



# 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, OCTOBER 20, 2020  
AT 7:00 PM  
COUNCIL CHAMBERS  
3<sup>rd</sup> fl. PUBLIC SAFETY BUILDING**

**AGENDA**

- 1. CALL TO ORDER**
- 2. OPENING CEREMONY**
- 3. SWEAR IN CEREMONY**
- 4. APPOINTMENT OF MAYOR/VICE MAYOR**
- 5. ROLL CALL**
  - A. Council Members Present
  - B. Administration Present
- 6. APPROVAL OF MINUTES**
  - A. September 15, 2020 Regular Meeting
  - B. October 13, 2020 Special Meeting
- 7. APPROVAL OF REGULAR MEETING AGENDA**
- 8. MAYOR'S REPORT**
  - A. Mayor Report
  - B. Vice Mayor Report
- 9. MANAGER'S REPORT**
  - A. City Manager and Director Reports
- 10. 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
- 11. CITIZEN'S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**
- 12. PUBLIC HEARINGS (NON-ORDINANCE)**
- 13. PRESENTATIONS**

**14. ORDINANCE**

**Public Hearing (3<sup>rd</sup> Reading)**

A. Ordinance #02-2020 – An Ordinance of the City Council of Whittier, Alaska Repealing Whittier Municipal Code 9.32.080 and WMC 17.16.221(C)(1) and (C)(3) to Remove City Laws Governing Conduct Governed By The State Of Alaska Board Of Fisheries and Amending WMC 17.16.221 to Clarify And Update Language Regarding Prohibited Uses in the Marine Park District

**15. RESOLUTIONS**

A. Resolution #26-2020 – A Resolution Of The Council Of The City Of Whittier, Alaska Directing The City Clerk To Destroy The Ballots, Ballot Numbers, Tally Sheets, Certificate Of Persons Voting, Return Envelopes And Nomination Petitions From The October 1, 2019 Regular Municipal Election

**16. UNFINISHED BUSINESS**

**17. NEW BUSINESS**

- A. Commission Member Appointments
1. Planning and Zoning Commission
    - Seat E, Dyanna Pratt
  2. Port and Harbor Commission
    - Seat B, Cathy McCord
    - Seat D, Steven Bender
    - Seat G, Dave Goldstein

**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 SEPTEMBER 15, 2020  
7:00 PM  
COUNCIL CHAMBERS  
PUBLIC SAFETY BUILDING**

## MINUTES

### 1. CALL TO ORDER

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

### 2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

### 3. SWEAR IN CEREMONY FOR SEAT G

Dan Blair

### 4. ROLL CALL

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

**B. Administration Present:**

Jim Hunt, City Manager  
Naelene Matsumiya, City Clerk  
Kris Erchinger, Finance Director  
Andre Achee, Police Chief  
Dave Borg, Harbormaster

**Others Present:** Tim Wieland, Kelly Bender, Mike Bender, Eric McCoy (Via Microsoft Teams) Vicki Dibble, Barbara Ensminger, Greg Clifford, Jason Ayin, Dave Goldstein, and Sarah Waters

### 5. APPROVAL OF MINUTES

August 18, 2020 Regular Meeting Minutes

**MOTION:** Victor Shen made a motion to approve the minutes as they are.

**SECOND:** Dan Blair

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

## **6. APPROVAL OF THE REGULAR MEETING AGENDA**

**MOTION:** Victor Shen made a motion to approve the Regular Meeting Agenda with amendments to move the Presentation Item to 6a.

**SECOND:** Dan Blair

**DISCUSSION:** None

**VOTE:** Motion passed unanimously.

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

### **A. Mayor Report**

Dave Dickason reported that he and Naelene have worked to bring Council meetings to a virtual space via Microsoft Teams. He gave an update on the Marston property. Jim spoke to it.

### **B. Vice Mayor Report**

Peter Denmark reported on the Worksession that was held about the possibility of forming a public safety advisory board. He shared his concerns with the Council.

