

Mayor
James Kallander
Council Members
Keith van den Broek
James Kacsh
David Allison
Bret Bradford
EJ Cheshier
David Reggiani
Robert Beedle

City Manager
Mark Lynch
City Clerk
Susan Bourgeois
Deputy Clerk
Erika Empey
Robyn Kincaid
Stu. Co. Rep.
Jessica Smyke

**COUNCIL SPECIAL MEETING
NOVEMBER 08, 2010 @ 6:15 PM
LIBRARY MEETING ROOM**

AGENDA

- A. CALL TO ORDER**
- B. ROLL CALL**
- Mayor James Kallander, Council members Keith van den Broek, James Kacsh, David Allison, Bret Bradford, EJ Cheshier, David Reggiani, and Robert Beedle
- C. APPROVAL OF AGENDA..... (voice vote)**
- D. DISCLOSURES OF CONFLICTS OF INTEREST..... (voice vote)**
- E. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**
 - 1. Audience Comments regarding agenda items
- F. NEW BUSINESS**
 - 2. Ordinance 1076..... **(roll call vote)(page 1)**
An ordinance of the City Council of the City of Cordova, Alaska, approving a lease agreement between Copper Valley Wireless, Inc., and the City of Cordova for land and easement – 2nd reading
- G. AUDIENCE PARTICIPATION**
- H. COUNCIL COMMENTS**
- I. EXECUTIVE SESSION**
 - 3. Discussion of City Manager Contract (action to be taken in open session)
- J. ADJOURNMENT**

Executive Sessions: Subjects which may be discussed are: (1) Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government; (2) Subjects that tend prejudice the reputation and character of any person; provided that the person may request a public discussion; (3) Matters which by law, municipal charter or code are required to be confidential; (4) Matters involving consideration of governmental records that by law are not subject to public disclosures.

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CITY OF CORDOVA

Office of City Manager

October 28, 2010

Memo to City Council
Re: Copper Valley Wireless Contract

Over the past months an agreement was negotiated between Sheridan Alpine Association and Copper Valley Wireless, Inc. for a land sub-lease and easement on the Ski Hill. Near the end of that process the State of Alaska stepped into the mix and informed the City that the agreement needed to be modified to be between the City and Copper Valley. Funds must be sent to the City and then on to the Ski Club as a pass-thru. As a result of the change in language, as required by the State, the City must now comply with Section 5-17(a)(2) of the City Charter, which requires this lease to be passed:

By authority of a nonemergency ordinance passed by the council, which shall be published in full within ten days after its passage, and which shall include a section reading substantially as follows: "Section . If one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication."

The attached Ordinance meets and accomplishes this requirement. The lease and this ordinance have been reviewed by the City's legal counsel.

Thank you,

Mark Lynch
City Manager

**CITY OF CORDOVA, ALASKA
ORDINANCE 1076**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
APPROVING A LEASE AGREEMENT BETWEEN COPPER VALLEY WIRELESS,
INC., AND THE CITY OF CORDOVA FOR LAND AND EASEMENT.**

WHEREAS, the City of Cordova, Alaska ("City") leases property described as up to 1000 square feet at the top of the Ski Hill adjacent to other communication structures and further depicted on the drawing attached as Exhibit A of Attachment A to this Ordinance and an easement for that certain real property located within ADL 57396 of USS 1765 of Township 15 South, Range 3 West, Section 22, Copper River Meridian, Alaska, depicted on the drawing attached as Exhibit B of Attachment A to this Ordinance (hereafter referred to collectively as "Property"); and

WHEREAS, The State of Alaska Department of Natural Resources has entered into a long term lease with the City granting the City the use and enjoyment of the Property and other property adjacent to it and the City exercises the management of all such property through its Agent, the Sheridan Alpine Association; and

WHEREAS, Copper Valley Wireless, Inc. ("Copper Valley") previously contracted with the Sheridan Alpine Association to lease the Property for the construction, operation and maintenance of an electric and telephone line; and

WHEREAS, the State of Alaska recently notified the City that any agreement to lease the Property to Copper Valley should be between the City and Copper Valley and not between Copper Valley and the Sheridan Alpine Association; and

WHEREAS, it is in the City's best interest to enter into a lease agreement with Copper Valley permitting Copper Valley to construct, operate, and maintain an electric and telephone line on top of Ski Hill under the terms and conditions provided for in the Agreement attached hereto as Attachment A, including but not limited to rental payments to the City in the amount of \$2200 per month for the first five years of the lease with an increase in rent every year over the remaining fifteen years of the lease;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, Alaska, that:

Section 1. The form and content of the Agreement attached hereto as Attachment A are in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver to the counterparty the Agreement on behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of the Agreement, and from and after the execution and delivery of the Agreement, the City Manager

hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

Section 2. The Agreement authorized by this ordinance is subject to the requirements of City Charter Section 5-17. Therefore, if one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication.

1st reading: November 3, 2010

2nd reading and public hearing: November 08, 2010

PASSED AND APPROVED THIS 8th DAY OF NOVEMBER, 2010

James Kallander, Mayor

ATTEST:

Susan Bourgeois, City Clerk

