



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

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**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY AUGUST 18, 2020  
7:00 PM  
COUNCIL CHAMBERS  
PUBLIC SAFETY BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Dave Dickason called the meeting to order at 7:10 p.m.

### 2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

### 3. ROLL CALL

- A. Council members present and establishing a quorum:** David Pinguoch, Victor Shen, Debra Hicks, Peter Denmark, and Dave Dickason.

**MOTION:** Victor Shen made a motion to excuse Monty Irvin and Tom Wagner from tonight's meeting

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**B. Administration Present:**

Jim Hunt, City Manager

Annie Reeves, Asst. City Manager

Naelene Matsumiya, City Clerk

Kris Erchinger, Finance Director

Andre Achee, Police Chief

Dave Borg, Harbormaster

Holly Wells, City Attorney

**Others Present:** Paul Mueller, Tim Wieland

### 4. APPROVAL OF MINUTES

July 21, 2020 Regular Meeting Minutes

**MOTION:** Victor Shen made a motion to approve the minutes as they are.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

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

**MOTION:** Victor Shen made a motion to approve the Regular Meeting Agenda as is.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously.

**6. MAYOR'S REPORT**

**A. Mayor Report**

Dave Dickason reflected on his report and stated that his schedule is the same as usual. He commented on the CARES Act funds. Kris Erchinger passed out draft applications and sent emails to Council members who could not physically participate for review.

**B. Vice Mayor Report**

Peter Denmark thanked the community for taking advantage of the COVID testing from the Eastern Aleutian Tribes clinic. He thanked Paul Mueller for his efforts during this time.

**7. MANAGER'S REPORT**

**A. City Manager and Director Reports- Jim Hunt**

Jim and directors reported on the following:

COVID-19

Public Safety Personnel

Barry Arm Tsunami Threat

Nixile

Grant funds for earthquake repairs

Reimbursement for harbor transformer

Caselle negotiation finalization

**8. COMMISSION/COMMITTEE REPORTS**

**A. Planning Commission**

Nothing new to report

**B. Port & Harbor Commission**

Nothing new to report

**C. Parks & Recreation Committee**

Nothing new to report

**D. Whittier Community School**

Tim Wieland reported that School will begin virtually on August 26. Students will be given resources for online learning. He stated that if there are no new COVID-19 cases in the community, the school will open its doors for in-person schooling on September 8. He announced that there are employment opportunities at the school and asked for those who are interested to contact him.

**E. Prince William Sound Aquaculture Corp.**

Nothing new to report

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

Mike Bender spoke about the Zoom meeting with RCAC and Alyeska changing presidents. He reminded Council and Administration that the buoy still needs to be replaced.

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

**10. APPROVAL OF CONSENT CALENDAR**

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

None

**12. PRESENTATIONS**

None

**13. ORDINANCES**

(Emergency Ordinance)

(Clerk's note: A summary for the following Ordinances were presented before introduction)

Council discussed the Emergency Ordinances with Holly, Jim, and Paul Mueller. Holly explained the emergency ordinance is to ratify the revisions to the COVID-19 rules made by the City Manager in his capacity as Incident Commander and it reinstate the rules as well. She continued and explained the reasons for the introduction of Ord. #02-2020 and Ord. #03-2020. She answered questions from the dais. Paul Mueller presented data from recent COVID testings and urged the community to continue wearing masks and practice social distancing. Council members expressed concerns about community members and visitors who do not practice these guidelines. Paul addressed the concerns and continued.

A. Emergency Ordinance #2020-04 – An Emergency Ordinance Ratifying the City Manager's Revisions to the Emergency COVID-19 Rules in Emergency Order

**MOTION:** Victor Shen made a motion to open the public hearing for public testimony at 8:08 pm

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

Seeing no member of the public present for testimony

**MOTION:** Debra Hicks made a motion to close the Public Testimony part of the Public Hearing and open it up for Council Discussion

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

Council asked Holly questions regarding the Ordinance, mutual aid agreements, business capacities, and what to expect when COVID becomes an intercommunity issue once the summer season is over. Holly addressed Council's concerns.

**MOTION:** Peter Denmark made a motion to adopt Emergency Ordinance #2020-04 and close the public hearing at 8:13pm

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

- A. Ordinance #02-2020 – An Ordinance of the City Council of Whittier, Alaska Repealing Whittier Municipal Code 9.32.080 and WMC 17.16.221(C)(1) and (C)(3) to Remove City Laws Governing Conduct Governed By The State Of Alaska Board Of Fisheries and Amending WMC 17.16.221 to Clarify And Update Language Regarding Prohibited Uses in the Marine Park District

David Pinquoch asked some questions regarding the ordinance and named some examples that could potentially make this ordinance read as confusing. Holly clarified.

**MOTION:** Peter Denmark made a motion to schedule the public hearing for the ordinance at the next regular meeting.

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

- B. Ordinance #03-2020 – An Ordinance Of The City Council Of Whittier, Alaska Amending Whittier Municipal Code Sections 2.06.430, 2.08.260, 2.64.400, 3.08.370, 3.09.020, 3.12.090, 8.16.060, 8.28.110, 10.25.040, 10.40.020, 13.08.410, 16.40.010, And 17.16.223 Changing All Misdemeanors Under The Whittier Municipal Code To Minor Offenses

**MOTION:** Peter Denmark made a motion to schedule the public hearing for the ordinance at the next regular meeting.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

#### **14. RESOLUTIONS**

- A. Res. #22-2020 – A Resolution of The City Council of The City of Whittier, Alaska, Appointing Election Officials for the October 6, 2020 Regular City Elections

**MOTION:** Victor Shen made a motion to adopt Res. #22-2020

**SECOND:** Debra Hicks

**DISCUSSION:** Council discussed polling places. Naclene expanded for further information. Peter asked for a general mailing for more information regarding the election.

**VOTE:** Motion passed unanimously

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

- A. Potential Litigation – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City; WMC 2.08.040 B (1)

**MOTION:** Peter Denmark made a motion enter into executive session to discuss legal advice regarding McKay v. City of Whittier settlement, the DeLong Dock fire recovery litigation, and threatened litigation from Birdhouse Garage in accordance with WMC 2.08.040 C

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**City Council entered Executive Session at 8:24 pm**

**MOTION:** Victor Shen made a motion to direct the attorney as advised and discussed in executive session regarding the McKay v. City of Whittier litigation and come out of executive session.

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**City Council exited Executive Session at 8:55 pm**

**16. UNFINISHED BUSINESS**

**17. NEW BUSINESS**

**A. CARES Act**

Kris presented the draft applications and discussed further with Council.

**C. City Council Seat G Appointment**

**MOTION:** Victor Shen made a motion to take the vote by text ballots

**SECOND:** David Pinquoch

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

Dan Blair was appointed to Seat G on the City Council.

**18. COUNCIL DISCUSSION**

Council members thanked Debra for her service as a Council Member and as a community member of the community. Council briefly discussed COVID-19.

**19. CITIZEN'S DISCUSSION**

Scott gave an update on the wells project. Debra thanked Council and Administration and gave closing remarks.

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

None

**21. ADJOURNMENT**

Council adjourned the meeting at 9:46pm

**ATTEST:**

  
Naelene Matsumiya  
City Clerk

  
Dave Dickason  
Mayor