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

### **A. City Manager and Director Reports- Jim Hunt**

Jim and directors reported on the following:

Derelict boat removal

Update on Shotgun Cove Road project

Whittier Police Department

Update on Shearwater

Old city rigs disposal

Safe boat

Winterizing

Engineers report from insurance company

Breathing apparatus reimbursement

Delinquent property taxes

Budget

## **9. COMMISSION/COMMITTEE REPORTS**

### **A. Planning Commission**

Nothing new to report

### **B. Port & Harbor Commission**

Nothing new to report

### **C. Parks & Recreation Committee**

Dave Dickason reported on the engineer design for a pavilion in the new park. He stated that the trails are being used a bit more this season and that they are showing signs of use.

### **D. Whittier Community School**

Tim Wieland reported that the doors at the school are officially open and students have returned to the classroom. Reassured that everyone in the building is practicing social distancing and wearing their masks. He announced that because of the pandemic, Voyage school will not be an option this year. He announced that Victor Shen has been teaching at the campus and is supervising various clubs. Tim concluded by stating there were 56 students this school year.

**E. Prince William Sound Aquaculture Corp.**

Nothing new to report

**F. Regional Citizen's Advisory Council**

Mike Bender reported that the RCAC will meet on Thursday/Friday via zoom.

**10. CITIZENS COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

**11. APPROVAL OF CONSENT CALENDAR**

**12. PUBLIC HEARINGS (NON-ORDINANCE)**

None

**13. PRESENTATIONS (Item was moved to 6a)**

Kristin Carpenter with the Prince William Sound Economic Development District introduced herself as the new Executive Director of the board. She gave a brief presentation on the benefits the Board could serve for Whittier.

**14. ORDINANCES (2<sup>nd</sup> Reading)**

- A. Ordinance #02-2020 – An Ordinance of the City Council of Whittier, Alaska Repealing Whittier Municipal Code 9.32.080 and WMC 17.16.221(C)(1) and (C)(3) to Remove City Laws Governing Conduct Governed By The State Of Alaska Board Of Fisheries and Amending WMC 17.16.221 to Clarify And Update Language Regarding Prohibited Uses in the Marine Park District

**MOTION:** Dan Blair made a motion to open the public hearing for public testimony at 7:54 pm

**SECOND:** Tom Wagner

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

Hearing no public testimony

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

**SECOND:** Peter Denmark

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

David Pinquoch asked questions regarding the regulations. Council urged to have Administration contact Diving Community.

**MOTION:** Dan Blair made a motion to schedule a 3<sup>rd</sup> reading Ordinance #02-2020 for the next Regular Meeting

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

- B. Ordinance #03-2020 – An Ordinance Of The City Council Of Whittier, Alaska Amending Whittier Municipal Code Sections 2.06.430, 2.08.260, 2.64.400, 3.08.370, 3.09.020, 3.12.090, 8.16.060, 8.28.110, 10.25.040, 10.40.020, 13.08.410, 16.40.010, And 17.16.223 Changing All Misdemeanors Under The Whittier Municipal Code To Minor Offenses

**MOTION:** Dan Blair made a motion to open the public hearing for public testimony at 8:05 pm  
**SECOND:** Victor Shen  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

Hearing no public testimony

**MOTION:** Dan Blair made a motion to close the Public Testimony part of the Public Hearing and open it up for Council Discussion  
**SECOND:** Victor Shen  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

Hearing no Council Discussion

**MOTION:** Peter Denmark made a motion adopt Ordinance #03-2020 and close the Public Hearing at 8:09 pm.  
**SECOND:** Dan Blair  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

## **15. RESOLUTIONS**

A. Res. #23-2020 – A Resolution of The City Council of The City of Whittier, Alaska, theorizing the City Manager to Continue Professional Services with Appraisal Company of Alaska, LLC. To Provide Financial, Personal, and Real Property Appraisal Services for the 2021 Tax Year, and for Related Purposes

**MOTION:** Dan Blair made a motion to adopt Res. #23-2020  
**SECOND:** David Pinquoch  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

## **16. EXECUTIVE SESSION**

None

## **17. UNFINISHED BUSINESS**

## **18. NEW BUSINESS**

### **A. Update on CARES Act Grant Applications**

Kris gave a brief update and discussed a board of 3 Council Members for the vetting process.

## **19. COUNCIL DISCUSSION**

Council members welcomed Dan Blair back to the Council. Dan expressed his support for the PWSEDD. Changing of Polling place was mentioned.

