



# THE CITY OF WHITTIER

Gateway to Western Prince William Sound

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**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 18, 2016  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 7:05 p.m.

### 2. OPENING CEREMONY

Dan Blair led the Pledge of Allegiance.

### 3. ROLL CALL

**A. Council Members Present:** Debra Hicks, Monty Irvin, Peter Denmark, David Pinquoch, and Daniel Blair

**B. Administration Present:**

Mark Lynch, City Manager

Jennifer Rogers, City Clerk

Scott Korbe, Public Works Director

Andy Dennis, Harbormaster

Moe Zamarron, Public Safety Bldg. Manager

Holly Wells, City Attorney

**Others Present:**

Barb Blakeley

Stephanie Carlson

Anna Dickason

Suzanne Eusden

Dave Goldstein

Mike Hanley

Dutch Lucore

Robert Mallowney

Don Stevens

Eric Swedberg

Marc Donadieu

### 4. APPROVAL OF MINUTES

September 20, 2016 Regular Meeting Minutes and October 11, 2016 Special Meeting Minutes

**MOTION:** Dave Pinquoch made a motion to approve the Regular Meeting Minutes of September 20, 2016 and the Special Meeting Minutes of October 11, 2016.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Dave Pinquoch: Yes, Debra Hicks: Yes, Monty Irvin: Yes, Peter Denmark: Yes, Daniel Blair: Yes

**MOTION PASSED: 5-0**

## **5. APPROVAL OF REGULAR MEETING AGENDA**

**MOTION:** Dave Pinguoch made a motion to approve the October 18, 2016 agenda as is.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Dave Pinguoch: Yes, Debra Hicks: Yes, Monty Irvin: Yes, Peter Denmark: Yes, Dan Blair: Yes

**MOTION PASSED: 5-0**

## **6. OATH OF OFFICE FOR NEWLY ELECTED COUNCIL MEMBERS**

**A.** City Clerk, Jennifer Rogers, swore in Daniel Blair, Dave Dickason, Monty Irvin and Debra Hicks.

Council Seat B- Daniel Blair - 3 year term, expires October 2019

Council Seat C- Dave Dickason - 3 year term, expires October 2019

Council Seat D- Monty Irvin - 2 years remaining on a 3 year term, expires October 2018

Council Seat G- Debra Hicks - 3 year term, expires October 2019

## **B. APPOINTMENT OF MAYOR**

**MOTION:** Dave Pinguoch nominated Daniel Blair as Mayor.

**SECOND:** Peter Denmark

**VOTE:** Dave Pinguoch, Yes, Peter Denmark: Yes, Debra Hicks: Yes, Monty Irvin: Yes, Dave Dickason: Yes, Dan Blair: Yes

**MOTION PASSED UNANIMOUSLY**

## **C. APPOINTMENT OF VICE-MAYOR**

**MOTION:** Peter Denmark nominated Dave Pinguoch as Vice-Mayor.

**SECOND:** Debra Hicks

**VOTE:** Peter Denmark: Yes, Debra Hicks: Yes, Monty Irvin: Yes, Dave Dickason: Yes, Dave Pinguoch: Yes, Dan Blair: Yes

**MOTION PASSED UNANIMOUSLY**

## **7. MAYOR'S REPORT**

### **A. Mayor's Report**

Mayor Dan Blair reported that he participated in a children's day at the school. The kids worked hard, the food was excellent and the event was well attended by the community.

He presented Chris Lau with a plaque of appreciation for his five years of service. Dan Blair stated that Chris Lau leaves behind an excellent legacy with the volunteer EMS and volunteer fire department.

Mayor Blair added that he has been working with the city attorney and the Girdwood Board of Supervisors regarding issues with the Girdwood police contract; both the interim and the potential of a long term in 2017.

He reported that he has been working hard to safeguard the investment this community has made at the head of the bay. The Washington D.C. contingent designated the project as an inactive project. With the help of our federal lobbyist, it has been changed back to active. Currently, the project has been evaluated as a greater than one, which means, it's an "all go", to fund the project at 90% federal and 10% local. Mayor Blair is hopeful that we can keep the project alive and get the much needed infrastructure.

