



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

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**WHITTIER CITY COUNCIL
SPECIAL MEETING
MONDAY, JULY 3, 2017
6:00 PM
COUNCIL CHAMBERS
P-12 BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 6:05 p.m.

2. OPENING CEREMONY

Mayor Daniel Blair led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum:

Dave Pinguoch, Dave Dickason, Peter Denmark, Victor Shen and Daniel Blair.

B. Council Members Absent: Debra Hicks and Monty Irvin

C. Administration Present:

Mark Lynch, City Manager
Naelene Matsumiya, Acting City Clerk
Scott Korbe, Public Works Director
Holly Wells, City Attorney

Kyle Sinclair, Harbormaster
John Li, Finance Officer

Others Present: John Campabello, Janet Amor,

4. APPROVAL OF THE SPECIAL MEETING AGENDA

MOTION: Dave Dickason made a motion to approve the regular meeting agenda.

SECOND: David Pinguoch

DISCUSSION: None

VOTE: Motion passed unanimously

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

None

6. RESOLUTIONS

1. Resolution #11-2017 – A Resolution authorizing the amendment and assignment of Whittier Triangle Business Area Lot #9 from John and Chris Campabello to Janet Amor.

David Pinguoch began to make a motion to adopt Resolution #11-2017, but stopped and asked *why* there was a rush to adopt this resolution. Dan Blair replied that there was a short season for the Orca Café and that the owner has found a buyer to operate the business. Owner of the business, John Campabello, said, "I have plans and I'd really like to be done with it." Mr. Campabello commented that he has been working on selling the business for years and was unaware of the complications. He presented his documentation and explained the boundaries of the lot. He stated that sometime during the process of the documents being transferred to the City, there was a mix-up in the lot numbers.

Peter Denmark offered his concerns. He stated, "As a lease-owner myself, it has significant lot line issues that I will leave alone here, but as a City Councilor-- we've been talking about the leases for 10 years now." Mr. Denmark mentioned encroachment issues. The Mayor addressed Mr. Denmark's concern saying that people were assigned surveyors duties and ended up confusing the numbers. Mr. Denmark believes that these lot line issues are small issues and that neither the City nor Council should get in the way of an individual wanting to start a business in Whittier. Mr. Denmark asked Holly, the City Attorney, "What's the hang up?"

Holly Wells responded to Mr. Denmark saying the hang up is that the lot lines issue is a large problem. Ms. Wells addressed the issues with the lot lines and how so many of the leases are incorrect. She clarified that these issues are potential liabilities for the City of Whittier. She explained the options in the packet that she had prepared. The first option she delivered was an *Encroachment Acknowledgement Memorandum of Understanding*. This memorandum is simply a consent form acknowledging the encroachments and incorrect property descriptions. It also protects the City, lot owners, and any transferees or successors from liability claims due to property inaccuracies. Another option was to re-plate the lot. She suggested the re-platting because mistakes can be corrected during the process.

Peter Denmark recounted the erosion problem in the harbor. He said this has been a problem for 10 years. Mr. Denmark believes that it is the City's job to facilitate these issues so that motivated parties can continue to create business in Whittier. Mr. Denmark commented that the erosion expands from the triangle, to the Inn at Whittier.

Dan Blair asked for clarification if the lots were surveyed. Mark Lynch confirmed that they were, but it needs to be corrected.

Holly Wells presented saying, "One of the things that I did, under the projection that you might reject my recommendation and want to go forward, is change all the documents to rely on—to reference, first of all—the conflict of the inaccuracies of the legal descriptions so there's notice. That's the most important thing. We cannot have this new person coming in and have no notice of the confusion because that would create a significant liability. But a thing that would be useful for you guys would be to go to the resolution and go through the draft items and *inaudible* you want to look at exhibit one, page 6. And that is the 2015 survey."

David Pinguoch asked Holly Wells and Mark Lynch, "What will be different in August compared to today? And is it possible to do this by the July meeting?" Ms. Wells answered that the difference would be the amount of time. She said the July meeting date would give her enough time to comprehensively review the history of the lot and get a reflection of the reality of the lot line. Mr. Pinguoch asked if the same problems will arise if this item is presented to the Council in August. Mark Lynch said there was a possibility. Mr. Pinguoch's asked if there was a chance the City of Whittier could be more protected if we postponed this issue until the July meeting. The City Attorney said, "Yes." Dave Dickason noted that in doing so, it would create a safer approach for the Café Orca buyer, Janet Amor.

Janet Amor expressed her gratitude and appreciation to the City Council and how helpful they have been throughout the whole process. The City Manager pointed out the email that Ms. Amor's title company had sent him stating that everything needed to be perfect enough so that they can do a *Guarantee of Title*.

He believes that with the property's description inaccuracies, he cannot imagine that they will grant that to her.

Janet Amor suggested the City Attorney, Holly Wells, to work with the title company to structure a document that will not violate state requirements. Ms. Wells said doing this would be very helpful and agreed to working with the title company if Council will direct her to do that.

David Pinguoch agreed and made a second motion while his previous motion was still on the table.

MOTION: David Pinguoch made a motion to postpone this item until the July 18th Regular Meeting.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: David Pinguoch, Yes; Dave Dickason, Yes; Victor Shen, Yes; Peter Denmark, No; Dan Blair, Yes.

2. Resolution #12-2017 – A Resolution requesting FY2018 PILT

MOTION: Victor Shen made a motion to adopt Resolution #12-2017 A Resolution requesting FY2018 PILT.

SECOND: David Pinguoch

DISCUSSION: None

VOTE: Motion passed unanimously

7. COUNCIL DISCUSSION

David Pinguoch mentioned the BTI Board of Directors and asked Council if they were interested in the City having a seat. Mr. Pinguoch added that it will benefit the City.

Council voted on consensus.

VOTE: David Pinguoch, Yes; Dave Dickason, Yes; Victor Shen, Yes; Peter Denmark, No; Dan Blair, Yes.

8. CITIZEN'S DISCUSSION

None

9. ADJOURNMENT

All were in favor of adjourning the meeting at 7:00 p.m.

ATTEST:



Naelene Matsumiya
Acting City Clerk



Daniel Blair
Mayor