## **20. CITIZEN'S DISCUSSION**

None

**21. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS**

None

**22. ADJOURNMENT**

Council adjourned the meeting at 8:33pm

**ATTEST:**

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**Naelene Matsumiya**  
City Clerk

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**Dave Dickason**  
Mayor



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**WHITTIER CITY COUNCIL  
SPECIAL MEETING  
TUESDAY, OCTOBER 13, 2020  
6:00 PM  
COUNCIL CHAMBERS  
PUBLIC SAFETY BUILDING**

**MINUTES**

**1. CALL TO ORDER**

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

**2. OPENING CEREMONY**

Mayor Dave Dickason led the Pledge of Allegiance.

**3. ROLL CALL**

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

**B. Administration Present:**

Annie Reeves, Assistant City Manager  
Naelene Matsumiya, City Clerk,

**Others present:** Vicki Dibble (Via Microsoft Teams)

**4. APPROVAL OF THE EMERGENCY SPECIAL MEETING AGENDA**

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

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**5. RESOLUTIONS**

A. Res. #24-2020 – A Resolution of the City Council of the City of Whittier, Alaska, Certifying the Results of the October 6, 2020, Regular Election

**MOTION:** Monty Irvin made a motion to adopt Res. #24-2020

**SECOND:** Tom Wagner

**DISCUSSION:** Dan asked questions about the results. Naelene Clarified.

**VOTE:** Motion passed unanimously.



B. Resolution #25-2020 – A Resolution of the City Council of the City of Whittier, Alaska, Changing the Election Polling Place from the Begich Towers Homeowners Longue to the City Council Chambers in the Public Safety Building

Dan mentioned the voter turnout. Hopes turnout will remain the same with precinct change. Naelene gave reasons for why the Council Chambers will serve well as a polling place.

**MOTION:** Dan Blair made a motion to adopt Res. #25-2020

**SECOND:** Peter Denmark

**DISCUSSION:** None

**VOTE:** Motion passed unanimously.

**6. COUNCIL DISCUSSION**

Council discussed the following:

Helicopter working with Parks and Recreation Committee

**7. CITIZEN'S DISCUSSION**

None

**8. ADJOURNMENT**

All were in favor of adjourning the meeting at 6:21 p.m.

**ATTEST:**

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**Naelene Matsumiya**  
City Clerk

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**Dave Dickason**  
Mayor

**Date:** October 20th, 2020  
**To:** Whittier City Council and Administration  
**From:** Dave Dickason  
**Subject:** Mayor's Report – September/October 2020

**Meetings Attended:**

- October 1: Port and Harbor Meeting
- October 7: Planning & Zoning
- October 13: Work Session / Election Ratification
- October 20: Parks & Rec

**Upcoming Schedule:**

- November 4: Planning & Zoning – 6:00 PM
- November 5: Port & Harbor Meeting - 6:00 PM
- November 17: Parks & Rec Meeting - 6:00 PM
- November 17: Next Regular Council Meeting - 7:00 PM

**Follow-up:**

- CARES ACT Fund Status
- Budget Review Schedule
- Future Land-use Development Plan
- Status of LWCF / Marsden property
- City Beautification Plan: Harbor boardwalk, Derelict boats, Boneyard

**Open Goals:**

Short Term:

- Policies and Procedures / Code Update
- Lease Standardization & Enforcement: Some enforcement currently taking place.

Mid Term:

- DOD Tank-Farm Land Transfer of 58 Acres: Need to coordinate with breakwater construction project.
- Community Park Construction Funding
- Determine Funding for Final Harbor Construction Phase

Long Term:

- Shotgun Cove Road Extension: Next construction phase in 2021.
- Head of Bay Development (After Future Land Use Plan)
- Buckner Building: Environmental Remediation.

## CITY MANAGER REPORT

October 19, 2020 Regular Meeting

Attended Whittier Chamber meeting. Staff presented information regarding the city's CARES grants

Staff and PND held kickoff meeting for the DeLong Dock Replacement Fed Grant application

Met with state lobbyist and attorney regarding city's status and future opportunities as the Legislative Session approaches

Attended PWS Economic Development Board meeting. The Board has selected a firm to draft a Comprehensive Economic Strategy for our region

Attended an Eastern Peninsula Highway Safety Area Zoom meeting

Participated in a NW Salmon Conference Zoom meeting

Met with Larry Gilman regarding the demolition of vessels

Attended BTI Zoom meeting

Regularly attending Alaska Municipal League Zoom meetings regarding COVID and city/Borough issues

