

**Chair**

Tom McGann

**Commissioners**

Scott Pegau

John Baenen

Nancy Bird

Chris Bolin

Trae Lohse

Mark Hall

**City Planner**

Leif Stavig

**PLANNING COMMISSION REGULAR MEETING**

**SEPTEMBER 8, 2020 AT 6:45 PM**

**ELECTRONIC – INFORMATION BELOW**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chair Tom McGann, Commissioners Scott Pegau, John Baenen, Nancy Bird, Chris Bolin, Trae Lohse, and Mark Hall

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF CONSENT CALENDAR**

- a. Record excused absence for Chris Bolin from the August 11, 2020 Regular Meeting

**5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**

**6. CORRESPONDENCE**

**7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

- a. Guest Speakers  
b. Audience comments regarding agenda items (3 minutes per speaker)

**8. PLANNER'S REPORT .....Page 2**

**9. NEW/MISCELLANEOUS BUSINESS**

- a. Final Plat Approval for Yarbrough Subdivision .....Page 3  
b. Letter of Interest from Cannery Row, Inc. for ASLS 79-258 .....Page 9  
c. Resolution 20-03 – Capital Improvement List.....Page 29

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending a Capital Improvement List to the City Council

**10. PENDING CALENDAR**

- a. September 2020 Calendar .....Page 33  
b. October 2020 Calendar .....Page 34

**11. AUDIENCE COMMENTS**

**12. COMMISSION COMMENTS**

**13. ADJOURNMENT**

**To join the meeting from your computer, tablet, or smartphone, use the following link:**

<https://global.gotomeeting.com/join/673082181>

**You can also dial in using your phone.**

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

**Access Code: 673-082-181**

# Planner's Report

**To:** Planning Commission  
**From:** Planning Staff  
**Date:** 9/2/20  
**Re:** Recent Activities and Updates

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- Heavy traffic from public with misc. planning questions, i.e., subdivisions, permits, maps, zoning, property purchasing, etc.
- Cordova Center opening up more for public; no impact to Planning as it will be open at same level as it has been since beginning of pandemic: Full business hours, in-person meeting by appointment.
- Planning Commission meetings to be held electronically for foreseeable future.
- Forest Service land disposal for dock coming up shortly.
- Finished Rob Brown purchase.
- Craig Kuntz Letter of Interest – City Council made the property available and put the property out to RFP.
- Worked with surveyor to create a Record Survey of the shipyard.
- Preparing an online GIS property map available for other city employees and public; ongoing work towards this effort.
- Prepared packet for Planning Commission Regular Meeting.
- 18 building permits issued so far for 2020. Total for 2019: 29.



**AGENDA ITEM # 9a**  
**Planning Commission Meeting Date: 9/8/20**

**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Planning Staff

**DATE:** 9/2/20

**ITEM:** Final Plat Approval for Yarbrough Subdivision

**NEXT STEP:** Approve Motion

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☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

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**I. REQUEST OR ISSUE:**

Requested Actions: Final Plat Approval  
Applicant: Travis Yarbrough  
Owner: Travis Yarbrough  
Address: Mi. .8 Whitshed Road  
Zoning: Low Density Residential  
Attachments: Location Map  
Application  
Final Plat

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff recommend that the commission recommend to City Council that the request for final plat approval be approved.

“I move to recommend to City Council to approve the final plat request for Yarbrough Subdivision.”

**III. FISCAL IMPACTS:**

N/A

**IV. BACKGROUND INFORMATION:**

This plat creates two new lots. The commission granted a Conditional Use Permit for small engine repair operations on the western lot.

All property owners within 300 feet of the subdivision have been informed of the subdivision and the public hearing. As of the date of this memo, staff have not received any comments.

Staff findings:

1. The proposed plat conforms to the Comprehensive Plan and City Code.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

**V. LEGAL ISSUES:**

No legal review required.

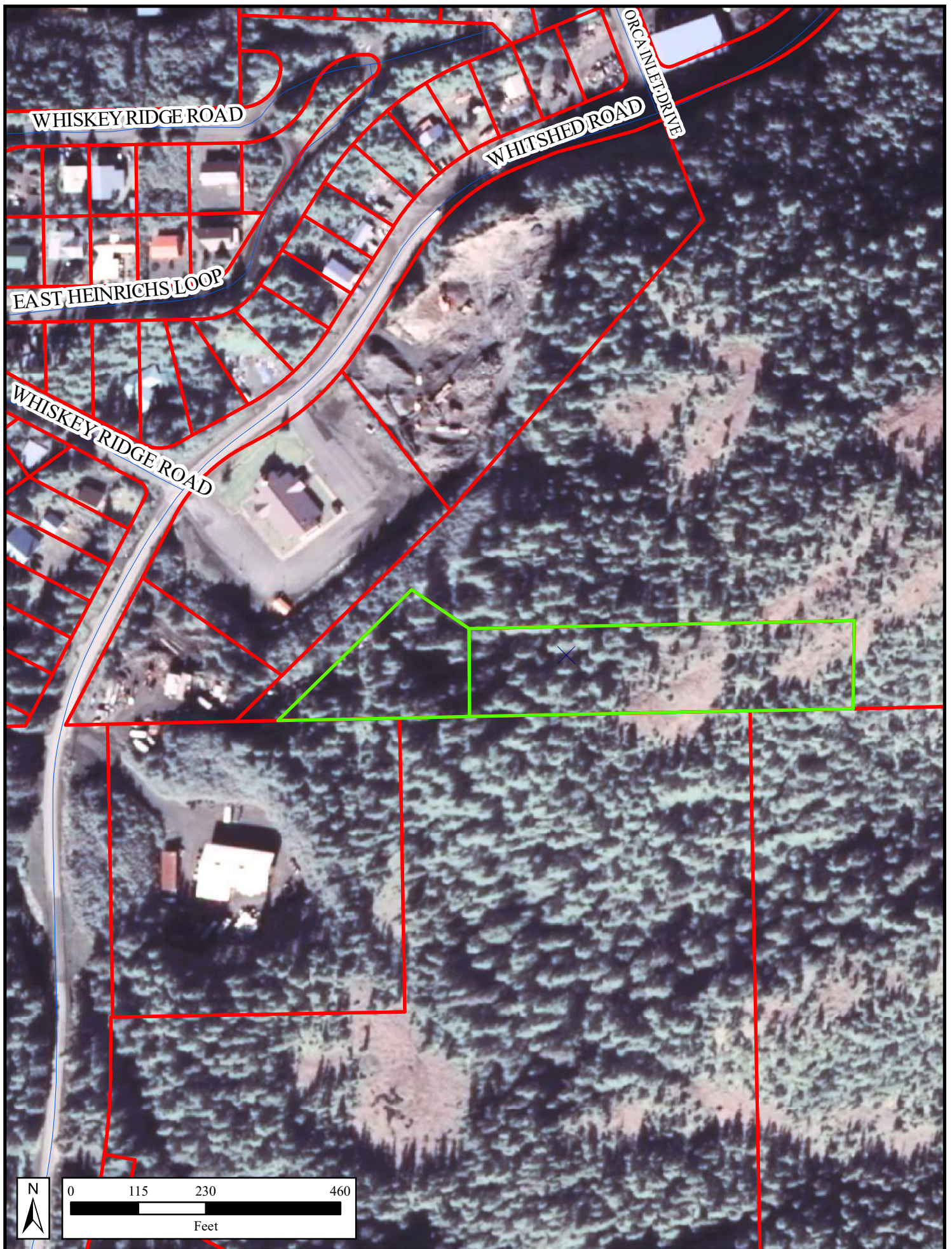
**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

N/A







# CITY OF CORDOVA



## SUBDIVISION APPLICATION

City of Cordova, Alaska

INSTRUCTIONS	PERMIT TYPE	FEE
Print or type requested information. Incomplete applications will be returned to the applicant and will delay processing of the request. Applications must be received by the Planning Department 21 days prior to the next Planning Commission Regular Meeting, which is scheduled the second Tuesday of each month, if Planning Commission approval is required.	<input type="checkbox"/> Preliminary Plat	\$200 + \$50 per lot
	<input type="checkbox"/> Final Plat	\$100 + \$25 per lot
	<input type="checkbox"/> Administrative Plat*	\$100
	<input type="checkbox"/> Admin. Dissolving Lot Lines*	\$0 + Recording Fees
*These plats do not require Planning Commission approval.		

### APPLICANT INFORMATION

Name:	Travis Lee Yarbrough
Mailing Address:	P.O. Box 804
City/State/Zip:	Cordova, AK 99574
Phone Number:	(907) 429-3594
Email Address:	

### OWNER INFORMATION

Name:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Email Address:	

Only complete this section if owner is different from applicant.

### PROPERTY INFORMATION

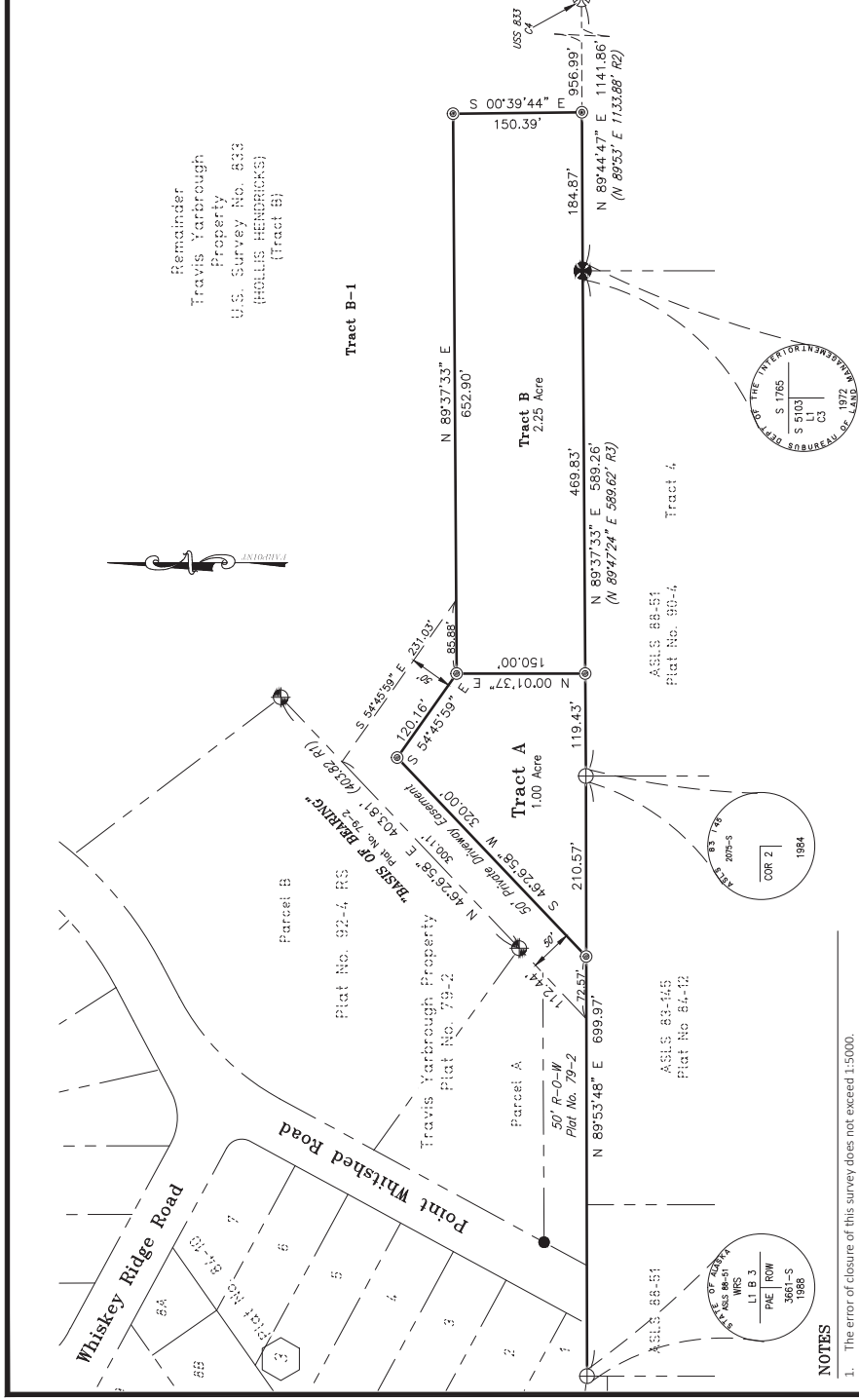
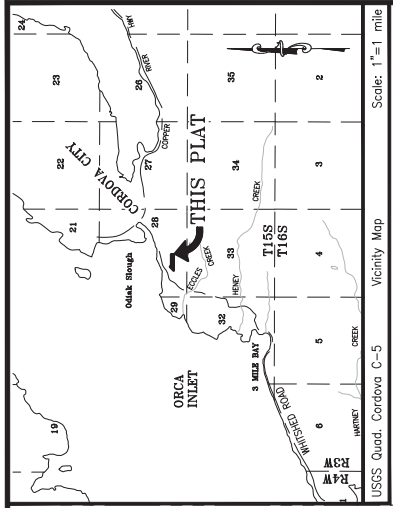
Address:	
Legal Description:	Remainder of Travis Yarbrough Property Tr B-1 USS 833
Tax Lot No.:	02-083-600
Zone District:	B-1

Planning Department can assist if unknown.

SURVEYOR INFORMATION	
Company Name:	Farpoint Land Services
Mailing Address:	1131 E. 76th Ave
City/State/Zip:	Anchorage, AK 99518
Phone Number:	(907) 250-0402
Email Address:	mike.horne@farpointak.com
Cordova Business License #:	7770

ADDITIONAL INSTRUCTIONS
Please send an electronic copy of the proposed plat to <a href="mailto:planning2@cityofcordova.net">planning2@cityofcordova.net</a> . Plats must comply with the Cordova Municipal Code, particularly Title 17 - Subdivisions. The Planning Department will review all plats and may request changes. In the case of certain subdivisions, such as major subdivisions, additional information will be required.

APPLICANT CERTIFICATION
<i>By the signature attached hereto, I certify that I am the owner or duly authorized owner's agent and that the information provided within this application and accompanying documentation is correct. Furthermore, I hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting site inspections.</i>
<div style="display: flex; justify-content: space-between;"> <div> <b>Applicant Signature:</b> <u>Travis L. Yarbrough</u> </div> <div> <b>Date:</b> <u>8-5-2020</u> </div> </div> <div style="margin-top: 10px;"> <b>Print Name:</b> <u>Travis L Yarbrough</u> </div>



**OWNERSHIP DEDICATION**

We hereby certify that we are the owners of the property shown and described hereon. We hereby request approval of this plat showing such easements for public utilities, roadways, and alleys dedicated for public use.

Travis Lee Yarbrough  
P.O. BOX 804  
Cordova, Alaska 99574

Date \_\_\_\_\_

**NOTARY'S ACKNOWLEDGMENT**

Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_, 2020, for \_\_\_\_\_

Notary Public for the State of Alaska  
My Commission Expires \_\_\_\_\_

**CORDOVA RECORDING DISTRICT**

**FINAL PLAT OF**

**Yarbrough Subdivision**

**Creating Tract A and Tract B**

**A SUBDIVISION OF**

**A portion of the remainder of U.S. Survey No. 833**

**SITUATED WITHIN**

**Section 28, T. 15 S., R. 3 W., Copper River Meridian, Alaska**

**Containing 3,235 Acres, More or Less**

**Farpoint Land Services, LLC**

**SURVEYING, MAPPING, LAND PLANNING, GIS**

**1131 E. 76th Ave., Suite 101 Anchorage, AK 99516**

**FarpointAK.com • (907) 522-7770 • survey@farpointak.com**

**WORK ORDER NO.** 20075 **DATE** 08/24/2020 **SCALE** 1"=100' **BY** J.A. MAH **IN BOOK PAGE** 144/18 **SHEET** 1 of 1

**PLAT APPROVAL**

This plat conforms to the requirements of the city of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager \_\_\_\_\_ Date \_\_\_\_\_

Chairman, Planning & Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_

Plating Official \_\_\_\_\_ Date \_\_\_\_\_

**TAX CERTIFICATIONS**

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through \_\_\_\_\_.

Attest: City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**LEGEND**

- RECOVERED BLM BRASS CAP MONUMENT
- RECOVERED BLM 2" PIPE MONUMENT (cm markings along the side)
- RECOVERED COPPERED MONUMENT
- RECOVERED 3" ALUM. POST MONUMENT
- RECOVERED 5/8" REBAR WITH 2" ALUM. CAP
- SET 5/8" REBAR WITH 2" ALUM. CAP
- RECORD PER PLAT NO. 79-2
- RECORD PER U.S. SURVEY NO. 5103
- RECORD PER PLAT NO. 90-4

**NOTES**

- The error of closure of this survey does not exceed 1:5000.
- 50' wide private driveway easement provides access to Tract A and Tract B only

**SURVEYOR'S CERTIFICATE**

I hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents the record dimensions of the lots. No field work was completed for this survey. All dimensional and other details are record and are true and correct to the best of my knowledge.

Michael J. Home  
No. LS-5318  
RECEIVED 08/25/2020 09:00 AM  
STATE OF ALASKA 49TH





**AGENDA ITEM # 9b**  
**Planning Commission Meeting Date: 9/8/20**  
**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Planning Staff

**DATE:** 9/2/20

**ITEM:** Letter of Interest from Cannery Row, Inc. for ASLS 79-258

**NEXT STEP:** Recommendation to City Council on Disposal and Disposal Method

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☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

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**I. REQUEST OR ISSUE:**

Requested Actions:	Recommendation to City Council on Disposal and Disposal Method
Applicant:	Cannery Row, Inc.
Legal Description:	ASLS 79-258
Lot Area:	21.55 AC
Zoning:	Waterfront Industrial District
Location Map:	Location Map Plat Localized Zoning Map 2019 Cordova Comprehensive Plan Future Land Use Map Letter of Interest from Cannery Row, Inc. with attachments

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff suggest the following motion:

“I move to recommend to City Council to dispose of ASLS 79-258 as outlined in Cordova Municipal Code 5.22.060 B by \*”

Choose one of the following to insert for the asterisk:

1. Negotiating an agreement with the Cannery Row, Inc. to lease or purchase the property.
2. Requesting sealed proposals to lease or purchase the property.
3. Inviting sealed bids to lease or purchase the property.
4. Offering the property for lease or purchase at public auction.

### III. **FISCAL IMPACTS:**

Fiscal impacts include the potential purchase price of the property and future property tax revenue.

### IV. **BACKGROUND INFORMATION:**

This property is currently designated ‘Available – Requires Subdivision’ on the 2020 Land Disposal Maps. This designation has the following definition:

*Available - Requires Subdivision – These parcels are considered ‘Available.’ These are large parcels of land which would most likely be developed as a subdivision. The disposal process for these parcels is complex and could take a significant amount of time. Many require some or all of the following: city acquiring title to the land from the state, an extensive amount of surveying, or subdivision development agreements. Many of these parcels include city improvements that would not be disposed, such as access roads, water infrastructure, trails, cemeteries, etc.*

This property is zoned in the Waterfront Industrial District, while neighboring properties are zoned Waterfront Commercial Park District, Low Density Residential, and Conservation (see attached map). Development of the subdivision would likely require rezoning or conditional use permitting for some or all of the property. The Future Land Use Map (attached) from the 2019 Cordova Comprehensive Plan has identified this property and the property to the north as “In-Town Mixed Use,” which was a land use category created primarily for undeveloped property where best use could be determined with further public engagement.

The property contains an old quarry site, which has been unused for decades. The city owns a significant amount of land along Orca Road which could be used as a future rock source as needed if this property was disposed of. This property also contains the burn pile, which could be relocated to a new negotiated location on the property or a different location altogether. The property is adjacent to Orca Road which is a State DOT road which requires driveway permits.

9/2/20 – Received a letter of interest from Cannery Row, Inc. for the property.

### **Applicable Code:**

#### **5.22.040 - Letter of interest to lease or purchase.**

*C. The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in*

*Section 5.22.060(B).*

5.22.060 - Methods of disposal.

*B. In approving a disposal of an interest in city real property, the city council shall select the method by which the city manager will conduct the disposal from among the following:*

- 1. Negotiate an agreement with the party who submitted a letter of interest to lease or purchase the property;*
- 2. Invite sealed bids to lease or purchase the property;*
- 3. Offer the property for lease or purchase at public auction;*
- 4. Request sealed proposals to lease or purchase the property.*

**VI. LEGAL ISSUES:**

Legal review of disposal documents is required.

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

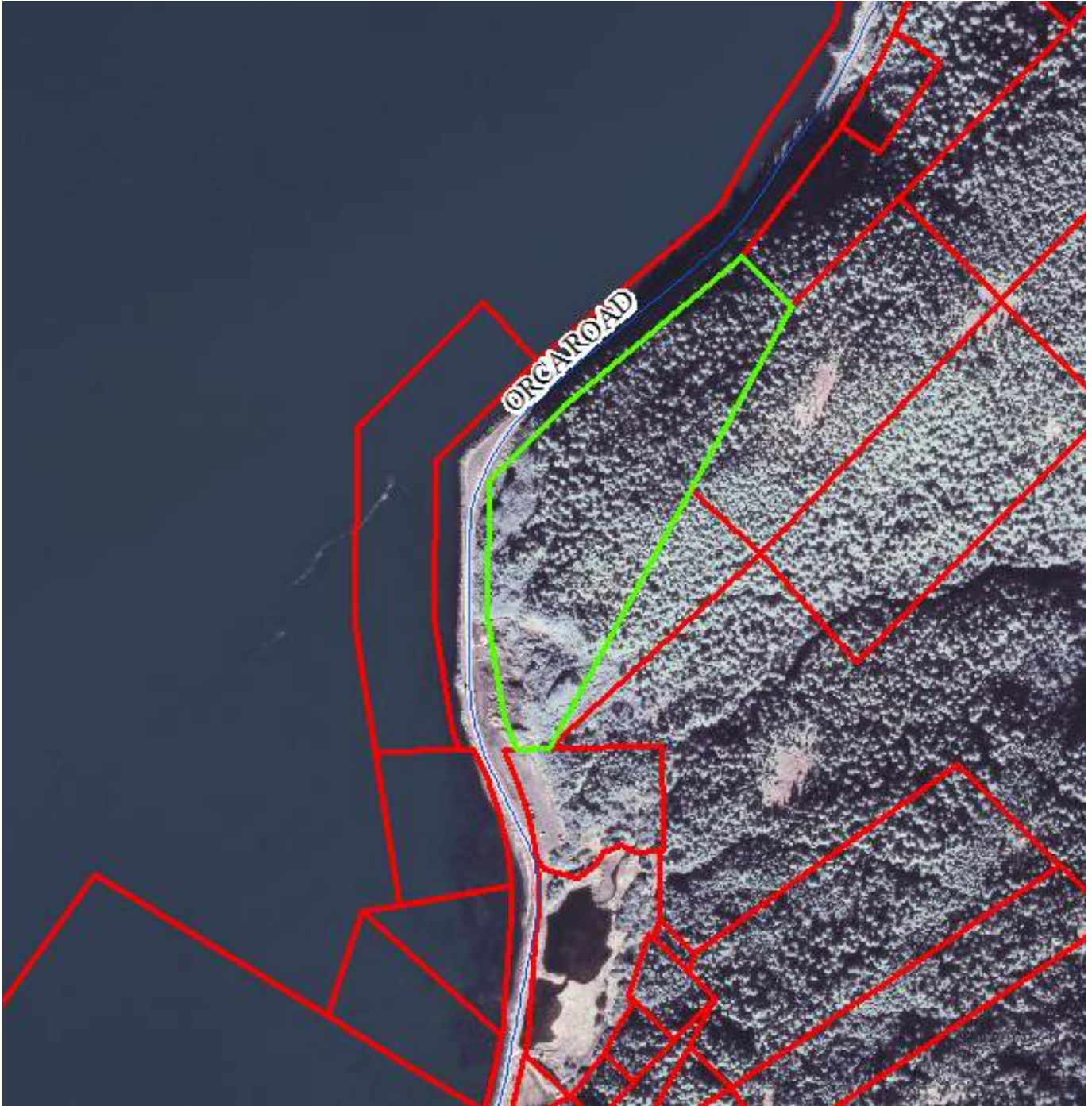
N/A

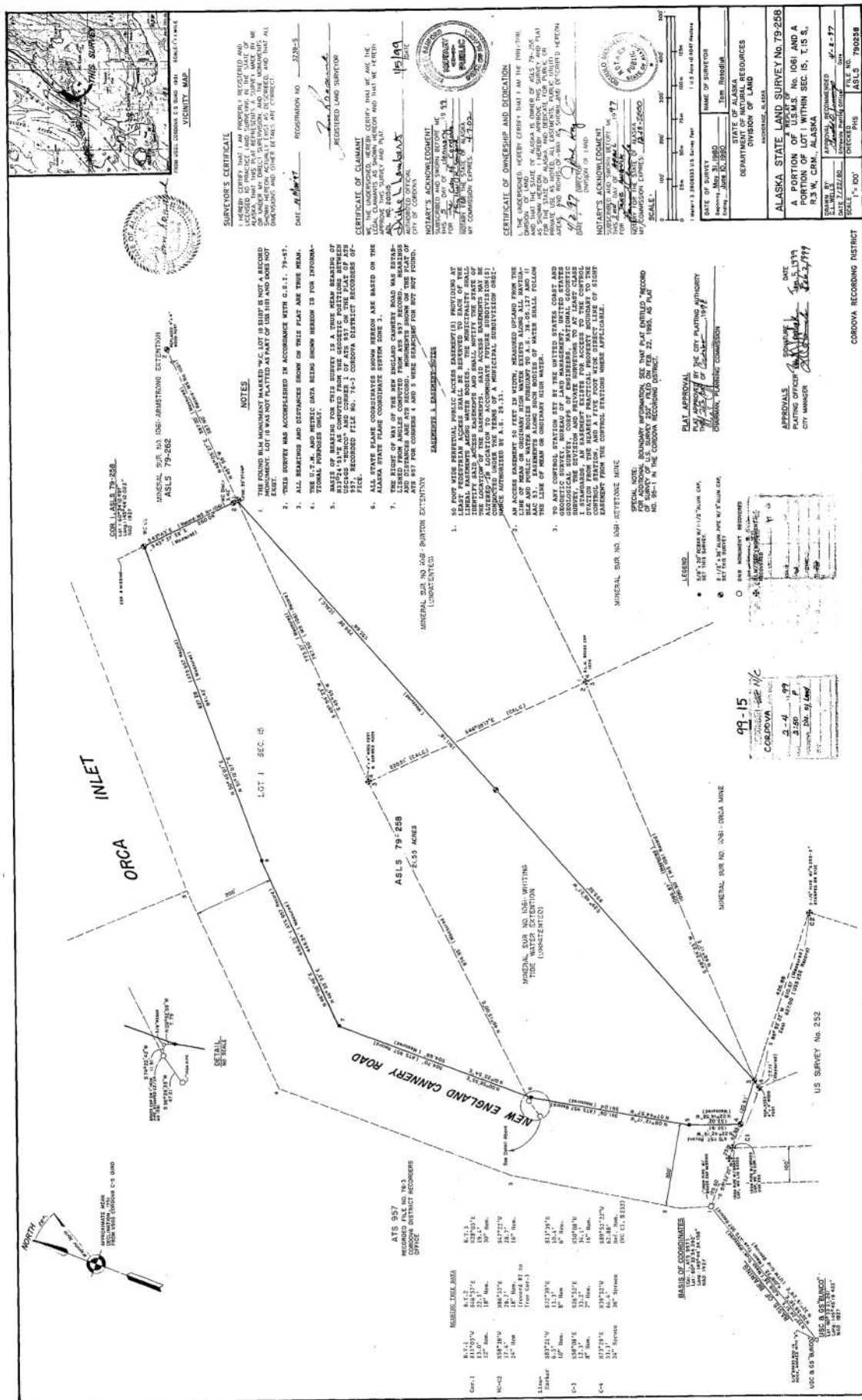
**VIII. SUMMARY AND ALTERNATIVES:**

The Planning Commission could take no action, which would result in no recommendation to City Council. The commission could also choose to make the recommendation to not dispose of the property.

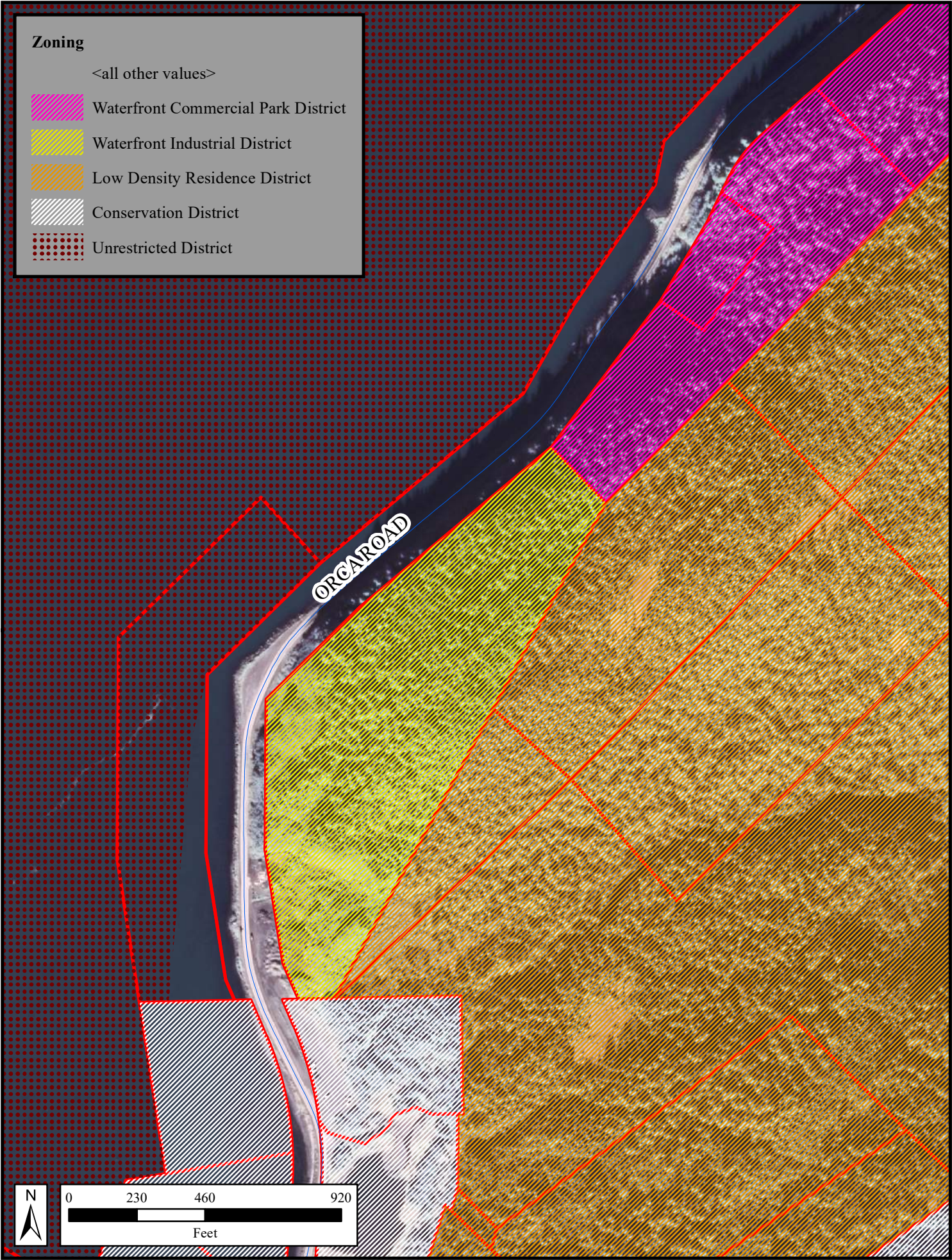


## Location Map





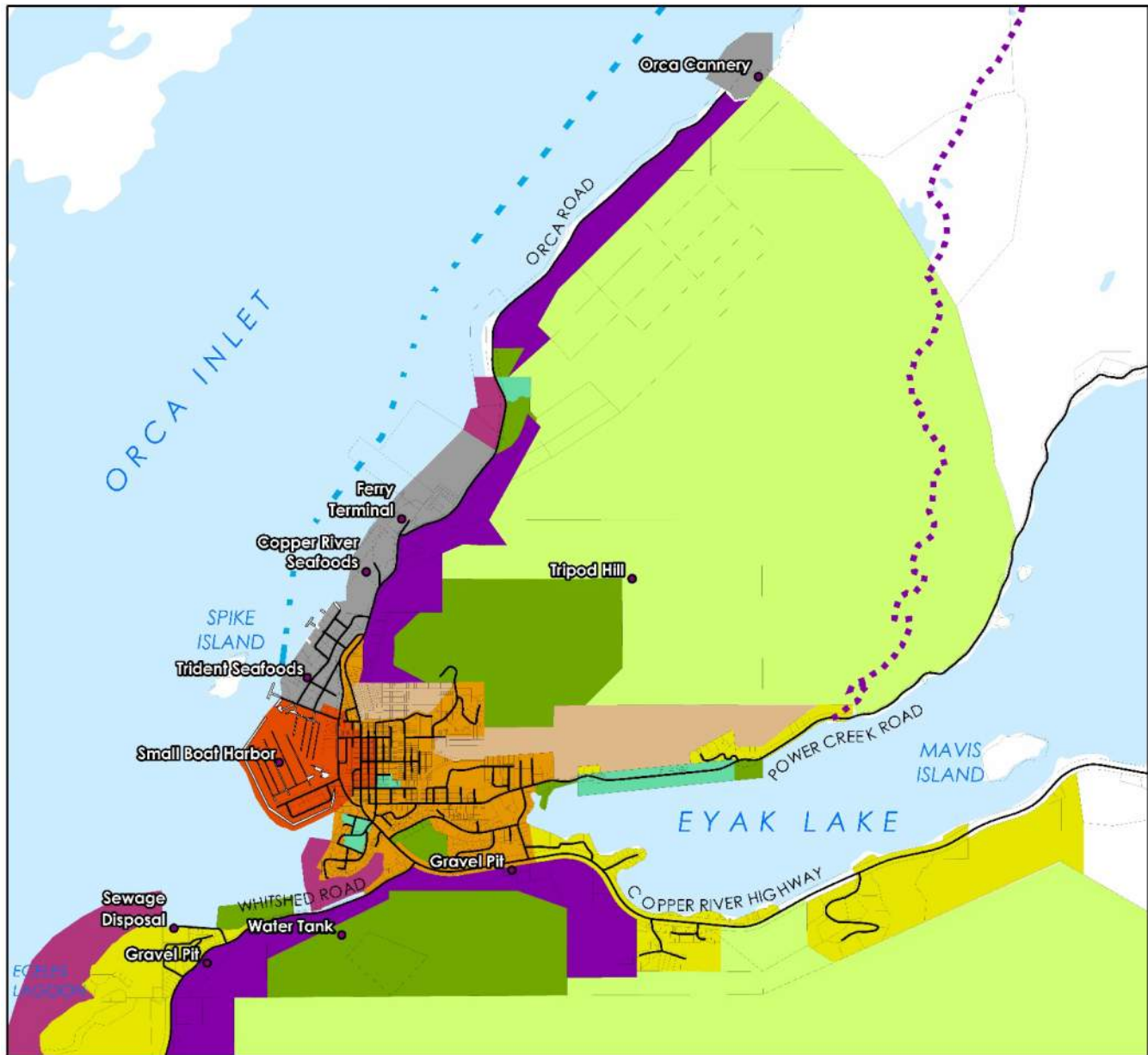






# Future Land Use Map for Cordova

This future land use map identifies broad future intentions for the location and intensity of land use within the City of Cordova boundaries. The map aligns with existing or desired future use and is intended to support the community's vision. (NOTE: for a larger scale map showing the full extent of the City of Cordova, see the full plan).



— Roads    - - - Trails    ▭ Parcels    — Marine Highway    Water

## FUTURE LAND USE

- |                      |                                       |  |
|----------------------|---------------------------------------|--|
| Community Core       | In-Town Mixed Use                     | Community Facilities                         |
| In-Town Residential  | Industrial/Commercial Waterfront      | Parks & Developed Open Space                 |
| Outlying Residential | Low Intensity/Conservation Waterfront | Watershed, Dispersed Recreation & Open Space |
| Hillside Residential |                                       |  |
| Rural Mixed Use      |                                       |  |

Produced for the City of Cordova  
by Agnew::Beck and PDC Engineers, 2019

Data Sources: City of Cordova, State of Alaska, USFS

Cordova Comprehensive Plan FINAL Executive Summary, Adopted December 2019

Projection: NAD 1983,  
State Plane Alaska 3 FIPS 5003 Feet

0 1,500 3,000 6,000 Feet



## Future Land Use Map Categories

Land Use Category	Intended Land Uses	Application Area
<b>Community Core</b>	Areas for continuing infill and densification, with a focus on mixed use development, walkability, redevelopment and policies for compatibility between differing uses. This is the primary business district for Cordova.	Historic downtown, harbor, South Fill and waterfront
<b>In-Town Residential</b>	Predominately residential with compatible public, commercial uses; an area for infill and densification, including neighborhoods that currently have public water, sewer, and other utilities.	Neighborhoods within reasonable walking distance (approximately ½ mile) from the Community Core
<b>Outlying Residential</b>	Predominately residential uses although other uses allowed; generally applied in areas with limited public water and sewer service and mixed sewer and septic.	Existing residential and other use properties in areas adjacent to the Community Core and In-Town Residential
<b>Hillside Residential</b>	Undeveloped, physically-constrained property intended for future residential use, in locations requiring rigorous subdivision, road and utility development to respond to the area's physical constraints.	Properties with significant physical development constraints on predominantly city-owned tracts, in areas adjacent to the Community Core and In-Town Residential
<b>Rural Mixed Use</b>	Variety of uses including residential, commercial, lodging and industrial with minimal rules on allowed uses.	Low density areas outside current/anticipated utility service areas; generally, in areas on the outskirts of the city such as Whitshed Road, the airport, Six-Mile
<b>In-Town Mixed Use</b>	Areas that require further public engagement to determine best use, which could include residential, commercial or other developed uses.	City-owned and private land, typically in areas with strategic locations but significant physical development challenges
<b>Industrial/ Commercial Waterfront</b>	Industrial and commercial uses that benefit from or require a waterfront location.	Existing and proposed developed waterfront areas
<b>Low Intensity/ Conservation Waterfront</b>	Waterfront areas with identified conservation value, where development will be minimized.	Select locations that adjoin current or anticipated development areas including Shelter Cove, Odiak Slough
<b>Community Facilities</b>	Large parcels used for community and non-profit services and facilities.	Limited to larger tracts of land: community uses on smaller lots are not included
<b>Parks &amp; Developed Open Space</b>	Large parcels used for developed, active recreation.	Ski hill, larger city parks
<b>Watershed, Dispersed Recreation, Open Space</b>	Public lands intended to remain in a largely natural state, providing protection for watersheds, scenic viewsheds and other valuable open space functions; also includes dispersed recreation such as trails and parks and some low-density residential development.	City, state and USFS upland properties





Dear Cordova City Manager, Helen Howarth,

Please consider this a request to exchange a parcel of property adjacent to the Science Center lot identified by the City as "available" for development. The said property (identified as #02-041-999), also contains a little used gravel pit (commonly referred to as the Joslyn Quarry). We retain an ownership in this quarry for 65,000 yd<sup>3</sup> of rock. This ownership is part of a lease agreement with the City for the water tank on our property (attached hereto). The water tank sits on one parcel identified as (portion) Comet Lode, USMS 878 (#02-053-420). The lease on the water tank property runs out in 16 yrs.

Our preference would be an exchange of the property that the water tank sits on, including a sizable portion of the Comet Load.

The current value on the City Tax rolls of the vacant City Lot is \$19,100.  
The current value on the water tank land is \$944,600, excluding the rest of the Comet Lode. We would propose for exchange, a portion of the Comet load that includes the water tank, access road, and a new property line further up.

An exchange benefits both parties: The City will satisfy the land lease that will soon become due. The water tank is of obvious value to the City, and replacement, removal, or relocation, would be very expensive. It is accessible by a road directly from the Terminal Access Road. As undeveloped land, it does not return the highest and best property tax to the City. We also believe it fully fits well with the City's Current Comprehensive Plan.

We have looked at development of the Comet Load property ourselves. It is possible, but problematical. It would take a few years to develop. This City property is something we could proceed with quickly, and not have to go through access easements with adjoining properties or work around the water tank. Those development plans would likely preclude our extension of the water tank lease. Development of the City property would allow us to remove the rock owed to us, as well as get a subdivision of the parcel proceeding, which will return additional property tax, water & sewer fees to the City.

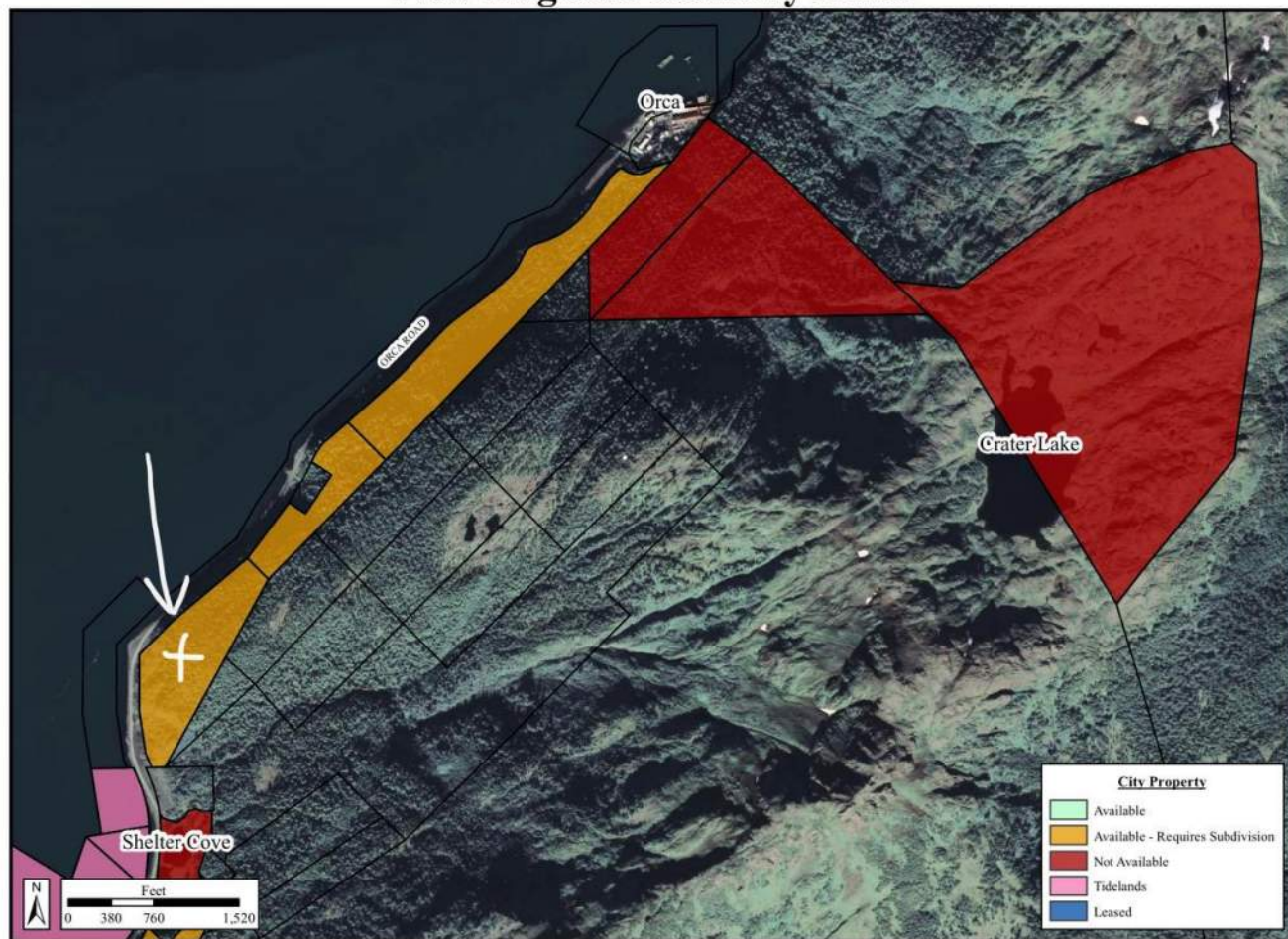
Thank you for your consideration.

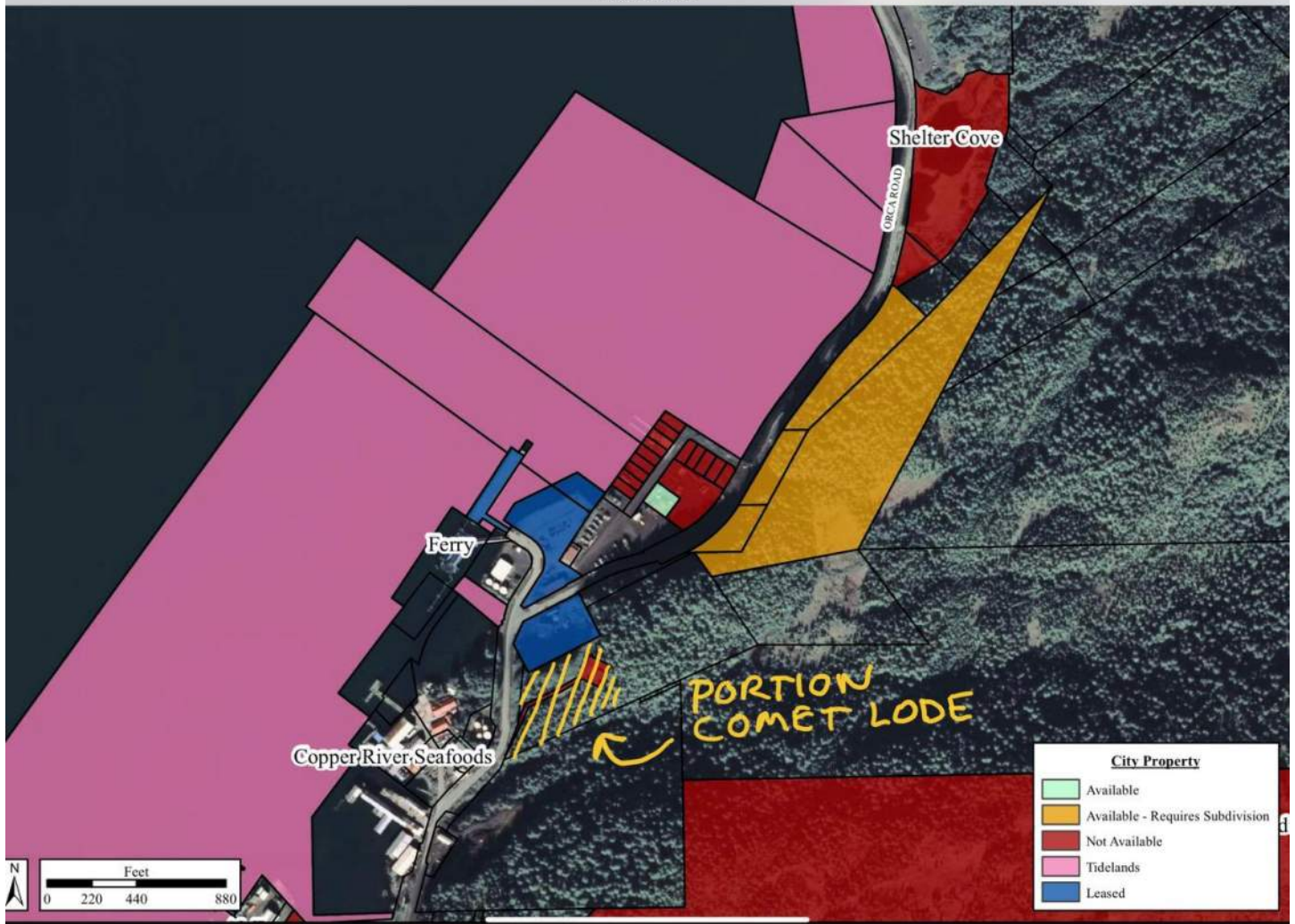
Sincerely,

Greg Meyer  
Cannery Row, Inc

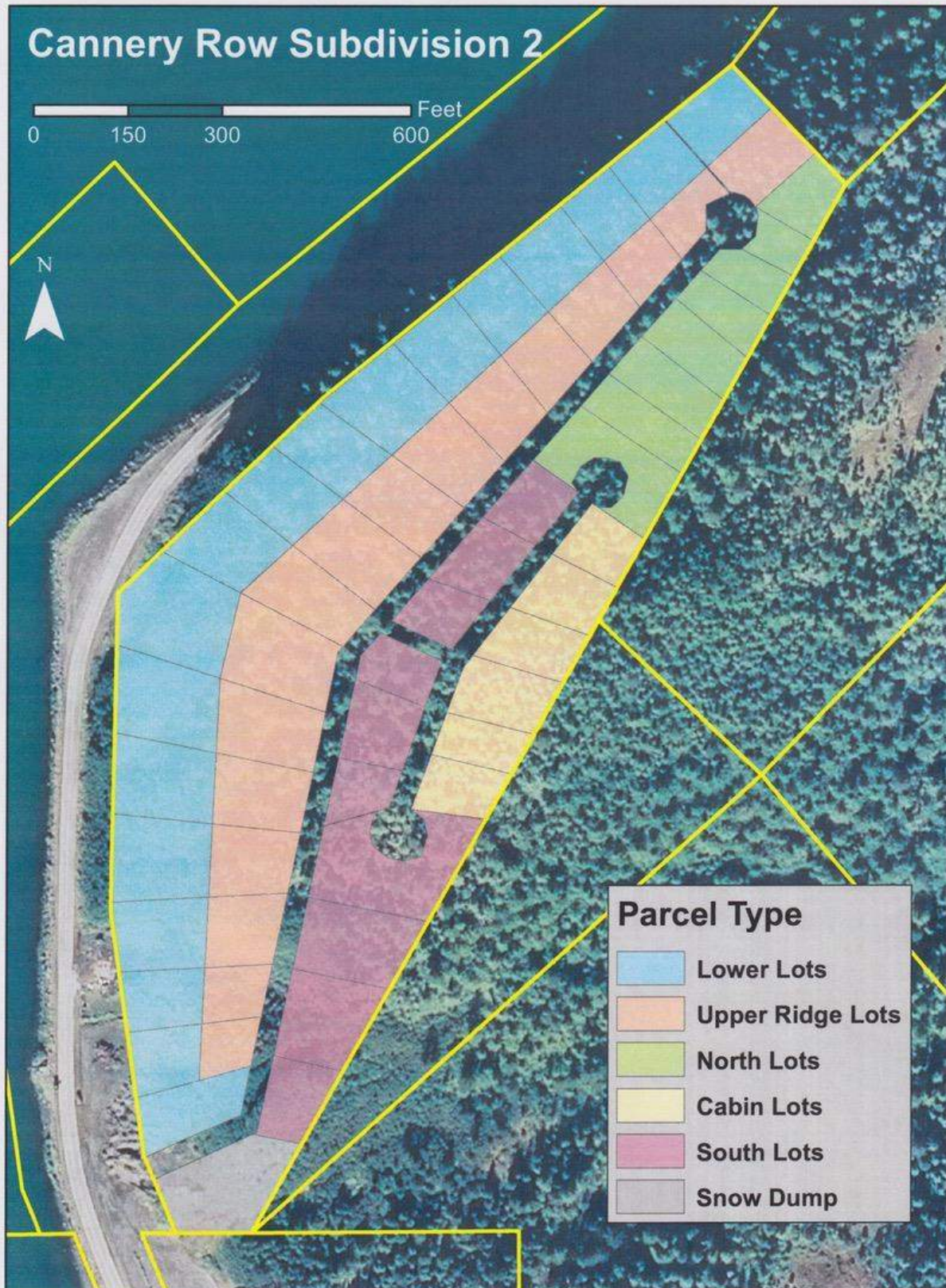


# New England Cannery Road





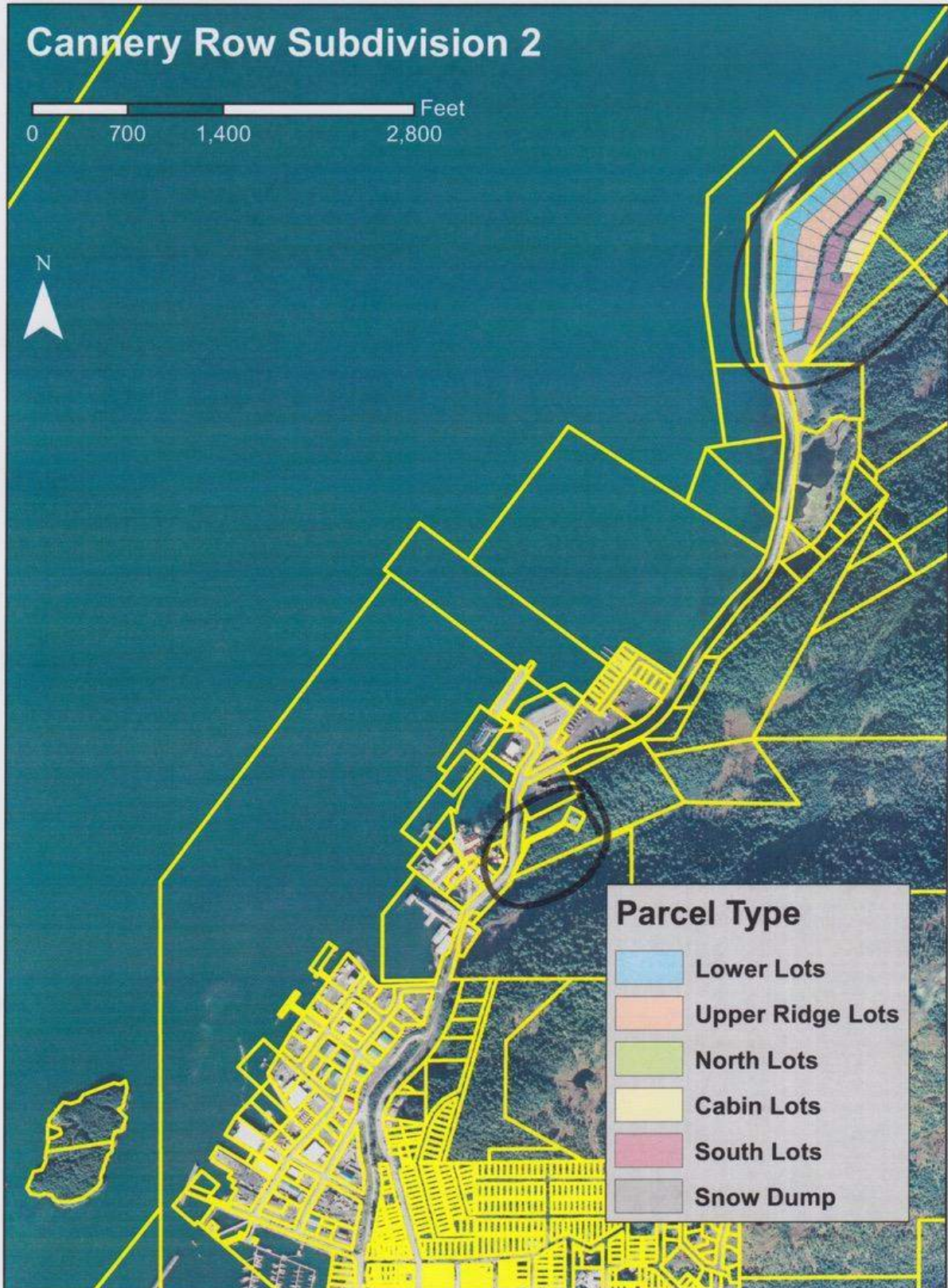




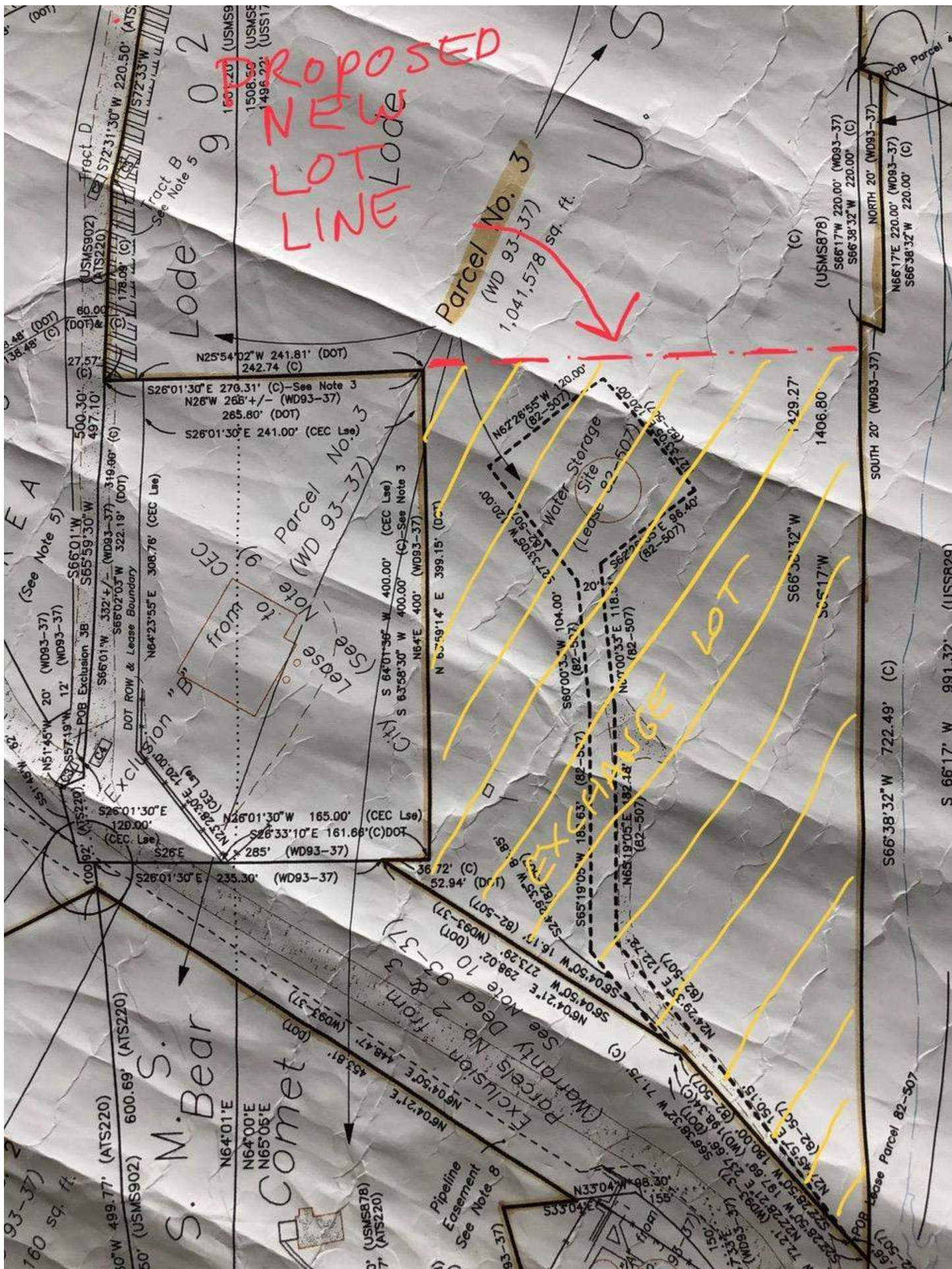


# Cannery Row Subdivision 2

0 700 1,400 2,800 Feet









1981 LEASE FOR WATER STORAGE  
FACILITIES BETWEEN MORPAC, INC.  
AND THE CITY OF CORDOVA, ALASKA

This is a lease between Morpac, Inc., a Washington corporation, licensed to do business in the State of Alaska, as Lessor (herein called "Morpac"), and the City of Cordova, a home rule city of the State of Alaska, as Lessee (herein called "City").

1. The property. The property which is the subject of this lease is described as follows:

Commencing at U.S.G.S. "Bunco" Station;  
thence S26°07'40"E, 29.76 ft. to Cor.  
No. 6, ATS 220; thence S34°37'E, 42.72 ft.  
to Cor. No. 7, ATS 220; thence N72°23'E,  
63.09 ft. to Cor. No. 8, ATS 220; thence  
S34°03'E, 88.07 ft. to Cor. No. 9, ATS 220;  
thence S16°26'W, 83.51 ft. to Cor. No. 10,  
ATS 220; thence S33°11'E, 210.97 ft. to  
Cor. No. 11, ATS 220; thence S78°59'E,  
113.70 ft. to Cor. No. 12, ATS 220; thence  
S81°11'E, 51.44 ft. to Cor. No. 13, ATS 220;  
thence N22°28'50"E, 57.66 ft. to the true  
point of beginning; thence N27°45'57"E,  
150.15 ft.; thence N24°29'35"E, 122.72 ft.;  
thence N65°19'05"E, 182.18 ft.; thence  
N60°00'33"E, 118.51 ft.; thence S62°26'55"E,  
96.40 ft.; thence N27°33'05"E, 120.00 ft.;  
thence N62°26'55"W, 120.00 ft.; thence  
S27°33'05"W, 120.00 ft.; thence S60°00'33"W,  
104.00 ft.; thence S65°19'05"W, 189.63 ft.;  
thence S24°29'35"W, 84.85 ft.; thence  
S06°04'50"W, 16.15 ft.; thence S22°28'50"W,  
180.00 ft. to the true point of beginning.  
Described parcel contains 23,694 S.F.  
(0.54 AC.) more or less.

This property is shown on the map prepared September 20, 1981 by John L. Joslin and attached hereto and incorporated by reference as Exhibit "A".

2. Purpose of lease. The purpose of the lease is so that the City of Cordova may construct, erect, maintain and operate, during the period of the lease, a municipal water storage and supply facility of approximately .5 million gallon capacity.

3. Term of lease. This lease shall be in force and effect for a period of 55 years from the date of this lease.

4. Morpac to lease the property to City. Morpac does hereby lease and demise unto the City all and the whole of the above-described property for the purposes described herein.

5. Compensation. The total compensation for the lease by the City from Morpac of the above-described property shall be the following. The City grants as consideration for this lease the right to Morpac to remove, at Morpac's expense, not more than 65,000 cubic yards

LEASE/1

of rock in place from City-owned quarry site generally described and known as the Joslin Quarry, located in the City of Cordova. This right may be exercised at anytime during the term of this lease, unless the City, in its discretion, closes the quarry site or denotes it to a use inconsistent with removal of rock; but the City shall give MorPac two years notice of such closure if MorPac has not previously removed all of its 65,000 cubic yards of rock. Such removal by MorPac shall be subject to the following conditions: (a) measurement of the amount of rock removed shall be by truckload capacity count; (b) MorPac shall advise the City not less than ten (10) days prior to its intent to remove rock in any amount of its intent to remove the same, and may remove rock when requested unless such removal at that particular time shall be deemed to interfere with City operations in the quarry or operations of others in the quarry who have previously commitments for use of the quarry or removal of rock from the quarry. This limitation shall not, however, in any way limit the amount of rock that may be removed; (c) MorPac shall bear all and the whole of any expense from rock removal including blasting, use of loading equipment, or trucks, and shall be responsible for any cleanup to render the rock quarry safe after the removal operations by MorPac. All removal operations by MorPac, including blasting, shall be in accordance with governing City and State law, including all safety regulations, but such requirements shall not be deemed a limitation on the amount of rock that may be removed; (d) no warranty is given by the City as to suitability as to rock removed for any particular purpose nor does the City make any warranties as to the nature in which the rock will fracture upon blasting, nor to its quality; (e) Subject to the foregoing restrictions, MorPac shall have full responsibility for its own blasting and excavation operations; (f) MorPac hereby agrees to save the City harmless and indemnify the City from any claims which may arise from injury to persons or property resulting from MorPac's blasting, excavation, or removal or transportation of any rock or earth materials; (g) the exact location of such removal shall be designated by the City providing that such designation shall be reasonable, consistent with the efficient use of the quarry by others, so long as such designation does not create an unreasonable economic burden in the removal of the rock by MorPac; (h) within five days of its removal of rock, MorPac shall advise the City of its load count and the total yards removed, the City and MorPac may both maintain a cumulative running total of the amount removed by MorPac. Unless the City shall specifically object to the load count provided by MorPac within ten (10) days after advice of the load count by MorPac, such load count shall be final and conclusive upon the City and MorPac.

6. Use of leased property by the City. The City may take all necessary steps to construct, maintain and operate the water storage facility, including excavation of earth materials, removal and wasting of earth materials, removal of timber, construction of pipes, roadway, electrical facilities, fencing, gates, maintenance shelters or other structures necessary to the use of the property for water storage and supply. The City specifically agrees that it shall, within the six months of the completion of the facility itself, erect around the facility for safety purposes. The City will indemnify and hold MorPac harmless for any claims arising against MorPac from the construction or use of the water storage facility throughout the term of this lease.

7. Use of water facility for general municipal purposes. The water facility will be used for general municipal

purposes. This lease shall not entitle Morpac to any preferential rate treatment for use of water from such facility.

8. Disposal of excavated material and timber. The City shall have the sole rights to make whatever use it sees fit of excavated material from this site, and timber removed from this site.

9. No accessory uses. This lease shall not entitle the City to any additional or accessory uses to any property adjoining the leased property nor does this lease grant the City the right to commit waste upon or damage adjoining property.

10. City to have exclusive use of storage site, and preferential use of roadway access. The City shall have sole and exclusive use of the approximate 120' by 120' area enclosing the tanks, and shall have primary use of the access road. Primary use shall mean that the access road may be used by Morpac for itself or rights may be given to others provided, however, that no other such use shall interfere in any way with the City's use of the access road to erect or maintain the water facility, and in the event such use interferes with the use by the City of the access road, that accessory use, whether by Morpac itself or by Morpac's subsequent lessees or grantees, shall cease. In the event Morpac desires to utilize the access road for itself or to its subsequent lessees or grantees, it shall specifically advise the City in writing of such proposed use, the nature of such use, and the extent and duration of such use. Such notice shall be given at least 90 days before such proposed use. In the event such accessory use is permitted by the City, Morpac, for itself, its successors and assigns, hereby agrees to hold the City harmless from any claims for injury to persons or property arising from such accessory use, and will, at its own expense, repair any damages occurring to the access roadway from such accessory use.

11. Assignment. The City covenants that the property shall be used only for the purposes mentioned here, and that no assignment or sublease will be made to any private person, firm or individual without the prior consent of the lessor. However, such consent shall not be unreasonably withheld, so long as the purposes of the assignment shall be for the continuing use of the property for water storage and supply. In the event the City of Cordova shall transfer, sell or assign its water utility functions to a separate municipal entity or to a public utility which is duly authorized by law to operate all and the whole of the City of Cordova's water supply system, then such assignment, if such assignment is a part of the transfer or assignment of all and the whole of the City's water facility, may be made without consent of Morpac, provided such transfer shall be made in accordance with law and in accordance with all applicable regulations and with the approval of any state public utility commission whose approval may be required by law.

ble for the maintenance and repair of the water supply facility, and shall bear all costs necessary to such maintenance and supply including all costs of the maintenance of the roadway.

13. Waivers. Any failure of either Morpac or the City to insist upon strict observation of any of the provisions

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of this lease shall not constitute or be deemed a waiver at that time or thereafter of any such provision.

14. Successors bound. All the terms of this lease shall be binding upon and inure to the benefit of the heirs of the successors, administrators and assigns of Morpac and the City.

15. Warranty of title. Morpac warrants by the execution of this lease that it is the owner of the property which is the subject of this lease and it will forever defend and indemnify the City from any claims from others arising from the execution of this lease.

16. Ownership of improvements. If, upon expiration of this lease, the lease is not renegotiated, renewed or reinstated, all improvements placed there by the City, with the exception of earth fill materials, shall be and remain the property of the City and may be removed by the City without incurring liability, unless such removal shall cause damage to the adjoining property which is not the subject of this lease. If such improvements are not removed by the City of Cordova within six months of the expiration of this lease, the property shall be deemed abandoned, and Morpac may, by giving written notice to the City, declare the property to be deemed abandoned. Unless the City shall remove such property within sixty days from the date of such notice (following six months from the termination of the lease), the property shall be conclusively presumed to have been abandoned and shall become the property of Morpac or its successors or assigns.

DATED this 17 day of December, 1981, at Seattle, Washington.

Notary For State of Alaska

Commission Expires 5-4-85



MORPAC, INC

By: Robert F. Hoyer  
Its PRESIDENT

DATED this 22 day of December, 1981, at Cordova, Alaska.

CITY OF CORDOVA

By: [Signature]  
Its CITY MANAGER

ATTEST:

[Signature]

APPROVED AS TO FORM:  
JENSEN, HARRIS & ROTH

By: R. Everett Harris

JEN. HARRIS  
& ROTH  
ATTORNEYS AT LAW  
FIDELITY CORPORATION  
101 WEST THIRD AVENUE  
CORDOVA, AK 99501  
(907) 277-3553

LEASE/4

PARKS CANNING CO.

NO. 878

CITY OF CORDOVA  
WATER STORAGE SITE

CITY OF CORDOVA

U.S.M.S.

20' ACCESS

56°17'W 99.32'

COR 12 AT 220 =  
COR 24.5 M.S. NO 878

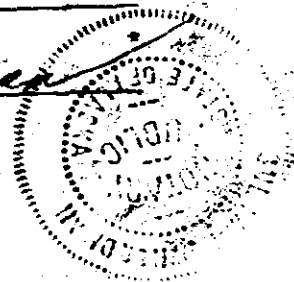
EXHIBIT A Map prepared by J Joslin  
9/20/81 Water Storage Lease

State of Alaska  
Judicial District

The foregoing instrument was acknowledged before me this 10th day  
of May, 1982, by Robt. F. Morgan of Morpac, Inc.  
                    , a Wash. corporation, on behalf of the corporation.

*Julia P. Nardone*  
Notary Public in and for the State of Alaska  
My Commission expires  
May 4, 1985

Seal



82-507

RECORDED-FILED 2300	
Cordova REC. DIST.	
DATE	5-17 1982
TIME	11:56 A.M.
Submitted by	City of Cordova
Address	Box 4210 Cordova, AK 99574





## **AGENDA ITEM # 9c**

### **Planning Commission Meeting Date: 9/8/20**

#### **PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Planning Staff

**DATE:** 9/2/20

**ITEM:** Resolution 20-03 – Capital Improvement List

**NEXT STEP:** Pass Resolution

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☐ INFORMATION  
☐ MOTION  
☒ RESOLUTION

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#### **I. REQUEST OR ISSUE:**

The Planning Commission is required by the City Code to:

*Submit annually to the city council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming three-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year (CMC 3.40.080 E).*

#### **II. RECOMMENDED ACTION / NEXT STEP:**

The current draft of Resolution 20-03 contains the list recommended and presented to City Council in 2019. After making the motion to approve the resolution, the commission can discuss and make changes to the list. This list can be reviewed and discussed at more than one meeting if the commission desires.

Ideally, the commission should amend the resolution once with the new, updated list.

“I move to approve Resolution 20-03.”

### **III. FISCAL IMPACTS:**

The city will likely have limited capital expenditures for the 2021 budget.

### **IV. BACKGROUND INFORMATION:**

Last year’s Capital Improvement List recommended to City Council by Resolution 19-08 was as follows:

1. Contract to Develop and Implement Addressing E-911 Compliant Database - \$75,000 in E-911 Fund
2. To create a Shovel Ready Project that provides for public safety, additional parking and ADA accessible sidewalks to be used in grant/loan applications. Design parking and walkway on north side of Harbor - \$122,013
  - Shovel-ready design
  - Walkway to meet ADA standards
  - To extend in harbor 25 feet
  - Includes contract services from engineer
  - Based on the cost from South Fill report with engineering at 15% of project cost
3. Code Updates to Title 17 and 18 with funding for attorney time - \$10,000 - \$25,000
4. To create Shovel Ready Projects that provide for public safety and ADA accessible sidewalks which to be used in grant/loan applications. Design streets and sidewalks on Railroad Avenue from Nicholoff to Council and Council from Railroad to First Street - \$25,000-\$35,000
  - Shovel-ready design
  - Includes ADA sidewalks and drainage
  - Nicholoff to Water currently has drawings, but need update
  - Water to Council needs drawings

Public Works and Planning staff recommend the commission consider the following capital projects:

1. Update and implement the plan and profile drawings for Railroad Avenue from Nicholoff through intersection of Water Street - \$1,000,000
  - Plan and profile drawings are complete as it was an alternative bid item during 2016 paving project (attached)
  - Includes ADA sidewalks and drainage
2. Design and construct more permanent Crater Lake siphon - \$500,000

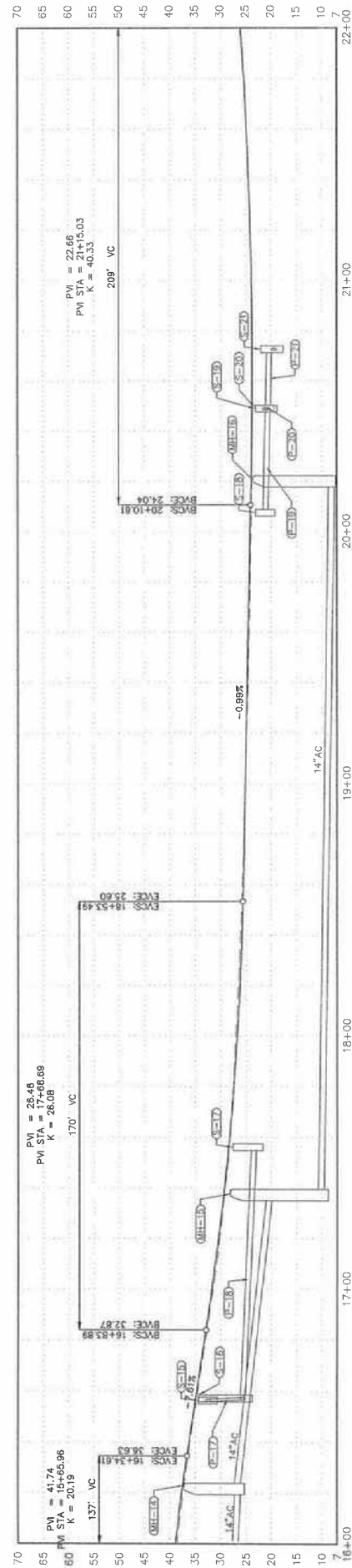
### **V. LEGAL ISSUES:**

N/A

### **VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

1. PROVIDE ALL ADAPTERS, ELBOWS AND OTHER FITTINGS NECESSARY TO CONNECT TO DISMISAL PIPE SIZES, MATERIALS AND DEPTHS. CONNECT TO EXISTING.
2. EXISTING 8" DI AND 10" DI WATER MAINS NOT SHOWN IN PROFILE VIEW. ASSUME APPROXIMATE BURY DEPTH OF 6 FEET FROM EXISTING GROUND SURFACE.
3. LOCATIONS AND GRADES FOR EXISTING SANITARY SEWER MANHOLES AND PIPES ARE APPROXIMATE AND WERE OBTAINED FROM CURRENT AS-BUILT DRAWINGS. THE CONTRACTOR SHALL VERIFY EXISTING INVERT ELEVATIONS OF SANITARY SEWER PIPES PRIOR TO INSTALLING THE NEW STORM DRAINAGE SYSTEM.

[illegible]

CORDOVA CITY STREETS IMPROVEMENTS  
ITB # 16-01  
PLAN & PROFILE - RAILROAD AVENUE  
STA "R" 16+00 TO STA "R" 22+00  
ADDITIVE ALTERNATE No. 1 AND No. 2

DOWI



**CITY OF CORDOVA, ALASKA  
PLANNING COMMISSION  
RESOLUTION 20-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA,  
RECOMMENDING A CAPITAL IMPROVEMENT LIST TO THE CITY COUNCIL**

**WHEREAS**, the City of Cordova's Planning Commission is directed by Cordova Municipal Code 3.40.080(E) to *Submit annually to the City Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming three-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year; and*

**WHEREAS**, the City of Cordova's Planning Commission has identified and prioritized a Capital Improvement List that will benefit the citizens of Cordova; and

**WHEREAS**, the City of Cordova's Planning Commission has identified the following Capital Improvement List as being critical to the future wellbeing and economy of Cordova and the surrounding area:

1. Contract to Develop and Implement Addressing E-911 Compliant Database - \$75,000 in E-911 Fund
2. To create a Shovel Ready Project that provides for public safety, additional parking and ADA accessible sidewalks to be used in grant/loan applications. Design parking and walkway on north side of Harbor - \$122,013
  - Shovel-ready design
  - Walkway to meet ADA standards
  - To extend in harbor 25 feet
  - Includes contract services from engineer
  - Based on the cost from South Fill report with engineering at 15% of project cost
3. Code Updates to Title 17 and 18 with funding for attorney time - \$10,000 - \$25,000
4. To create Shovel Ready Projects that provide for public safety and ADA accessible sidewalks which to be used in grant/loan applications. Design streets and sidewalks on Railroad Avenue from Nicholoff to Council and Council from Railroad to First Street - \$25,000-\$35,000
  - Shovel-ready design
  - Includes ADA sidewalks and drainage
  - Nicholoff to Water currently has drawings, but need update
  - Water to Council needs drawings

**NOW, THEREFORE BE IT RESOLVED THAT** the Planning Commission of the City of Cordova, Alaska hereby recommend a capital improvement list to the City Council.

**PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2020**

ATTEST:

\_\_\_\_\_  
Tom McGann, Chair

\_\_\_\_\_  
Leif Stavig, City Planner

# 2020 SEPTEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	01 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	02	03	04	05
06	07 City Closed - Labor Day	08 6:30 PM - Planning Commission Regular Meeting (Electronic)	09 7:00 PM - School Board Regular Meeting (High School Library)	10	11	12
13	14	15	16 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	17	18	19
20	21	22	23	24 6:00 PM - CCMC Board Regular Meeting (CCMC Conference Room)	25	26
27	28	29 6:00 PM - Parks and Recreation Commission Regular Meeting (Cordova Center Rooms A & B)	30 5:30 PM - Commission Training "Great Local Gov't Meetings" (Electronic)	01	02	03
04	05	06	07	08	09	10

# 2020 OCTOBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	01	02	03
04	05	06	07 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	08	09	10
11	12	13 6:30 PM - Planning Commission Regular Meeting (Electronic)	14 7:00 PM - Harbor Commission Regular Meeting (Cordova Center Room B) 7:00 PM - School Board Regular Meeting (High School Library)	15	16	17
18	19 City Closed - Alaska Day	20	21 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	22	23	24
25	26	27 6:00 PM - Parks and Recreation Commission Regular Meeting (Cordova Center Rooms A & B)	28	29 6:00 PM - CCMC Board Regular Meeting (CCMC Conference Room)	30	31
01	02	03	04	05	06	07