

**CITY COUNCIL REGULAR MEETING
MARCH 3, 2010 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor Timothy L. Joyce called the Council Regular Meeting to order at 7:30 pm on March 3, 2010 in the Library Meeting Room.

B. INVOCATIONS AND PLEDGE OF ALLEGIANCE

Corrine Erickson led the audience in an invocation
Mayor Joyce led the audience in the Pledge of Allegiance

C. ROLL CALL

Present for roll call were *Mayor Tim Joyce*, Council members *David Allison, Bret Bradford, EJ Cheshier, Jim Kacsh, James Kallander* and *David Reggiani*. Council member *Robert Henrichs* was absent. Also present were City Manager *Mark Lynch* and City Clerk *Lila Koplin*.

D. APPROVAL OF REGULAR AGENDA

M/Reggiani S/Kacsh to approve the regular agenda.
Vote on motion: 6 yeas, 0 nays, 1 absent (Henrichs). Motion carried.

E. DISCLOSURES OF CONFLICTS OF INTEREST – none.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speakers – None.
2. Audience comments regarding agenda items

Mary Anne Bishop, 406 4th Street, stated that she was there on behalf of the Audubon Society. She asked the Clerk to enter the opinion piece into record from the Cordova Times. Bishop urged the Council to vote no on Ordinance 1066, and start over with a public process.

Connie Benell, Stern property next to Fleming Spit, is here on behalf of the community. She stated she had interviewed about 300 people, and the majority of the people would like the area to remain conservation. She asked the Council to vote no on Ordinance 1066. *Benell* then read a letter from Lorna Stern, stating that she was firmly against the rezone as well.

Charles Ellis, hospital employee, stated that he wanted to present a petition from employees that supported the CEO David Bryant, as Hospital Administrator. They requested a special meeting on or before 03-16-10, so that the Council could fully investigate the situation before voting.

Jennifer Gibbons, 303 Browning St., thanked all the people who ran for Council, and Mayor Joyce for his time as Mayor. She stated that the rezone area is well used for recreation. She appreciates the Council's pursuit of development, but would like to have a series of workshops to discuss the issue. She would like to have a comprehensive planning process for the waterfront area with lots of community input.

Bill Lindow, 1103 Pipe St., thanked all the Council members for serving, and Mayor Joyce for all the time he has served over the years. He stated that he was there to speak about the Fleming Spit rezone; and urged the Council to take the recommendations of the Audubon Society and the Prince William Soundkeeper.

Kate Alexander, 216 Orca Inlet Dr., stated that she would request the Council to slow the process down for the rezone, and take into account the broader interest of the community.

Paul Saunders stated that he has been living and paying taxes in Cordova for 35 years and would like his street light to remain on. He stated that there is a bad curve where he lives, and four cars have gone off the road and into the lake. He thinks it's a dangerous area in the dark.

Bill Webber, 2000 Power Creek Rd., stated that he has been living there for thirty years, and would like the light on the corner to remain on. There is a fire hydrant and a transformer below, as well as a creek nearby that all need to be seen. He thinks it should be there for safety purposes.

Julie Reynolds, 412 1st #2, stated that she recreates in the Fleming Spit area almost daily, and works with tourists during the summer in that area. It's a valuable area to Cordova. She would like the Council to vote no to Ordinance 1066, or slow the process and have more public input.

Gus Arvidson, Observation Ave., stated that there are three street lights in the area, and now the City wants to remove the middle one. He stated it's too dark as it is. He's concerned about theft. He would like the light to remain on.

Harry Curran stated that he has lived in Cordova for 85 years. He stated that the light next to his house has been there since he was a little kid. He stated that he is against removing that light. He likes to walk at night in the fall, and would like to see where he is going.

Bruce Stamper, 5.5 CRH, Loop Rd., stated that he was there to discuss the light issue. He stated that it's already hard to see in that area, and when people need to use that road because of avalanche hazards, it makes the area very dangerous. The light also illuminates the avalanche gate so people can see that the road is closed.

Steve Witsoe, Shelter Cove, stated that he has lived in Cordova for over a dozen years. He is concerned about the rezone, and if the City feels that they need to do the rezone, he would like them to take just what they need.

RJ Kopchak, Observation Ave., stated that he was there representing the Prince William Sound Science Center. There is a request in the packet for the City to endorse an effort to get funding through the Coastal Management Program and the Minerals Management Program out of D.C. to do a major synthesis of the research and science in PWS. He would like the Council to endorse the letter. *Kallander* asked if it would increase jobs in town. *Kopchak* stated that it wouldn't increase the jobs in town directly, but could provide a job in the future at the science center.

Kristin Smith, CRWP, stated that she was there to discuss the rezone issue. She would like more of a comprehensive planning process looking at costs and benefits of multiple locations, and would also like more workshops for the public. If the Council did decide on the Fleming Spit area, she would like mitigation efforts, such as a green fence and maintaining a usable area for recreation.

Jay Bean, stated that he has been in Cordova for about nine years. He was there on behalf of Mike and Joan Jackson to discuss the lights on Power Creek, stating that if anything, they should add some lights.

3. Chairpersons and Representatives of Boards and Commissions

Bradford stated that Parks and Rec. had a commission meeting, and the results were in the packet. They are raising the fees at Odiak Camper Park, and adding a freezer fee. *Herschleb* stated that they also brainstormed to identify a place to put equipment that they purchased for the children's memorial park. *Mayor Joyce* asked if the freezer fee was charged for all lots. *Herschleb* stated that it was just for people who choose to plug in a freezer.

Jim Nygaard stated that with the increased expectations of 'No Child Left Behind,' they are trying to better identify the kids who need extra help. State basketball tournaments begin soon for the girls and boys in Seward. The school board will begin the formal budget process for next year's funding. They are tracking House Bill 317 for funding. The calendar will be approved the following week. The school year will start the second week of September because of the Mt. Eccles construction, and will end June 3rd. In regards to construction, there are many materials that need to be purchased over the next year. *Nygaard* would like a formal opportunity to sit down with the Council to discuss construction protocol, Council input, and purchase prices. He would like an additional street light at Mt. Eccles. He stated that it is

extremely dangerous with the lack of lighting, considering it is the busiest corner in regards to kids. Lastly, *Nygaard* stated that he had heard comments that the teachers might be getting paid too much. He offered the Council members to come talk with him about their concerns.

4. Student Council Representative

Jessica Smyke stated that some student council members would be attending the Alaska Association of Student Government over spring break. Next spring Cordova will host that conference. Last weekend the school had their homecoming dance. It was a success. *Smyke* discussed the methane digesters. *Bradford* stated that he wanted a tour of the methane digesters. *Smyke* stated that she would find a time when they can come.

G. APPROVAL OF CONSENT CALENDAR

M/Reggiani S/Kacsh to approve the consent calendar.

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

5. Record unexcused absence for Council member Bret Bradford
From the 02-17-10 regular meeting. Reason – vacation.

H. APPROVAL OF MINUTES

M/Reggiani S/Kacsh to approve the minutes.

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

6. Minutes of 01-05-10 joint work session

I. CONSIDERATION OF BIDS – None.

J. REPORTS OF OFFICERS

7. Mayor's Report – *Mayor Joyce* stated that he went to Valdez to discuss common interests with the Mayors of Whittier and Valdez. They teleconferenced with some of the villages. They discussed improving the marine ferry. One solution would be to form a port of authority, where the State provides the ships and a subsidy to a port. They discussed hydroelectric power, which wasn't really feasible for Cordova if the source was in Valdez, and the possibility of a gas-line. *Mayor Joyce* stated that he also went to Juneau. He discussed funding for the Cordova Center and the AMHS schedule. There will be an AMHS meeting the following night in the Library meeting room. As far as the Cordova Center, there was a lot of support, with representatives putting about \$2M in their budget requests.

8. Manager's Report – *Mark Lynch* stated that there was a brief report in the packet. He has been working on the scrap metal and junk car issue. He stated that Ron Smith

from Soldotna might be able to remove all the scrap and junk for free, as well as remove the fluids from the vehicles at a low price. He will know more at the next meeting. In addition, *Lynch* is continuing to work on the LT2 water issue, a new map for boat trailer parking, City internet usage, and the school construction purchase process. He needs to meet with the Council to discuss how to deal with the school construction purchases. *Kallander* requested a school construction budget be brought to the next meeting. *Lynch* stated that he would bring one. Referring back to LT2, *Lynch* stated that the cheapest option may be UV light, costing between \$5-10M. He clarified for the audience that this was an EPA regulation for water treatment. *Mayor Joyce* stated that it needs to be done because Cordova uses surface water for drinking. He stated that while in Juneau, he discovered that Cordova has to comply, regardless of Cordova's circumstances.

9. City Clerk's Report – *Lila Koplin* stated that the election was the previous day, with about 567 ballots cast, 67 absentee ballots, and 2 qualified questioned ballots. Absentee ballots will be counted on Wednesday, March 10th. Susan has been working on the property tax roll with the assessment notices going out the following Friday. There will be a thirty-day appeal period. The 2009 foreclosures were published in the paper the previous week. They are published for four weeks. There was going to be an ordinance for the Emergency Operations Plan tonight, but the attorney had made some changes, and Koplin did not have time to review it. It needs to be passed by the end of the month however.

10. Staff Reports

a. Status Update: Street Light Disconnections – *Tom Cohenour* stated that he had an update for the information in the packet. Shoreside Petroleum stated that they would like the light behind their building on First Street left on. Regarding the memo in the packet, *Cohenour* stated that he would like some direction from the Council dealing with the annexed area and the street lights. *Bradford* stated that given all of the public comment he would like more time to discuss the issue. He would like it on the next agenda. *Cheshier* stated they should at least have a workshop on it. *Allison* stated that they should check to see if all the lights are working. He also thought that they should discuss the issue more with people that have a discrepancy. *Kacsh* explained the reasoning behind turning off certain lights. He stated that they should really consider the people's requests for certain lights to remain on. *Cohenour* stated that two of the lights were State lights, and two of the poles have no lights. He stated that more research needs to be done. *Kallander* stated that it should be on the next agenda for discussion. *Mayor Joyce* stated that when they get to pending agenda and calendar, they could decide when to meet to discuss the street lights.

Cohenour gave an overview of the school's construction. Overall, the construction is moving along nicely and they are still on schedule. There were a few drainage issues, and questions about the integrity of the concrete roof slab. The engineers have taken two core samples to determine the severity of damage to the slab. *Cohenour* can inform Council of their findings at their next meeting. For the renovation, the demo is completed and they are on schedule to complete the project in the given time-period.

K. CORRESPONDENCE

11. Letter from Alaska Pipeline Project announcing the Open Season Process
12. Letter to DOT re: Repaving of the CRH Mile 0 – Mile 6.5

On another note, *Mayor Joyce* delayed writing a letter regarding the dip netting in Chitina and personal use priority that Council had directed him to write. It was brought to his attention that the Chair of the House Finance Committee had introduced that legislation, and pursuing a letter of that type would probably not help obtaining funding for the Cordova Center. He thought it would be better to write the letter when that particular action was closer to advancing, which would probably not happen this year.

M/Bradford S/Kacsh to take a five-minute recess.

Seeing no objection, *Mayor Joyce* allowed a five-minute break at 9:05 pm, and reconvened the regular meeting at 9:10 pm.

L. ORDINANCES AND RESOLUTIONS

13. Ordinance 1065

An ordinance of the City Council of the City of Cordova, Alaska, authorizing the transfers of money from the General Reserve Fund (Permanent Fund) to Governmental Capital Projects funds, to provide a source of money for the capital projects expenditures which were appropriated in the operating budget for fiscal year 2010 – 1st reading

M/Kallander S/Bradford to adopt ordinance 1065, an ordinance of the City Council of the City of Cordova, Alaska, authorizing the transfers of money from the General Reserve Fund (Permanent Fund) to Governmental Capital Projects funds, to provide a source of money for the capital projects expenditures which were appropriated in the operating budget for fiscal year 2010.

Allison questioned if the money for the Cordova Center needed to be transferred at this point. *Bradford* stated that they discussed this previously, and the intent was to transfer it now for different funding opportunities for the Center. *Mayor Joyce* stated it was also an accounting issue, to show contribution by the City. *Allison* stated that they budgeted the interest for that \$1.5M in the regular budget already. Now the earnings wouldn't be contributed to the permanent fund, but would go to the Cordova Center fund, which wasn't necessarily a bad thing. *Mayor Joyce* stated that Allison was right; and they were talking about four to five months of interest. Moving the money just shows a commitment from the City for the Cordova Center.

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

14. Ordinance 1066

An ordinance of the City Council of the City of Cordova, Alaska, approving the rezone of property described as part of A.T.S. 1004 from Conservation to Waterfront Industrial – 1st reading

M/Reggiani S/Kacsh to adopt ordinance 1066, an ordinance of the City Council of the City of Cordova, Alaska, approving the rezone of property described as part of A.T.S. 1004 from Conservation to Waterfront Industrial.

Kacsh stated that as it stands, the community does not want to rezone 25 acres. There was an intention behind it, but he would be willing to sit on a committee designed for more public input and comments. *Bradford* stated that he agrees with *Kacsh*. *Kallander* stated that he supported more development along the waterfront; however, he would be open to a committee. He would like the issue to stay with the Council instead of being referred back to P&Z. *Cheshier* stated that he agreed with *Kallander*. *Kacsh* stated that he agrees that they do need more industrial land; however, leaving this land conservation for now would still allow it to be changed in the future if the City really needed to. He doesn't think that at this point the City needs to rezone 25 acres. *Bradford* stated that he agrees with everything that has been said. As it stands now, he wouldn't support the first reading. He would like additional comment. *Mayor Joyce* stated that it needed to be referred back to staff if they wanted additional comments and workshops. He supported having workshops for the community, so that everyone understands what is going on, and to get additional comments.

M/Reggiani S/Cheshier to refer back to staff.

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

15. Resolution 02-10-07

A resolution of the City Council of the City of Cordova, Alaska, adopting service fees, rates and charges for the 2010 calendar budget – 1st reading.

M/Reggiani S/Bradford to approve resolution 02-10-07, a resolution of the City Council of the City of Cordova, Alaska, adopting service fees, rates and charges for the 2010 calendar budget.

Kallander stated that they increased the fees a few years ago, and now they are doing it again. He thought that it was getting a little expensive. *Lynch* stated that at this point, Odiak Park is just breaking even because they removed the administrative fees. *Herschleb* stated that the fees need to be increased due to upgrades for safety concerns as well as energy costs. *Reggiani* asked if part of the fees were going to pay back the permanent fund for the \$10K investment. *Herschleb* stated that the fees were just going to cover the upgrades and electrical costs. *Allison* cautioned the Council that raising the rate too high might encourage people to just park their camper wherever they want. *Kallander* agreed with *Allison*. *Mayor Joyce* questioned whether they could increase the rate over a couple years. *Lynch* stated that increasing it only a dollar this year would not cover the costs. *Kacsh* stated that he viewed the park like all other enterprise funds, which is to break even, not make money. He thought that they should do the upgrades first, and then increase the fees to cover the upgrades.

M/Reggiani S/Allison to amend the service fees, rates, and charges for the 2010 calendar budget, by changing the daily rate for the Odiak Camper Park camper spaces with electrical from \$25 to \$23.

Vote on amendment: 6 yeas, 0 nays, 1 absent (Henrichs). Motion carried.

M/Allison S/Reggiani to amend the resolution to add the public safety and public works fees.

Vote on amendment: 6 yeas, 0 nays, 1 absent (Henrichs). Motion carried.

Vote on main motion to approve the resolution with amendments: 6 yeas, 0 nays, 1 absent (Henrichs).

16. Resolution 02-10-08

A resolution of the City Council of the City of Cordova, Alaska, adopting rates and fees for use of facilities at the Cordova Harbor and Port for the 2010 calendar budget – 2nd reading

M/Kallander S/Cheshier to approve resolution 02-10-08, a resolution of the City Council of the City of Cordova, Alaska, adopting rates and fees for use of facilities at the Cordova Harbor and Port for the 2010 calendar budget.

Kallander stated that the Harbor budget was nicely done. *Reggiani* and *Cheshier* agreed.

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

17. Resolution 03-10-11

A resolution of the City Council of the City of Cordova, Alaska, approving the final plat of Cabin Ridge Phase II.

M/Reggiani S/Kacsh to approve resolution 03-10-11, a resolution of the City Council of the City of Cordova, Alaska, approving the final plat of Cabin Ridge Phase II.

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

M. UNFINISHED BUSINESS – None.

N. NEW & MISCELLANEOUS BUSINESS

18. Council approval of request for purchase of City property legally described as Lot 13, Block 13, Original Townsite

M/Bradford S/Cheshier to approve the request for purchase of City property legally described as Lot 13, Block 13, Original Townsite.

Cervenka stated that the lot was a small city lot not large enough to build on. After advertising for 30 days, they received one purchase request from Hallquist. They plan to leave the land as it is. *Cervenka* recommends that they sell the lot with a deed restriction or something similar stating that the property cannot be sold separately again.

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

19. Council approval to send letter of support endorsing PWSSC's development of an online synthesis.

Kallander asked for Council concurrence for the Mayor to write a letter of support. The *Council* concurred.

20. Council approval of Senior Citizen property tax exemption applications received after the Jan. 15 deadline

M/Cheshier S/Bradford to authorize the assessor to accept the 2010 Senior Citizen Property Tax Exemption applications for William Cobb and Joy Rawlins as if timely filed.

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

21. Council approval of Boat Haulout Payback schedule

M/Bradford S/Kacsh to discuss the Boat haulout Payback schedule over 10 years.

Lynch stated that the payback amounts listed in the packet did not include interest. The Council would have to decide the rate to be applied. *Kallander* stated that the 10-year fee was pretty high. *Dale Muma* agreed that it was a little high, and recommended that they choose another schedule. He also stated that the schedule could be amended in the future if they were not breaking even. *Kacsh* stated that they should choose the least aggressive payment schedule. *Kallander* agreed.

M/Kallander S/Bradford to amend the motion to choose the 20-year schedule with a payment rate of \$230.77.

Allison questioned if they would charge interest. *Kacsh* stated that he did not think that they should. *Council* concurred. *Mayor Joyce* directed *Lynch* to compose a resolution with the 20-year schedule.

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

Vote on main motion as amended: 6 yeas, 0 nays, 1 absent (Henrichs). Motion carried.

22. Discuss City Clerk job description and job announcement

Lynch questioned if item #4, the education requirement should be changed. The *Council* didn't think it needed to be.

23. Pending Agenda and Calendar

Regarding the street lights, *Mayor Joyce* wanted to know if the Council should have a workshop for the public to come in and discuss what lights should be left on. *Bradford* agreed, and thought that the workshop should be the following week. The *Council* decided on a workshop on March 11th after the Special Meeting.

Reggiani stated that there should be a workshop or a series of work sessions to deal with the rezoning issue. The *Council* concurred and decided to meet before the regular meeting on the 17th at 6:00 pm.

Lila Koplín stated that the Emergency Operations Plan ordinance needed to be approved before the end of March. The first reading would take place at the March 17 regular meeting. A special meeting would take place on March 31st, with the time to be confirmed at the regular meeting on the 17th.

O. AUDIENCE PARTICIPATION

Connie Benell stated that for the record, Mark Begich received an appropriations request from AIGCO for \$8.8M in the name of City of Cordova Gas Utility.

Tom Bailer stated that Tom Cohenour was doing a great job.

Jennifer Gibbons thanked the Council for agreeing to the workshop on the rezone.

P. COUNCIL COMMENTS

24. Council Comments

Kacsh stated that a citizen asked him to have Council address the speed limit on Whitshed Rd. by the baseball park. He would like to have it on the agenda for the next meeting for discussion. He also thanked the community for allowing him to serve on the Council.

Cheshier questioned if anyone at the City had addressed the letter from Mr. Curran pertaining to the landslide. *Lynch* stated that he had looked at it, and would be responding after he receives some advice.

Allison thanked Council members Kacsh and Henrichs for their time served on Council, and Mayor Joyce's time serving as Mayor.

Reggiani thanked Mayor Joyce and Council members Kacsh and Henrichs for their time serving the City.

Bradford echoed all the sentiments of the other Council members. He stated he has had a great time with Mayor Joyce and Council members Kacsh and Henrichs. He also thanked the audience for their time and participation.

Kallander thanked Mayor Joyce and Council members Kacsh and Henrichs.

Mayor Joyce thanked all the Council members for their time.

M/Reggiani S/Bradford to have a five-minute recess.

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

The *Council* recessed from 10:40 pm to 10:50 pm.

Q. EXECUTIVE SESSION

M/Cheshier S/Bradford to go into executive discussion to discuss the Council's action pending consideration of the Health Services Board's March 1, 2010 evaluation of the Health Services Administrator, matters of which would clearly have an adverse effect on the finances of the government.

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

25. Council action pending consideration of the Health Services Board's March 1, 2010 evaluation of the Health Services Administrator (Action will be done in open session).
26. Discuss City Clerk separation and contract.

Mayor Joyce convened the executive session at 10:53 pm and reconvened the regular meeting at 11:35 pm.

M/Reggiani S/Kacsh to recess the meeting until 8:15 am on Friday, March 5, 2010 in the Library meeting room, to be done in open session.

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

Vice-Mayor Cheshier called the recessed meeting from the March 3, 2010 Regular Meeting back into order on March 5, 2010 at 8:15 am.

Present for the meeting were Council members *Robert Henrichs, James Kallander, David Allison, Bret Bradford, EJ Cheshier, David Reggiani, and James Kacsh*. Absent from the meeting was *Mayor Tim Joyce*. Also present were City Manager *Mark Lynch* and City Clerk *Lila Koplín*.

M/Reggiani S/Kacsh to place David Bryant on paid administrative leave, pending consideration of the Health Services Board March 1st, 2010 evaluation of the Health Services Administrator.

Vote on motion: 7 yeas, 0 nays, 0 absent. Henrichs – yes; Kallander – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Kacsh – yes. Motion carried.

M/Kacsh S/Bradford to go into executive discussion to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically to discuss City Clerk separation and contract.

Vote on motion: 7 yeas, 0 nays, 0 absent. Motion carried.

Vice-Mayor Cheshier convened the executive session at 8:20 am and reconvened the regular meeting at 8:30 am.

M/Allison S/Bradford to accept the resignation of Lila Koplín as City Clerk, and to establish separation of employment to be April 9th, 2010 which will as suffice 60-days notice.

Vote on motion: 7 yeas, 0 nays, 0 absent. Motion carried.

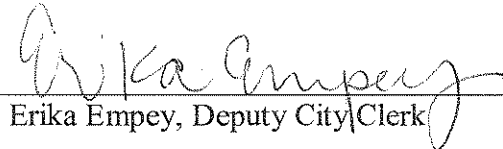
R. ADJOURNMENT

M/Reggiani S/Allison to adjourn the regular meeting at 8:30 am.

Vote on motion: 7 yeas, 0 nays, 0 absent. Motion carried.

Approved: April 7, 2010

Attest:


Erika Empey, Deputy City Clerk

