



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 427-2327 • Fax (907) 472-2404

**WHITTIER CITY COUNCIL
SPECIAL MEETING
TUESDAY, APRIL 30, 2018
6:00 PM
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 6:00 p.m.

2. OPENING CEREMONY

Mayor Daniel Blair led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum:

Debra Hicks, Dave Dickason, Dave Pinquoch, Peter Denmark, Victor Shen, Monty Irvin and Daniel Blair. (Clerk's note: Victor Shen joined the meeting at 8:07; After Executive Session closed)

B. Council Members Absent:

C. Administration Present:

Annie Reeves, Assistant City Manager
Naelene Matsumiya, City Clerk
Johnny Janik, Finance Officer

Holly Wells, Attorney
Mark Hager, Public Safety
Scott Korbe, Public Works Director
Kyle Sinclair, Harbormaster

Others Present: Bill Lee, David Goldstein, Lavon Lymer, Karen Dempster, Charlene Arneson, Suzanne Eusden, Keith McCormack, Gerda Weamire, Barb Ensminger, Lindsey Erk, Cathy MCord, Greg Clifford, George Halucami and Renae Schmunk

4. APPROVAL OF THE SPECIAL MEETING AGENDA

MOTION: Dave Pinquoch made a motion to approve the April 30 Special Meeting agenda with amendments.

SECOND: Dave Dickason

DISCUSSION: Switching order of ordinance as follows: Ord. #01-2018, Ord. #08-2017, Ord. #03-2018

VOTE: Motion passed unanimously

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

None

6. PRESENTATION

A. Delong Dock Update

City Attorney, Holly Wells, lead the presentation on the DeLong Dock Update. She gave a brief update for the Audience so as to answer any questions they may have before Council entered into Executive Session.

7. EXECUTIVE SESSION

- A. **DeLong Dock Agreement Negotiations** – Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1)
- B. **Discussion of Potential Legal Matter** – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City. AS 44.62.310(1)
- C. **Discussion of City Manager Contract** – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City. AS 44.62.310(1)

MOTION: Dave Pinquoch made a motion to enter into executive session to discuss DeLong Dock Agreement Negotiations, Discussion of Potential Legal Matter and Discussion of City Manager Contract at 6:17 pm.

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

Council entered into Executive Session at 6:17 pm.

MOTION: Dave Pinquoch made a motion to close executive session and return to the special meeting at 8:07 pm.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

Council closed Executive Session and resumed the special meeting at 8:07 pm.

8. ORDINANCE (2nd reading)

- A. **Ord. #01-2018** – Ord #01-2018 – Ordinance Approving ARRC Railroad's request to rezone lots 3 & 5, Block 10 of Whittier Subdivision Phase II

MOTION: Dave Pinquoch made a motion to open the public hearing for Ord. #01-2018

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

Paul Farnsworth approached the podium and briefly presented a plan on what the Alaska Railroad plans to do with the land. He distributed a packet that involved a list of possible plans and a map of the area. He stated that the land will be used for railroad activity. He opened the floor for questions.

Peter Denmark asked about the orange line on the map and stated that in the boundaries of that line, there is ownership of the sea bottom by the north side of the DeLong Dock. He stated that the line is in contention with the City directors. Peter asked if the lines were accurate. Mr. Farnsworth replied that he lines are accurate.

Suzanne Eusden approached the podium and said that the Alaska Railroad has not been open to their plans. She stated that the city should get as much information out of them as they can because the long term ramifications are huge.

Charlene Arneson inquired about the map. She stated that she wasn't aware that there was a Gilman Subdivision Plat. She does not recall it coming before the Planning and Zoning Commission. She asked about Park the parking lot's ownership. Dan replied that it was city owned. She spoke more on the orange line that Peter Denmark asked about earlier and asked a few questions on it. She asked if the DeLong Dock was zone commercial. Dan Blair replied that the DeLong Dock is on top of the land that is zoned industrial. Charlene stated that the tidelands that the DeLong Dock sits on is commercial. Discussion ensued. Dave Pinguoch Charlene about Planning and Zoning's part in lots 3 and 5. Charlene responded that it was approved to be sent to the City Council for final determination.

Doug Stevens explained that the existing zoning comes from compiled parts of the city's masterplan. He stated that the map was intended to be an illustration showing lots 3 and 5 and the surrounding land that are primarily industrial lots. He presented further.

Suzanne Eusden asked why Blackstone Road is shown as industrial on the map. She inquired about the access easement. Doug Stevens explained that the easements are existing easements on the City's Subdivision plat. Regarding the zoning on Blackstone Road, he recommended to refer to the city's official zoning map.

Charlene Arneson looked up the ordinance and commented that there is no industrial for the tidelands.

No other discussion for public comments.

MOTION: Dave Pinguoch made a motion to close the public hearing.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

Dan Blair moved to adopt Ord. #01-2018

MOTION: Dave Pinguoch made a motion to adopt Ord. #01-2018

SECOND: Dave Dickason

DISCUSSION: Peter Denmark stated that he is concerned about the accuracy of the plat lines. He commented on the marine park in Smitty's Cove.

VOTE: Motion passed 5-2

B. Ord. #08-2017 - Ord #08-2017 – Ordinance authorizing the City Manager to execute an agreement with the ARRC transferring Tract A-1 to the Alaska Railroad in exchange for Tract W and the DeLong dock subject to specific essential terms and conditions executed by the parties.

MOTION: Dave Pinguoch made a motion to open the public hearing for Ord. #08-2017

SECOND: Dave Dickason

VOTE: None

DISCUSSION: None

Bill Lee with Dive Alaska described the Smitty's Cove Marine Park. He spoke at length about the park and the many species that live in that cove. He stated that there will be an industrial area in a marine park. He said that according to the proposal by the Alaska Railroad, the recreational uses that have been customary in the area are not compatible with their intentions. He presented further.

Dan Blair stated that there are terms in the deed that the Alaska Railroad have to abide. He read an excerpt from the essential terms, "Alaska Railroad recognizes that Smitty's Cove is a popular

recreational spot for scuba divers and Whittier Visitors and agrees to provide legal, public vehicular ramp and pedestrian access to Smitty's Cove for public use."

Peter Denmark commented on the submerged landlines north of the DeLong Dock. He also mentioned alternative routes to Smitty's Cove. Paul Farnsworth replied that he has looked at mining plans, and based off the nearest they can cut the slope, there could be a road that can access Smitty's Cove. He stated that it has to be approved beforehand. He said that they are looking at options for the future. Discussion ensued.

Suzanne Eusden asked where the road is planning to be placed since there are tunnels and utilidors underneath the road that cannot support heavy equipment.

Dan Blair asked Charlene Arneson if Blackstone Road was a city road. She replied that it was. She stated that in 1983, all the roads in Whittier were deeded by the Railroad to Whittier so that they can get grants to pave the roads. She said it was in the 1989 Comprehensive Plan.

Ben Sherman stated that it was agreed upon that during construction, access to Smitty's Cove will be maintained. Dan Blair replied the public access is to be maintained at all times.

No other public discussion.

MOTION: Peter Denmark made a motion to close the public hearing for Ord. #08-2017

SECOND: Dave Pinquoch

DISCUSSION: Peter Denmark shared that he has never got a grip on the future needs of the Railroad looking down the road. He had some concerns about the dock before the city takes it over. Peter said there was some good work, but it's coming up short. Dave Pinquoch replied that he shares Peter's concern. He believes that the seafood processors will benefit from this. He stated that acquiring an entity that requires access could help the east side of town.

VOTE: Motion passed unanimously

Dan Blair moved to adopt Ord. #08-2017

MOTION: Dave Pinquoch made a motion to adopt Ord. #08-2017

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed 6-1

(Clerk's note: Public Hearing for Ord. #02-2018 was not held and the ordinance was postponed indefinitely)

9. RESOLUTION

None

10. NEW BUSINESS

A. May Regular Meeting Date Adjustment

Regular meeting moved to May 22.

MOTION: Dave Dickason made a motion to delay the meeting 1 week for May 22 at 7:00 pm.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

B. Comprehensive Plan Summer Sessions

Acting City Manager, Annie Reeves, stated that she wanted to utilize the summer season to capture economic information and thus would cause a delay.

11. COUNCIL DISCUSSION

Dan Blair inquired reported that Tom Wagner had reached out to him for a summer clean up. He explained further. Discussion about the trash truck ensued.

12. CITIZENS DISCUSSION

Charlene Arneson stated that if the City wanted to get more information about the condition of the Delong Dock, she recommended contacting Storm Chaser out of Seward as they did a survey and evaluation of it in 2000.

Paul Farnsworth thanked the Council for their efforts and wished them well with the Delong Dock.

Karen Dempster told the Council that it was the right thing to not renew the former City Manager's contract. She mentioned said that it was a good idea to hire a mentor for the acting city manager.

She gave reasons why the City should look into conducting business with a new law firm. She stated that the city manager should be trusted. She talked about the parking lot that was being worked on last summer. Her final concern was Public safety's lack of a Police Chief.

Doug Stevens told council to keep in mind that he is a middle manager and not a decision maker for the Alaska Railroad. He stated that what happened at tonight's meeting was a win-win situation for AKRR and the City of Whittier. He said that it demonstrated a willingness to work together and to work it out. He said that trust it built from trustworthy behavior and both side worked hard at establishing that.

Bill Lee reported all the things that are on the floor of Smitty's Cove and said that they all have become the homes of millions of species. And thanked the Council for their time.

Suzanne Eusden explained that a concrete plan needs to be put in place to protect Depot Rd. Dave Pinquoch replied that they can't block off Depot Road without the Council's approval. He stated it will be up to future Council if they close Depot Road. Suzanne thanked Holly and the Council.

13. ADJOURNMENT

All were in favor of adjourning the meeting at 9:45 p.m.

ATTEST:



Naeleene Matsumiya
City Clerk



Daniel Blair
Mayor