing, and managing executive session conduct and documents submitted during executive session; and

WHEREAS, the “Whittier Executive Session Guidelines” is an internal procedure document only and does not qualify as a “regulation” as defined by Whittier Municipal Code 2.12.010 but Council approval of these guidelines serves the public’s interest in and Council’s dedication to transparent governance;

NOW, THEREFORE, the Whittier City Council resolves;

Section 1. The Whittier Executive Session Guidelines are hereby approved.

Section 2. This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council on this 15th day of June, 2021.

ATTEST:

Naelene Matsumiya
CITY CLERK

Dave Dickason
MAYOR

Ayes:
Nays:
Absent:
Abstain:

WHITTIER EXECUTIVE SESSION GUIDELINES

Effective June 15, 2021

This document provides guidelines and procedures for implementing executive session discussions and the handling of related materials in accordance with Whittier Municipal Code and State of Alaska laws. Implementation of these procedures is in the best interest of the City of Whittier when conducting executive session discussions at meetings. Council members, commission members, and staff involved with meeting procedures, the handling of City information, and the recording of minutes from these sessions should become familiar with these procedures. Any questions or issues related to these procedures should be directed to the City Clerk. The City Clerk, with approval by the City Attorney, may modify these guidelines or deviate from them when doing so is necessary to comply with the law or serves the best interests of the City.

General Procedures

Documents for consideration or review in executive session should be distributed to Council in a sealed envelope or email clearly marked "CONFIDENTIAL EXECUTIVE SESSION DOCUMENT: FOR YOUR EYES ONLY." Records may also be distributed or presented during executive session and collected at the end of the session. In the event records are distributed during executive session and executive session attendees are permitted to keep these records after the session ends, executive session attendees are responsible for maintaining the confidentiality of the records and will be held responsible if the records are released or reviewed by unauthorized individuals.

Executive session records may be viewed by:

- The Executive Session Control Group. The Executive Session Control Group includes only the City Council members, City officials, City agents, City consultants or advisors, City Clerk, City Manager, and City employees in attendance at the executive session or authorized to attend the executive session.
- The City Attorney
- The City Clerk. The City Clerk shall be responsible for maintaining executive session records and shall be the custodian of executive session records, except when the City Clerk is not authorized to attend an executive session or view records presented in executive session. In the event the City Clerk is not authorized to participate in an executive session, the City Manager shall designate an authorized employee to maintain the executive session record at issue and the designated employee shall follow the guidelines for managing the executive session record in a manner that preserves its confidentiality and is the same or substantially similar to the record management conducted by the City Clerk under these guidelines. If neither the City Manager nor the City Clerk are authorized to participate in an executive session, the City Attorney or the Mayor shall designate an authorized employee, official or agent of the City to maintain the executive session records. The designee shall follow the guidelines for managing the executive session record in a manner that preserves its confidentiality and is the same or substantially similar to the record management conducted by the City Clerk under these guidelines.

- All individuals may file an Executive Session Document Review Form with the City Clerk's office. These individuals may be permitted to review documents only if approved by the City Attorney. The City Manager shall also approve the review of executive session documents for executive session in which the City Manager is in the Executive Session Control Group. If the City Manager is not in the Executive Session Control Group for the executive session at issue, the Mayor shall approve the review of the executive session documents included within the request form. If neither the Mayor nor the City Manager are within the Executive Session Control Group, approval by the City Attorney shall be sufficient to authorize the release.

Pre-Executive Session Procedures

- The City Clerk will maintain an attendance record and sign-in sheet to identify all attendees at the executive session and the way in which these individuals attend the session (i.e., telephonically, via video, or in person).
- At the start of the Executive Session, the City Clerk will take a roll-call attendance to note who attends the Executive Session.
- Before entering executive session, a motion to enter executive session should be made, and passed, that specifically identifies the purpose of the executive session in accordance with Alaska State Statutes and Whittier Municipal Code. The motion should be memorialized and included with the executive session document retention.
- In the event that it is foreseeable that an executive session will involve the discussion of issues that may impede the reputation or character of an individual, the executive session record should contain a statement identifying how and when that individual was contacted and the individual's forfeiture of the right to have the discussion in public.

Executive Session Record Management

- Records submitted during executive session shall be considered "confidential records" and are not subject to disclosure to individuals via a public records request, except as otherwise provided in these guidelines or as determined by the City Attorney.
- The Clerk, or City employee or designee serving in that role in cases where the Clerk is not within the Executive Session Control Group, will record the Executive Session on a separate recorder from the normal meeting.
- The recording of the executive session will be transferred to the City's shared drive and saved under the file name, "MM_DD_YY Council Executive Session". The Clerk, or the City employee serving in that role in cases where the Clerk is not within the Executive Session Control Group, will put a password protection on the file and record the password in a safe and secure log.
 - The file will also be copied into a flash drive labeled with the executive session identifier.
 - The flash drive and any supporting materials used during the executive session will be placed in an envelope, sealed, and placed in a secure location along with the password log (preferably in a safe).
- Once the recording has been transferred to both the City's shared drive and a flash drive, the audio will be erased from the recording device.

Post-Executive Session Record Review

- All members of the Executive Session Control Group may review the audio files created for an executive session in which they are part of the Control Group after completing an Audio Release Form. If the City Clerk is unsure if the applicant falls within the Executive Session Control Group or has been excluded from the executive session in question, the City Attorney will be responsible for approving the review.
- Review will occur in the presence of the City Clerk to ensure a recording of the materials does not occur.
- After review, the City Clerk will once again safeguard the file(s) as appropriate and noted above.

City Attorney Review

- The City Attorney may authorize disclosure of all or part of records distributed during an executive session if the City Attorney determines that the release of the records is required by law.
- In the event the City Attorney is the subject of an executive session, the City Manager or the City Manager's designee will conduct the review and approval processes delegated to the City Attorney under these guidelines. If the City Manager is unclear on the legal implications of a record release or review under these guidelines, the City Manager may retain outside legal counsel to fulfill the duties of the City Attorney under these guidelines.