## **B. Vice-Mayor's Report**

Vice Mayor, Dave Pinquoch, stated that Senator Mike Dunleavy and soon to be Representative George Rauscher, were here earlier for a Meet and Greet. Senator Dunleavy talked about the state budget in great detail.

## **8. MANAGER'S REPORT**

### **A. City Manager's Report- Mark Lynch**

See written manager's report in original council packet. Mark Lynch reported that he was on vacation for a couple of weeks. It was a slow month, but he still had a lot going on. He thanked Mayor Dan Blair for assisting in putting the head of the bay project back on the active list.

#### **1. Financial Report- Lynette Dennis**

See Revenues with Comparison to Budget for the month ending September 2016.

Peter Denmark inquired about the anticipated projected sales tax numbers. Mark replied, "It looks like we'll be right on budget, but it would be difficult to say until the end of October."

Mayor Dan Blair asked Andy Dennis if the harbor has the technology to enter a license plate number and determine whether or not the parking fees have been paid. Andy replied that yes, they do. He and the Police Chief have collaborated on this and citations have been issued for violations.

Parking meters have been updated. As of October 1<sup>st</sup>, patrons have been allowed to park their truck or trailer in the harbor parking lot for \$15 per day; this will continue through March 31<sup>st</sup>.

### **B. City Attorney's Report – Holly Wells**

Holly Wells announced that she has been working on answering questions relating to lease, construction and railroad negotiations. She is also preparing for an upcoming meeting between the railroad and the city administration.

She has been working on the police services contract with the city manager, mayor and Police Chief. The contract now involves a short term interim contract as well as a long term contract.

She has answered questions from the city clerk relating to the elections, conflict of interest and the zoning map revision process.

### **C. School District's Report**

Assistant Superintendent, Mike Hanley reported that the first quarter in school has come to an end. He provided the council members with a card of appreciation for the grill that was loaned to them and for the support given to them during the Leadership Conference.

He announced that several students are taking advantage of their Voyage to Excellence Program. One student received her Microsoft Office Word certification and is now working towards her Excel spreadsheet certification.

Film maker and digital story teller, Marie Acemah, was at the school last week. Six students and one graduate went to AVTEC in Seward. The program focuses on careers that are available in Alaska. The Educational Advisory Committee meets every month and is always looking for input from the community. They worked on the cell phone policy and a smaller committee was put together to further work on the policy. The next EAC meeting is scheduled for November 7<sup>th</sup>.

The travel club had their first spaghetti delivery dinner and will do another one on November 14<sup>th</sup>. The community Thanksgiving dinner will be held on November 23<sup>rd</sup>.

He stated that they are continually looking for ways to engage with the community to maximize the resources and expertise we have in the community and make that a part of the education for our kids. He went on to say that they are not a traditional model and they are free to engage the kids in ways that other school districts may not.

#### **D. Directors Reports**

- **Harbor Report- Andy Dennis**

See written report in original council packet.

- **Public Safety Report- Dave Schofield**

None

- **Public Works Report – Scott Korbe**

See written report in original council packet.

Scott Korbe gave the council an update regarding the drainage problems to and out of the lagoon.

- **Public Safety Building Report- Moe Zamarron**

See written report in original council packet.

Peter Denmark asked Moe if the contingency problems discussed at the last meeting were resolved. Moe replied that payment has been made. The initial completion date is now July. Moe gave detailed updates encompassing the construction of the building.

He stated that there are still questions regarding the second and third floor layout and urged the council to settle it soon. He recommended that a work session be held to work out the questions and move ahead. Moe reported that DEC will fund projects that further the drinking water or waste water treatment in a community. There is potential to include drinking water treatment. There is an opening right now to submit requests through November 1<sup>st</sup>. He is working with Scott Korbe on completing the criteria list. Potential for funding is based on that list.

Moe encouraged the council to speak to the tribes in the area as they are a great source of funding. Funding can be received from ANTHC; (Alaska Native Tribal Health Consortium) for buildings and renovations, however, they have to own the building. He added that condos qualify. He explained if they received a deed for a condo in the building, we could possibly get the clinic finished. It is a viable potential funding source.

