

**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY, AUGUST 04, 2009
7:00 PM
COUNCIL CHAMBERS
P-12 BUILDING**

MINUTES

1. CALL TO ORDER

Peter Denmark called the meeting to order at 7:06 pm.

2. OPENING CEREMONY

Peter Denmark led the Pledge of Allegiance.

3. ROLL CALL

A. Council Members Present: Juan Cardenas, Mary Brenneman, Shannon Tolman, Peter Denmark, Lester Lunceford arrived at 7:13 pm.

B. Council Members Absent: Jerry Vandergriff and Becky Cotner

Peter Denmark asked if anybody would like to move for an excused absence for Becky Cotner.

Hearing none Councilor Denmark asked if anybody would like to move for an excused absence for Vice Mayor Vandergriff.

C. Excused Absence: None

D. Administration Present: Brenda Krol, City Clerk; Mark Earnest, City Manager

Others present included: Matt Abbey, Fred Whittingham, Ed Barrett, Dave Schofield, Suzanne Eusden, Dutch Lucore, Don Stevens, Doug Aaron, Lynn Highland, Pete & Marilyn Heddell

4. APPROVAL OF MINUTES

A. 16 June 2009, Regular Meeting Minutes

MOTION: Shannon Tolman made a motion to approve the regular meeting minutes for June 16th 2009 as written.

SECONDED: Juan Cardenas seconded the motion.

VOTE: Shannon Tolman: Yes, Juan Cardenas: Yes, Mary Brenneman: Yes, Peter Denmark: Yes.

Motion passed 4-0.

5. APPROVAL OF REGULAR MEETING AGENDA

Councilor Denmark suggested postponing the Mayor's Report to later on in the agenda should Mayor Lunceford make an appearance this evening.

The Mayor's report was moved to Council Discussion and RCAC update was added to Presentations.

MOTION: Juan Cardenas made a motion to approve the regular meeting agenda as amended.

SECONDED: Shannon Tolman seconded the motion.

VOTE: Juan Cardenas: Yes, Shannon Tolman: Yes, Mary Brenneman: Yes, Peter Denmark: Yes

Motion passed 4-0.

6. CITY MANAGER'S REPORT

A. City Manager Report – Mark Earnest

See written report in original council packet.

Mark Earnest briefly went over his written report.

Mark Earnest stated that he has a draft RFQ Request for Qualifications for the proposed visitor center/museum conceptual design. He stated that he should have that advertised later this week.

Mark Earnest stated that he did say that he would have some updates on the funding options for the comprehensive plan update but he didn't quite get that finished. He has a few more things that he is exploring and hopefully by the next council meeting he will have an update on what our options are for funding contributions.

Mark Earnest distributed handouts to Council on the Head of Passage Canal Development Project. He stated that it is not necessarily for discussion tonight.

Mark Earnest stated that he has a request for rent adjustment on city leased property that has been affected by erosion and this is an issue that he felt should be for council's consideration.

Juan Cardenas asked who the request was from.

Mark Earnest stated that Mr. Denmark made a request for relief on the lease rent payment based on the amount of land that has been lost due to erosion.

Peter Denmark handed out copies of his written request and other correspondence he had submitted to the City of Whittier.

Juan Cardenas asked if this could be added to tonight's agenda under new business.

Mayor Lunceford stated that it could be added.

B. Director's report

1. Administration – Matt Abbey

See written report in original council packet.

2. Harbor Master – Ed Barrett

See written report in original council packet.

Ed Barrett stated that he had put out a request for qualifications for the emergency marina repair project.

Ed Barrett stated that the RFQ was non-responsive and his only guess is that since everyone in Alaska had 110 days to do stuff that this project in its scope was probably too small and yet complex for people to respond to.

Ed Barrett stated that now that we have gone through the tedious public process he would like to encourage the council to go back to that previous notion and allow him to seek out licensed, bonded and insured individual to do some emergency work under a not to exceed contract that way we know what the figure is and we know where to put on the brakes.

Ed Barrett stated that another issue that is bubbling in the background are issues revolving around the Federal Clean Water Act and the activities that we have had historically going on in our parking lot for the repair of vessels and the chemicals that come off of the vessels and go directly into the water.

Ed Barrett stated that this issue is on the agenda for the next Port and Harbor Commission meeting.

Ed Barrett stated that if we want to continue to have a boat work yard on the harbor property then we need to invest in containment.

Lynn Highland stated that he is in support of Ed's proposal to seek out licensed, bonded and insured individuals to do emergency work because it is time to actually do something.

3. Public Safety – Dave Schofield

See written report in original council packet

Dave Schofield stated that the public safety department is going through a software update.

Dave Schofield stated that we had two visits from our sponsoring physician Dr. Hudson, during his second visit we also had DEA to go through our drug inventory on the ambulance and everything was accounted for.

Juan Cardenas asked Mr. Schofield if it would be possible to change the public safety reports, he kind of liked the old way showing actual numbers for actual incidents.

Dave Schofield answered yes.

Mark Earnest announced that Girdwood Fire Chief Bill Chadwick has called for a public meeting regarding the recent increase in vehicle accidents on the Seward Highway.

4. Public Works – Matt Abbey

Matt Abbey reported that the Public Works Department is going to bring some asphalt into town a week from Thursday and finish patching up a few holes and maybe do pot hole work on Blackstone Road.

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

None

8. CONSENT CALENDAR

None

9. PUBLIC HEARINGS (NON-ORDINANCE)

None

10. PRESENTATIONS

A. RCAC Update – Marilynn Heddell

Marilynn Heddell stated that RCAC is going to have their next meeting here in Whittier on September 17th and 18th and everyone is invited. RCAC is also going to be having a reception at the museum on Thursday night from 5:30 to 7:00 pm.

Marilynn Heddell stated that they are in the process of looking for a new executive director.

Doug Aaron wanted to ask Council's permission to give an Alaska Flag and a Whittier flag to Whittier, California our friendship city.

11. ORDINANCES

A. Introduction (first reading)

1. #554-09 – An ordinance approving an amendment to the CY 2009 budget of revenue and appropriations as necessary for the budget.

MOTION: Juan Cardenas made a motion to introduce ordinance #554-09, setting the public hearing for August 18th 2009.

SECONDED: Mary Brenneman seconded the motion.

VOTE: Juan Cardenas: Yes, Mary Brenneman: Yes, Peter Denmark: Yes, Shannon Tolman: Yes, Lester Lunceford: Yes.

Motion passed 5-0.

B. Public Hearing (second reading)

None

12. RESOLUTIONS

None

13. UNFINISHED BUSINESS

A. Lynden Transport and Alaska Railroad Corporation

Mark Earnest asked that this remain under unfinished business until he can get confirmation from the Railroad and Lynden on when they can make it down to meet with Council and the Public.

Mayor Lunceford stated that when this presentation is scheduled he assured everyone that it would be publicized.

B. Resolution #941-09 – A resolution confirming Matt Abbey as Director of Administration for the City of Whittier

Postponed until the second meeting in August.

C. Resolution #942-09 – A resolution confirming Dave Schofield as Director of Public Safety for the City of Whittier

Postponed until the second meeting in August.

14. NEW BUSINESS

None

15. COUNCIL DISCUSSION

A. Mayor's Report – Lester Lunceford

Mayor Lunceford touched briefly on a meeting he had with the Mayor of Anchorage regarding a working relationship between the City of Whittier and the Municipality of Anchorage as far as working on transportation issues to and from Anchorage.

There was some brief discussion regarding seating individuals to the Ethics Board.

Mayor Lunceford asked the City Clerk to read the names of the individuals that have submitted letters of interest.

City Clerk, Brenda Krol read the following names into the record.

Montgomery Irvin
Crystal Roberts
Martin Jackson

Mayor Lunceford stated that as soon as the Ethics Board convenes we will choose the two best qualified people and use the third as an alternate.

Mary Brenneman asked if the harbormaster needed a motion to proceed with the harbor emergency repairs.

MOTION: Mary Brenneman made a motion to authorize the harbormaster to proceed with the emergency repairs to the harbor and not to exceed \$61,000.

SECONDED: Peter Denmark seconded the motion.

VOTE: Mary Brenneman: Yes, Peter Denmark: Yes, Shannon Tolman: Yes, Lester Lunceford: Yes, Juan Cardenas: Yes.

Motion passed 5-0.

16. CITIZENS' DISCUSSION

None

The meeting recessed at approximately 8:28 pm for a 15 minute break.
The meeting reconvened at 8:40 pm.

Peter Denmark stated a conflict in the upcoming matter and removed himself from his place at the council table and moved to the other side of the table.

Mark Earnest summarized the upcoming issue.

Mark Earnest stated that the City received a request for a credit or a rent adjustment for leased property that has been impacted by erosion over the years specifically along the harbor front area.

Juan Cardenas asked Peter Denmark what percentage he thinks he has lost.

Peter Denmark stated that there is electrical conduit exposed all along the breakwater and the light pole footing is exposed 80% and will fall eventually, right now best guess is approximately 1/3 of the platted lease is missing, getting it exact is virtually impossible because nobody can show him the lot lines.

Shannon Tolman asked if the City had received any other complains on erosion.

Mark Earnest stated that there has been nothing that he could recall in writing.

Mayor Lunceford stated that we had a similar situation with Philip Johnston's property at Smitty's Cove and he came to the Council and asked for the same forgiveness and we did not give it to him.

Peter Denmark stated that circumstances were not entirely consistent with this, those were two squabbling co-tenants trying to use the City Council to resolve their internal land dispute.

MOTION: Juan Cardenas made a motion to retroactively refund 33% of the lease payments for Alaska Sea Kayakers lots 11 and 13 beginning in 2004 when the problem first came to administration until such time that the problem can be resolved via through emergency repairs or through the harbor renovations.

SECONDED: Mary Brenneman seconded the motion.

DISCUSSION: Peter Denmark stated that what he is asking the City to do is a retroactive rent credit.

Juan Cardenas stated that the City will potentially have to make this right with the other lease holders who may be affected by this.

Mayor Lunceford stated that there could be a perceived conflict of interest with another voting member on the Council.

Peter Denmark stated for the record that he did not ask for this to be put on the agenda and he did not bring this to the council.

Mark Earnest stated it was his decision to bring this to council.

Ed Barrett stated that since he has been here he and the City Manager have been plowing through the permit process to get to where Peter needs to be. There has been effort put towards this.

VOTE: Juan Cardenas: Yes, Mary Brenneman: Yes, Shannon Tolman: Yes, Lester Lunceford: No.

Motion failed 3-1.

17. COUNCIL AND ADMINISTRATION RESPONSE TO CITIZENS' COMMENTS

None

18. COUNCIL DIRECTION TO CITY MANAGER

Juan Cardenas stated that he would like to request that the Railroad come in and give a presentation on any potential plans that they might have for the City of Whittier.

Mayor Lunceford stated that the City Manager is pretty aware of that.

MOTION: Juan Cardenas made a motion to approve a 33% discount on lots 11 and 13 for the 2009 calendar year.

No second motion died

MOTION: Mary Brenneman made a motion to postpone this issue until the next regular meeting leaving it under unfinished business.

SECONDED: Juan Cardenas seconded the motion.

VOTE: Mary Brenneman: Yes, Shannon Tolman: Yes, Juan Cardenas: Yes, Lester Lunceford: Yes.

Motion passed 4-0.

19. ADJOURNMENT

MOTION: Mary Brenneman moved to adjourn the meeting at 9:14 pm.

SECONDED: Juan Cardenas seconded the motion.

VOTE: Motion passed unanimously

Attest:

Brenda Krol
City Clerk

Lester Lunceford
Mayor