Attending weekly Department of Health and Human Services ZOOM meetings regarding COVID

Attended Alaska Marine Highway "Reshaping the System" Zoom meetings

Held staff meetings

Met with business owners and citizens

Signed Alaska Railroad Agreement for new Well sites

Renewed M.O.A. between City and AKDOT for offsite parking at Ferry Terminal

Eastern Aleutian Tribes clinic performed 91 tests in September

Successfully collaborated with Councilmember Shen and Eastern Aleutian Tribes CEO Paul Mueller to provide an EAT grant to the school in the sum of \$7,100 for the purchase of new shop tools.

Currently working with the Public Safety Director on the purchase of a new ambulance with the orphan (my word) CPV funds in Juneau. Use of the funds are restricted.

## HARBOR

### Administration

Submitted grant application to Alaska Energy Authority to retrofit harbor sea-walk, launch ramp and DeLong Dock lighting over to LED. Grant request is 30K with a 16K match. Match monies are current budgeted repair monies identified in the Harbor/DeLong dock budgets. Notification of grant award is anticipated for the last week of Oct.

New hours started 03 October. Office is now closed on weekends. Working with City Clerk to get a cellphone for field staff.

29 past-due letters have gone out equaling 62k. Certified letters indicating 15 days to pay past due accounts or going to collections.

Admin staff has collected 11k in past due monies.

Awaiting follow-up bid on Smitty's Cove ramp repairs

Continue to work on fee review process.

Harbor Policies and Procedure revision is on-going with emphasis on moorage fee application.

### Operations

Public restrooms have been winterized.

Harbor building restrooms are open.

Water to harbor to be secured week of the 19<sup>th</sup>.

Evening of 03 Oct responded to vehicle in the water at the launch ramp. Coordinated the removal of vehicle 04 Oct. Thank you to Mike Bender, Larry Gillman and Shannon Tolman for the assistance. Owner did not have insurance, but we will pursue repayment.

New fire extinguisher cases have been installed on G/W/B floats, Ocean Dock and City Dock.

New Ladder installed on the north face of the City Dock which was a major safety issue.

NRC Alaska pumped off 1200g of used oil from EVOS.

Awaiting install of Travel lift tires.

Investigating LED lighting strip installation on the harbor gangway.

Working on Arctic Moon disposal.

# Seismic stations installed in Barry Arm to monitor landslide

By Makayla Clark

Published: Sep. 27, 2020 at 9:12 PM AKDT

ANCHORAGE, Alaska (KTUU) - Scientists have placed devices to monitor a landslide in Prince William Sound's Barry Arm that has the potential to create a destructive tsunami that could hit Whittier -- less than 30 miles away, as well as nearby areas.

Earlier this month, a camera and two seismic stations were installed in the arm. The stations record vibrations in the earth including earthquakes, parts of the Barry Glacier calving or the landslide moving. Scientists announced the discovery of the landslide earlier this year. They don't know when, or if, it will come down, but if it does, it could be disastrous.

"It's clear that we need to begin to acquire data from the site itself," said Michael West, the director of the Alaska Earthquake Center. "We want to know when that mass, when that slide begins to move how much it moves, when it moves, and questions like that. Until we are measuring things on site, everything is just kind of wild speculation."

Geologists have been studying the landslide since its discovery with new and old data. The fjord wall has moved several hundred feet over a number of years, West said. However, the new seismic stations will allow data to be collected more often.

West said the new devices are a baby step. "Having real time data streaming from the Barry arm region, is the first step in understanding how to go about building an appropriate and effective monitoring system down the road," West said.

Geologist's don't yet know what the signs ahead of time would be if the landslide were to actively crash down, West said. So, right now, the seismic stations are for data collection and research, not yet for warning people of an impending wave.

"It's probably going to take years of observation and research before people are at a place where there might be some confidence around those kinds of decisions," West said.

According to West, multiple agencies are working together to try to understand what is happening with the Barry Arm Landslide.

The hope is more types of monitoring devices will be installed as other ways to watch the slide, West said.

## FINANCE MONTHLY REPORT

September Finance Monthly Report – with August PRELIMINARY financials

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This report reflects an abbreviated look at finance-related *activities* through the end of September. Financial Report information is provided in the packet through the end of August. All interfund transfers budgeted for 2020 have been entered and posted.

