

THE CITY OF WHITTIER

Gateway to Western Prince William Sound

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**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY APRIL 20, 2021
7:00 PM
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Dave Dickason called the meeting to order at 7:01 p.m.

2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum:

Victor Shen, Dan Blair, Tom Wagner, David Pinguoch, Monty Irvin (joined at 7:26), Peter Denmark (joined at 7:12), and Dave Dickason.

MOTION: Victor Shen made a motion to excuse Peter Denmark and Monty Irvin from tonight's meeting

SECOND: David Pinguoch

DISCUSSION: None

VOTE: Motion passed unanimously

B. Administration Present:

Annie Reeves, Assistant City Manager

Naelene Matsumiya, City Clerk

Kris Erchinger, Finance Director

Scott Korbe, Public Works Director

Dave Borg, Harbormaster

Andre Achee, Police Chief

Holly Wells, City Attorney

Others Present: Lindsey Erk, Andrea Korbe, Charlene Arneson, Tim Wieland, Paul Mueller and Pat Reeves (Via Microsoft Teams)

4. APPROVAL OF MINUTES

March 16, 2021, Regular Meeting Minutes

MOTION: Tom Wagner made a motion to approve the minutes as they are.

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously

5. APPROVAL OF THE REGULAR MEETING AGENDA

MOTION: Dan Blair made a motion to approve the Regular Meeting Agenda with amendments to move the Presentation item to 5a and Executive Session item to 13a

SECOND: Victor Shen

DISCUSSION: None

VOTE: Motion passed unanimously.

At this time, Dave Dickason asked Council Members if there were items on tonight's agenda that they would like to declare a conflict of interest for

Victor Shen declared a conflict of interest regarding the Consent Agenda item based on his familial relationship with the owner of Wildcatch Cafe.

MOTION: Dan Blair found that Victor Shen had a substantial financial interest with the Liquor License Renewal in the Consent Agenda and excused him from voting on the item.

SECOND: Dave Dickason

DISCUSSION: Council discussed if the interest was financially substantial. Victor asked to be excused regardless.

VOTE: Motion passed 4-2

6. MAYOR'S REPORT

A. Mayor Report

Dave Dickason stated that there wasn't much to report, however, he corrected that he did not attend the Port and Harbor Commission meeting as it was canceled, but he did attend the Planning and Zoning Commission meeting.

B. Vice Mayor Report

Peter Demark had nothing new to report.

7. MANAGER'S REPORT

A. City Manager and Director Reports- Jim Hunt

Jim was not available for the report, but Annie Reeves gave a congratulatory gift to the seniors of the Whittier Community School, Jeffery and Jenessa.

Andre gave a report on the Tsunami Warning System and everything that surrounds that.

Dan offered to place portable toilets by the basketball courts as the summer progresses. Scott responded that if Council agrees with that, it can be done. Council agreed.

Dave Pinguoch stated that Monty and Peter have joined the meeting, for the record. Naelene specified that Peter and Monty's attendance is noted.

Monty commented on parking situation in the City during the Shrimp opening.

Dan asked about a permit to use the Public Safety Building. Naelene stated that there is not one currently in place. Dan directed administration to write up a permit for the public use of the Public Safety Building. Annie stated that it can be done once we figure out the terms in which the City will have to implement.

Victor asked about the Dashboard for the Financial report. He asked if it was something that Council will see monthly or quarterly. Kris responded that she had been doing them every month, but in going forward, she doesn't think the City will be making much progress on it, so she has moved to quarterly, but if Council would like, she can continue to add them to the packets monthly. Council agreed to continue the quarterly inclusion of the dashboard.

B. Attorney's Comments

Holly stated that there was nothing she wanted to add at this time.

8. COMMISSION/COMMITTEE REPORTS

A. Planning Commission

Nothing new to report

B. Port & Harbor Commission

Nothing new to report

C. Parks & Recreation Committee

Victor reported on the summer projects and that the Committee is looking to start those up again. Projects include with maintaining trails and working with other entities for these projects. Dave reported that there will be a Head of the Ba clean up on May 15 that is in collaboration with the Prince William Sound Stewardship Foundation.

D. Whittier Community School

Tim Wieland reported on the resident artist had come back. He commended Victor Shen for being available for outdoor activities and shop opportunities that he has been able to share with the students. He reported on Parent/Teacher Conference, Teacher In Service, Graduation for seniors and preschool for 2020/2021. He announced the EAC meeting date and time and invited everyone, will be held via Zoom. A City Clean up on May 26 and the last day of school will be May 26. He mentioned archery class and announced that he and his family will be leaving and moving to the valley. He stated that the school had hired two new teachers. He shared a fun fact that the two actually know each other. Dave thanked Tim and all tat he has done in Whittier.

E. Prince William Sound Aquaculture Corp.

Nothing new to report

F. Regional Citizen's Advisory Council

Mike Bender reported that the Board of Directors will be meeting will be held in Valdez on Tuesday. He stated that there will be presentations and that he always learns new things. Meetings will be held via Zoom and anyone is welcome to attend.

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

10. APPROVAL OF THE CONSENT AGENDA

A. Liquor License Renewal, Wildcatch Cafe – 5176

MOTION: Dan Blair made a motion to approve the item in the Consent Agenda

SECOND: Tom Wagner

DISCUSSION: None

VOTE: Motion passed unanimously, with Victor Shen recused from voting.

11. PUBLIC HEARINGS (NON-ORDINANCE)

None

12. PRESENTATIONS (Item was moved to 5a)

Paul Mueller gave an update on the vaccinations in Whittier and the brief pause on the Johnson and Johnson vaccination. He continued saying that the Clinic is still offering Moderna and Pfizer and touched on how the Clinic and Whittier Seafood are working closely as they prepare for the season. Paul reported that he was presented a plaque from the City of Whittier and thanked the City, the Council, and the citizens of Whittier as it humbled him.

The Mayor thanked Paul as well.

Victor asked about vaccination rates in Whittier. Paul responded that about 55% of residents have been vaccinated. He is expecting that number to increase once the J&J vaccination is back on track.

Dan asked if there were changes Paul would recommend as Whittier moves into its summer season. Paul offered to continue following CDC guidelines.

Peter asked if there were still ongoing contact tracing measures taking place. Paul responded, yes and no. He explained that if you are fully vaccinated, you cannot be a “close-contact” candidate even if you are exposed to someone carrying the virus. But he did reassure that contact public health officials are still conducting contact tracing and announcing new cases. Peter asked a follow up question, if a person who has been vaccinated is a close contact, should that person get tested? Paul replied that they can be, and if they test positive, regular procedures follow so that the state could determine the severity i.e. what strain of coronavirus it is and if they have affected people who have yet to be vaccinated. Peter asked if it was any benefit for businesses to continue conducting travel questionnaire. Paul stated that, that was a business decision but urged businesses to contact the public health nurse for that.

Paul concluded that he was very proud of Whittier and thanked everyone again.

13. ORDINANCES

None

14. RESOLUTIONS

A. Resolution #11-2021 – A Resolution of The City Council of The City Of Whittier, Alaska, Stating the 8.0 Mill rate of Levy Date of Equalization, and Date when Taxes Become Delinquent for the 2021 Tax Role

MOTION: Dan Blair made a motion to adopt Res. #11-2021

SECOND: Tom Wagner

DISCUSSION: None

VOTE: Motion passed unanimously

B. Resolution #12-2021 – A Resolution of the City Council of the City of Whittier, Alaska, Creating the Whittier City Council Policy and Procedure Manual Ad Hoc Committee

MOTION: Dan Blair made a motion to adopt Res. #12-2021

SECOND: Tom Wagner

DISCUSSION: Various Council members elaborated on the timing and asked that this resolution be tabled until after the summer season as it is a very busy season for some of them and that this resolution was not a priority at this time. Council also discussed the members of the Committee with the City Attorney and gathering information from other municipalities to use as a tool or template.

Monty Irvin stated that the resolution has historical implications. He explained past events and serious implications and how those have come into fruition. He closed by stating that he had a problem with it.

David Pinguoch stated that it was bad timing and the committee should be the Council and the Attorney. He didn't see how having administration be involved would be beneficial. He gave an example to use Seward's code as a template and make changes to it to fit Whittier's needs as a starting point and make changes to it at a later time. Holly explained that when she serving as the attorney for the City of Seward and they redid/revisited their manual, it had significant issues as it had been drafted without awareness of their charter provisions. She explained that Whittier and Seward are different because Seward is a Home Rule Municipality while Whittier is a Second-Class City in an unorganized borough. She said that the draft that was introduced in 2018 would be a good starting place for Whittier but excluding administration will not give Whittier an efficient product (in her opinion) as Seward's manual was also drafted mostly by the Administration and City Clerk. She explained the two council members will assist in moving it along whereas if Council as a whole were involved, we'd have to take into consideration the Open Meetings Act.

Peter Denmark agreed with David Pinguoch in that it is not good timing. He also stated that the Council had already received a Council handbook but what he has been discussing is a Personnel Policy and Procedures manual. He asked where the Council was going as his concerns had always lied with having a Personnel policy and not a City Council policy. Holly replied that the Council had discussed both the issues in the past and had the personnel policies put into the City's code. She stated that Administration is currently working on the handbook with the firm. She stated that it was fine if Council doesn't have a policy and procedures manual because it is not legally required, but it has been requested from Council to do this and that she was being proactive in making sure Council has tools if they wanted them. Peter stated he didn't have a problem as he sees administration doing a good job at steering the Council to appropriate meeting behaviors to the frustration of some of them. He closed by stating he does not see this as a priority at this time.

Dan Blair stated that the framework in a tool is very powerful and will hopefully reduce the frustration in some of them. He went on to describe some of what the City of Seward's manual

offers and how codes and resolutions are referred to in the handbook and includes Roberts Rules of Order. He said it was cohesive and a golden opportunity for Naelene. He said there are tools that can be used that include our code. He explained that the goal is to put things into writing, and this will be powerful as there are expectations for how administration should do after Council meetings and how Council and the Commissions should communicate. He added that if the writing isn't good, we can change it.

Tom Wagner stated that he can't speak to Seward's Policy as he was only seeing it today. Dan explained the context. Dan asked Holly that if they are rules, they should be subordinate to our code and resolutions. Holly stated that, that was correct. She also explained that Seward has a committee that changes the manual but understood where Dan was coming from. She gave examples by pointing out how the agenda and how it is time consuming in her opinion. She listed examples of other ways to approach it for better government and avoid paralysis in situations. She stated that if Council wants, a policy can be brought forward to the Council in the future.

Peter Denmark reiterated that Whittier City Council manual already exists. Holly responded that the manual Peter is referring to is only a draft and urged that Council not rely on that document as a tool as it was just an example of how a manual would look in terms of structure and was presented to the Council in 2018 as a way of asking if this was the direction Council wanted to take. She explained that there were other big projects at the time and Council did not want to take that step.

VOTE: No vote was taken. Original motion to adopt died.

MOTION: Peter Denmark made a motion to table the resolution until the September regular meeting.

SECOND: Dan Blair

DISCUSSION: None

VOTE: Motion passed unanimously.

C. Resolution #13-2021- A Resolution of The City of Whittier, Alaska Approving the Assignment of the Lease Between the City of Whittier and Jeff Taylor D/B/A Whittier Fudge – Sound Ideas Gallery and Gifts Subject to and Conditional Upon Amendments to the Lease, Approving the Essential Terms of the Assignment and Amendment of the Lease, and Authorizing the City Manager to Enter into an Agreement with the Parties Incorporating the Essential Terms Approved in this Resolution

MOTION: Dan Blair made a motion to adopt Res. #13-2021

SECOND: Tom Wagner

DISCUSSION: Council thanked those involved who worked on this resolution.

VOTE: Motion passed 6-1

15. EXECUTIVE SESSION (Item moved to 13a)

A. City of Whittier Subleases – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City WMC 2.08.040 (1)

MOTION: Dan Blair made a motion to enter into Executive Session

SECOND: Tom Wagner
DISCUSSION: None
VOTE: Motion passed unanimously

COUNCIL ENETERED INTO EXECUTIVE SESSION AT 7:53 pm

MOTION: Dan Blair made a motion to come out of Executive Session
SECOND: Monty Irvin
DISCUSSION: None
VOTE: Motion passed unanimously

COUNCIL EXITED EXECUTIVE SESSION AND RESUMED REGULAR MEETING AT 8:26 pm

16. NEW BUSINESS

A. Discussion Topic: Port and Harbor Commission Ordinance

Holly explained that the purpose of the Ordinance is to clean up the code. She included the action memo into the packet for more information. Ordinance was not introduced tonight due to the Harbormaster's absence from the meeting and how this Ordinance pertains to the Port and Harbor Commission and by extension, his department.

B. Delong Dock Replacement Concept

Scott Korbe explained that in preparation of the MARAD Grant, PND and Northern Economics working on the application and so have worked up the conceptual design as well as financial benefit and what subsectors in the community as well as the Prince William Sound in terms of what is utilized for potential for growth. He showed the Council the designs that Administration had agreed on depending on multiple terms. He continued saying the primary focus still stays on the busy fishing season and diversification of the types of ships/cargo the dock can receive. He stated another component was to provide adequate power in abundance as it is very limited. He reminded the Council that this is just conceptual, and a base-line number needs to be presented before it can be funded. He answered questions from the Council.

17. COUNCIL DISCUSSION

Council briefly discussed the manual, parking in Whittier, and the weather.

18. CITIZEN'S DISCUSSION

Mike Bender made a few comments on his business and gave a timeline of the events that had happened in between November and now and the financial aspect of the lease. Annie shared the ideas for a sidewalk as to promote pedestrian traffic and safety. Dave Dickason gave some feedback and Council shared appreciation for the Benders and their business in Whittier.

19. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS

None


20. ADJOURNMENT

Council adjourned the meeting at 9:42pm

ATTEST:



Naelene Matsumiya
City Clerk



Dave Dickason
Mayor