



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

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**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MARCH 21, 2017  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 7:03 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 Pinguoch, Dave Dickason, Peter Denmark and Daniel Blair.

**B. Council Members Absent:** Monty Irvin and Victor Shen

**MOTION:** Dave Dickason made a motion to excuse Monty Irvin and Victor Shen from tonight's council meeting.

**SECOND:** Dave Pinguoch

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

### C. Administration Present:

Mark Lynch, City Manager

Jennifer Rogers, City Clerk

Scott Korbe, Public Works Director

David Schofield, Director of Public Safety

Kyle Sinclair, Harbormaster

John Li, Finance Officer

Terry Morrison, Public Safety Bldg. Manager

Holly Wells, City Attorney

### Others Present:

Mike Bender

Andrea Korbe

Gregg Clifford

Brenda Nix

Lindsey Erk

Tim Sullivan

David Goldstein

### 4. APPROVAL OF MINUTES

February 21, 2017 Regular Meeting Minutes

**MOTION:** Dave Pinguoch made a motion to approve the meeting minutes of February 21, 2017 as written.

**SECOND:** Debra Hicks  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

**5. APPROVAL OF REGULAR MEETING AGENDA**

**MOTION:** Dave Pinguoch made a motion to approve the regular meeting agenda with an amendment to remove Resolution #06-2017.

**SECOND:** Debra Hicks  
**DISCUSSION:** None  
**VOTE:** Motion passed unanimously

**6. MAYOR'S REPORT**

**A. Mayor's Report by Mayor Daniel Blair**

No report was given.

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

No report was given.

**7. MANAGER'S REPORT**

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

See written manager's report in original council packet.  
Mark Lynch briefly went over his written report.

He disclosed that there will be a new fish processor in town and an official announcement will come in the near future.

**1. Finance Update on Public Safety Building and Harbor Projects**

Mark Lynch provided the council members with a financial break-down of the fund balance. He announced that we are second on the list for the water loan and we should receive an update in the next seven to ten days.

The bond sale for the harbor has been approved and will occur in April with the closing set for April 27<sup>th</sup>.

**B. City Attorney's Report**

**1. Report on City Ethics Code**

Holly Wells reported that our code requires an Ethics Committee, but there has been some difficulty filing the vacancies.

Holly Wells explained the importance of hiring a Hearing Officer versus the Ethics Committee the City currently has. She reviewed the structure and how the hearings are conducted under the City's Ethics Committee. She then explained the process involved in using a Hearing Officer, who is not part of the local community.

Holly stated that there are several communities who are moving in the same direction by hiring hearing officers when it comes to ethics and other controversial, high-profile community interests. The hearing officers are usually attorneys, administrative law judges, or hearing officers outside the community. The outcome of the hearing can be decided by the administrative hearing officer, then if needed, it would be appealable to the Superior Court.

The Office of Administrative Hearings for the State has started to advertise and actively serve municipalities by providing hearing officers at the rate of \$165 an hour. Holly Wells then discussed what can be done to make the hearing, complaint and response process cleaner and less vulnerable to appeal and criticism.

### **C. School District Report**

See report in original council packet.

Lindsey Erk thanked the community for supporting the five students involved with Travel Club. The five students will travel to Seattle for five days in May. She then thanked Terry Morrison for allowing the students to tour the Public Safety Building. She thanked those who came and read during the Dr. Seuss week. And lastly, she thanked Dave Goldstein for providing Mrs. Korbe's class with information relating to the weather.

### **D. Directors Reports**

#### **1. Financial Report**

See report in original council packet.

#### **2. Harbor Report**

See written report in original council packet.

#### **3. Public Safety Report- Dave Schofield**

See written report in original council packet.

Director of Public Safety, David Schofield, stated that he created a different reporting format to better show the areas where assistance was provided by the officers. He added that the AST stated that there will be a decrease in the trooper presence on the highway starting on May 1<sup>st</sup>.

There was some discussion regarding who should respond to accidents on the Seward Highway after May 1<sup>st</sup>. Peter Denmark asked Dave Schofield to put some thought into creating a buffer. Dave replied that he would.

#### **4. Public Works Report- Scott Korbe**

Scott Korbe stated that he did not submit a written report because he was on vacation the previous week.

He announced that we received two grants from Prince William Sound Regional Advisory Committee for the Forest Service RAC. One grant is in the amount of \$15,000 to install a new gate at Horsetail Falls Trail and the other grant is in the amount of \$25,000 for parking lot improvements at the Horsetail Falls Trail.

The flap is still under progress, which was a \$2 million dollar grant application for the design, engineering and permitting for the Shotgun Cove Road extension beyond the second Salmon Run. We were selected for the grant, however, the federal grant paperwork still needs to be finalized.

#### **5. Public Safety Building Report**

See written report in original council packet.

Terry Morrison reported that the contractor is waiting for the temperature to warm up to 25 degrees before they can complete pouring the concrete on the first floor. Framing on the first floor has begun and should be completed by the end of the month.

## 8. COMMISSION/COMMITTEE REPORTS

### A. Planning Commission

December 7, 2016 Meeting Minutes included in the original council packet.

### B. Port & Harbor Commission

November 3, 2016 Meeting Minutes included in the original council packet.

### C. Parks & Recreation Committee

No report

### D. PWSAC

Written report by Don Stevens was included in the original council packet.

### E. RCAC

Mike Bender reported that the fall meeting will be held in Whittier in September.

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

## 10. CONSENT CALENDAR

None

## 11. PRESENTATIONS

### A. Mayoral Proclamation of Appreciation for Gerry and Dodi Protzman

Mayor Daniel Blair read aloud the Proclamation of Appreciation for Gerry and Dodi Protzman.

## 12. ORDINANCES (Non-Ordinance)

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

### B. Public Hearing (2<sup>nd</sup> reading)

1. #01-2017 – An ordinance amending WMC 2.02.030 entitled, **Organizational Chart, to permit City Council to amend the City Organizational Chart by Resolution rather than ordinance and adopting a new organizational chart reflecting the current organization of Whittier's City Government.**

**MOTION:** Peter Denmark made a motion to open the public hearing to Ordinance #01-2017.

**SECOND:** David Pinguoch

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**There were no public comments for this ordinance.**

**MOTION:** Peter Denmark made a motion to close the public hearing to Ordinance #01-2017.

**SECOND:** Dave Pinguoch

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**MOTION:** Dave Pinguoch made a motion to adopt Ordinance #01-2017.

**SECOND:** Dave Dickason

**MOTION:** Dave Pinquoch made a motion to adopt Ordinance #01-2017.

**SECOND:** Dave Dickason

**DISCUSSION:** Peter Denmark asked if the organizational chart provided reflects the current and future staffing needs. Mark Lynch replied that it is accurate as of right now. Mayor Daniel Blair shared his concerns regarding the Tax Administrator/Executive Assistant position on the Organizational Chart and stated that he'd like to see all non-director positions removed from the ordinance. He asked fellow council members to consider changing the chart.

The City Manager stated that in error, he listed the Tax Administrator on the chart instead of Executive Assistant. One of the Executive Assistant's duties is to serve as Tax Administrator. Peter Denmark added that the title of Executive Assistant was an assignation by Bob Prunella. The function of an executive assistant would actually fall to an Assistant City Manager. Mark Lynch explained that none of the duties listed under the Executive Assistant's duties are things he would have his assistant city manager work on. Peter replied that perhaps the title Executive Assistant may not be accurately descriptive.

Peter suggested changing the title to Tax Administrator in the ordinance and move the Executive Assistant duties to the Assistant City Manager. Mark replied that she's more than the tax administrator; she's the HR and she also handles the city insurance. Mark stated that he'll take some time to think of an appropriate title.

Mark Lynch went on to say that Tax administrator is just one of the four duties that are listed under Executive Assistant's duties. If it is a title change, it would be that only because she would still need to continue to do the same duties she's doing now. Mark stated that he has no problem if we came up with a different title, but currently in code, it is called the Executive Assistant.

Mark Lynch explained, "We have two types of employees. We have employees that are called exempt: those are department heads, they're salaried employees. This position is called a classified position which means, she gets paid by the hour, and she's eligible for overtime. As far as I know, it's the only classified position that's listed in code. The only reason it might have been done that way is because there are places throughout the code where the code refers to a tax administrator."

He added, "There are also things in our personnel code which refer to our human resources person; so human resources is one of her things." Mark speculated, "Whether or not Bob created a position which incorporated all of these references from code and put them in one place and say, 'This is the person that does that.' There are other positions that aren't listed in the code. The position, tax administrator, is the only classified position listed in code with the duties listed."

Debra Hicks asked if this position can report to the assistant city manager. Mark replied that we can make the change, but he suggested waiting until an assistant city manager on staff. Mark stated that he'll speak to a Personnel attorney before doing anything, specifically regarding the human resources aspect.

There was additional discussions regarding the duties of the tax administrator/executive assistant and who this employee should report to.

There was also discussion regarding the wording of the ordinance, specifically in areas where it refers to Whittier's City Government. Holly Wells clarified that the elected officials are not included with the city. The city and the government employees are the staff; the administration. The employees are in a sense, the government of the City. She stated that this ordinance creates a reactionary law. Peter Denmark asked if the word administrative is an appropriate word to use instead of government. Holly concurred with Peter. Mark added that we are not adding new language to the code since the word government is already used to describe the employees in WMC 2.02.030.

**MOTION:** Dave Pinguoch made a motion to amend the ordinance by changing the Tax Administrator title on the organizational chart to Executive Assistant.

**SECOND:** Dave Dickason

**DISCUSSION:** Holly Wells suggested removing the Whittier Voters, Mayor and Council and Commissions to reflect only the administration if the word *administration* is to replace the word *government*.

Mark Lynch explained that the purpose of the organizational chart is intended to show the structure of government and its hierarchy.

**VOTE:** Motion passed unanimously

**VOTE:** Motion passed unanimously to adopt Ordinance #01-2017.

#### **14. RESOLUTIONS**

**1. Resolution # 04-2017- A resolution authorizing the amendment and assignment of Harborview Business Area Lot #9 from Gilman/Phillips to Crazy Ray's Adventures, LLC.**

**MOTION:** Peter Denmark made a motion to adopt Resolution #04-2017.

**SECOND:** Dave Pinguoch

**DISCUSSION:** Mark Lynch provided the council members with a copy of Crazy Ray's business plan. Peter Denmark stated that there are specific information that the City asks for when transferring a lease. Mark Lynch replied that we have only asked for a business plan. Peter stated that using the Eneix files as an example, we should request a business plan, certificate of insurance and a couple of other items. Mark replied that he wasn't given instructions that he was supposed to revert to that. Larry wasn't required to submit those items when he took over the lease from Babs Reynolds; he only submitted a letter stating his business plan.

There was further discussion regarding what documents potential lease holders would be required to submit along with their business plan.

Brenda Nix stated that neither she nor her husband, Ray, has read the master lease. She was advised by Mayor Dan Blair to read the lease prior to signing an agreement.

**VOTE:** Motion passed unanimously

**2. Resolution #05-2017- A Resolution stating the Rate of Levy, Date of Equalization and date when taxes become delinquent for the 2017 Tax Role.**

**MOTION:** David Pinguoch made a motion to adopt Resolution #05-2017.

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council recessed for a break at 8:45 pm and returned at 9:05 pm.**

#### **15. EXECUTIVE SESSION**

- A. Discussion of DeLong Dock Management Agreement / ARRC Land Issues – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City.
- B. Public Safety Building Phase 2 Contract – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City.

**MOTION:** Dave Pinguoch made a motion to enter into executive session to discuss the DeLong Dock Management/Agreement and Public Safety Building Phase II. Matters that, if immediately disclosed, would tend to adversely affect the finances of the City.

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council entered into executive session at 9:07 p.m.**

**MOTION:** Dave Pinguoch made a motion to end the executive session and return to the regular meeting.

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council ended the executive session and returned to the regular meeting at 10:27 p.m.**

## **16. UNFINISHED BUSINESS**

### **A. Shotgun Cove Road Project**

Mark Lynch stated that he would like to propose sending out a Request for Proposal or Request for Qualifications for an engineering firm. The firm would work on Shotgun Cove Road, the water front at the harbor, water and waste water issues and whatever else might come along.

### **B. ARRC/COW Land Swap**

Discussed during the executive session.

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

Not discussed during this meeting.

### **D. Public Safety Complex- Phase 2**

**MOTION:** Dave Pinguoch made a motion to authorize the City Manager to enter into a change order with SR Bales subject to the terms and conditions of the proposal submitted by SR Bales dated on March 21, 2017.

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

### **E. Paddle Craft Launch**

Not discussed during this meeting.

### **F. Head of Passage Canal Project**

Not discussed during this meeting.

## **17. NEW BUSINESS**

### **A. Port & Harbor Commission recommendation concerning attendance of members.**

Mayor Daniel Blair stated that he spoke with one of the Port & Harbor Commission members regarding the language which addressed the attendance in the WMC. The Port & Harbor meets four times a year. Mark Lynch added, "Currently, code says that if they miss more than three consecutive meetings they can be removed from the commission; that was when they were meeting twelve times a year. Port & Harbor's recommendation was to remove all attendance requirements."

Mayor Blair stated that he'd like to leave the wording as is so that there's a uniform expectation of attendance from both commissions. He is hopeful that if there is an attendance issue, the Chair of the Commission will bring it to the Council's attention.

There was some discussion regarding how a commission member would be removed from the commission if there are attendance issues.

#### **B. New City Park- Surveying/Engineering**

Mark Lynch announced that Victor Shen is interested in having the new city park area surveyed to obtain geographical information. Mark has a tentative survey estimate for a boundary survey and put in the gradient lines for about \$6,000. Based on what Victor Shen is interested in doing, Mark suggested hiring a landscape architect.

Mark estimated that the Parks & Rec. Committee might be asking for \$35,000 through a resolution to develop the park space.

Another topic discussed was whether or not to have vault toilets or toilets that flush. Dave Dickason stated that it would all depend on the design and cost. Mark added that Victor Shen is interested in installing a hand-pump water well. There was a brief discussion about the water quality and whether or not it would be tied into the city water system. If the pump is located on city property, and the water is made available for people to drink, then it would need a separate water system. In Mark's opinion, he said that it would be more cost effective to run a water line that it would be to drill a well and put in a hand-pump.

#### **18. COUNCIL DISCUSSION**

Peter Denmark announced that the council should find a better way of handling the lease transfers. Peter also mentioned that the Old Alaskan's Monument at the triangle is a piece of city infrastructure that is not maintained. There are a couple of citizens are maintaining it who also purchase bronze plaques and flags for the monument. He asked fellow council members if it would be appropriate to reimburse these residents for the costs incurred.

There was further discussions regarding who should purchase the plaques, flags and who would maintain the monument. Peter Denmark added that there are no flags in the harbor area. Scott Korbe stated that there are flags available at the Public Works Building.

#### **19. CITIZEN'S DISCUSSION**

Greg Clifford announced that the school will host its annual Old Fogies vs Students basketball game on Thursday.

#### **20. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS**

#### **21. ADJOURNMENT**

**MOTION:** Dave Pinquoch moved to adjourn the meeting at 10:48 p.m.

**SECOND:** Debra Hicks

**VOTE:** Motion passed unanimously.

**ATTEST:**

  
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Jennifer Rogers  
City Clerk

  
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Daniel Blair  
Mayor