### **LOCAL CARES ACT FUNDING**

City staff spent considerable effort over the past few months, developing two grant applications to distribute \$902,929 in federal CARES Act funding allocated to the City by the State of Alaska. By the end of September, the City had disbursed more than \$500,000 to local residents and businesses experiencing adverse impacts from the COVID19 pandemic. The City distributed 80 checks to individual households in the amount of \$1,500 each, for a total distribution to local households of \$120,000. The City distributed an additional approximately \$395,000 to local businesses and non-profit entities. Combined, the City has distributed approximately \$515,000 to benefit the community. The City has incurred an estimated \$350,000 in direct costs related to the COVID epidemic. A portion of the CARES Act funds will be used to offset a portion of City direct costs.

### **FOCUS ON ACCOUNTS RECEIVABLE**

Harbor and Administration staff continue their focus on collections of accounts receivable. Letters have gone out to delinquent account holders in the hopes that past due accounts can be brought current prior to the City turning accounts over to collections and/or legal action (in the case of property taxes). As a reminder, the 2019 financial statements properly recorded the estimated allowances for doubtful accounts both in the Harbor and the General Fund, to estimate the amount of delinquent receivables expected to be uncollectible. Going forward, we will be reviewing accounts receivable more regularly, and turning accounts over to collections on a more regular basis. We will also be reviewing our procedures to determine how best to avoid non-collectible charges (for example, requiring larger deposits on customer accounts, etc.).

### **WAIVER OF CITY PENALTIES/INTEREST DUE TO COVID**

Some bills that were sent out to customers in July inadvertently charged a late fee or penalties based on payments not made by the standard payment deadline. Due to the pandemic, the City had agreed to waive penalties and interest on certain amounts due to the City. Although the amounts are still due to the City, there should not have been penalties and interest assigned; therefore, adjustments have been made to customer accounts to remove the late fees and/or penalties and interest. The City will continue to charge penalties/interest and late fees on accounts that were past due unrelated to the pandemic (i.e. prior to March 2020). Any customer with a question on the status of penalties/interest charged to their account is asked to contact Dyanna Pratt.

### **INTERNAL REVENUE SERVICE**

We are still awaiting a response from the IRS as to a years-old outstanding matter related to the non-filing of Forms W2 and W3 from 2015, and will inform Council when the issue has had some movement.

## **GRANTS**

The City has submitted the third-quarter grant reimbursement requests for outstanding grants related to the Shotgun Cove Road project. CRW Engineering and subcontractors continue to work on the next phase of the project. The contractors have been working with corporations impacted by the project and have submitted draft Section 106 findings letter to FHWA in September. In addition, work related to the Endangered Species Act and Essential Fish Habitat Assessment has been ongoing. The 2020 survey work is complete and stream and fish passage information and permitting is ongoing.

The finance director has been participating in grant meetings with FEMA to determine eligibility for reimbursement of some direct City expenses related to the response to COVID.

City staff are working with the State and the insurance company to determine the coverages available from insurance related to November 2018 earthquake damage. Public works staff has completed development of bid documents and requirements to go out to bid on various elements of repairs related to damages sustained in the earthquake.

## **BUDGET**

The finance director has distributed budget templates to department heads who are preparing their requests for the 2021 Budget. We expect the 2021 budget to be challenging given the significant reduction in expected sales tax revenues related to sales tax, PTBT, fish tax, etc. The City expects to lose more than \$800,000 in 2020 General Fund revenues due to these losses, which does not include the loss of more than \$900,000 in cruise ship passenger fees the City would ordinarily receive in 2021. The administration expects to begin budget meetings with the Council in November.

**CITY OF WHITTIER, ALASKA  
ORDINANCE #02-2020**

**AN ORDINANCE OF THE CITY COUNCIL OF WHITTIER, ALASKA REPEALING WHITTIER  
MUNICIPAL CODE 9.32.080 AND WMC 17.16.221(C)(1) AND (C)(3) TO REMOVE CITY LAWS  
GOVERNING CONDUCT GOVERNED BY THE STATE OF ALASKA BOARD OF FISHERIES AND  
AMENDING WMC 17.16.221 TO CLARIFY AND UPDATE LANGUAGE REGARDING PROHIBITED  
USES IN THE MARINE PARK DISTRICT**

**WHEREAS**, the Whittier Municipal Code (“WMC”) imposes regulations on spear fishing and other fishing and harvesting activities in the City’s Marine Park District; and

**WHEREAS**, under AS 16.05.251 the State of Alaska Board of Fisheries (“BOF”) has the authority to regulate fisheries, including, without limitation, establishing the means and methods for the taking of fish and the Alaska Department of Fish & Game oversees enforcement of Alaska’s fishing regulations; and

**WHEREAS**, it is in the City’s best interest to avoid regulating areas more appropriately governed by the BOF and Alaska Fish & Game; and

**WHEREAS**, it is in the City’s best interest to update the language and prohibitions in WMC 17.16.221 to reflect current practice and procedures in the Marine Park District,

**THE WHITTIER CITY COUNCIL ORDAINS:**

**Section 1.** Whittier Municipal Code Section 17.16.221 entitled Marine Park Use Regulations is amended to read as follows:

17.16.221 Marine Park Use Regulations

The following use regulations shall apply to the marine park district:

- A. Boating and Submersible Vehicles. It is unlawful for any vessel to operate at a speed that causes any wake.
- B. Scuba Diving and/or Free Diving. It is unlawful for any person to scuba dive and/or free dive without a dive flag. No dive flag may be placed within 100 feet of any public boat launching facility or dock.
- C. Prohibited Acts. The following acts are unlawful and are prohibited within the boundary of any marine park:

2. Scuba diving or possession of scuba diving apparel and equipment, unless in possession of written proof of being certified by a nationally recognized scuba diving association such as PADI, NAUI or SSI.

3. Scuba diving without wearing a buoyancy compensator.

4. To injure, destroy or otherwise contribute to the physical degradation of the habitat of any fish, bird, mollusk, crustacean, marine or intertidal algae or plant, or any other marine or intertidal organism **in violation of federal or state law.**

5. Conduct any commercial recreational activity without first obtaining a commercial operator’s permit from the City and paying the fee therefor.

6. Anchoring, mooring, fastening, tying, or otherwise securing any vessel, by any method.

7. Erecting or installing any structure, whether floating or not, **including but not limited to** a dock, pier, a boathouse, etc.

**Section 2.** Section 9.32.080 entitled “Violation of State fish and game laws – Action” is repealed.

**Section 3.** Classification. This Ordinance is a permanent code ordinance.



**Section 4. 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

**17.16.223 Penalty.**

Any person violating any provision of this chapter shall be guilty of a municipal infraction and shall be subject only to a fine not to exceed \$500.00 [Ord. 531-08 § 1, 2008]

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

Introduction date: August 18, 2020

Public Hearing: September 15, 2020, October 20, 2020

ATTEST:

\_\_\_\_\_  
Naelene Matsumiya  
City Clerk

\_\_\_\_\_  
Dave Dickason  
Mayor

Ayes:

Nays:

Absent:

Abstain:

**CITY OF WHITTIER, ALASKA  
RESOLUTION 26-2020**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF WHITTIER, ALASKA DIRECTING  
THE CITY CLERK TO DESTROY THE BALLOTS, BALLOT NUMBERS, TALLY SHEETS,  
CERTIFICATE OF PERSONS VOTING, RETURN ENVELOPES AND NOMINATION  
PETITIONS FROM THE OCTOBER 1, 2019 REGULAR MUNICIPAL ELECTION**

**WHEREAS**, according to 2.06.330 (B), upon expiration of the year, the City Election Official shall destroy ballots and related correspondence after notification of the City Council; and

**WHEREAS**, according to the State of Alaska Government Model General Administrative Records Retention Schedule #300. 1 Section 8, all such election materials may be destroyed after one month;

**NOW THEREFORE, BE IT RESOLVED** that a Whittier Municipal Elections and the City Council gives permission to the City Clerk to destroy ballots and related correspondence, as authorized by code;

**EFFECTIVE DATE:** This resolution shall be effective upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the City Council for the City of Whittier, Alaska on this 20th day of October 2020.

**Introduced By: Naelene Matsumiya, City Clerk**

**ATTEST:**

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**Naelene Matsumiya**  
**City Clerk**

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**Dave Dickason**  
**Mayor**

Ayes:  
Abstain:  
Nays:  
Absent: