

**CITY COUNCIL REGULAR MEETING
MARCH 2, 2011 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Vice Mayor David Reggiani called the Council Regular Meeting to order at 7:35 pm on March 2, 2011 in the Library Meeting Room.

B. INVOCATIONS AND PLEDGE OF ALLEGIANCE

Reggiani led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Vice Mayor David Reggiani*, Council members *David Allison*, *Jim Kacsh*, *Robert Beedle*, and *Keith van den Broek*. *Mayor Jim Kallander* and Council member *EJ Cheshier* were present via teleconference. Council member *Bret Bradford* was absent. Also present were City Manager *Mark Lynch*, City Clerk *Susan Bourgeois* and Deputy City Clerk *Erika Empey*.

D. APPROVAL OF REGULAR AGENDA

M/Kacsh S/van den Broek to approve the regular agenda.

Mark Lynch added Joanie Behrends in at 11.b.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Motion carried.

E. DISCLOSURES OF CONFLICTS OF INTEREST

Allison stated that he may have a perceived conflict with item #24, because he is Board President of a Cordova Telephone Company and Cordova Wireless, a potentially competing company. *Reggiani* stated that he agreed that it might be a perceived conflict, but did not see a direct conflict. *Beedle* stated that he had that same perceived conflict. *Reggiani* decided the same applied to Beedle as Allison.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speakers – none.

2. Audience comments regarding agenda items – *Tom Bailer*, 304 Orca Inlet, stated that he was unaware of the two parcels of land in the packet to be discussed about selling, and he is on P&Z. He thought the City had a good system, with the flow chart. He likes the idea of having a competitive bid. As for the tower issue, he thought according to the tower code, the proposal would not be allowed.

3. Chairpersons and Representatives of Boards and Commissions

(Harbor, HSB, Parks & Rec, P&Z, School Board) – *Jim Nygaard* – gave a presentation of the power point that he was going to give the legislature next week in Juneau on Cordova's schools and programs. Things he discussed were bringing in localized assessments of schools to pinpoint problems and issues; a program that have kids building boats; students' use of laptops; testing scores of the kids in Cordova; a graph of the amount of energy used over the past few years; the summer lunch program provided by the USDA; the ILP program; the peer helper program; student led energy audits; and information about Cordova hosting the annual Alaska Association of Student Government.

Beedle with the Harbor Commission stated that the commission would meet the second Wednesday every month at 7:00 pm at the City Hall meeting room. Last meeting, they talked about future planning, including looking into designating Cordova's harbor as a regional harbor, which is the only harbor in PWS that is not listed as one. *Beedle* also discussed issues concerning the AML land committee, which he is on. One issue being the new proposed legislation on the Little Davis/Bacon Act. He also discussed the Coastal Management Plan, which is due to sunset in 2011, and if not extended, would go over to

Federal management. **Reggiani** asked for Council concurrence for the City Manager to draft a resolution for consideration at the next meeting to discuss support HB155 concerning the Little Davis/Bacon Act legislation. The **Council** concurred.

Allison stated that the Health Services Board had a special meeting last week to discuss an item that is on the Council's agenda tonight (#25). Also, Glenn Ujioka who is NVE's representative, resigned from the HSB.

Reggiani stated that the PSBD committee met the previous Monday to discuss two items. Specifically the synthesis of community comments into a pros/cons list for both locations; and a list that shows design mitigation elements for each site's disadvantages or concerns. He stated that CH2MHill was continuing to work on the space needs and floor plans. They will have something to show the Council in about three weeks, as well as a preliminary cost estimate.

a. Student Council Representative – **Krukoff** stated that the basketball players left for regionals. They are trying to plan a ski hill day, where the students use the hill for free. For a meeting they had, there was a suicide prevention program, so their classes have decided to do a podcast to create a visual aid. They are also trying to have a halibut dinner to promote disease prevention. They would like a movie night in May or April. The Alaska Association of Student Government will be April 14-16th. There are many activities planned.

G. APPROVAL OF CONSENT CALENDAR

H. APPROVAL OF MINUTES

M/Kacsh S/van den Broek to approve the minutes as presented.

Reggiani stated that there was a mistake of the February 2, 2011, regular meeting on the second page. Eagle Contracting should replace Wilson Construction. **Bourgeois** stated that she would make the change.

Vote on minutes: 6 yeas, 0 nays, 1 absent (Bradford). van den Broek – yes; Kacsh – yes; Allison – yes; Cheshier – yes; Reggiani – yes; Beedle – yes. Motion carried.

4. Minutes of 11-23-2010 Joint Work Session
5. Minutes of 02-02-11 Regular Meeting
6. Minutes of 02-16-11 Public Hearing
7. Minutes of 02-16-11 Regular Meeting

I. CONSIDERATION OF BIDS - None

J. REPORTS OF OFFICERS

8. Mayor's Report – **Kallander** stated that he has had a few emails, and it sounds like LT2 is moving forward.

9. Manager's Report – **Lynch** stated that the written report was in the packet. He added that he has sent out the hospital assessment letters, and have received one back. He spoke with Mr. Allison about having the HSB meet with those people when they come to town. He is still working on the RFP that will be sent out once those assessments are finished. He is still working on the ambulance billing, and dealing with Cordova Center things, as well as the PSBD project.

10. City Clerk's Report – **Bourgeois** stated that the election results from the polls only are being advertised. Council Seat B, Jim Kacsh ran unopposed and received 263 votes. Council Seat C, Mr. Allison had 136 votes as a write-in and Mr. Henrichs had 17 votes as a write-in. For School Board, there were two running. Kate Alexander had 251 votes and Donald Kurz had 49 votes. Proposition 1 had 153 votes in favor and 147 opposed. There are 20 ballots to count next Wednesday. The election will be certified during the special meeting next Thursday.

11. Staff Reports

a. Moe Zamarron, COR, Cordova Center Project – **Zamarron** stated that the contractor is on site and the subcontractors are showing up. The ground is being thawed and they are removing snow. Two representatives were here to do a Global Slope Stability Analysis, which really should have been done a year ago. The results were good and all the parties have come to a good consensus. Concrete will start being poured on Friday. On Monday they will do the pull testing on the rods. CH2MHill is on site, and they had a good first meeting. He is waiting on a good comprehensive schedule from the contractor, although the November 1st completion date is still on track. Change order to the budget equal about 282k. Steel submittals are just about finished, and there are 6 outstanding RFI's concerning structural steel issues. **Beedle** asked what the Global Slope Stability Analysis was. **Zamarron** stated that it was to test the shape of a fall-out on the cliff, given a seismic event. The report will help determine how some of the bearings are positioned; however, they did find out that they do not expect any problems.

b. **Joanie Behrends** gave an update on disaster response through the EMPG grant. She gave a handout to the Council members, and read through it.

K. CORRESPONDENCE

- 12. Letter from John Harvill in re: Street names
- 13. Letter to Representative Thomas in re Pioneer Building
- 14. Letter to Governor Sean Parnell in re "Choose Respect
- 15. Letter from Lynch to USCG in re PWSRCAC recertification
- 16. Letter from Lynch to Representative Thomas in re Pioneer Building
- 17. Letter from Lynch to ADEC in re CRWP snow management review

L. ORDINANCES AND RESOLUTIONS - None

M. UNFINISHED BUSINESS - None

N. NEW & MISCELLANEOUS BUSINESS

18. Mayor appointment and Council concurrence to fill two vacant seats on the Harbor Commission **M/Kacsh S/Allison** to approve Mayor Kallander's appointments of Mike Adams and Max Wiese to the Harbor Commission to serve three-year terms to expire in January of 2014.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, Cheshier). Kacsh – yes; Allison – yes; Reggiani – yes; Beedle – yes; van den Broek – yes. Motion carried.

19. Cordova School District additional funding request – **Nygaard** discussed his report in the packet, specifically pointing out that the district's budget was still 50k in the red to make a balanced budget. They are still lacking a maintenance position as well, that is not included in the budget. He would like the City to fund the school to the Cap, which would be about \$117k. Concerning the Timber Receipts, he would like someone to advocate for the schools to the legislatures that it is critical funding for them. **Reggiani** asked about a statement in the packet that stated that the City had not increased funding to the school. **Nygaard** responded that he felt that the Timber Receipts had offset the City's contributions. Furthermore, the citizens of Cordova voted to increase taxes to fund the school. He thought that the intent of the Timber Receipts was never fully realized, and has not complemented the funding effort. He recommends that the city fund to the cap. Timber Receipts are a federal program that is intended to develop programs, the money associated with Timber Receipts does not influence the cap. The City could fund well beyond the cap if they chose to. **Allison** agreed with Nygaard that the taxes were supposed to be increased, but instead had the Timber Receipts cover the costs. He supports the school district, and is in favor of giving them the money they need. **Kallander** disagreed, and thought the Council was misled about what sort of levy would be needed to service long-term debt on the school. The Council had a long

discussion about moving forward or not. They decided to use the Timber Receipts to cover the costs, and still maintain the mill rate as was, and not burden the City with exceedingly high taxes. **Kacsh** stated that he thought a resolution should be drafted requesting the additional money, and when they address it again, have the budget books in hand and to really see if they can fund anymore or not. **Reggiani** agreed.

M/Kacsh S/Beedle to direct staff to prepare a resolution for the money the school needs.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Allison – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes. Motion carried.

20. Report from E-911 RFP Committee and Council action

M/van den Broek S/Kacsh to move to direct staff to enter into contract negotiations with ProComm Alaska for the design and installation of the E-911.

Groff stated that they sent out an RFP to nine agencies, and received three back. Of those, two were disqualified, which left ProComm Alaska. The price that they have offered includes more than the City is currently ready for, which is \$360k. The price is negotiable, and he recommends doing that. **Kacsh** asked if there would be an ongoing maintenance cost. **Lynch** replied that there would be. **Allison** stated that he supported the resolution, and felt comfortable working with ProComm.

Vote on motion: 6 yeas, 0 nays, 1 absent (Cheshier). Van den Broek – yes; Kacsh – yes; Allison – yes; Cheshier – yes; Reggiani – yes; Beedle – yes. Motion carried.

Kallander asked Lynch why the land purchase proposals circumvented the planning department. **Lynch** stated that he followed City Code. He had legal opinion in the past which recommended to not use previous flow chart because it didn't follow the Code. He thought that before staff spent much time on research, he wanted to know if the City even wanted to sell these properties. **Kallander** suggested that they should go back to planning to get some background to give the Council.

M/Cheshier S/Beedle to refer these requests back to P&Z so they can give a recommendation on whether or not the City would like to sell the requested properties for agenda item numbers 21, 22, & 23.

Vote on motion: 6 yeas, 0 nays, 1 absent. Kacsh – yes; Allison – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes. Motion carried.

21. Request for purchase of City land South Fill Development Park Lot 3 Block 2

22. Request for purchase of City land South Fill Development Park Lot 5 Block 2

23. Request for purchase of City land Original Townsite Lots 1-4 Block 42

Mayor Kallander departed the meeting at 9:57 pm.

Vice Mayor Reggiani requested a five-minute break. Hearing no objections, the Council recessed from 9:57 pm until 10:08 pm.

24. Request for lease of City land Ptn of Tract A, USS 833 (Sewer Treatment Plant)

M/Kacsh S/Reggiani to instruct the City Manager to negotiate a lease of City real property described as approximately 50' x 40' section of Tract A with Atlas Tower, LLC.

Allison stated that P&Z recently discussed this; however, it didn't look like the same proposal. He also didn't see a recommendation from P&Z, and would like to know what they thought. **Sam Greenwood** stated that P&Z reviewed a preliminary proposal. P&Z approved it, and recommended that Council approve two conditions: a special conditions permit before putting the tower up, and a final site plan to be approved prior to the permit. **Mike Powers** from Atlas Towers explained their company, and their

wishes to build and lease land for a wireless facility. The result would be a better and more competitive service for wireless consumers in Cordova. **Allison** asked if there were providers that were interested in using the tower for their services. **Powers** stated that there were several companies that had expressed interest. **Allison** stated that he thought the three mono-pole towers were in direct violation with the new tower code. He was also unsure about the location at the wastewater treatment plant, as they were in the process of finding ways to improve it, and might need that area. He also thought that the wireless service providers who might lease the tower space were speculative at the moment, and he couldn't support that. **Nathan Foster**, President of Atlas Towers, stated that there was a carrier who was pushing them to build a site as quickly as possible, and there would be no reason to worry about having a "naked" tower. **Kacsh** would like the legwork that P&Z had done covering this issue in the packet, so that they could have some history before-hand.

Vote on the motion: 5 yeas, 1 nay (Allison), 1 absent (Bradford). Allison – no; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes. Motion carried.

25. Council appointment of Acting Health Services Administrator

M/Kacsh S/van den Broek to appoint Stephen Sundby as the Acting Health Services Administrator at CCMC, beginning as soon as he obtains his provisional license and remaining so until further notice.

Allison gave a background as to why the administrator position at CCMC became free; and Sundby's history with the hospital. He stated that Sundby would receive his provisional license within the next week. **Van den Broek** asked when the HSB would be looking for a permanent administrator. **Allison** replied that it depends on when the Council decides if they want to contract out to a third party or not; which is currently being addressed by Mr. Lynch and the RFP that is being composed.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes. Motion carried.

26. Pending Agenda and Calendar

Cheshier departed the meeting at 10:35 pm.

Kacsh would like to see all the Board and Commission meetings on the calendar.

The **Council** concurred to have a resolution on the Thursday, March 10th, special meeting to support HB106, dealing with Coastal Management.

Reggiani wanted to discuss revisions to the Historical Preservation Commission in Code at the next regular meeting.

Allison and **van den Broek** stated that they would be gone from the March 16th meeting, but may be able to call in.

O. AUDIENCE PARTICIPATION

Tom Bailer, 304 Orca, stated that he agreed with Mayor Kallander's version of the Timber Receipt money. He also stated that P&Z had come up with a fair way to sell property, so that everyone knew about it. At one time he was also interested in one of the lots being discussed. He thinks it needs to go through the right process, and everyone in town should have an opportunity to look at it. He feels that one person should not be negotiating the sale of land.

P. COUNCIL COMMENTS

27. Council Comments

Kacsh stated that he wanted the Code to be figured out on land sales before anymore went through.

Van den Broek echoed Kacsh's statements.

Allison stated that he did not want a moratorium put on land sales. He thinks the Code can be fixed in a month.

Beedle stated that he wanted meetings noticed better.

Reggiani stated that he agreed with **Allison**. He thinks P&Z should be involved and he hopes he can find these maps that **Allison** referenced about snow dumps. He also thanked Dick Groff for all his work for the City.

Q. EXECUTIVE SESSION - None

R. ADJOURNMENT

M/van den Broek S/Kacsh to adjourn the regular meeting at
Seeing no objections, **Vice Mayor Reggiani** adjourned the meeting at 10: 45 pm.

Approved: April 6, 2011

Attest:


Erika Empey, Deputy City Clerk

