

Mayor  
James Kallander

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

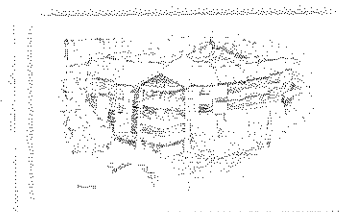
City Manager  
Mark Lynch

City Clerk  
Susan Bourgeois

Deputy Clerk  
Erika Empey  
Robyn Kincaid

Student Council  
Shyla Krukoff

**REGULAR COUNCIL MEETING  
MARCH 16, 2011 @ 7:30 PM  
LIBRARY MEETING ROOM**



**AGENDA**

**A. CALL TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one Nation under God, indivisible with liberty and justice for all.

**C. ROLL CALL**

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

**D. APPROVAL OF REGULAR AGENDA..... (voice vote)**

**E. DISCLOSURES OF CONFLICTS OF INTEREST**

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

1. Guest Speakers
2. Audience comments regarding agenda items..... (3 minutes per speaker)
3. Chairpersons and Representatives of Boards and Commissions  
(Harbor, HSB, Parks & Rec, P&Z, School Board)..... (page 1)
  - a. Student Council Representative

**G. APPROVAL OF CONSENT CALENDAR..... (roll call vote)**

4. Record unexcused absence of Council member Bret Bradford from 3/2/11  
Regular Council Meeting

**H. APPROVAL OF MINUTES..... (voice vote)**

5. Minutes of 03-02-11 Council Work Session..... (page 4)

**I. CONSIDERATION OF BIDS - None**

**J. REPORTS OF OFFICERS**

6. Mayor's Report
7. Manager's Report..... (page 8)
8. City Clerk's Report..... (page 9)
9. Staff Reports
  - a. Moe Zamarron, COR, Cordova Center Project ..... (page 10)

**K. CORRESPONDENCE**

10. Letter from RCAC Executive Director..... (page 11)
11. Email from Nygaard in re Secure Rural Schools Funding..... (page 12)
12. Invitation for Council to R&R Workshop..... (page 15)

**L. ORDINANCES AND RESOLUTIONS**

13. Resolution 03-11-15..... (voice vote)(page 16)

A resolution of the City Council of the City of Cordova, Alaska, approving the license for a mobile restaurant
14. Resolution 03-11-16..... (voice vote)(page 39)

A resolution of the City Council of the City of Cordova, Alaska, approving the license for a mobile restaurant

## **M. UNFINISHED BUSINESS - None**

## **N. NEW & MISCELLANEOUS BUSINESS**

15. Council's right to protest renewal of liquor license for the Loyal Order..... (voice vote)(page 44)  
of the Moose, license #747 (may be discussed in executive session)
16. Council's right to protest renewal of liquor licenses for the Cordova Hotel..... (voice vote)(page 52)  
& Bar, licenses #277 & #278 (may be discussed in executive session)
17. Council's right to protest renewal of liquor licenses for the Anchor Bar,..... (voice vote)(page 61)  
license #61 and the Anchor Liquor Store, license # 62
18. Request for purchase of City land..... (voice vote)(page 65)  
South Fill Development Park Lot 3 Block 2
19. Request for purchase of City land..... (voice vote)(page 70)  
South Fill Development Park Lot 5 Block 2
20. Pending Agenda and Calendar..... (page 75)

## **O. AUDIENCE PARTICIPATION**

## **P. COUNCIL COMMENTS**

21. Council Comments

## **Q. EXECUTIVE SESSION**

## **R. 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.

**If you have a disability that makes it difficult to attend city-sponsored functions,  
you may contact 424-6200 for assistance.**

All City Council agendas and packets available online at [www.cityofcordova.net](http://www.cityofcordova.net)

## MEMO

DATE: March 10, 2011

TO: Cordova City Council

FROM: Harbormaster Muma

RE: Harbor Commission Comments on Alaska Regional Ports Report

Below include a tabulation of comments collected from the Harbor Commission of the City of Cordova regarding the report entitled "Planning for Alaska's Regional Ports and Harbors".

The following comments regard the establishment of port communities as regional hubs and why Cordova is not considered a regional or even sub-regional port in Prince William Sound. Ports listed as regional hubs may be given priority for future funding opportunities.

1. Cordova provides daily jet service from and to Anchorage and Seattle when the other Prince William Sound communities do not(see #2 of bullet 3 below). This facility serves an important function in the export of salmon (see #1 of bullet 3 below).
2. Cordova is currently on ADOT's list to enlarge runway facilities to further enhance export of salmon (see #1 of bullet 3 below).
3. On page 10 of Section 4 of Appendix C, three criteria are listed for selection as a regional hub. **1) Geographic Location.** Although Cordova does not have access to a large population, it does meet and exceed the second part of this criteria which is "substantial exports such as seafood". Cordova is ranked 14<sup>th</sup> nationally for seafood exports which far exceeds those exports of Valdez, Whittier or Seward. **2) Infrastructure.** Cordova may not be on the scale of the other Prince William Sound communities listed as regional hubs because of their access to highways or railways however, it compares equally in terms of harbor and port facilities. Cordova also has an airport, as part of its infrastructure, providing daily jet service to and from Anchorage and Seattle. These other Prince William Sound communities do not. **3) Port Management.** This third criteria was evaluated based on whether these communities had established municipal port and harbor departments; owned both port and harbor facilities; employed multiple year-round employees in those departments; had easily accessible, published tariffs and rate sheets; and demonstrated planning for future port and harbor needs, either through published information on their websites or through projects that were reported as part of the survey for this project. Cordova meets all aspects of this third criteria.
4. See attached comments from Commission Vice-Chairman Greg LoForte.

March 10, 201  
Gregory LoForte  
Box 865  
Cordova, AK 99574

U.S. Army Corps of Engineers  
Alaska District

Ref. Planning for Alaska's Regional  
Ports and Harbors Report: dated 1/2011

I would like to take the time to review some of the material presented in the Ports and Harbors report in regards to the City of Cordova.

After reading the report I find that the City of Cordova does not qualify as a Regional Port. It is true that we in Cordova do not act as a Regional Hub by the standards presented in the report but we certainly should be considered since we act as an Export, Water Based, Marine Traffic, Marine Oil Spill Response, Community.

I would like to bring to light that Cordova is ranked the 14 U.S. Fishing port in the country. We in Cordova supply and maintain a fishing industry that employs thousands of people during the fishing season. We have the ability with the installation of our new 160 ton marine travel lift to service some of the largest fishing tenders that are stationed in Cordova and Prince William Sound. Cordova is the home of over 140 vessels that are under contract with the Alyeska Pipeline Service Co. to provide oil spill response for the tankers as they travel through Prince William sound. Our boat harbor which at the present time is working at 84% capacity is the life-blood of the community. Our town depends on the two marine barge companies that have facilities in Cordova, to provide us our lifeline with the outside. Both Alaska Marine Lines and Sampson Tug and Barge have facilities in Cordova. Our fuel is transported into town via barge and is an essential component that sustains our fishing industry. Since there is no road to Cordova we rely on the Alaska Marine Highway to provide vehicular transportation across Prince William Sound.

In conclusion I would like to thank you for the opportunity to share my thoughts on our community, and although we may not directly support the other outlying villages in Prince William Sound we act as a vital part of the sound and since we are located on the far eastern side of the sound we are vitally dependent on marine transportation just as we were over 100 years ago.

Sincerely



Greg LaForte

**CITY COUNCIL WORK SESSION  
MARCH 02, 2011 @ 6:00 PM  
LIBRARY MEETING ROOM  
MINUTES**

**A. CALL TO ORDER**

*Vice-Mayor Reggiani* called the Council Work Session to order at 6:00 pm on March 02, 2011 in the Library Meeting Room.

**B. ROLL CALL**

Present for roll call were *Vice-Mayor Reggiani*, Council members *Keith van den Broek*, *Jim Kacsh*, *David Allison*, and *Robert Beedle*. Absent were *Mayor James Kallander*, Council members *Bret Bradford* and *EJ Cheshier*. Also present were City Manager *Mark Lynch*, City Clerk *Susan Bourgeois* and Deputy City Clerk *Robyn Kincaid*.

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

1. Audience Comments regarding agenda items

*Clay Koplín*, Chamber of Commerce and CEC, stated that he had attended the last PSBD committee meeting and that he had provided the estimated utility costs for square footage to the City Manager as well as a site plan for an alternative location that he took him to today for consideration.

*Mayor James Kallander* and *EJ Cheshier* joined the meeting via teleconference.

**D. WORK SESSION TOPIC**

2. Tsunami Zone Review

*Reggiani* reviewed for the Council the Public Safety Building Design Committee's task to provide the City Council with a conceptual design for a new public safety building. The parameters are to work with CH2MHill, to review both locations and to encourage community input. He stated that it has become apparent that site selection would not be feasible with this committee. The committee has done a great job and encouraged community input which has been very welcome and very much appreciated and he hopes it keeps coming. He reviewed the history of the new public safety building so the Council would know what has transpired in the last three years with this process and where the committee is now focusing in on why the tsunami zone issue is such a big deal. He stated that to locate a new building back at the same site, in the tsunami zone, would really limit the outside funding for construction and maintenance for the new building. *Lynch* added that grant funds are becoming more difficult to get for the current building. The facility cannot stay at the same location unless the community is willing to pay for everything the grants would normally fund. He has been in contact with John Madden, the Director of Home Land Security for Alaska, and he says they cannot give a number for the tsunami zone until the study has been done and it could be two years yet before it is done. *Joanie Behrends* stated that she had done some research on the tsunami level when she was writing the disaster preparedness and she spoke with the people at the Palmer Tsunami Center. There is more information available at the West Coast Tsunami Warning Center's website. The tsunami testing is a detailed investigation of the lay of the land on the ocean bottom. Currently Cordova is ninth on the list to be done. She mentioned that she would be surprised if the study was done in the next two years. *Kacsh* stated that there is the possibility that the City could build this new building, the rules could change, and there could be no outside funding available. *Beedle* stated there are many other communities that cannot have a public safety building above the tsunami zone level, there has to be a way to mitigate that challenge. *Reggiani* stated that the City could build anywhere but we may not get funding based on the site selection if it is too low. *Beedle* added that he is not sure the city should build based on a tsunami threat. *Reggiani* stated that he would

like to see the committee keep working on the design until the actual official tsunami level number can be obtained. **Van den Broek** stated if the City is currently getting threats to lose funding for its present location, then maybe the City needs to band with other communities in this situation and fight the ruling. **Lynch** stated that the argument would come back that, if the level cannot be obtained, the City should select a site that is the best site possible. **Kacsh** stated that everything is almost at a standstill for more design until we have a site selected. **Reggiani** replied that there still is much work to be done in floor planning and the inside of the building that can be worked out to give us more than just blocks to play with. He stated that he is afraid that if we do not get started than we could be behind on funding. **Beedle** stated his concern with designing a building that is at least two or more years out and technology changes. If we just talk design, could we take the site selection off the table for now to minimize controversy? **Cheshier** stated that he agrees with **Reggiani** that we should continue work on the design with a neutral canvas and that the designing still needs to be paid for so we still need to get planning money. **Van den Broek** stated that the committee should focus on design. The committee has encouraged a lot of community involvement, if they wait two years the momentum and community involvement could go away and this will all have been a waste of time. **Kacsh** stated that the City Council should move forward on site selection beyond the two sites reviewed thus far and look at both the City owned and privately owned properties. **Reggiani** stated that the City could get funding for a design specified to be built out of the tsunami zone. He reminded the Council that the Cordova Center took eight years to plan and it will be at least three before the current building will start to be vacated. This is not too early to start planning the next project. **Chief Mike Hicks** added that as a Public Safety Building Design Committee member there have been many things brought up and discussed in the meeting that will benefit the community regardless of where the new building goes. **Jennifer Gibbins** asked how much the City has committed for the design of this building thus far. **Reggiani** replied that the City has committed \$75K to CH2MHill to produce a conceptual design. **Tom Bailer** stated that it is important to start the planning now because it takes a long time to get the details and materials together and the Public Safety Building is a complex building that will take much planning. It is a lot cheaper to move rooms around on paper once a site has been selected and we know what each room will require. **Dick Groff** added that **Irv Petty** from Home Land Security gave a verbal number for the tsunami level to be 50 feet or higher. The number is, however, unofficial. **Clay Koplin** inquired as to what the Copper River Highway site level was at. **Groff** responded that it was at 48 feet. There will be enough fill at that site to raise it up to the 50 feet if we choose that site. **Van den Broek** inquired about the level of the 5-mile sub-station. **Hicks** said he did not know and that they have received grant money for equipment for that site before but currently are having difficulties. **Allison** stated that everything at this point is speculation; we need to design the building, and then decide what location would best fit the needs of the building. We are a long way and much funding to get before we start the groundwork on a site so he does not see the need to worry about a site selection. **Van den Broek** stated that currently the ball is rolling on site selection, we do not want to stop that, it should continue while it is still on everyone's minds. Perhaps the Council should set up a few more work sessions to discuss site selection. A good decision will come from good options. **Clay Koplin** added that the sub-station was built after the last tsunami review and was built on an annexed piece of property, which is why they do not have that number. **Mayor Kallander** said he is encouraged that no one is ready to let this go. This could be a ten-year process and we need to get designs and cost estimates floating around Juneau and D.C. so we can start getting funding. We need to be a forward thinking Council like the Council before us and encourage economic development in Cordova. **Van den Broek** stated that another reason to focus on the site selection is that the Cordova Center will be done in two-years so we need to decide if we want to save the library site for eight years or sell it.

### 3. Police and Fire Building Space Needs

**Reggiani** had **Dick Groff** come and go over the list of space needs for the Police and Fire Building for Council. **Groff** stated that there were some concessions made in the two-day workshop that are itemized on the right side of the handout. **Groff** answered some basic equipment questions from Council. **Van den Broek** asked why there has been space allotted for three bunkrooms. **Groff** responded with five reasons: if the department will ever become a paid department, we will need a place to have a 24/7 team; it will be the alternate EOC and will need to have a place for volunteers to crash for a bit; if the department ever configures a schedule for the volunteers to be in the hall certain days of the week then we will need to have a place for them to sleep; there is an option to have a single person actually live there that will be on duty all night; lastly it will be a place to house trainers when they come to town. **Beedle** stated that that could be something that could be added on later. **Reggiani** stated that these numbers are to help CH2MHill build numbers for the vertical costs. **Allison** stated that at this point, we should be planning for the maximum and future needs, then cut it down depending on funding. **Beedle** asked if there are estimates yet. **Reggiani** replied that there are not yet. **Groff** stated that a Public Safety Building is built to a higher standard than a house or a store, which will be reflected in the costs. **Kacsh** stated that as a committee member they are still working on the space needs. What is presented in the handout is a work in process. **Reggiani** stated that in two or three weeks the committee will have some numbers to look at from CH2MHill. **Chief Hicks** reminded everyone that this committee is designing fifty-years into the future, so they have to try to anticipate the needs. It may be a paid department or if Cordova's needs grow. **Tom Bailer** stated that he does have a concern with the fitness room and the bunkrooms. He thinks they should be utilizing the hotels and restaurants in town. Also, there is Bidarki available to meet the fitness needs. **Van den Broek** agreed with **Bailer** that the fitness room stuck out to him as well and perhaps those funds can be put towards a public facility. **Joanie Behrends** stated that for training, they bring in instructors and some classes require many hours. The EMS1 training, for example, is a 50 hours class and because they are training volunteers, they have to do the training in the evenings and on weekends to accommodate their work schedules. To do this extends the training over long period and if the department puts the trainers up in a hotel, it could cost thousands of department money. This in the end would have to be paid for by the taxpayers so it may even out in the end. **Chief Robert Baty** stated that the fitness room is important because the departments are public servants, which are required to keep a certain level of physical fitness for their safety and for liability reasons. Yes, Bidarki is available but it is difficult with shift work to make it there when they are open. It also, would be an incentive for volunteers to keep fit. With both departments, there are high-risk situations that could have high liability if they are not physically fit. In addition, the City could be held responsible if a means for them to maintain that expectation is not readily available. The training room also provides a place for private training for elf defense, which would limit the excessive force issues. To mitigate that risk the fitness area was included in the design.

## E. AUDIENCE PARTICIPATION

**Clay Koplin** stated that the planning process is great. Looking into the future is important. It takes time to get a quality product. The tsunami zone is a driver but perhaps more cooperation could be given if approached differently. He stated that the community does need a new Public Safety Facility but it also needs a vibrant district with adequate parking to support it with growth opportunities.

**Tom Bailer** stated that the Resolution from Council to start this committee is the best thing they ever did. The committee has got people involved and concerned who are coming to the committee with feedback, which is fantastic. He did talk to a community member this week about the usage of truck in the alley way and they have not been using 40 foot trucks. Not to say they will not need to use one in the future but they do not currently use them. Yes, look for sites but do not forget what the committee has already accomplished. There have been many great things brought to the table: crosswalks, 2nd street



parking, alleyway, snow dump, etc. We can use those ideas for developing the downtown site even if we do not use it for the Public Safety Building.

**Luke Weinrick**, Mt. Eccles Estate #7, stated that he liked the idea of planning for a building but is not happy with the downtown site and would like to see the Council look at other locations. The open canvas is a good idea. Keep planning and looking for financing it is looking ahead for Cordova.

#### F. COUNCIL COMMENTS

**Beedle** stated that there are no complaints for the need for a building just the sites. He hopes those that are putting the time into the selection are listening. The Council should look at other spots and not rule anything out. He thanked the committee members for their work.

**Allison** said the committee needs to be careful not to short themselves in office storage and space, this is the planning stage. He stated that he is not too concerned with the site selection but the Rec Center and pool need to be considered too. We will need a place to put them eventually even if it is a long ways off.

**Van den Broek** said to push for more work sessions to discuss the site selection.

**Cheshier** stated that there have been some good conversations so far. The bottom line is to set ourselves up the best way we can to get free money.

**Reggiani** stated that we have many concerns with the downtown area, outside of it possibly being a location for the Police and Fire Facility, which will need to be addressed. Some of them will be brought up and talked about at the P&Z meeting Tuesday night at 7:00 pm at the City hall conference room.

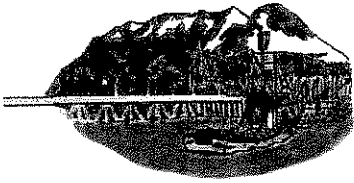
#### G. ADJOURNMENT

**M/Kacsh S/Beedle** to adjourn the work session at 7:25 pm.

Hearing no objection, the meeting was adjourned.

Approved:

Attest: \_\_\_\_\_  
Robyn Kincaid, Deputy City Clerk



# CITY OF CORDOVA

## *Office of City Manager*

City of Cordova  
602 Railroad Ave.  
P.O. Box 1210  
Cordova, Alaska 99574  
Phone: (907) 424-6200  
Fax: (907) 424-6000  
Email: [citymanager@cityofcordova.net](mailto:citymanager@cityofcordova.net)  
Web: [www.cityofcordova.net](http://www.cityofcordova.net)

March 9, 2011 Manager's Report (for 03/16/11 Council meeting)

- 2/24, Meet with Jim Nygaard about various school related issues.
- 2/25, Meet with FEMA representative to discuss elevations for Public Safety Building and other FEMA/City related concerns.
- 2/28, Harbor Commission meeting. Public Safety Building meeting.
- 3/01, Parking planning meeting. Meet Clay Koplin. Teleconference with CH2MHILL. Prep for Council meeting.
- 3/02, Work on office housekeeping, filing, etc. Code review. Go through bills. Sign checks. Public Safety Building worksession. Council meeting.
- 3/03, Cordova Center Task Force meeting. Meet Nancy bird.
- 3/04, Worked on general office issues. Personnel matters. Emergency management meeting. Work on Council packet for special meeting.
- 3/07, Staff meeting. Meet with Planner. Code revision work. Various phone calls, e-mails, etc.
- 3/08, Meet with Planner. Work on code revisions. Personnel issues. General office issues.
- 3/09, Prep for Council packet. Manager's report. House addressing and street naming policy meeting (E911 related).

## CITY CLERK'S REPORT TO COUNCIL

*March 16, 2011 Regular Council Meeting*

**Date of Report:** March 10, 2011

**Council Matters:** completed post-3/02/11 work session and regular meeting clean-up, printing, signing, scanning, advertising, distributing and posting on City website, minutes, ordinances, resolutions etc.; completed pre-03/02/11 work session and regular meeting prep, compiling, writing, editing, minutes, resolutions, ordinances, other agenda items from different departments, attorneys, manager and/or Mayor/Vice-Mayor and Council; confer with Mayor/Vice-Mayor/Manager/Department Heads/Council members in preparation of 03/16/11 meeting agendas then posting agendas and packets to City website

**Property Tax Matters/Deputy Clerk:** **Erika** and **Robyn** handled everyday responses to property tax requests from banks, mortgage companies, citizens, other departments; **Erika** continued to update ownerships changes to property tax accounts in preparation for mailing of 2011 assessment notices on March 11, 2011; **Erika** perfected the data for the 2011 tax roll and printed, copies, folded stuffed and mailed assessment notices; **Erika** continued work on the 2010 foreclosure process for real property owners – consulting with the attorney published in the Cordova Times; **Robyn** worked on minutes, and coordinated packets and advertising for the E911 and PSBD committees; **Robyn** attended 4 weekly webinars (offered free by the State) recently and learned a lot about records management procedures

**Elections:** coordinated all aspects of the 2011 General Election on March 1 – with the awesome assistance of the 2011 Election Board; assisted in the absentee/questioned ballots canvassing on March 9; prepared Certification of the Election Resolution for Special meeting of 3/10/11; preparing an Election timeline for future elections

**Records Requests:** daily phone calls and/or drop-ins with Clerk's department questions, property tax questions and procedural matters

**Invoices:** coded, approved & submitted regular department bills for payment to accounts payable; signed City payroll and accounts payable checks

**Attorney Contact:** none

**CCTF:** ordered new teleconference phone for CCTF use at Library Meeting Room and/or City Hall

**General Office:** attended staff meeting of 03/7/11;

**Other:** prepared information for the liquor license renewal reviews that are before Council tonight; worked with the public on two different burial/cemetery requests; conferred with public works department staff; worked with two separate business owners in re: Mobile Restaurants – both are before Council for consideration tonight; researched old Council minutes and agendas in working with Planner on a land sale that is before Council tonight

# Memo

**To:** Mayor and City Council  
**From:** Moe Zamarron  
**CC:** Mark Lynch, City Manager; Tom Cohenour, Director of Public Works  
**Date:** March 16, 2011  
**Re:** Cordova Center Progress Update

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Last update was on March 02, 2011.

## **PROGRESS**

Since the last update:

- The contractor has been removing dirt to install all remaining anchor rods.
- The first floor wall concrete has been poured and forming has begun on stairs and anchor encasements
- Pull testing of the anchor rods has begun

Major items to complete in the next two weeks:

- Start west wall construction
- Concrete placement at the rock anchors and begin second floor forming
- Back fill first floor walls

## **SCHEDULE**

The comprehensive construction schedule has been received from the contractor. It currently shows time running to the end of the year but adjustments are due for eliminated work.

## **BUDGET**

- The fifth application for payment has been paid

## **ISSUES / PROBLEMS**

- Steel submittals are almost complete which meets the production schedule
- There is currently 1 RFI outstanding concerning structural steel issues.
- Change order requests are being discussed

Moe Zamarron



**Regional Citizens' Advisory Council** / "Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523  
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

#### MEMBERS

Alaska State  
Chamber of  
Commerce

Alaska Wilderness  
Recreation & Tourism  
Association

Chugach Alaska  
Corporation

City of Cordova

City of Homer

City of Kodiak

City of Seldovia

City of Seward

City of Valdez

City of Whittier

Community of  
Chenega Bay

Community of  
Tatitlek

Cordova District  
Fishermen United

Kenai Peninsula  
Borough

Kodiak Island  
Borough

Kodiak Village Mayors  
Association

Oil Spill Region  
Environmental  
Coalition

Port Graham  
Corporation

Prince William Sound  
Aquaculture  
Corporation

March 2, 2011

Mayor Jim Kallander  
City of Cordova  
PO Box 1210  
Cordova, AK 99574

Subject: PWSRCAC Recertification

Dear Mayor Kallander:

I'm writing to thank you for your letter endorsing our recertification application with the U.S. Coast Guard.

Your letter of support was an important and valuable contribution to our efforts to become recertified, and I wanted to let you know personally how much all of us at the citizens' council appreciate the thought and time that went into it. This show of support is very encouraging to our staff and volunteers as we work within the spirit of the Oil Pollution Act of 1990 to see that Alaskans never experience another disaster like the Exxon Valdez oil spill.

Sincerely,

Mark Swanson  
Executive Director

RECEIVED

MAR 07 2011

City of Cordova

----- Forwarded Message

**From:** Lon Garrison <Lon\_Garrison@nsraa.org>

**Date:** Thu, 3 Mar 2011 07:44:44 -0900

**Conversation:** Secure Rural Schools funding in the FY2012 Presidents budget

**Subject:** Secure Rural Schools funding in the FY2012 Presidents budget

Hello to all,

Let me introduce myself, my name is Lon Garrison and I am a school board member in Sitka, a board member of the Association of Alaska School Boards (AASB) and a board member of the National Forest Counties and Schools Coalition (NFCSC). I am one of two Alaskans serving on the NFCSC and am the only one on that board to represent Alaska school districts and education. The primary focus for NFCSC is the reauthorization of the Secure Rural Schools and Communities Act (SRSCA) or what used to be known as "timber receipts".

I have been serving on the board since last June and have made one trip to Washington DC to meet with legislators, the USDA and the Office of Management & Budget to try to get Secure Rural Schools funding included in the President's 2012 budget. Through the diligent efforts of the NFCSC board and the folks working for the Partnership for Rural America Campaign, the President announced February 14th that funding was included for 5 years. I am inserting the press release regarding this. The last reauthorization of this funding stream took place in 2008 and was a 4 year program. That bill will have provided Alaskan communities and school districts nearly **85 million dollars**. NFCSC had requested funding in the president's budget at the original 2008 levels for 10 years which would have meant \$24.7 million per year to our communities. As you will see from the press release we did not get near that much and only are funded for 5 years.