Mark asked Moe to expound on the third floor limitations. Moe replied, "It's not advised to use the entire 104 ft. of the width of the building because the occupancy rating on an ascending room compared to an office is much greater. Once you pass the threshold of so many people in the building, you have to include sprinklers for the entire building, which gets costly; perhaps an additional \$25,000-\$30,000."

#### **9. COMMISSION REPORTS**

- **Planning Commission**

See August 31, 2016 meeting minutes in original council packet.

- **Port and Harbor Commission**

See May 5, 2016 meeting minutes in original council packet.

- **Parks & Recreation Committee**

Mayor Dan Blair asked if someone from the Parks & Rec. Committee would elaborate on the map included in the packet. Dave Dickason stated that the map was in response to Resolution #28-2016, which talked of the possibility of building a bathroom in the new city park.

The map was a sketch created by him and Victor Shen. He reported that they spent some time building a trail and laid out their vision of the park. He spoke of the possibility of creating a parking lot, and it would be there that the bathroom will be placed. Dan Blair suggested that he go into further detail when we get to Resolution #28-2016.

- **PWSAC**

None

## **10. CITIZEN'S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

Glacier Gazette publisher, Marc Donadieu, asked for an explanation for the \$307 per day difference found in the interim contract. Mark Lynch replied, "The short answer is risk and liability to the community of Whittier. We're doing this as a favor for our neighbor, but we're not doing it to lose money. There's more cost in a short term contract, just like if you look back at the Forest Fair contract, the cost per day was much higher because it was only a 3 day contract. The shorter the contract, the more risk and the higher cost it's going to be."

Tommy O'Malley, who serve on the Girdwood Board of Supervisors, spoke of his appreciation to the Whittier Police Department. When the State Troopers left their post, his goal was to provide police coverage for the vulnerable people of his community. He said, "Whatever you guys charge is our only option." He commended the Whittier Police on the work well done during the Girdwood Forest Fair. He said, "If you have any misgivings about a contract, I hope that you can see past that and we can form a better relationship." He urged the council to seek an agreement to help the people of Girdwood.

Mayor Daniel Blair thanked Tommy O'Malley for coming to the meeting.

Council set the next Regular meeting for November 9<sup>th</sup>.

## **11. CONSENT CALENDAR**

None

## **12. PUBLIC HEARING (NON-ORDINANCE)**

None

## **13. ORDINANCES**

### **A. Introduction (1<sup>st</sup> reading)**

**1. Ordinance #08-2016- An authorizing the City Manager to execute an agreement with the Municipality of Anchorage in which the Whittier Police Department agrees to provide police services to the Girdwood Valley service area January 1, 2017 through December 31, 2019 for \$618,000 per year as adjusted by the percentage increase or decrease in the consumer price index.**

City Manager, Mark Lynch, stated that city attorney, Holly Wells didn't feel that it was necessary to have an executive session as listed on the agenda. He urged the council members to hold the executive session before introducing this ordinance if they think it's necessary.

Holly Wells announced that the ordinance has been drafted in a way to allow the administration the ability to move on the non-essential terms so that we can continue to negotiate the terms. In order to give Girdwood services as quickly as possible, the goal was to set this in motion. The short-term contract can be adopted without council approval; it's adopted on an administrative level.

**MOTION:** David Pinguoch made a motion to introduce Ordinance #08-2016 and amended the starting date to January 1, 2017 and setting the public hearing date for November 9, 2016.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Dave Pinguoch: Yes, Debra Hicks: Yes, Peter Denmark: Yes, Monty Irvin: Yes, Dave Dickason: Yes, Dan Blair: Yes

**MOTION PASSED:** 6-0

## **B. PUBLIC HEARING (2<sup>ND</sup> reading)**

### **1. Ordinance #07-2016- An ordinance amending WMC 17.16.221, Marine Park Use Regulations.**

**MOTION:** David Pinguoch made a motion to open the public hearing for Ordinance #07-2016.

**SECOND:** Peter Denmark

**VOTE:** David Pinguoch: Yes, Peter Denmark: Yes, Dave Dickason: Yes, Debra Hicks: Yes, Monty Irvin: Yes, Dan Blair: Yes

**DISCUSSION:** Suzanne Eusden asked if this ordinance is partially in reference to the new family who wants to access the marine park. City Manager, Mark Lynch, replied that it was only part of the reason. Currently, the City has a non-code ordinance which was passed in 2008. The ordinance barred any anchoring or mooring of vessels and designated it as a marine park, but because it was a non-code ordinance, it isn't included in our online code of ordinances like the marine park ordinance. The purpose is to make the code available for everyone to see.

Mayor Dan Blair added that it also gives a little more detail in terms of what we don't want to see in a marine park.

**MOTION:** David Pinguoch made a motion to close the public hearing for Ordinance #07-2016.

**SECOND:** Peter Denmark

**VOTE:** David Pinguoch: Yes, Peter Denmark: Yes, Dave Dickason: Yes, Debra Hicks: Yes, Monty Irvin: Yes, Dan Blair: Yes

**MOTION:** David Pinguoch made a motion to adopt Ordinance #07-2016.

**SECOND:** Monty Irvin

**DISCUSSION:** Dave Pinguoch asked for clarification on where the boundary lines are. Mark Lynch replied that this ordinance doesn't define the boundaries. He stated that since it's a marine park, he can assume that it only deals with the sections that are underwater, so it could be the mean tideline or the high high-tide line. Mark added that there is already a non-code ordinance which states that a boat cannot be anchored or moored at Smitty's Cove so that the artificial reef would not be destroyed.

**VOTE:** David Pinguoch: Yes, Monty Irvin: Yes, Peter Denmark: Yes, Dave Dickason: Yes, Debra Hicks: Yes, Dan Blair: Yes

**MOTION PASSED:** 6-0

## **15. COUNCIL DISCUSSION**

None

## **16. CITIZEN'S DISCUSSION**

None

## 17. EXECUTIVE SESSION

None

## 14. RESOLUTIONS

### **1. Resolution #25-2016- A resolution authorizing the ground sublease between the City of Whittier, and the Whittier Manor Condominium Association, Inc.**

**MOTION:** David Pinguoch made a motion to adopt Resolution #25-2016 with an amendment to add the word, "potentially" before the word, "are" in the 6<sup>th</sup> paragraph.

**SECOND:** Peter Denmark

**DISCUSSION:** Dave Pinguoch asked if the contamination issues were resolved regarding the Whittier Manor. City Attorney, Holly Wells, replied that it has been resolved. She added that they cannot resolve it beyond the obligations that continue to exist because of the master lease. Some of the dates and provisions have been addressed in the lease. Mark Lynch reviewed the process that will take place once this resolution is approved. He also reminded the council members that they're authorizing him to negotiate the terms of conditions of the lease as long as the essential terms as consistent with those approved in the document they have reviewed. He will go to the Whittier Manor Board for them to review the draft lease. What happens from there depends on whether or not they accept the draft lease.

There was a lengthy discussion regarding the master lease with the railroad.

Suzanne Eusden questioned specific wording of the resolution, stating that they have not agreed to a lease agreement. Mayor Dan Blair replied that council is authorizing the city manager to put the agreement before them and negotiate with the condo.

Dave Dickason asked for a brief history of this lease. Mayor Dan Blair provided Dave with the history behind this lease.

**VOTE:** David Pinguoch: Yes, Peter Denmark: Yes, Debra Hicks: Yes, Dave Dickason: Yes, Monty Irvin: Yes, Dan Blair: Yes

**MOTION PASSED:** 6-0

### **Resolution#26-2016- A resolution authorizing administration and city council check signers.**

**MOTION:** David Pinguoch made a motion to adopt Resolution 26-2016.

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** David Pinguoch: Yes, Monty Irvin: Yes, Peter Denmark: Yes, Dave Dickason: Yes, Debra Hicks: Yes, Dan Blair: Yes

**MOTION PASSED:** 6-0

### **Resolution#27-2016- A resolution authorizing the city manager to expend up to \$29,000 CVP funds for the purpose of a video surveillance system at the cruise ship dock.**

**MOTION:** David Pinguoch made a motion to adopt Resolution 27-2016 with an amendment to change the wording to not exceed \$30,000.

**SECOND:** Peter Denmark

**DISCUSSION:** Monty Irvin asked for clarification on this resolution. Mayor Dan Blair explained that the cruise ship dock is owned and operated by a private entity. Jim Jansen owns Franklin Docks as well as AML. The gentleman that manages AML in Whittier, Gordy, met with Dan and asked and asked if the city can provide security for the Port of Whittier. The cameras encompass about 300 degrees out of 360

degrees. They're strategically located on the cruise ship terminal to ensure the safety of the crew that disembarks as well as the cruise ship passengers.

As the Port of Whittier, it is an excellent idea for us to demonstrate to Princess Cruises that we do care about our passengers' wellbeing. Mayor Dan Blair encouraged the council to consider this expense.

Dave Pinquoch added that the cameras will be available to the Whittier Police so it would be a benefit to the City.

Don Stevens questioned the status of investing CVP funds in private property and asked who will own what. Mark Lynch replied, "Once the cameras are purchased and installed, the cameras will belong to them. There are two purposes allowable for CVP fund usage. One is for harbors and ports, the second is public safety, so this would fall under both definitions."

**VOTE:** David Pinquoch: Yes, Peter Denmark: Yes, Monty Irvin: Yes, Dave Dickason: Yes, Debra Hicks: Yes, Dan Blair: Yes

**MOTION PASSED:** 6-0

**Resolution#28-2016- A resolution expressing support for the design and construction of modern public restrooms at the new city park.**

**MOTION:** David Pinquoch made a motion to adopt Resolution 28-2016.

**SECOND:** Dave Dickason

**DISCUSSION:** Peter Denmark stated that we have a resolution to support the installation of a restroom before seeing a resolution to support the development of a new city park. Mark Lynch added that council directed him several months ago to start the process of creating the park and the best way to do that was to rezone the property to Open Space.

There was a lengthy discussion regarding whether or not the proposed city park land should be rezoned prior to passing a resolution which supports the design and construction of a bathroom.

A member of the audience voiced that whether or not a park is constructed, she encouraged having a restroom placed in the proposed park area because it's a location that is heavily visited in the summer.

Another member of the audience reiterated the importance of having a restroom that is located someplace other than the harbor.

The council members had another lengthy discussion on whether or not this Resolution should be adopted prior to the land being rezoned.

**VOTE:** David Pinquoch: No, Dave Dickason: No, Monty Irvin: No, Peter Denmark: No, Debra Hicks: No, Dan Blair: No

**MOTION FAILED:** 0-6

**Resolution#29-2016- A resolution authorizing the city manager to enter into a professional service agreement with Appraisal Company of Alaska, LLC to provide financial Personal and Real Property appraisal services for the FY 2017 tax year, and for related purposes.**

**MOTION:** David Pinquoch made a motion to adopt Resolution 29-2016.

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** David Pinquoch: Yes, Monty Irvin: Yes, Peter Denmark: Yes, Dave Dickason: Yes, Debra Hicks: Yes, Dan Blair: Yes



**MOTION PASSED: 6-0**

**15. UNFINISHED BUSINESS**

**A. Shotgun Cove Road Project**

Not discussed during this meeting.

**B. ARRC/COW Land Swap**

Not discussed during this meeting.

**C. Improve Salmon Sport Fishing in Northwest PWS**

Not discussed during this meeting.

**D. Whittier Manor Lease**

See Resolution #25-2016.

**E. Public Safety Complex- Phase 2**

A Work Session was scheduled for November 9, 2016 to discuss this.

**F. Paddle Craft Launch**

Not discussed during this meeting.

**16. NEW BUSINESS**

**A. Appointment of Commission Members**

**MOTION:** Monty Irvin made a motion to appoint Mark Mitchell to Seat E of the Port & Harbor Commission.

**SECOND:** Dave Pinguoch

**DISCUSSION:** NONE

**VOTE:** Monty Irvin: Yes, Dave Pinguoch: Yes, Debra Hicks: Yes, Dave Dickason: Yes, Peter Denmark: Yes, Dan Blair: Yes

**MOTION PASSED: 6-0**

**MOTION:** Monty Irvin made a motion to appoint Ed Hedges to Seat C of the Planning Commission

**SECOND:** Dave Pinguoch

**DISCUSSION:** None

**VOTE:** Monty Irvin: Yes, Dave Pinguoch: Yes, Debra Hicks: Yes, Dave Dickason: Yes, Peter Denmark: Yes, Dan Blair: Yes

**MOTION PASSED: 6-0**

**MOTION:** Monty Irvin made a motion to appoint Jean Swingle to Seat D of the Planning Commission.

**SECOND:** Dave Pinguoch

**DISCUSSION:** None

**VOTE:** Monty Irvin: Yes, Dave Pinguoch: Yes, Debra Hicks: Yes, Dave Dickason: Yes, Peter Denmark: Yes, Dan Blair: Yes

**MOTION PASSED: 6-0**

**B. Discussion of Local, State and Federal Priorities**

Council members and city manager discussed and listed local, state and federal priorities and put them in order of importance. A resolution stating these priorities will be available in a resolution format at the November 9th meeting.

The council recessed at 9:42 p.m. and went back into session at 10:00 p.m.

### **C. Harbor Float Design**

Harbormaster, Andy Dennis, talked about the triangle pieces at the floats. He presented council members with a map of the floats and names of boat owners affected by the design and compared the costs involved with the different designs of the harbor rebuild and pilings needed.

Mark Lynch added that we need to have a contract in place by the end of December to indicate how the grant funds will be used.

There was some discussion regarding the acquisition, payments and risks of bonds.

Mayor Dan Blair excused himself from the meeting at 10:40 pm.

The council directed the city manager to move forward with investigating bonding the entire project, which includes B, C and D floats.

Dave Pinquoch suggested that the basin is not included in the Bellingham design. With the basin there, we lose 4 ft. of slips, but during the months of July, we recoup the money we would get from those floats. He views it as an existing service that we've provided for years. He suggested that we modify the design.

Dave Pinquoch asked Andy Dennis if he has talked to Bellingham Marine about overhead lighting. Andy replied that he had. He asked if they would add a light pole at the end of the floats. He is still waiting on the price quote.

Lastly, Dave Pinquoch announced that the harbor policy states that boats must have power in the winter if the boat is going to sit. He asked if adding power to the W dock and the wooden docks are in the design. Andy replied that it is not. Dave asked if a generator power can be added and perhaps not have power on H float and put in on W float, to make it more effective for the boats we have in the winter time.

Mark Lynch suggested that we put it out as a local bid.

### **D. Discussion of Local Shuttle Service**

Not discussed during this meeting. City Clerk was directed to remove this from future agendas.

## **17. COUNCIL DISCUSSION**

None

## **18. CITIZEN'S DISCUSSION**

Dave Goldstein spoke of his concerns regarding the amount of smoke in the air as a result of people burning; he would like to maintain clear air in Whittier. He asked if the city has any burn regulations in place. Peter Denmark replied that individuals need to apply for a burn permit prior to burning.

Dave Goldstein also voiced his concerns regarding safety near Shotgun Cove as there are large pot holes. He has also witness rock slides and trees leaning.

Scott Korbe gave a brief report on the well house re-power. The low bidder was Tec Pro at \$92,900. A detailed report of the Public Works Report can be found in the original clerk's packet.

**19. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS**  
None

**20. ADJOURNMENT**

**MOTION:** Peter Denmark moved to adjourn the meeting at 10:53 p.m.

**VOTE:** Motion passed unanimously.



\_\_\_\_\_  
Daniel Blair  
Mayor

**ATTEST:**



\_\_\_\_\_  
Jennifer Rogers  
City Clerk