



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

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**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 22, 2017  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 7:18 p.m.

### 2. OPENING CEREMONY

Mayor Daniel Blair led the Pledge of Allegiance.

### 3. ROLL CALL

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

**B. Council Members Absent:**

**C. Administration Present:**

Mark Lynch, City Manager

Kyle Sinclair, Harbormaster

Naelene Matsumiya, Acting City Clerk

Terry Morrison, Public Safety Bldg. Manager

Scott Korbe, Public Works Director

Holly Wells, City Attorney

**Others Present:** William Earnhart, Emmitt Raymond, Mark Hager, Cody Beauchamp, Terry Bender, Dave Goldstein, Greg Clifford, Ken Hunt, John Campabello, Ted Spencer, Mike Bender, Todd Perez,

**IRT Group:** (248<sup>th</sup> CEF) Lt. Col Paul Waite, Lt. Col Bill Wilkinson, Capt. Christopher Isbell, Capt. Kevin Young, SM Sgt. Mike Nazelrod (231<sup>st</sup> CEF) Capt. Jacob Colbert, Capt. Marshal Davis, Lt. Joe Willis

### 4. APPROVAL OF MINUTES

**MOTION:** Dave Dickason made a motion to approve the meeting minutes of April 18, 2017 as is.

**SECOND:** Dave Pinquoch

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

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

**MOTION:** Dave Pinquoch made a motion to approve the Regular Meeting Agenda with the following changes: First, Agenda Item 12 – Presentations should be moved to Agenda Item 5A. Second, eliminate the Public Reading and Second Reading of ordinance #03-2017. Third, to move the Executive Session Part C. Property Description Amendment on the Harbor Triangle Leases to 14.

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

## **6. PRESENTATIONS**

### **Captain Miles Sheppard, et al – Initial IRT Engineering Study Report**

Colonel Paul Waite of the Innovative Readiness Training Program group distributed packets to the Council before the presentation. He explained that he and his group were doing assessments on the Buckner Building as well as the P-12 Building. He informed the Council that there was a team before who have also worked in collecting data from the Buckner Building. He introduced the members who are helping him with this project. Colonel Waite began the presentation and Council followed along in their packets. For the P-12 Building, the team is still in early development of building's assessment, but he commented that they have the full set of plans so more evaluation will be done in the future for the P-12 building. Colonel Waite then began to explain his findings in the Buckner Building. He gave a brief history on the Buckner Building and the materials that were used to build it. He addressed how the building had suffered severe neglect from its prior private ownership and from the natural elements as it is exposed. Because of this, water has been coming into the building for decades and seeping through the ceilings that stalactites made from calcium hydroxide have formed. The shooting range was abandoned and the lead bullets were never cleaned up and he believes it should be covered for many reasons. The rebar inside the beams that were once used to reinforce the concrete have now started to rust; therefore, they are expanding and creating cracks in various places in the building weakening the structure. The drains on the roof of the building are clogged so it retains water causing it to seep into the concrete and leak through it as well. The team is looking for future funding to test the building for hazardous materials such as PCB's, lead paint, asbestos and so on. He commented that these hazardous materials have been visually identified, but have not yet been tested in a laboratory for validation. Colonel Waite pointed out a chart in the packet that numerically rates the integrity of the building and its conditions and went on to talk about different courses of action. Ultimately, the structure is deteriorating and he believes it is critical to have the remediating done before the building becomes structurally unsafe. He briefly talked about the possibilities of renovation before Colonel Waite opened the floor for questions. Dan Blair, Mayor of the City of Whittier, asked about the shooting range and since it was left intact, he wondered if

the dry-cleaning area was also left intact as well. Colonel Waite replied that it possibly could still be intact, but he has not yet discussed it yet with the program manager. He believes that there could be some residue from chemicals that were not properly cleaned up or disposed and that the dry-cleaning area is going to be added into the program because of this specific contamination. Mayor Blair was satisfied with his answer. Councilman Irvin asked if the concrete can be used as a foundation of a breakwater. Colonel Waite said that using it as a breakwater foundation was their initial thought, but the steel rebars in the concrete may raise some red flags, especially when placing it into the ocean. He explained that the concrete can definitely be used, but ultimately the steel may need to be removed beforehand. The City Manager explained that whenever new pilings are installed into the harbor, has to be coded because you cannot put raw steel into salt water. He expressed that the Army Corps. Of Engineers would not allow the use of the concrete in the water if it still had remnants of steel in it. He clarified that he wasn't 100% about this, but he just wanted to clarify for the Council. Paul Waite said that the concrete could also be crushed and used in other ways such as structural material for buildings or can be collected for future use. Mr. Irvin said that since it can be recycled and reused for structural purposes, there must not be asbestos in the concrete. Colonel Waite replied that the only way to get asbestos in the concrete is if you don't take out the materials that contain asbestos before demolition and let it infuse with the rubble. The City Manager thanked Colonel Paul Waite and his team for all the work they have done in assessing these buildings. He also acknowledged Dave Goldstein for introducing him to the group and concluded by saying he is looking forward to working with the IRT group in the future.

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

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

Mayor Blair reported that it has been a very busy month and mentioned the potential historic opportunities in Whittier. He acknowledged the Park and Recreation Committee for their work on the Emerald Cove trail. He stated that Mark Donahue has been writing a lot of positive articles about the City and began naming important aspects of Whittier that are going to positively affect the community such as the fact that Whittier has the best water in the state of Alaska and the Del Long Dock is in the process of Whittier's possession. He researched heavily by reading Council Minutes from the past to get a better understanding of what he will be expecting in the future.

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

None

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

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

See written report in Original Council Packet

#### **• Financial Report**

None

### **B. City Attorney's Report**

None

**C. School District Report**

See Written Report in Original Packet

**D. Director's Reports**

None

**2. Public Safety Report- Dave Schofield**

None

**3. Public Works Report- Scott Korbe**

None

**4. Public Safety Building Report**

Item was discussed during executive session.

**9. COMMISSION/COMMITTEE REPORTS**

**A. Planning Commission**

No report.

**B. Port & Harbor Commission**

No report.

**C. Parks & Recreation Committee**

Councilman Dickason presented his memo that discussed updates on the many projects that the Parks and Recreation Committee has been working on this summer. He described the Whittier Creek Trail. He stated that Volunteer days in August were beyond successful and he continued to talk about the progress on projects that he and Councilman Shen are currently working on. He mentioned the grant from the National Parks Service and the meeting that will "kick-off" the grant.

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

None

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

Mike Bender of Lazy Otter Charters announced that the Regional Citizen's Advisory Council will be meeting on the 14<sup>th</sup> and 15<sup>th</sup> of September. He stated that there is a community outreach program the evening before at the school. He mentioned that these meetings are open to the public and the meeting will be held at the Inn at Whittier.

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

None

## 11. PRESENTATIONS

Item was moved to 6.

## 12. CONSENT CALENDAR

None

## 13. ORDINANCES (Non-Ordinance)

### A. Introduction (2<sup>nd</sup> reading)

**1. #04-2017 – An Ordinance Amending WMC 2.12.130 Entitled "Prohibited Acts" To Remove Specific Examples of Prohibited Acts While Preserving The Prohibition Against City Official's Participation In Official Action In Which He or She Has A Substantial Financial Interest**

**MOTION:** David Pinquoch made a motion to introduce Ordinance #04-2017 and set the Public Hearing at the next scheduled meeting on September 19, 2017.

**SECOND:** Dave Dickason

**DISCUSSION:** City Attorney, Holly Wells stated that the community is very close-knit and the code is written in a way that is very vague as to what you can and cannot do. She continued by saying, "Many codes would say *Council cannot have a substantial financial interest in something without disclosing or stating the participation*, then it will have a definition that will state *the substantial financial interest is anything exceeding anything \$5,000*. What it currently states in the code is "You will not have a direct or indirect financial interest (no definition) in anything that you will act on without disclosing it." She can see where the confusion is in the code with the wording, but believes it is a little too strict given the size of the community. She urged Council Members to take another look at it and think about what they want so that there aren't anymore \*unintelligible\* relations. She stated that the reason for the changes was to just draw some attention to it so that it can be addressed at this meeting because a lot of participation is needed to determine the finalization of this ordinance. Mayor Blair clarified that he was consulting in some software and computer work at the Whittier Seafoods company and he asked the City Manager and the City Attorney if he had any conflict of interest and Ms. Wells informed that, although he did not violate any codes, he is still at risk for a potential violation. Peter Denmark asked if the ordinance has been gutted. Ms. Wells replied that what needs to be done is to set an amount, but that decision was up to the Council. Councilman Shen asked what a good amount was. Ms. Wells answered that she sees \$5,000 a lot in these codes in other places and said that she can look at the States ethics and follow that. She indicated that the goal was to avoid corruption and that this is where Whittier differs from a lot of the other communities. She explained further. Mayor Blair stated that in his reading, he sees that a conflict of interest code was important for the City to have, but it just needs some cleaning up to be effective. Councilman Denmark expressed that his concern was that the Attorney is asking for a rewrite of the Conflict of Interest ordinance but given a small time-frame of 4 weeks to have it done. He said that usually the legal administration has specific ideas on how to reconstitute the ordinance with appropriate language that would be included in the reading so that it has some substance to consider. Mayor Blair answered that the best thing to do is to have the administration bring the document with the suggestions to the Council next month for the first reading. Council Agreed.

VOTE: Motion failed.

#### 14. EXECUTIVE SESSION A

**A. Property Description Amendments on the Harbor Triangle Leases**– Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310 (1)

**MOTION:** David Pinquoch made a motion to enter executive session regarding Property Description Amendments on the Harbor Triangle Leases that immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council entered into Executive Session at 8:22 pm**

**MOTION:** David Pinquoch made a motion to end the executive session and return to the regular meeting at 9:09 pm.

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council ended Executive Session and returned to the Regular Meeting at 9:09 pm.**

#### 15. RESOLUTIONS

**a. #13-2017 – A resolution on the Alaska Congressional Delegation to support continuation and full funding for rural community and economic development programs.**

**MOTION:** Dave Pinquoch made a motion to adopt resolution #13-2017

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**b. #14-2017 – A resolution authorizing the City Manager to submit a tier 2 Harbor Facilities Grant to the Alaska Department of Transportation and Public Facilities to complete replacement of Harbor Docks and Pilings**

**MOTION:** Dave Pinquoch made a motion to amend Resolution #14-2017 to include 2 additional statements after the second line to add *Whereas the City of Whittier has successfully executed and completed two previous Harbor Facility Grants and Whereas this Harbor Facility Grant will complete the renovation of all floats, fingers and associated pilings in the Whittier Small Boat Harbor.*

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**MOTION:** Dave Pinquoch made a motion to adopt resolution #14-2017

**SECOND:** Dave Dickason

**DISCUSSION:** The City Manager stated that the State started out Phase 1, which was the sheet pile on the west end. Phase 2 was the sheet pile on the east end which never got completed. Phase 3 was the \$4,000,000 harbor project, Phase 4 was the one that was recently completed and this will be Phase 5 to them.

**VOTE:** Motion passed unanimously

**c. #15-2017 – A resolution requesting FY 18 PILT funding**

**MOTION:** Dave Pinquoch made a motion to adopt resolution #15-2017

**SECOND:** Peter Denmark

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**d. #16-2017 – A resolution of the City of Whittier, Alaska Approving the Property Description Revisions in the Lease Agreement Between Café Orca & Gallery and the City of Whittier**

**MOTION:** Dave Pinquoch made a motion to adopt resolution #16-2017

**SECOND:** Monty Irvin

**DISCUSSION:** Councilman Denmark asked if the City Attorney could give Mr. Campabello a layout on the situation. Ms. Wells obliged. She stated that the goal was to get a property description that is as close, accurate and compliant as it can be with the City code requirements and the actual lay of the land. She said the area in which the Café Orca deck is located goes into a setback as well as the building itself. She wanted to provide permission where the deck is so that business for Mr. Campabello could continue to operate business as usual, at the same time insure the City has access and the ability to maintain the area.

**VOTE:** Motion passed unanimously

**e. #17-2017 – A resolution of the City Council of the City of Whittier, Alaska Authorizing the Amendment of the Lease Agreement Between Café Orca & Gallery and the City of Whittier Assigning the Lease to Janet Amor**

Mr. Campabello informed the Council that Ms. Amor will no longer be part of the transfer adding, "She had cold feet." A motion was not made for this resolution, nor was there a vote.

**f. #18-2017 – A resolution appropriating \$22,982 from the City's Cruise Passage Vessel fund for design and engineering of a new City Park**

**MOTION:** Peter Denmark made a motion to adopt resolution #18-2017

**SECOND:** Dave Pinquoch

**DISCUSSION:** Councilman Denmark asked if it was enough. Councilman Dickason clarified that this was just for the design based on the proposal from CRW and he believes it is a good deal. He said that this will also help the National Parks Service by providing the documents that they need to review before they give

the City the grant. Councilmen Shen and Dickason took turns explaining the process in turning this park into an official City Park. They want this park to be professionally done and with as much help from the community as possible. Councilman Denmark acknowledged Mr. Dickason and Mr. Shen for all the hard work they put into this project.

**VOTE:** Motion passed unanimously

**g. #19-2017 – A resolution accepting approximately \$14,000 in funds from the Whittier Emergency Response and Fire Association**

**MOTION:** Dave Dickason made a motion to adopt resolution #19-2017

**SECOND:** Dave Pinguoch

**DISCUSSION:** The City Manager summarized the discussion about this from the last meeting saying that the money was going to the Public Safety Department for the ambulances and for a CPR Compression Machine and then a separate donation will be made at the end of the year to the school. Council discussed this further.

**VOTE:** Motion passed unanimously

**Council recessed at 9:31 pm**

**Council returned at 9:45 pm**

**Before the Council discussed the items on the Agenda, Mayor Blair wanted to disclose his work with the Whittier Seafoods Company.**

**MOTION:** David Pinguoch made a motion to find that the Mayor has a financial interest in a firm, cooperation, association or enterprise that does business with the City that may be interested in purchasing the P-12 Building and prevent him to participate in the Executive Session where no action will be taken so long as he does not influence or attempt to influence the selection of a private business with the named entity or any other entity that he may have a financial interest in.

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion Passed Unanimously

Naelene Matsumiya accidentally counted The Mayor's vote. Dan Blair retracted his vote at 10:00 pm

## **16. EXECUTIVE SESSION B**

**A. Public Safety Building Change Orders – 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. Potential sale/trade/purchase of real estate – Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310 (1)**

**MOTION:** Dave Pinguoch made a motion to enter executive session to discuss

**A. Public Safety Building Change Orders – 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. Potential sale/trade/purchase of real estate** – Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310 (1)

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council entered into Executive Session at 10:03 pm**

**MOTION:** David Pinguoch made a motion to end the executive session and return to the regular meeting at 10:47 pm.

**SECOND:** Monty Irvin

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**Council ended Executive Session and returned to the regular meeting at 10:47 pm**

## **17. UNFINISHED BUSINESS**

### **A. Lease Transfer Update/Orca Café**

Nothing new to report.

### **B. Shotgun Cove Road Project**

Nothing new to report.

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

Nothing new to report.

### **D. Improve Salmon Sport Fishing in In Northwest PWS**

Nothing new to report.

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

Nothing new to report.

## **18. NEW BUSINESS**

### **A. Action Resulting from the PS Building Executive Session**

**MOTION:** Dave Pinguoch made a motion to authorize the City Manager to make a payment of \$15,000 to Lawrence Peek Architects to continue their progress on the Public Safety Building

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed with Council Members Pinguoch, Dickason, Hicks, Shen and Irvin voting in favor and Councilman Denmark voting against.

**MOTION:** Dave Pinguoch made a motion to Authorize the City Manager to pay a lump sum of no more than \$89,000 to SR Bales

**SECOND:** Dave Dickason

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**19. COUNCIL DISCUSSION**

Council discussed storage spaces for Whittier Seafoods for the winter season. Mayor Blair stated that they are looking to increase their capacity from 300,000 lbs. of fish processing per day to 800,000. Councilman Denmark asked, "What are we charging them?" Mr. Lynch replied that they are paying 50 cents per square foot in the egg house. Councilman Shen asked why the City had to provide storage space for them. Councilman Pinguoch told Mr. Shen, "My question back to that is why not?" Councilman Denmark asked Councilman Shen if this was affecting the Anchor Inn businesses in that area. Victor Shen answered that that they have not been here long enough for him to notice any changes. Council discussed this for some time. Mayor Blair stated that there is no hurry to resolve this issue.

**20. CITIZEN'S DISCUSSION**

None

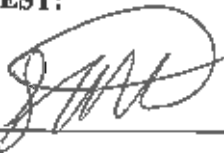
**21. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS**

None

**22. ADJOURNMENT**

All were in favor of adjourning the meeting at 11:02 p.m.

**ATTEST:**



Naelene Matsumiya

Acting City Clerk



Daniel Blair

Mayor