The proposed funding will provide over **\$69 million dollars** over 5 years on a declining scale. The best news is that we made it into the budget and will not have to sustain the fight as an outside appropriation, The fight will now be to protect what has been achieved and to convince congress and the President that the proposed funding still falls way short of meeting the needs and commitment of the federal government to up hold the contract with the public for the cost to communities that public lands impose if resource development is not taking place.

These funds have been crucially necessary to most of us in Southeast Alaska and Southcentral. In Sitka, we felt we could not sit by and let others do the necessary work to ensure this funding continues. At present, the Sitka School District has covered the cost of my participation on the board and all travel. Next week, Mollie Kabler, one of our Sitka School Board members will take my place in Washington DC to visit with our congressional delegation and others along with other members of the coalition to advocate for this funding. ***This is a highly crucial moment and your support in letting congress know the importance of this funding is imperative.***

Sitka School District a paid member of the coalition and will be contributing to the campaign to work on this issue. If you are not a member or contributor to either of these organizations I encourage you to do so. Even though our budgets grow larger and our funding diminishes by the day, I urge you to support the Campaign in particular and/or the coalition. Below are the links to both websites. The campaign is a program that is funded and supervised by the NFCSC and is in desperate need of our monetary help. To date, Alaska communities and school districts have only contributed a few thousand dollars in total to supporting this endeavor while Oregon, Washington and Northern California have spent hundreds of thousands. I ask you to do what you can.

**National Forest Counties and Schools Coalition** [www.forestco.net](http://www.forestco.net)  
<<http://www.forestco.net>>

**Partnership for Rural America Campaign**  
[www.partnershipforruralamerica.org](http://www.partnershipforruralamerica.org)  
<<http://www.partnershipforruralamerica.org>>

**FOR IMMEDIATE RELEASE**

Contact: Bob Douglas, Executive Director  
National Forest Counties & Schools Coalition  
530-527-0666 / [bdouglas@tehamaschools.org](mailto:bdouglas@tehamaschools.org)

**PRESS RELEASE**

February 14, 2011 - Today President Obama released his 2012 budget proposal and we are pleased that it calls for renewing the contract between the federal government and America's rural forest counties by reauthorizing the Secure Rural Schools and Communities Act. The Secure Rural Schools and Communities Act (SRSCA) was passed in 1999 to replace lost federal county and school revenues as a result of dramatically declining timber harvests on national forest lands. Since the passage of SRSCA forest counties have been able to continue vital public services including health care, search and rescue, and road and bridge maintenance. Rural school districts have annually provided quality education services to more than 9 million children using SRSCA funding.

Jim French, President of the National Forest Counties and Schools Coalition said, "We deeply appreciate the action of the Obama administration today and call upon Congress to work closely with the Administration to extend the Secure Rural Schools and Communities Act. According to Marc Kelley, the Coordinator of the Partnership for Rural America Campaign, an initiative of the National Forest Counties and Schools Coalition, "the President's budget recognizes the extra ordinarily difficult and challenging fiscal times that rural forest counties and schools are facing." Kelley added, "That by his action the President is re-affirming the contract the federal government has with rural America - a contract initiated when this country established the National Forest System in the early 1900's.

NFCSC President Jim French said, "The efforts and energy of citizens, counties and school districts in forest counties in 41 states are focused on achieving a multi-year reauthorization of the Secure Rural Schools and Communities Act. French said that these are the counties hardest hit by the great recession, many of whom are still suffering under 16-20% unemployment rates. For citizens in these counties long-term reauthorization of SRSCA is an absolute necessity if they are to be able to sustain vital public services and quality education."

The President's budget calls for a five year reauthorization of the Secure Rural Schools and Communities Act, with the 2012 year funded at \$328 million and ramping down to zero over five

years. The National Forest Counties and Schools Coalition (NFCSC) has called for an 8 to 10 year extension of the Secure Rural Schools and Communities Act at level funding. According to Bob Douglas, Executive Director of the NFCSC, "the President's budget proposal, while short of what we had hoped to see, does re-invigorate and focus the conversation rural America must have with Congress and the Administration about the future of our forested rural communities. Clearly we must continue to remind the Administration and Congress about their obligation to maintain the contract between the federal government and rural America made in 1908, when we established our national forests.


NFCSC President Jim French pointed out that the impact of the Secure Rural Schools Act goes far beyond counties and schools. Title II of SRSCA established Resource Advisory Committee (RAC's) on participating national forests across America. These diverse 15 person committees of local citizens have since the inception of the Act invested over \$500 million in our forest restoration, wildfire reduction, and wildlife habitat and watershed restoration projects. At a time when our national forests have been handcuffed by gridlock over 6000 projects have been completed without litigation or appeals. These projects have and continue to provide thousands of jobs in the forest counties of America.

For more information about the National Forest Counties and Schools Coalition, please visit our website or the website of the Partnership for Rural America Campaign.

I will endeavor to keep you abreast of developments as they arise. Please contact me with any questions, concerns or comments you may have.  
Thank you for your time.

Lon Garrison  
President, Sitka School Board  
NFCSC Board Member  
Work: 747-6850  
Cell: 738-9093





# Volunteer Firefighter and EMT Recruitment & Retention Workshop

May 21: 9:00am - 2:00pm  
at the Cordova Fire Department

Fire service leaders and community leaders are encouraged to attend this FREE R&R Workshop. The R&R workshop is designed to facilitate open discussion about local recruitment and retention issues, including:

- Identifying your local Volunteer need
- Communicating this need to your community
- Marketing elements and steps to implement a marketing plan
- Marketing to the right target audience
- "How To" guide for media exposure
- Leadership challenges and solutions
- Leveraging the influence of community leaders
- Funding R&R programs
- Retention incentives

To sign-up for the workshop, contact: Oscar Delpino

907-424-6117 • [fire@cityofcordova.net](mailto:fire@cityofcordova.net)

This workshop is sponsored by the Alaska State Firefighter's Association and is funded by the FEMA/DHS *Staffing for Adequate Fire & Emergency Response* grant program.

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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

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DATE: March 9, 2011  
TO: Mayor and City Council  
CC: File  
SUBJECT: Resolution 03-11-15

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The attached resolution will act as Council's approval of a license to operate a mobile restaurant. This request was made by Casey McCune and Patti Dahlstrom and after reviewing the Code, a resolution seemed the most appropriate method for approval. The applicable Code sections are referenced in the body of the resolution. For reference I have attached Chapter 6.16 Food Handling Establishments in its entirety.

Recommended Motion: Move to approve Resolution 03-11-15

Required Action: Majority voice vote

**CITY OF CORDOVA, ALASKA  
RESOLUTION 03-11-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,  
APPROVING THE LICENSE FOR A MOBILE RESTAURANT**

**WHEREAS**, CMC 6.16.010 defines a mobile restaurant as any restaurant or other stand, vehicle or cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public rights-of-way, or upon private property not in a structure affixed to the land; and

**WHEREAS**, applicants for mobile restaurant licenses shall be denied a license unless the applicant demonstrates to the council that public convenience and necessity will thereby be enhanced without causing undue risk or harm to the public health or safety; and

**WHEREAS**, operators of a mobile restaurant in Cordova must abide by Cordova Municipal Code Chapter 6.16.050 which reads as follows:

- A. A mobile restaurant may not be stopped or positioned in a manner or location that will congest or impede the flow of traffic or otherwise interfere with the use of the streets or access-ways by the public.
- B. A mobile restaurant selling foods that are dispensed or wrapped in disposable containers or packages shall be equipped with a sufficient number of accessible receptacles for disposal of litter produced by sales, and the operator shall police all resulting litter from each area of operation.
- C. A mobile restaurant may not be operated from any location on a public street, alley or right-of-way for a period of time in excess of two hours, unless the operator acquires written permission from the city manager to operate for a longer designated period of time to provide service to the public.
- D. A mobile restaurant may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location.
- E. The overall dimensions of a mobile restaurant shall not exceed a length of twenty-five feet, a width of up to but not exceeding eight feet, nor a height of eleven feet, and the mobile restaurant must be licensed and registered with the state. The gross weight of the mobile restaurant shall not exceed ten thousand pounds.

**WHEREAS**, Casey McCune and Patti Dahlstrom, dba Shay's Shack-o-Beans, have made application to the Clerk to operate a mobile restaurant; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cordova, Alaska, does hereby approve Casey McCune's and Patti Dahlstrom's application for a license to operate a mobile restaurant in Cordova for one year.

**PASSED AND APPROVED THIS 16<sup>th</sup> DAY OF MARCH, 2011.**

**ATTEST:**

---

James Kallander, Mayor

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Susan Bourgeois, City Clerk

## Chapter 6.16 FOOD HANDLING ESTABLISHMENTS

### Sections:

#### 6.16.010 Definitions.

#### 6.16.020 License--Mobile restaurants to show necessity.

#### 6.16.030 License--Showing of other required licenses.

#### 6.16.040 License--Revocation.

#### 6.16.050 Operation of mobile restaurant.

#### 6.16.010 Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

A. "Food" means any matter, including milk, intoxicating liquors, and other liquids, commonly consumed by persons.

B. "Food handler" means and includes any person employed or working in any food handling establishment.

C. "Food handling establishment" means any restaurant, itinerant restaurant, mobile restaurant, bar, market, store, confectionery, bottling works, bakery or dairy as defined in this section.

D. "Itinerant restaurant" includes any restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

E. "Mobile restaurant" includes any restaurant or other stand, vehicle, cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public ways or rights-of-way, or upon private property not in a structure affixed to the land.

(Prior code § 6.301, as amended during 1979 codification).

#### 6.16.020 License--Mobile restaurants to show necessity.

Applicants for mobile restaurant licenses shall be denied a license unless the applicant demonstrates to the council that public convenience and necessity will thereby be enhanced without causing undue risk or harm to the public health or safety. The council may restrict the license to areas within the city in which the applicant presents sufficient evidence of convenience and necessity. Upon request for appearance, the council shall schedule a prompt hearing and permit the applicant reasonable time to present evidence.

(Prior code § 6.304, as amended during 1979 codification).

#### 6.16.030 License--Showing of other required licenses.

A food handling establishment shall have and show to the satisfaction of the city clerk that such establishment has the applicable state, borough and city licenses required for the use and occupancy of the premises or to operate the business involved before the city clerk may issue the annual license.

(Prior code § 6.306, as amended during 1979 codification).

#### 6.16.040 License--Revocation.

A food handling license once issued is subject to suspension or revocation if the licensee fails to maintain all state, borough and city licenses and to meet all state, borough and city health requirements, and comply with all city and state laws, ordinances and regulations.

(Prior code § 6.308, as amended during 1979 codification).

6.16.050 Operation of mobile restaurant.

- A. A mobile restaurant may not be stopped or positioned in a manner or location that will congest or impede the flow of traffic or otherwise interfere with the use of the streets or accessways by the public.
- B. A mobile restaurant selling foods that are dispensed or wrapped in disposable containers or packages shall be equipped with a sufficient number of accessible receptacles for disposal of litter produced by sales, and the operator shall police all resulting litter from each area of operation.
- C. A mobile restaurant may not be operated from any location on a public street, alley or right-of-way for a period of time in excess of two hours, unless the operator acquires written permission from the city manager to operate for a longer designated period of time to provide service to the public.
- D. A mobile restaurant may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location.
- E. The overall dimensions of a mobile restaurant shall not exceed a length of twenty-five feet, a width of up to but not exceeding eight feet, nor a height of eleven feet, and the mobile restaurant must be licensed and registered with the state. The gross weight of the mobile restaurant shall not exceed ten thousand pounds.

(Prior code § 6.305, as amended during 1979 codification).



**SHAYS SHACK-O-BEANS**



## **BUSINESS PLAN**

## **OWNERS**

Casey McCune & Patti Dahlstrom

### **Shays Shack-O-Beans**

PO Box 973

C4 Heeny

Cordova, Ak 99574

907-253-9157

907-424-5845

shaysshackobeans@gmail.com

## II. Executive Summary

Coffee kiosks are a fast and efficient way to provide coffee to the community, currently there is no drive thru kiosk in Cordova, AK. Cordova is a fast paced fishing village and can benefit from a drive thru coffee kiosk that will be open 7 days a week from sunrise to sunset.

Shays Shack-O-Beans will primarily sell espresso coffee and house coffee, but will also provide pastries, bagels, hot chocolate and bottled water. Coffee is provided by Steam Dot Coffee and is roasted fresh twice a week in Anchorage, AK.

Customer service will be our focus and patrons can expect to be greeted with a smile on the face of your favorite barista. Customer base will be early morning workers, fisherman and anyone who is looking for a great coffee experience.

Shays Shack-O-Beans will be locally owned by Patti Dahlstron and Casey McCune. Teaming up with over 25 years combined experience in the restaurant, bakery and coffee business.

Shays Shack-O-Beans will adapt and change with the times, adding or reducing products to keep the Cordova community happy.

The Cordova community deserves a fast and efficient way to obtain caffeine in the morning, where you don't have to leave the comfort of your vehicle, or wait in a long line. So sit back and enjoy your music while we prepare a delicious beverage for you.



### III. General Company Description

Shays Shack-O-Beans will be in the business of preparing espresso coffee for the Cordova community.

**Mission Statement:** To provide the fishing community of Cordova AK, with a drive thru coffee kiosk where customers can receive quality coffee, food and service at a reasonable pace and price, bringing the best drive thru coffee encounter in the community.

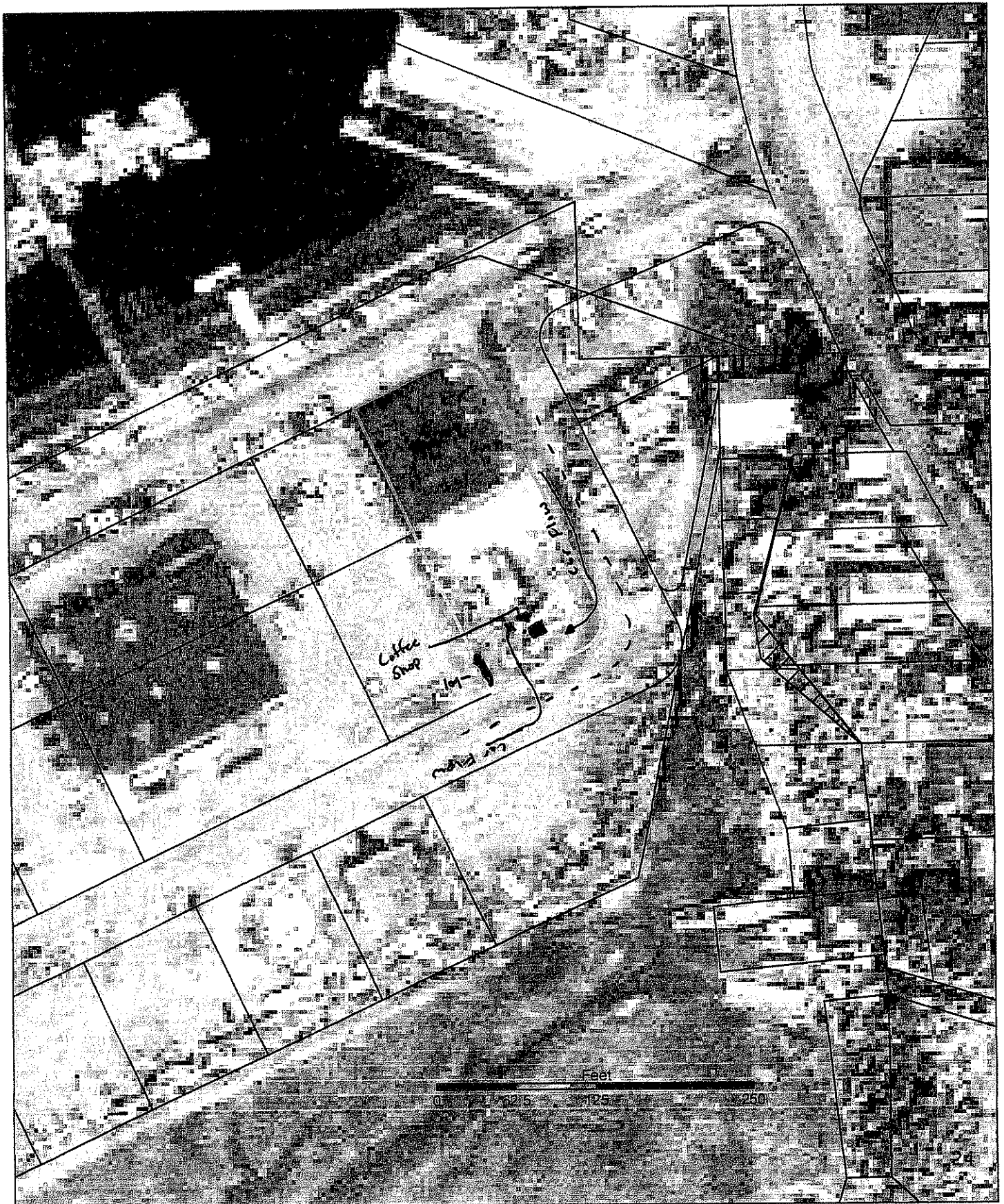
**Company Goals and Objectives:** The main goal of Shays Shack-O-Beans is to provide excellent customer service and a quality well-made product, creating a loyal customer following. Following these goals to produce monthly sales of \$25,000 and annual sales of \$300,000 and a satisfied customer base.

**Business Philosophy:** Customer and a quality product is number one to the owners and workers of Shays Shack-O-Beans. Number two is customer service, providing a friendly positive coffee experience is foremost.

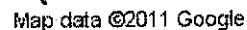
The espresso industry is always growing and busy. Caffeine is the number one used drug in the world, guaranteed to provide repeat customers. Drive thru kiosks are a fast and easy way to get your morning beverage.

The best strengths of the coffee kiosk business in Cordova are speed and early opening. Cordova is a fast paced fishing town where people wake up early and have a lot to accomplish during the day. Positioning a drive thru coffee shop in the harbor area of the community will provide a necessary, quality and fast paced coffee experience.

Shays Shack-O-Beans will be a Limited liability corporation (LLC)



Hand-drawn site plan of a proposed development. The plan shows a large rectangular area labeled "NAPA" with diagonal hatching. To the left of this area is a "GI" (Green Infrastructure) area. Below the "NAPA" area are two "Container" units and a "Car" unit. To the right of the "NAPA" area is a "Road" with a "250ft" dimension. Below the "NAPA" area is a "Parking lot" with a "100ft" dimension. The plan also shows a "Coffee shop" and a "Spa for data" area. Arrows indicate "Car flow" and "Car flow" directions. The plan is labeled "100ft" at the top and "250ft" on the right side.



**Jamie L. Winchester, REHS**  
**Alaska Department of Environmental Conservation**  
**Division of Environmental Health**  
**Food Safety & Sanitation Program**  
P.O. Box 1709 / 213 Meals Ave. Room 17  
Valdez, AK 99686-1709  
Office: (907)835-8012 x 2  
Facsimile: (907)835-2429

## **SECTION B – Complete for ALL Food Establishments - Check all that apply**

### **1. FOOD SERVICE ESTABLISHMENTS:**

- ☒ **Attach** copy of proposed menu  
☐ **Attach** appropriate label, placard, or menu notation for the consumer advisories if you serve the following foods:

- ☐ Wild mushrooms  
☐ Raw/undercooked animal foods such as beef, shell eggs, lamb, pork, poultry, and seafood  
☐ Unpasteurized juices  
☐ Raw oysters  
☐ Processed food containing a sulfiting agent  
☐ Farmed halibut, salmon, or sablefish  
☐ Projected volumes (expected meals/day, or pound (#)/day): \_\_\_\_\_

Methods of food preparation (check the one that most closely describes the establishment):

- ☐ Assembly of Ready-to-eat foods  
☐ Cook and Serve  
☐ Complex (Preparation 1 day or more in advance, cooling and reheating is done)  
☐ Hot or Cold Holding or service for 2 hr. or more  
 Style of Service: ☐ Counter Service ☐ Self-Service (i.e. Buffet line, salad bar)  
☐ Table Service ☐ Other \_\_\_\_\_

#### **CATERER:**

List the equipment used to protect food from contamination and to maintain product temperature during:

- ☐ Transportation \_\_\_\_\_  
☐ Hot or cold holding \_\_\_\_\_  
☐ Describe sneeze guards or food protection devices to be used during display for self service: \_\_\_\_\_  
 \_\_\_\_\_  
☐ Maximum number of catered meals per day \_\_\_\_\_

#### **KIOSK or MOBILE FOOD UNIT:**

- ☒ Employee toilets are available within 200 feet.  
     **Attach** agreement for employee toilets  
☒ Potable water tanks, plumbing and hoses NSF approved, or FDA approved components  
☐ Kiosk is outside of building.  
     **Attach** letter of agreement from water hauler and wastewater hauler outlining services provided and frequency.

If another permitted food establishment (Commissary) will be used to support the Limited Food Service, Kiosk or Mobile Food Unit, provide:

- ☐ Commissary Name: \_\_\_\_\_  
☐ Commissary Location: \_\_\_\_\_

**Attach** a letter from the Operator of the Commissary identifying:

- ☐ Food items and methods of preparation at the Commissary  
☐ Support services to be provided at Commissary  
☐ Days and times Commissary will be used

### **2. FOOD PROCESSORS:**

Attach the following as applicable:

- ☐ **Attach** food labels of each product to be produced:  
☐ Projected volumes (wt. or measure/day): \_\_\_\_\_  
☐ HACCP plan if required for high hazard food processes, such as smoking, curing, acidifying, dehydrating, thermally processing low acid foods, reduced oxygen packaging, etc.  
☐ FDA Canning form  
☐ Scheduled process for Low Acid Foods  
☐ Shelf Stable Acidified Foods

### **3. MOBILE RETAIL VENDOR SELLING SEAFOOD:**

- ☐ For packaged product, identify the source:  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ AK #: \_\_\_\_\_  
☐ For whole, gutted or gilled fish that has not been further processed, identify the permitted seafood processing facility or commissary where fish will be pre-washed: \_\_\_\_\_ AK # \_\_\_\_\_  
☐ For unpackaged processed seafood:  
☐ Provide name and location of the permitted seafood processing facility or approved commissary that the vendor will return to daily for cleaning and sanitizing of equipment: \_\_\_\_\_  
☐ **Attach** letter of agreement from the commissary or approved seafood processing facility.

**4. MACHINES VENDING POTENTIALLY HAZARDOUS FOODS:**

- ☐ **Attach** the label that will be affixed to the front of each machine with the name, physical address and phone number of the permitted food establishment servicing the machine

**SECTION C - Food Managers Certification/Alaska Safe Food Worker Card**

☒ **Food Manager's Certification:** Attach a copy of Food Protection Manager's certification.

The operator of a food establishment that serves and prepares unwrapped or unpackaged food, except for a bar or tavern or limited food service, must have at least one certified Food Protection Manager who is involved in the daily operations of the establishment.

A copy of the certified Food Protection Manager certificate shall be **kept on file at the food establishment**, and be made available to the Department upon request.

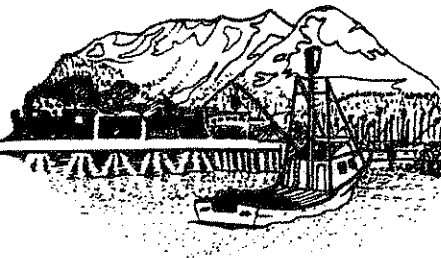
☒ **Food Worker Cards**

An operator of a food establishment shall **keep on file a copy of the Food Worker Card issued by the Department for each employed food worker** and make the copy available to the Department upon request.

"Food worker" means an individual working with unpackaged food, potentially hazardous food, food equipment or utensils, or food contact surfaces; "food worker" does not include cashiers, checkers, courtesy clerks, delivery drivers, residents in residential or institutional care, nurse's aides who assist patients with eating, volunteers, shelf-stockers, warehouse workers, and children under the age of 18 who are assisting in the school kitchen.

**SECTION D – For New or Extensively Remodeled Establishments, also complete the Plan Review Supplement.**

# CITY OF CORDOVA



## APPLICATION FOR CITY BUSINESS LICENSE

License Fee \$35.00 ☒ Additional \$25.00 \_\_\_\_\_  
(Second License)

RENEWAL \_\_\_\_\_ # \_\_\_\_\_ NEW ☒ BUSINESS START DATE (if new) \_\_\_\_\_

BUSINESS NAME: Shay's Shack - O - Beans

MAILING ADDRESS: PO Box 1043

STREET ADDRESS: 102 Nicholoff way

CITY Cordova STATE AK ZIP 99574

STATE LICENSE # \_\_\_\_\_

\*\*\*\*\*

TYPE OF OWNERSHIP: SOLE PROPRIETOR PARTNERSHIP CORPORATION

DESCRIPTION OF BUSINESS: Coffee Kiosk, Drive-Through

### NAME & ADDRESS OF OWNER(S), GENERAL PARTNERS, OR CORP. OFFICERS

NAME Casey McCune TITLE Owner

ADDRESS PO Box 973 Cordova AK

PHONE NO. 907-253-9157

NAME Patty Dahlstrom TITLE Owner

ADDRESS PO Box 1043 Cordova AK

PHONE NO. 907-424-4515

.....  
I declare, under penalty of making a false statement, that to the best of my knowledge and belief,  
the information provided is true.

SIGNATURE [Signature] TITLE Owner

NAME PRINTED Casey McCune DATE March 8, 2011

AUDIT: Is business location consistent with ZONING regulations? YES \_\_\_\_\_ NO \_\_\_\_\_

Application Approved \_\_\_\_\_ OR Application Denied \_\_\_\_\_

Reason for denial: \_\_\_\_\_





STATE OF ALASKA  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
BUSINESS LICENSE PROGRAM  
P.O. Box 110806  
Juneau, Alaska 99811-0806  
Phone: (907) 465-2550  
Website: [www.commerce.state.ak.us/occ/home](http://www.commerce.state.ak.us/occ/home)

BUS/TOB

OFFICE USE ONLY

## ALASKA BUSINESS LICENSE APPLICATION

Please choose ONE of the following options:

☒ NEW Business License

☐ RENEWAL Business License Number \_\_\_\_\_

Previous License Number \_\_\_\_\_

If Applicable: \_\_\_\_\_ \*see instructions

1. BUSINESS NAME: Shay's Shack-O-Beans  
Enter the name you will be doing business as. You must operate and advertise in the exact name listed.

MAILING ADDRESS:

PHYSICAL ADDRESS:

PO Box 1043  
Street Address or PO Box  
Cordova AK 99574  
City State Zip

102 Nicholoff way  
Street Address  
Cordova AK 99574  
City State Zip

2. BUSINESS LICENSE FEE(S): Make check payable to State of Alaska

Check only ONE option: ☒ 2011 Annual - \$50 ☐ 2011 & 2012 Biennial - \$100

Sole Proprietor – 65 & Over Fee: For businesses registered as a Sole Proprietor (one individual owner) who is 65 or over. This fee is NOT AVAILABLE to Partnerships (two or more individuals), Corporations, LLCs, LLPs, or LPs.

☐ 2011 Annual - \$25 ☐ 2011 & 2012 Biennial - \$50 Date of Birth (Required): \_\_\_\_\_

Tobacco Endorsement: \$100 PER ENDORSEMENT LOCATION (in addition to business license fee). Tobacco endorsements will expire on the same date as the business license to which they are attached and are renewable with the business license.

Number of Tobacco Endorsement locations: 1 X \$100 = \$ 100. List locations of Tobacco Endorsements on page 2.

3. OWNERSHIP INFORMATION: Choose ownership type.

☐ Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐ LP ☐ Other

Name(s) of Owner(s) OR Entity Name: Casey McEune, Patti Dahlstrom

Clearly print name of Sole Proprietor (one individual owner) OR all partner names if a Partnership (if necessary, list partners on a separate page) OR Entity name if a Corporation, LLC, LLP, or LP.

4. ADDITIONAL LICENSE/REGISTRATION NUMBERS MAY BE REQUIRED:

Alaska Entity Number: \_\_\_\_\_  
Required for Corporation, LLC, LLP, LP

Professional License Number: \_\_\_\_\_  
If applicable

5. NAICS CODE: Choose the NAICS code that best describes your Line of Business. The Secondary code is optional and must fall within the same business activity category as the Primary code. NAICS codes may be researched on our website at [www.commerce.state.ak.us/occ/pub/Lines\\_of\\_Business.pdf](http://www.commerce.state.ak.us/occ/pub/Lines_of_Business.pdf)

Primary NAICS Code: \_\_\_\_\_ Secondary NAICS Code: \_\_\_\_\_  
Codes listed in italicized bold print on the NAICS code list require a professional license before a business license can be issued.

By signing this application I declare, under penalty of perjury, that this application is true and complete, including any information provided in the tobacco endorsement section.

PRINTED NAME: Casey McEune TITLE: Owner PHONE: 907-253-9157  
SIGNATURE: [Signature] DATE: March 8 2011

To avoid processing delays do not leave any area of the application incomplete

**TOBACCO ENDORSEMENT**  
**In accordance with Alaska Statute 43.70.075**

Complete this form if your business will sell tobacco products. A tobacco endorsement is required for each location or outlet where tobacco products are sold.

A tobacco endorsement cannot stand on its own: it must be attached to a business license.

**Tobacco Endorsement Fee(s): \$100 per location in addition to the business license fee.**

**EXPIRATION DATE:** Tobacco endorsements will expire on the same date as the business license to which they are attached. Tobacco endorsements must be renewed at the same time as the business license to which they are attached.

**REQUIRED SIGNAGE:** A "The sale of tobacco products to persons under the age 19 is illegal" sign will be mailed to you with your business license and must be displayed at each location where tobacco is sold. This sign must be displayed in a conspicuous location to a person purchasing or consuming tobacco products. There are significant penalties for improper sales of tobacco products. It is the licensee's responsibility to be familiar with the proper sales of tobacco.

List the physical address of each location tobacco products will be sold:

**BUSINESS NAME** (Must be the same as listed on Business License Application):

Shays Shack-O-Beans

1. Physical location where tobacco will be sold:

102 Nicholoff way

City: Cordova

State: AK

Zip Code: 99574

FEE: \$100.

2. Physical location where tobacco will be sold:

City:

State: AK

Zip Code:

FEE: \$100.

3. Physical location where tobacco will be sold:

City:

State: AK

Zip Code:

FEE: \$100.

4. Physical location where tobacco will be sold:

City:

State: AK

Zip Code:

FEE: \$100.

5. Physical location where tobacco will be sold:

City:

State: AK

Zip Code:

FEE: \$100.

6. Physical location where tobacco will be sold:

City:

State: AK

Zip Code:

FEE: \$100.

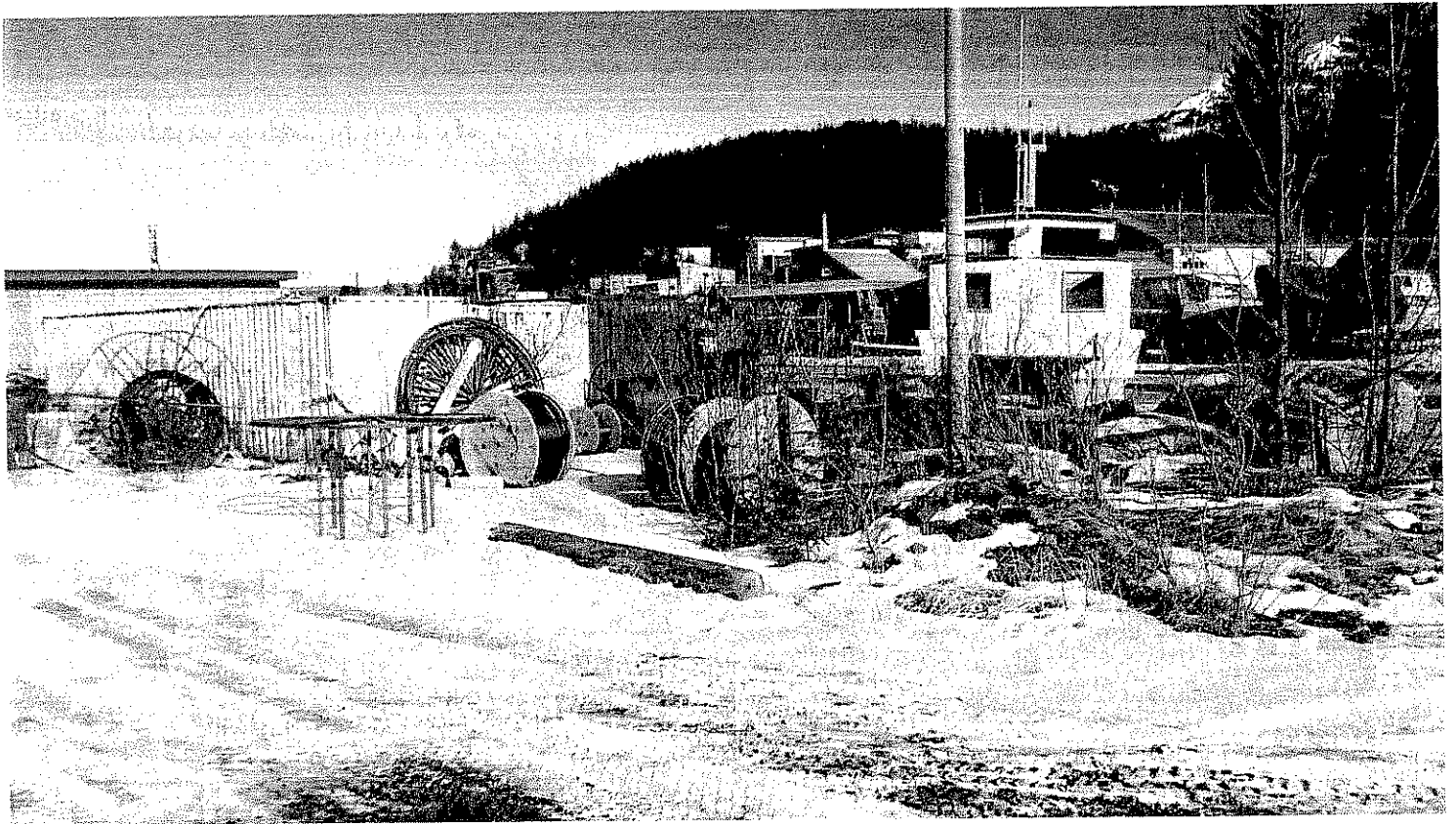
Copy this form or attach additional pages to purchase or renew more tobacco endorsements.

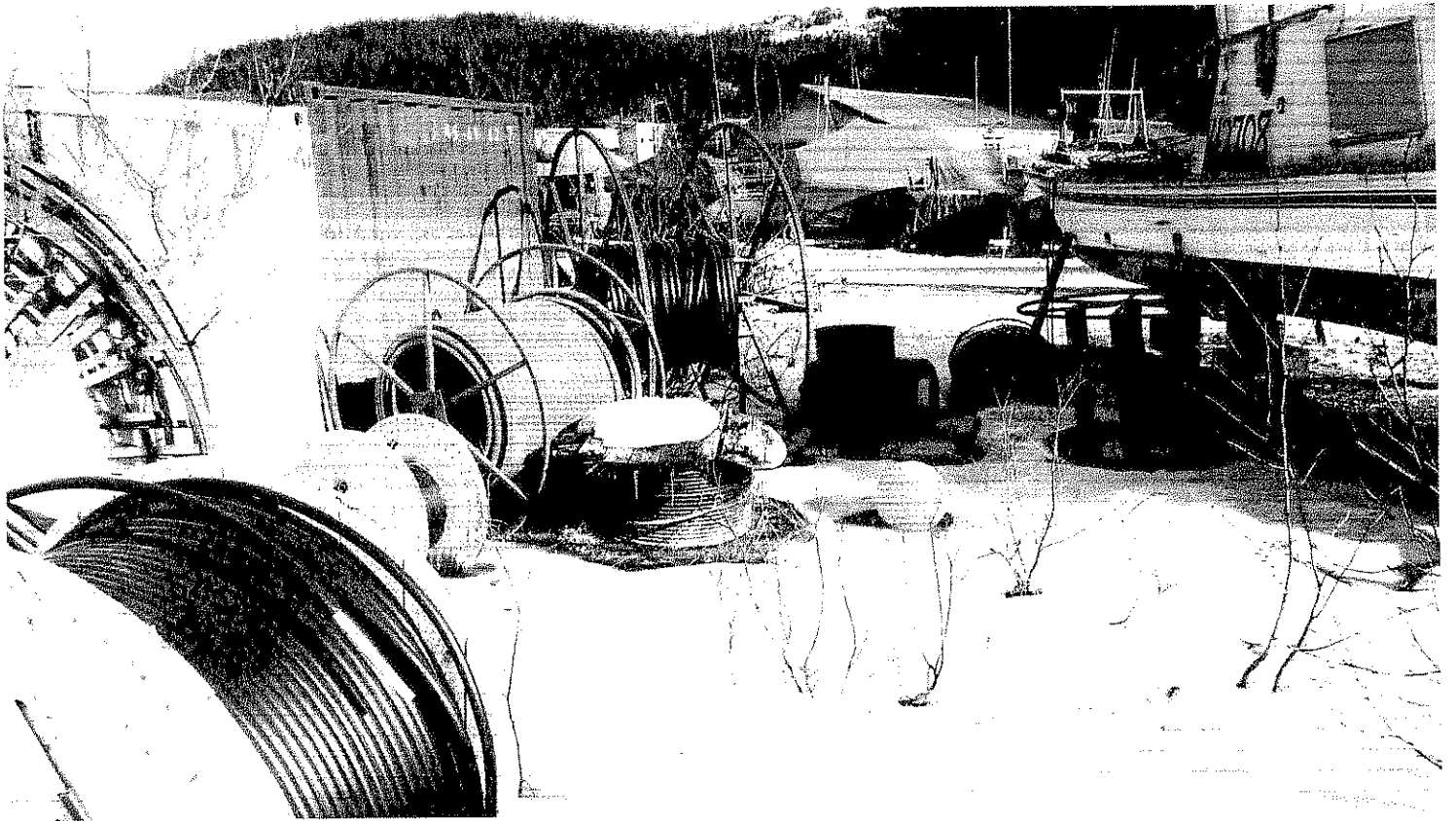
## Photos : Behind Napa

I am working with John Wilson to open a coffee kiosk on his property behind Napa. He has granted me permission to submit a plan to the city of Cordova.

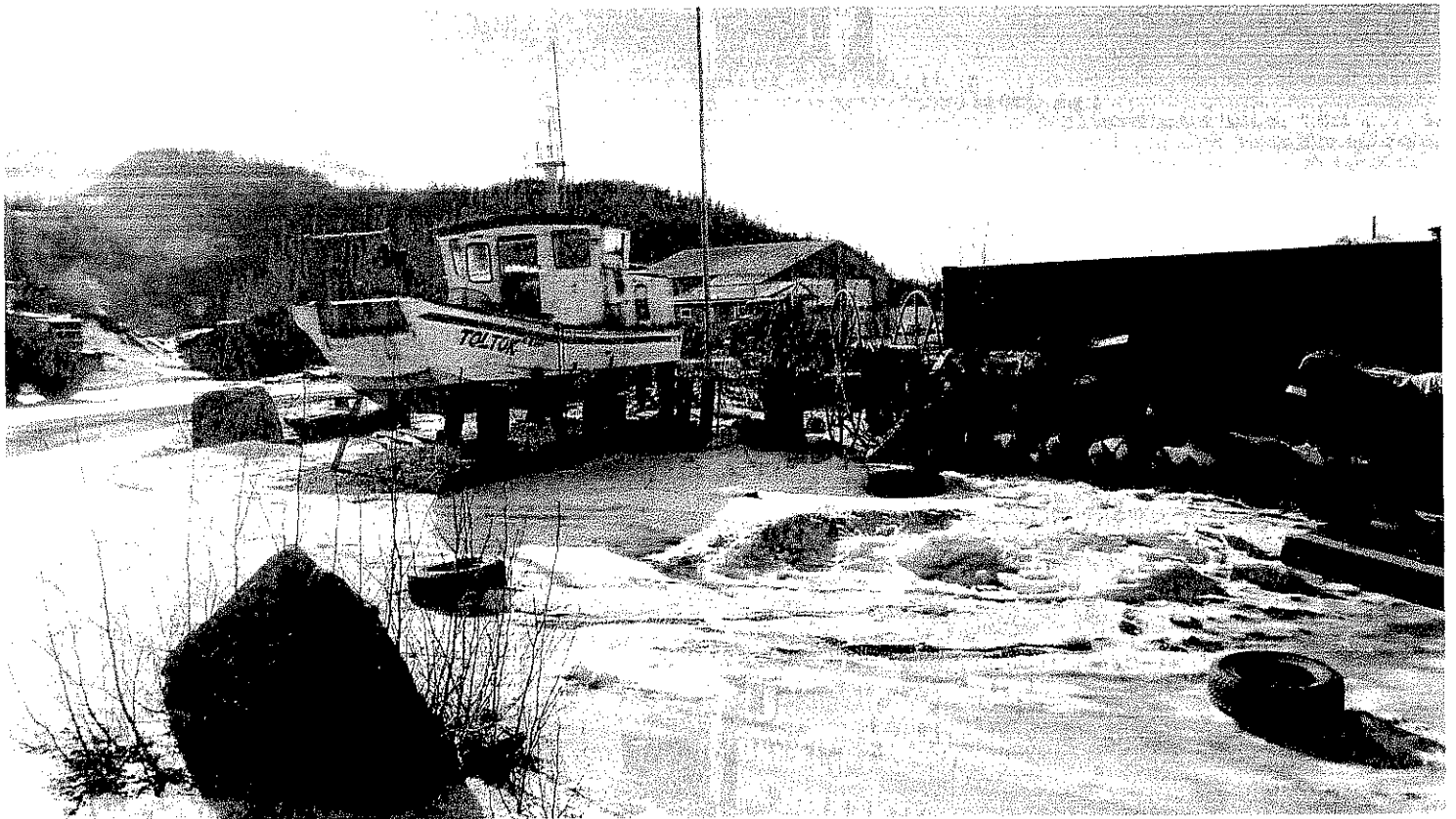
All the items stored behind Napa will be moved along with the bow picker. Lot will be cleaned up with new gravel and flowers. Landscaping will always be kept up with no garbage around the property.

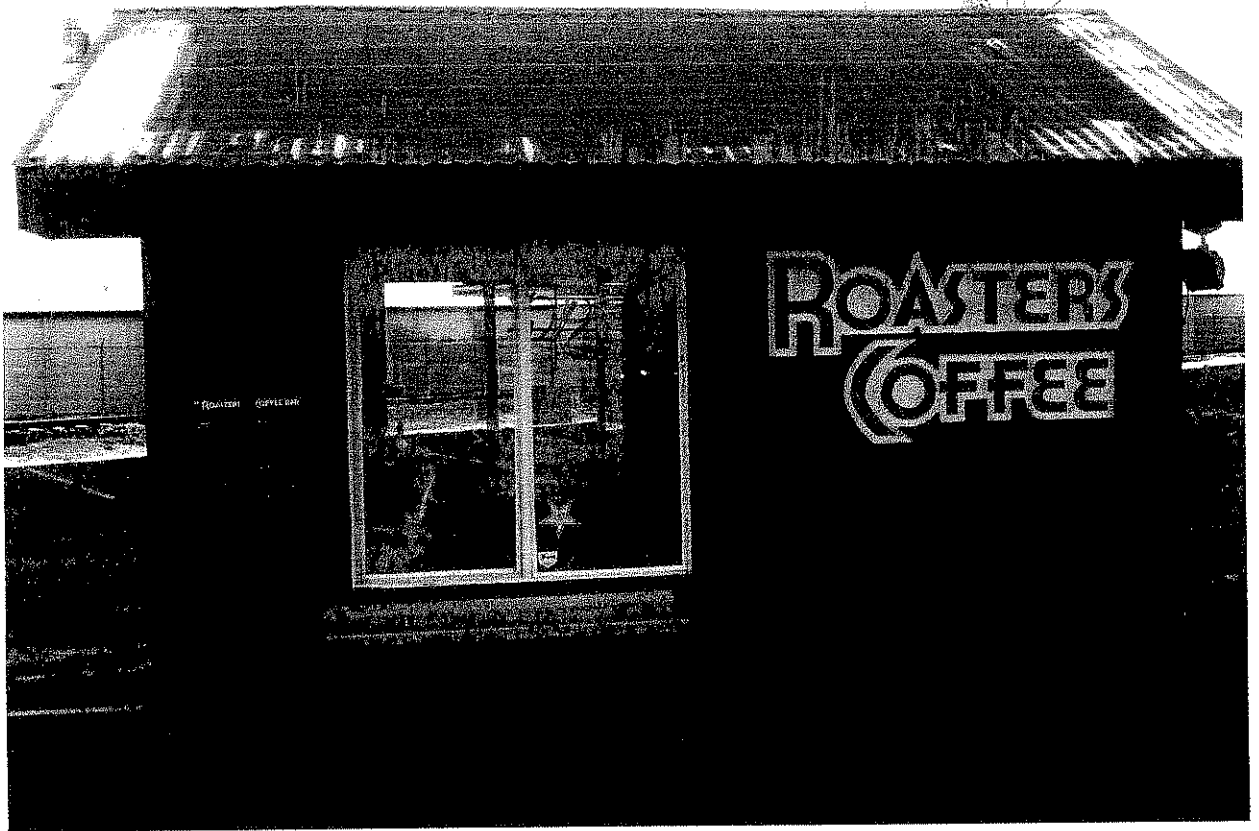
If cars build up they will be diverted to the empty spaces on the property and **NOT** in the road or AC parking lot. Basically the location will be beautified with a functioning coffee kiosk.











**SHAYS SHACK-O-BEANS**



---

## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

---

DATE: March 9, 2011  
TO: Mayor and City Council  
CC: File  
SUBJECT: Resolution 03-11-16

---

The attached resolution will act as Council's approval of a license to operate a mobile restaurant. This request was made by Vivian Lian and after reviewing the Code, a resolution seemed the most appropriate method for approval. The applicable Code sections are referenced in the body of the resolution. For reference I have attached Chapter 6.16 Food Handling Establishments in its entirety.

Recommended Motion: Move to approve Resolution 03-11-16

Required Action: Majority voice vote

**CITY OF CORDOVA, ALASKA  
RESOLUTION 03-11-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,  
APPROVING THE LICENSE FOR A MOBILE RESTAURANT**

**WHEREAS**, CMC 6.16.010 defines a mobile restaurant as any restaurant or other stand, vehicle or cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public rights-of-way, or upon private property not in a structure affixed to the land; and

**WHEREAS**, applicants for mobile restaurant licenses shall be denied a license unless the applicant demonstrates to the council that public convenience and necessity will thereby be enhanced without causing undue risk or harm to the public health or safety; and

**WHEREAS**, operators of a mobile restaurant in Cordova must abide by Cordova Municipal Code Chapter 6.16.050 which reads as follows:

- A. A mobile restaurant may not be stopped or positioned in a manner or location that will congest or impede the flow of traffic or otherwise interfere with the use of the streets or access-ways by the public.
- B. A mobile restaurant selling foods that are dispensed or wrapped in disposable containers or packages shall be equipped with a sufficient number of accessible receptacles for disposal of litter produced by sales, and the operator shall police all resulting litter from each area of operation.
- C. A mobile restaurant may not be operated from any location on a public street, alley or right-of-way for a period of time in excess of two hours, unless the operator acquires written permission from the city manager to operate for a longer designated period of time to provide service to the public.
- D. A mobile restaurant may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location.
- E. The overall dimensions of a mobile restaurant shall not exceed a length of twenty-five feet, a width of up to but not exceeding eight feet, nor a height of eleven feet, and the mobile restaurant must be licensed and registered with the state. The gross weight of the mobile restaurant shall not exceed ten thousand pounds.

**WHEREAS**, Vivian Lian has made application to the Clerk to operate a mobile restaurant; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cordova, Alaska, does hereby approve Vivian Lian's application for a license to operate a mobile restaurant in Cordova for one year.

**PASSED AND APPROVED THIS 16<sup>th</sup> DAY OF MARCH, 2011.**

**ATTEST:**

---

James Kallander, Mayor

---

Susan Bourgeois, City Clerk

**Vivian Lian**  
**P.O. Box 202**  
**Cordova, Alaska**  
**907.253.8748**  
**lian\_vivian@hotmail.com**

Hello City Council Members,

My name is Vivian Lian and I live at 1400 Lakeshore Drive, #21.

I would like to request a permit to operate a mobile food truck that mainly serves gourmet hot dogs and fry bread. Fry bread is a local favorite, either served with melted butter, jelly and a hot cup of coffee, or served as a taco, complete with chili, cheese, and all the fixings. Other items I'd like to sell include breakfast wraps, muffins, fresh coffee, sodas, tea and water. I will offer hot, fresh meals and coffee that appeal to customers that have little time to sit and eat.

My plan includes a fully contained concession van. The vehicle I have in mind is currently located and operated in Juneau. It is a 2004 and all inspections are up-to-date, legal and comply with Alaska D.O.T., D.E.C., and Cordova City Codes. It is fully equipped and ready to go. I am very familiar with food safety, handling, and service and have a current D.E.C. food handler's card.

*(Vehicle details are on page 2)*

I would only sell out of areas where permitted, where plenty of parking is available, and with respect to surrounding businesses. My hours and menu items would fluctuate with the community's wants and needs. A typical workweek during the busy season would start around 10:00AM and run until 5:00PM and service several locations. When the vehicle is not in service it will be stored either at my house or on our family's lot behind the Powder House.

*(Route examples are on page 3)*

I would support other Alaska businesses by buying Alaskan Made goods when possible, including Alaska Brand kettle chips, Powder House Chili, and I am looking into getting custom hot dogs made at Indian Valley in Anchorage.

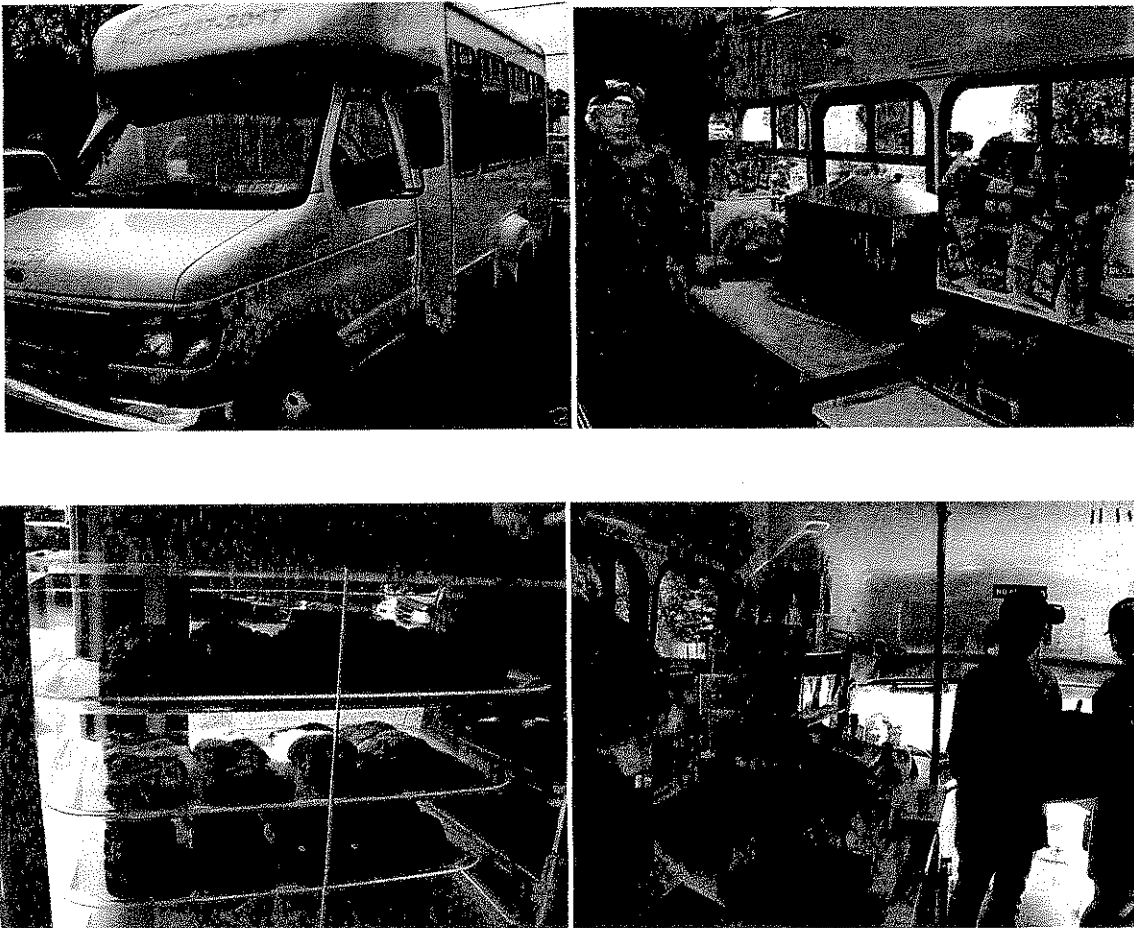
I hope you will find this to be a great addition to Cordova and I look forward to serving the community as early as this spring if all goes well.

Thank you for your time.

Sincerely,  
Vivian Lian

## TRUCK DETAILS

2004 E-350 ELDORADO FORD CONCESSION TRUCK/VAN. Comes fully with food serving trays, wraps, triple washing sinks, hand sink, hot dog machine steamer, microwave, Foreman grill, sandwich prep table w/fridge under, cash register, mini pop Kenmore fridge, 2 Plexiglas Danish cases, 6 coffee carafes, 20 cup coffee maker, hot water heater, water tanks, fully contained, custom counters made just for this, and a walk up window at the door counter, has all the decals you need for selling. Good client base with construction sites and offices work the ball games or functions downtown. 8000-watt generator, all inspections are current and legal. Runs and drives great, tires are good, and engine is strong. All in perfect working condition.



If for some reason this particular vehicle sells before I get approved, I will find a like vehicle for my business that complies with all D.O.T., D.E.C. and Cordova regulations.

PAGE 3

**SERVICE LOCATION EXAMPLES**

**ANYTIME**

13 Mile Airport (daily, during flight 66)  
Ball Fields

**MOSTLY SPRING/EARLY SUMMER (Commercial Fishing)**

Boat Hoist  
Harbors

**MOSTLY LATE SUMMER/ EARLY FALL (Sports Fishing)**

Hippy Cove  
8-Mile Turn Around

I have been working with Jack Stevenson, and as of March 8<sup>th</sup>, I am waiting to hear back about Alaska Airlines leased state land and what the legalities are. It shouldn't be an issue because there have been food services out at the airport before.

As for 8-mile turn around, that should be fine too because it is far away from congestion, allows for plenty of parking and is on a straight stretch so not to interfere with traffic. Also, I will not be on location when the school bus comes to turn around.

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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

---

DATE: March 8, 2011  
TO: Mayor & City Council  
CC: File  
SUBJECT: Liquor License Renewal

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The Clerk's office has received notification that the following local establishment has applied for renewal of its liquor license with the State Alcoholic Beverage Control Board.

License: Loyal Order of the Moose #1266, License # 747

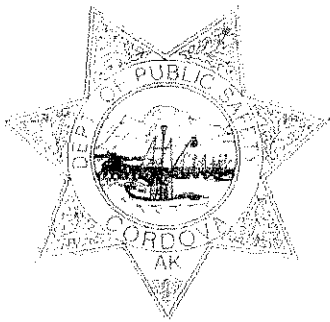
Police Chief Baty has advised of current violations and/or criminal cases regarding the Moose Lodge with the ABC Board (see attached letter).

Finance Director Ashley Royal has stated that the Moose Lodge is delinquent in sales tax owed to the City (see attached memo).

The Clerk's department notes that the Moose Lodge is delinquent in Property Tax for 2010 and is now on the 2010 Foreclosure List which is presently being published in the Cordova Times per Code.

Per AS 04.11.480, a local governing body **may** protest the approval of the application for renewal of a liquor license.

Council **may** choose to make a motion to protest the ABC Board's approval of the application for renewal of the liquor license # 747 due to the Moose Lodge's sales tax and/or property tax delinquency.



## *Cordova Police Department*

Phone: (907) 424-6100 Fax: (907) 424-6120  
P.O. Box 1210 Cordova, Alaska 99574  
[policechief@cityofcordova.net](mailto:policechief@cityofcordova.net)

March 9, 2011

Susan Bourgeois  
City of Cordova  
PO Box 1210  
Cordova, AK 99574

Re: Moose Lodge, #747

Dear Susan,

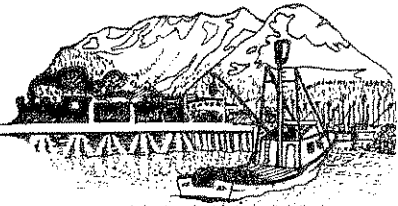
I have received your request for information regarding the liquor license for the Moose Lodge (liquor license #747). I am aware of current violations and/or criminal cases regarding the Moose Lodge with the Alcohol Beverage Control Enforcement Team.

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Baty".

Robert M. Baty  
Chief of Police

# CITY OF CORDOVA



## MEMO

TO: Mayor, City Council, and City Manager  
FROM: Finance Director  
Date: March 7, 2011

RE: Moose Lodge # 1266 and delinquent sales tax

This memo is written to include in the Council packet, and to give a status report and background regarding the delinquent sales tax owed by the Moose Lodge. It is also to document the administrative efforts on the part of City staff to work with the management of the Moose Lodge toward a solution. Please note that all actions by City staff have been followed as set forth in City Code (see cites below) and are consistent with past practice.

The customary written notification of delinquency was sent to the Moose Lodge relating to the third quarter of 2010. The sales tax returned was timely filed, but the tax thereon was not timely paid. After no response was received, I talked with the lodge accountant, Robin Baker, and reached an understanding over the phone. This conversation was followed up in a written memo on January 4, 2011, which was specific as to the terms of the agreement for remedy. As of the middle of February, 2011, the delinquent sales tax from the third quarter had not been paid, and the Lodge had failed to timely file the fourth quarter sales tax return, and failed to pay the tax collected.

This had the effect of breaking the terms of the previous agreement. On February 18, 2011 Notice of Tax Lien was sent to the Lodge [CMC 5.40.125]. In late February, and early March, I began attempts to talk directly with Officers of the Lodge, leaving messages, etc. On March 3, 2011, Mr. Bob Smith and I met at City Hall, to discuss a solution. Basically, the conversation was about reasons why no immediate and comprehensive solution was available, and accordingly I informed Mr. Smith that if the Officers and management of the Lodge could not offer an acceptable solution and agreement, then it is the obligation of the City to find a solution for them, which may include civil action, liens, judgments, injunctions, etc. [5.40.120 (A)].

Mr. Smith left the meeting without providing a satisfactory solution. Shortly thereafter, I received a phone call from Penny Oswalt, and we had a productive conversation, in which she agreed that this matter would be on the next agenda for the Finance Committee meeting at the Lodge, on March 9, 2011. The further agreement is that she or some representative from the lodge will contact me on Thursday, March 10, with information of the decisions made at the meeting, and terms of agreement. On March 4<sup>th</sup> 2011, I followed up the conversation with a letter to the Lodge Officers, Board, and Committee Members.

At the time of writing this memo, the Lodge is delinquent on sales tax from the third quarter of 2010, and has failed to file the fourth quarter return [CMC 5.40.120(B)]. They have also failed to file the monthly return for sales during the month of January, 2011 [CMC 5.40.080(C)]. They have failed to keep a previous agreement by failing to remit bi-weekly on the delinquency (see letter dated January 4, 2011 addressed to the Moose lodge).



The lodge has been notified, and agreement reached, that they will be on a monthly filing schedule until further notice [CMC 5.40.080(C)]. This is customary in situations where a business has demonstrated non-remittance of sales tax.

Sales tax collected by the Lodge is City money at the time of collection, and is never legally available for other purposes than to remit to the City along with a timely filed sales tax return [5.40.060]. Sales tax is never available for settlement of liens or debts. It is city money, held in trust by the Lodge, until remitted to the City.

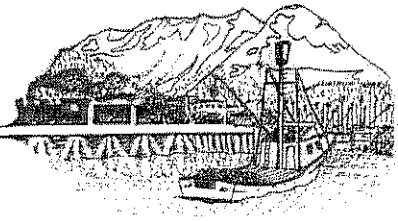
The Moose Lodge has failed to meet their legal obligation of filing and paying sales tax collected timely, and failed to keep agreements with the City for solution. Civil action and other remedies are in progress, and protesting the issuance of a new liquor license is appropriate [5.40.120(A) & 5.40.130(A-D)].

Finally, it would be in the best interest of both parties for the Moose Lodge to agree to a solution that is acceptable, and consistent with established City practice concerning sales tax delinquencies. The primary factors within a workable solution are that the Lodge must not become further delinquent. All subsequent sales tax returns and payments must be filed and remitted timely, and a plan to pay the delinquent amounts within a reasonable time period, along with penalty and interest thereon, must be established.

Respectfully,

Ashley Royal  
Finance Director  
City of Cordova

# CITY OF CORDOVA



January 4, 2011

Moose Lodge #1266  
P.O. Box 609  
Cordova, AK 99574

Dear Robin Baker,

This letter is a memorandum of the agreements we made concerning sales tax owed by the Moose Lodge to the City of Cordova:

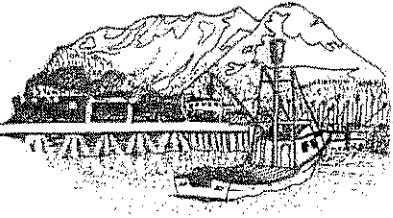
- Third quarter of 2010 sales tax is delinquent, in the approximate amount of \$[REDACTED]. We agreed that you would make payments of \$175 every two weeks until paid in full, including the delinquent amount and interest and penalty thereon.
- You said and we agreed that the fourth quarter 2010 sales tax return and payment of the sales tax would be filed and paid timely before the end of January, 2011.
- We agreed that you will begin filing monthly sales tax returns and paying the sales tax due thereon, in February 2011, for sales in January 2011, and for each month thereafter, until further notice.

The agreements stated within this letter are terms which are a reasonable effort to work with the Moose Lodge, so that these delinquent sales tax issues do not occur in the future. Perhaps it is appropriate to remind you that the collection and reporting and remittance of sales tax is not optional, and the money thus collected is not operating money for the Moose Lodge. There are remedies provided within the City Code to enforce compliance, however the terms of this agreement, if met, resolve the matter.

Respectfully,

Ashley Royal  
Finance Director  
City of Cordova

# CITY OF CORDOVA



Moose Lodge #1266  
P.O. Box 609  
Cordova, AK 99574

February 18, 2011

***Via Certified Return Receipt Mail and U.S. Mail***

## **NOTICE OF TAX LIEN FOR FAILURE TO REMIT SALES TAX**

**To Whom It May Concern:**

**Re: Moose Lodge #1266**

You are hereby notified that the City of Cordova, Alaska has not received the following from the above named taxpayer:

1. Past due sales tax in the amount of \$ [REDACTED], for the quarter ending 9/30/2010.

Please remit the delinquent sales tax immediately to our office at the address below. Penalties and interest continue to accrue on the amount owed. Further, pursuant to Cordova Municipal Code Section 5.40.125, the tax, penalty and interest as well as all administrative and legal costs incurred in collecting the amount owed the City of Cordova shall constitute a lien in favor of the city upon all the taxpayer's real and personal property.

Also, in the event that the taxpayer remains delinquent with regards to the above identified taxes, the City may seek injunctive relief and money judgment for the tax and penalty in the Superior Court of the State of Alaska, without prior hearing.

If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Ashley Royal  
Cordova Finance Director

Attachment: Copy of Cordova Municipal Code, Chapter 5.40 Sales Tax



# State of Alaska

## Department of Public Safety

# Alcoholic Beverage Control Board

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

December 6, 2010

### Renewal Application Notice

City of Cordova  
Attn: City Clerk  
VIA EMAIL: [cityclerk@cityofcordova.net](mailto:cityclerk@cityofcordova.net)

DBA	Lic Type	Lic #	Owner	Premise Address
Loyal Order of the Moose #1266	Club	747	Loyal Order of the Moose #1266	514 2 <sup>nd</sup> Street

We have received a renewal application for the above listed licenses (see attached applications) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC

**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD  
Director

*Lauren Edades*

Lauren Edades  
Records & Licensing Supervisor  
269-0359  
Lauren.edades@alaska.gov

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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

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DATE: March 8, 2011  
TO: Mayor & City Council  
CC: File  
SUBJECT: Liquor License Renewal

---

The Clerk's office has received notification that the following local establishment has applied for renewal of its liquor licenses with the State Alcoholic Beverage Control Board.

Licenses: Cordova Hotel & Bar, Beverage Dispensary, License # 277  
Cordova Hotel & Bar, Package Store, License # 278

Police Chief Baty has advised that there is no reason for his department to request that the City of Cordova file a protest against these applications for renewal (see attached letter).

Finance Director Ashley Royal has stated that the Cordova Hotel & Bar is delinquent in sales tax owed to the City (see attached information).

The Clerk's department notes that the owner of the building which houses these businesses, Dorene Wickham, is delinquent in Property Tax for 2010 and is now on the 2010 Foreclosure List which is presently being published in the Cordova Times per Code.

Per AS 04.11.480, a local governing body **may** protest the approval of the application for renewal of a liquor license.

Council **may** choose to make a motion to protest the ABC Board's approval of the applications for renewal of the liquor licenses #277 and/or #278 due to the Cordova Hotel & Bar's sales tax and/or property tax delinquency.



## *Cordova Police Department*

Phone: (907) 424-6100 Fax: (907) 424-6120  
P.O. Box 1210 Cordova, Alaska 99574  
[policechief@cityofcordova.net](mailto:policechief@cityofcordova.net)

March 9, 2011

Susan Bourgeois  
City of Cordova  
PO Box 1210  
Cordova, AK 99574

Re: Cordova Hotel & Bar #277, Cordova Hotel & Bar Liquor Store, #278

Dear Susan,

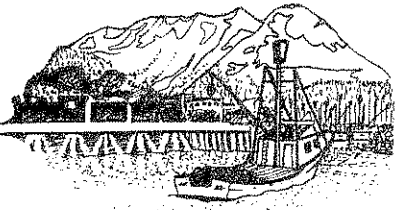
I have no reason to protest the renewal of the liquor licenses for the Cordova Hotel & Bar & Liquor Store (Liquor Licenses #277 & #278).

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Baty".

Robert M. Baty  
Chief of Police

# CITY OF CORDOVA



MEMO

TO: Mayor, City Council, and City Manager  
FROM: Finance Director  
Date: March 7, 2011

RE: Cordova Bar and delinquent sales tax

This memo is written to include in the Council packet, and to give a status report and background regarding delinquent sales tax owed by the Cordova Bar. It is also to document the administrative efforts on the part of City staff to work with the management of Cordova bar toward a solution. Please note that all actions by City staff have been followed as set forth in City Code (see cites below) and are consistent with past practice.

At the time of writing this memo the Cordova Bar is delinquent on sales tax from the second, third and fourth quarters of 2010, and has failed to file the sales tax return for the month of January, 2011, which was due by the end of February, 2011 [CMC 5.40.120(B)]. Furthermore, the previous agreement to resolve the situation has not been fulfilled by management of the Cordova Bar. It should be noted that the related business, Cordova Café, is similarly delinquent in sales tax.

The customary notifications were sent to the Cordova Bar regarding the delinquency status, and several conversations have occurred in an attempt to find a solution. On January 5, 2011, a letter was written to the Cordova Bar, summarizing the agreement reached by phone. On February 18, 2011 a Notice of Tax Lien was mailed to Cordova Bar [CMC 5.40.125].

The Cordova Bar has been notified to file sales tax returns and remit the tax on a monthly schedule, until further notice [CMC 5.40.080(C)]. This is customary in situations where a business has demonstrated non-remittance of sales tax.

Sales tax collected by the business is City money at the time of collection, and is never legally available for purposes other than remittance to the City along with a timely filed sales tax return [5.40.060]. Sales tax is never available for settlement of other liens or debts. It is city money, held in trust by the business, until remitted to the City.

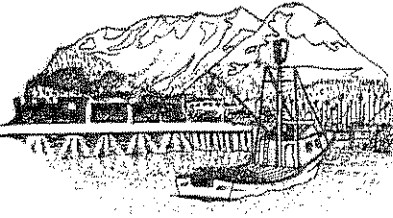
The Cordova Bar has failed to meet their legal obligation of filing and paying sales tax collected timely, and failed to keep agreements with the City for solution. Civil action and other remedies are in progress, and protesting the issuance of a new liquor license is appropriate [5.40.120(A) & 5.40.130(A-D)].

Respectfully,

Ashley Royal, Finance Director, City of Cordova



# CITY OF CORDOVA



Cordova Cafe  
C/O Dorene Wickham  
P.O. Box 700  
Cordova, AK 99574

February 18, 2011

***Via Certified Return Receipt Mail and U.S. Mail***

## **NOTICE OF TAX LIEN FOR FAILURE TO REMIT SALES TAX**

**To Whom It May Concern:**

**Re: Cordova Cafe**

You are hereby notified that the City of Cordova, Alaska has not received the following from the above named taxpayer:

1. Past due sales tax in the amount of \$ [REDACTED] 5, for the periods ending 6/30/2010,
2. Past due sales tax in the amount of \$ [REDACTED] 4, for the periods ending 9/30/2010,
3. Past due sales tax in the amount of \$ [REDACTED] for the periods ending 12/31/2010.

Please remit the delinquent sales tax immediately to our office at the address below. Penalties and interest continue to accrue on the amount owed. Further, pursuant to Cordova Municipal Code Section 5.40.125, the tax, penalty and interest as well as all administrative and legal costs incurred in collecting the amount owed the City of Cordova shall constitute a lien in favor of the city upon all the taxpayer's real and personal property.

Also, in the event that the taxpayer remains delinquent with regards to the above identified taxes, the City may seek injunctive relief and money judgment for the tax and penalty in the Superior Court of the State of Alaska, without prior hearing.

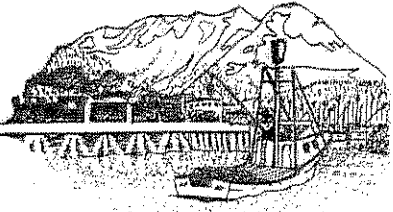
If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Ashley Royal  
Cordova Finance Director

Attachment: Copy of Cordova Municipal Code, Chapter 5.40 Sales Tax

# CITY OF CORDOVA



Cordova Bar  
C/O Dorene Wickham  
P.O. Box 700  
Cordova, AK 99574

February 18, 2011

***Via Certified Return Receipt Mail and U.S. Mail***

## **NOTICE OF TAX LIEN FOR FAILURE TO REMIT SALES TAX**

**To Whom It May Concern:**

**Re: Cordova Bar**

You are hereby notified that the City of Cordova, Alaska has not received the following from the above named taxpayer:

1. Past due sales tax in the amount of \$ [REDACTED], for the period ending 6/30/2010;
2. Past due sales tax in the amount of \$ [REDACTED], for the period ending 9/30/2010;
3. Past due sales tax in the amount of \$ [REDACTED], for the period ending 12/31/2010;

Please remit the delinquent sales tax immediately to our office at the address below. Penalties and interest continue to accrue on the amount owed. Further, pursuant to Cordova Municipal Code Section 5.40.125, the tax, penalty and interest as well as all administrative and legal costs incurred in collecting the amount owed the City of Cordova shall constitute a lien in favor of the city upon all the taxpayer's real and personal property.

Also, in the event that the taxpayer remains delinquent with regards to the above identified taxes, the City may seek injunctive relief and money judgment for the tax and penalty in the Superior Court of the State of Alaska, without prior hearing.

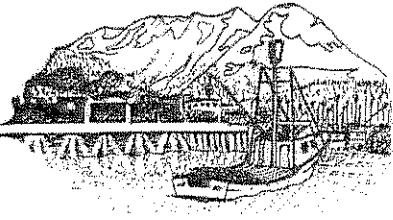
If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Ashley Royal  
Cordova Finance Director

Attachment: Copy of Cordova Municipal Code, Chapter 5.40 Sales Tax

# CITY OF CORDOVA



January 5, 2010

Cordova Cafe  
P.O. Box 700  
Cordova, AK 99574

Dear Dorene Wickham,

This letter is a memorandum of the agreements we made concerning sales tax owed by the Cordova Café to the City of Cordova:

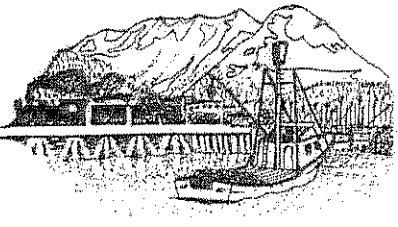
- 2010 sales tax is delinquent for the second and third quarters 2010, \$ [REDACTED] and \$ [REDACTED] respectively. We agreed that you would make payments on a weekly basis to pay this off, until the delinquent amount and interest and penalty thereon is paid in full.
- You said and we agreed that the fourth quarter 2010 sales tax return and payment of the sales tax would be filed and paid timely before the end of January, 2011.
- We agreed that you will begin filing monthly sales tax returns and paying the sales tax due thereon, in February 2011, for sales in January 2011, and for each month thereafter, until further notice.

The agreements stated within this letter are terms which are a reasonable effort to work with you, so that these delinquent sales tax issues do not occur in the future. Perhaps it is appropriate to remind you that the collection and reporting and remittance of sales tax is not optional, and the money thus collected is not operating money for the business. There are remedies provided within the City Code to enforce compliance, however the terms of this agreement, if met, resolve the matter.

Sincerely,

Ashley Royal  
Finance Director  
City of Cordova

# CITY OF CORDOVA



January 5, 2011

Cordova Bar  
P.O. Box 700  
Cordova, AK 99574

Dear Dorene Wickham,

This letter is a memorandum of the agreements we made concerning sales tax owed by the Cordova Bar to the City of Cordova:

- 2010 sales tax is delinquent for the second and third quarters 2010, \$ [REDACTED] and \$ [REDACTED] respectively. We agreed that you would make payments of \$500 on a weekly basis to pay this off, until the delinquent amount and interest and penalty thereon is paid in full.
- You said and we agreed that the fourth quarter 2010 sales tax return and payment of the sales tax would be filed and paid timely before the end of January, 2011.
- We agreed that you will begin filing monthly sales tax returns and paying the sales tax due thereon, in February 2011, for sales in January 2011, and for each month thereafter, until further notice.

The agreements stated within this letter are terms which are a reasonable effort to work with you, so that these delinquent sales tax issues do not occur in the future. Perhaps it is appropriate to remind you that the collection and reporting and remittance of sales tax is not optional, and the money thus collected is not operating money for the business. There are remedies provided within the City Code to enforce compliance, however the terms of this agreement, if met, resolve the matter.

Sincerely,

Ashley Royal  
Finance Director  
City of Cordova



# State of Alaska

## Department of Public Safety

# Alcoholic Beverage Control Board

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

March 3, 2011

### Renewal Application Notice

City of Cordova  
Attn: City Clerk  
VIA EMAIL: [cityclerk@cityofcordova.net](mailto:cityclerk@cityofcordova.net)

DBA	Lic Type	Lic #	Owner	Premise Address
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Cordova Hotel & Bar	Beverage Dispensary	277	Dorene K. Wickham	1 <sup>st</sup> Between A & B Sts.
Cordova Hotel & Bar	Package Store	278	Dorene K. Wickham	1 <sup>st</sup> Between A & B Sts.

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD  
Director

*Lauren Edades*

Lauren Edades  
Records & Licensing Supervisor  
269-0359  
Lauren.edades@alaska.gov

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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

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DATE: March 8, 2011  
TO: Mayor & City Council  
CC: File  
SUBJECT: Liquor License Renewal

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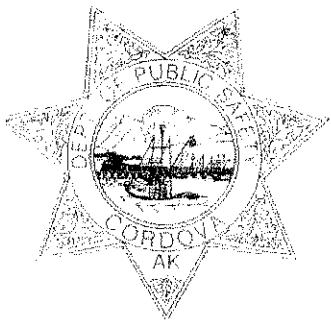
The Clerk's office has received notification that the following local establishment has applied for renewal of its liquor licenses with the State Alcoholic Beverage Control Board.

Licenses: Anchor Bar & Liquor Store, Beverage Dispensary, License # 61  
Anchor Liquor Store, Package Store, License # 62

Police Chief Baty has advised of current violations and/or criminal cases regarding the Anchor Bar with the ABC Board (see attached letter).

Finance Director Ashley Royal has stated that there is no reason for his department to request that the City of Cordova file a protest against this application for renewal.

The Clerk's department notes no reason to request that the City of Cordova file a protest against this application for renewal.



## *Cordova Police Department*

Phone: (907) 424-6100 Fax: (907) 424-6120  
P.O. Box 1210 Cordova, Alaska 99574  
policechief@cityofcordova.net

March 9, 2011

Susan Bourgeois  
City of Cordova  
PO Box 1210  
Cordova, AK 99574

Re: Anchor Bar & