



# 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 SEPTEMBER 18, 2018  
7:00 PM  
COUNCIL CHAMBERS  
PUBLIC SAFETY BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 7:00 p.m.

### 2. OPENING CEREMONY

Mayor Daniel Blair led the Pledge of Allegiance.

### 3. ROLL CALL

**A. Council members present and establishing a quorum:** Victor Shen, Debra Hicks, Peter Denmark, Dave Dickason, Monty Irvin, and Daniel Blair.

**MOTION:** Dave Dickason made a motion to excuse Dave Pinguoch from Tonight's meeting.

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** Motion Passed Unanimously

#### **B. Administration Present:**

Jim Hunt, Interim City Manager

Annie Reeves, Assistant City Manager

Naelene Matsumiya, City Clerk

Kyle Sinclair, Harbormaster

Greg Russell, Interim Police Chief

Scott Korbe, Director of Public Works

**Others Present:** Greg Clifford, Cathy McCord, Krystal Sobrino, Anthony Sobrino, Karen Dempster, Mike Bender, Kelly Bender, Dave Goldstein, Brian Hicks, Mike Hanley, Todd Perez, Mike Edgington, Marc Donadeau

### 4. APPROVAL OF MINUTES

August 21, 2018, Regular Meeting Minutes and September 13, 2018, Special Meeting Minutes.

**MOTION:** Dickason made a motion to approve the minutes with amendments

**SECOND:** Peter Denmark  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

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

**MOTION:** Dave Dickason made a motion to approve the Regular Meeting Agenda with amendments.

**SECOND:** Debra Hicks

**DISCUSSION:** Move Presentation Item 12 to 5a

**VOTE:** Motion passed 5-1

### **5a. PRESENTATION – Mike Hanley of the Chugach School District**

Mike Hanley presented and discussed the following topics:

- School Board proposal to allow for a designated (voting) seat in Chenega
- Resolution that was passed at the School Board meeting regarding borough formation
- Potential impacts of the school districts with borough formation

## **6. MAYOR'S REPORT**

### **A. Mayor Report**

Dan Blair reported that he met with the state Lobbyist and the Interim City Manager a few times in the last month. He had nothing further to report.

### **B. Vice Mayor Report by Vice Mayor Dave Pinguoch**

None

## **7. MANAGER'S REPORT**

### **A. Interim City Manager's Report- Jim Hunt**

Jim Hunt reported that he had attended the AML Meeting Representing Whittier and met with Director Pat Pitney of the Office of Managing Budget. He met with Commissioner of Commerce and Economic Development, Mike Navarre and Governor Walker as well. He reported that the Army Corps. Of Engineers has continued work on the Navigation Improvement feasibility study and the director report is anticipated in January. A total of 79,692 will be given to the city from the Community Assistance Program, formerly known as the Community Revenue Sharing Fund. He stated that he is currently reviewing the Girdwood Police Contract to make some amendments.

Jim also reported that he and the U.S. Army Corps. Of Engineers met at the head of the bay to see what was going on there currently. He also met with the City Attorney at no cost to the City to catch up to speed on Whittier. Jim stated that the administration is currently working on a new procurement policy as well as an administration policy that will come before Council in due time. Jim stated that he attended the Eastern Kenai Peninsula Emergency Safety Area Board Meeting and proposed that Whittier could participate in the Kenai Borough's funding and road. He disclosed that even though Girdwood cannot participate, Hope and Cooper Landing still funds the city for participating in training. He updated the Council on the CPA finance management team.

Jim announced the legal fees expenditures from 2017 as well as to date. In 2017, the City spent \$229,363 in legal fees. In 2018, taking into consideration that the City was dealing with the Delong Dock as well as personnel matters, the City has spent \$168,000.

Dan Blair asked Jim if the position of Interim Director of Administration is still an interim position. Jim replied that he will look back at the record so that he can answer accurately

Peter Denmark inquired that since personnel has not interfaced well with Caselle, and if the Harbor is not a part of it, if it made sense to stay with the system. Jim replied that it was due to human error and that the City should continue its work with Caselle. Peter asked if the program could work with the right experience. Jim said absolutely.

**B. Assistant City Manager's Report**

See written report in original packet.

**C. School District Report**

Nothing new to report

**D. Director's Reports**

**1. Financial report**

None

**2. Harbormaster Report – Kyle Sinclair**

See written report in original packet

Kyle stated that the proposals for the Ocean and City Dock assessments were open for discussion. He said he'd like to know the condition of the docks before any decisions have been made.

**3. Public Safety Report – Greg Russell**

Greg Russell acknowledged Mike Edgington, of the Girdwood Board of Supervisors in the audience. Greg appointed Brian Hicks for Volunteer Fire Chief and held a brief Swear in Ceremony.

**4. Public Works Report – Scott Korbe**

See written report in original packet.

**8. COMMISSION/COMMITTEE REPORTS**

**A. Planning Commission**

Nothing new to report

**B. Port & Harbor Commission**

Nothing new to report

**C. Parks & Recreation Committee**

Dave gave a brief update. Karen Dempster congratulated the Parks and Rec. Committee on the Grant that was awarded to them from the Kenai Mountain Turnagain Arm Historical Society.

**D. Prince William Sound Aquaculture Corp.**

Nothing new to report

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

Mike Bender announced that the annual SERVS training is going on around town and mentioned the locations training will be taking place.

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

None

**10. APPROVAL OF CONSENT CALENDAR**

None

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

None

**12. PRESENTATIONS**

None

**13. ORDINANCES**

**14. PUBLIC HEARING (2<sup>nd</sup> reading)**

None

**15. RESOLUTIONS**

**A. Res. #23-2018 – A Resolution Of The City Council Of The City Of Whittier, Alaska, Appropriating \$48,000 Of The General Fund Or Harbor Reserve Fund For The Purpose Of Providing Shoreline Protection Located In The Whittier Harbor Basin, At Latitude 60.7771° N., Longitude 148.6927° W., Whittier, Alaska.**

**MOTION:** Dave Dickason made a motion to adopt Res. #23-2018

**SECOND:** Monty Irvin

**DISCUSSION:** Peter Denmark recused himself from the discussion and the vote as it is a conflict of interest. Monty explained that the resolution is being reintroduced as there was not a quorum at the previous meeting when Peter recused himself. Scott Korbe gave a brief history of the area needing the repair and explained the reason for the repair is because of exposed wires in the ground and leaning light fixtures due to natural erosion. Dan asked if repair was going to impact neighboring businesses. Scott stated that it will not.

**VOTE:** Motion to adopt resolution 23-2018 passed with 5 votes for, 1 recused and 1 absent.

**B. Res. #24-2018 – A Resolution By The Whittier City Council Authorizing A Payment Of No More Than \$10,000 From The General Fund, To Information Insights For The Economic Analysis For Borough Feasibility Study Proposal For A Prince William Sound Borough Between Girdwood, The City of Cordova and The City of Whittier**

**MOTION:** Dave Dickason made a motion to adopt Resolution 24-2018

**SECOND:** Peter Denmark

**DISCUSSION:** Peter Denmark stated that he is far from approving a formation of a borough under the format Information Insights, Inc. has proposed. Dave Dickason asked if Cordova will still be contributing. Jim Hunt answered yes. Victor Shen asked how funding the study is going to work and if Girdwood and Cordova's contributions will be more since their

communities are larger than Whittier's. Jim said yes.

Marc Donadeau clarified from the audience that it was important to make the distinction between Girdwood itself and the *Girdwood Governance Association* which is a private citizen's group.

Karen Dempster stated that she did research and found that the core focus of the Information Insights, Inc. group was public health and public policy. She showed that the Head of the Group's educational background was primarily International Studies and an MA in Arab Studies. She went on to state that she doesn't know why the City chose these people. She continued.

Victor Shen asked that if Whittier's Cruise ship Excise Taxes will be shared among the communities within the borough. Dan stated that the study will determine whether or not to move forward if the company has accurate findings. He stated that he hopes that the study will lay out the advantages and the disadvantages.

Peter Denmark reiterated that he is a long way from thinking this is a good idea, but the Alaska Constitution mandates that the unincorporated borough shall create boroughs in time. He said that there is not a time frame, and that it is mandated by the State's Constitution. He said a borough was inevitable. HE went on to say it seems like an inexpensive way to learn something.

**VOTE:** Resolution adopted 5-1

## **17. UNFINISHED BUSINESS**

### **A. Delong Dock Emergency Repair**

Kyle Sinclair spoke to it saying the assessment and evaluation of the damage has been completed as well as the assessment of the entire dock. He said that he is just waiting for the report to get back to him. He said once it gets back to him, he will present it to the City Manager. He commented that the insurance company picked up the tab on all the costs for the assessments except for the \$5,000 deductible.

### **B. Harbor Phase III Construction**

Kyle stated that there is nothing new to report. Dan asked if he has applied for the Tier 2 State Grant of 2019. Kyle replied that he has not. Dan asked if there is a window and a deadline and stated that the City is getting high on the list because a lot of money has been contributed in it.

## **18. NEW BUSINESS**

### **A. Interim City Manager Contract**

Jim explained that the contract in front of them is the old one and has not been updated. Dan said the only change was adding 5 days of Holiday of the year 2018.

Peter stated that setting short term goals will be best with going forward to the end of the year. He mentioned that State, Local and Federal goals need to be accomplished, but so do administrative goals.

### **B. Schedule October Regular Meeting**

Regular Meeting Scheduled for the 30<sup>th</sup> of October at 7:00 p.m.

**C. Schedule Special Meeting to Certify the Election for October 9, 2018.**

Special Meeting Scheduled for the 9<sup>th</sup> of October at 6:00 p.m. to certify the results of the 2018 Regular Election.

Council Recessed at 8:45 for 10 minutes

**19. COUNCIL DISCUSSION**

Peter asked for Administrative Reports on the agenda. Peter asked for support from the council that the administration present a report on how the City missed the opportunity to apply for the BUILD Grant.

Mayor Blair asked for consensus to support Peter's request.

Debra Hicks: Yes

Victor Shen: Yes

Dave Dickason: Yes

Monty Irvin: Yes

Dan Blair: Yes.

Peter Denmark directed Council to a handout of a section of the code "Weapons" asked Greg Russell why it was appropriate to hunt bears within the City limits in a recreational park. Peter stated that an individual employed with the City, used a City vehicle to hunt his bear. He continued by quoting the code, "Hunting Permits can be allowed by the Public Safety Department" and "The permit shall provide that no hunting is permitted within 1 half mile of any commercial or industrial structure or within 1 quarter mile of the shoulder of Shotgun Cove Road to the stream known as Second Salmon Run." He stated that the bear was kill in the First Salmon Run with a bow and arrow. He said it was not in defense of life or property. He asked Greg Russell about the appropriateness of the action.

Greg Russell clarified by saying no city vehicle was utilized for harvesting any game. He said that violations caused by any individual is not appropriate to be discuss during a public forum. He told Council that the code does state the issuance of a permit, but the permit cannot be issued until after October 1<sup>st</sup>. He said he'd be happy to answer Peter's questions in an executive session. He continued.

Peter stated that the bear population is integral to the community and if a defense of life and property killing is necessary, so be it. But this circumstance as he was able to see the bear around town and states the bear was never aggressive. Greg stated that according to Alaska Fish and game, if a bear begins to become habituated in the town, it then becomes a Public Safety issue. Peter said that the accounts from the incident was closer to that of a hunt. Peter requested an executive session regarding this incident.

Peter mentioned the shooting range and how he had gotten calls from an individual who had reported that in order to use the shooting range, they must come into the City office to register for a permit every day. He said he understood, but previously the process was to notify Whittier PD to let them know you were at the shooting range and to not respond to the sounds of gunfire in the area. He concluded that the people who use the range are local citizens of Whittier and asked if there was any way to revert to a more casual way of granting permission. Greg answered that the purpose behind the verbalized response is to identify those that would like to use the range and gives the Public Safety Department an opportunity to go over the rules of the range and orient them of range use. He said that people who aren't locals made special trips down to Whittier to use the shooting range because it is

convenient. He stated that it would be best for people using the range to identify themselves and give the information this is needed to continue the process and that it is very accommodating.

Victor Shen asked if there is a charge to use the range. Greg replied that it was free of charge.

Jim Hunt exited the meeting and Annie Reeves sat at the City Manager's seat at 9:06 pm.

Dave Dickason asked about the derelict boats. Dan Blair explained that the project would be a group effort and he was hoping to get the opinion of the Council on whether or not it is a worthwhile concept. Peter asked if this was the function of the nuisance ordinance or the environmental hazards. Dan replied that it was more towards the function of beautification efforts to the City of Whittier and removal of problem boats. Peter asked if the City has the power to condemn the boats. Dan replied that the question would be best for Jim. Peter gave a history of what happened the last time this was proposed. He stated that if this is a group effort and legal ducks are in order, this was long over-due. Council discussed further.

Debra Hicks suggested using the old boats to potentially make a reef.

Kyle spoke to the issue saying, it's a good idea that even the State Troopers have been looking at doing the same thing, but the process is very expensive especially with 17 or more boats.

Dave Dickason asked about the Comprehensive Plan timeline. Annie Reeves responded that she had just started conversation with Kitty Farnham and that the process is still in its infancy. She explained the process and the steps that will potentially be taken.

Dave asked about the Tank Farm land at the head of the bay. Dan stated that he has a 450 page document that states some of the requirements of taking possession of contaminated land. He said it was something that the DEC and/or the EPA would have to work together to see what the liability is.

Dan announced that he would like to appoint Greg Clifford, chair of the Port and Harbor Commission to a Crowley oil spill response exercise in Valdez to represent Whittier. Greg Clifford accepted the appointment and thanked the Council for their recommendation.

Dan mentioned the Girdwood Police contract and Police coverage in Whittier. Peter Denmark stated that Police focus should be in Whittier. Dan said that he'd like to hear that from the Administration so that it will help with going forward in negotiations in the contract. Council discussed the item further.

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

Karen Dempster mentioned that at hour 2:06:30 at the last City Council Meeting, a Council Member stated, "...need for administrative policy development. Pushing 1 million on lawyers." Peter Denmark told Karen that it was he who made the remark. She said that it made no sense to her, as a lawyer, to ring up that kind of bill. She urged the Council to look at the attorney bills and their details. She told Council that they may want to look at untangling the legacy that the former City Manager left behind because it has been just causing problems.

Karen told the Council that there is Federal and State money out there that the Council can greatly benefit from. She continued.

Anthony Sobrino spoke about the bear that was killed in Lu Young Park and expressed his concerns with the incident.

Greg Clifford announced that October 4 will be the next Port and Harbor Meeting. He invited everyone to come and name some items that may be on the agenda. He commented about participating in SERVS and promoted RCAC's free cruise to watch the participants during the drill. He concluded by inviting everyone to breakfast at the school.

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

**22. ADJOURNMENT**

All were in favor of adjourning the meeting at 10:00 p.m.

**ATTEST:**



---

**Naelene Matsumiya**  
City Clerk



---

**Daniel Blair**  
Mayor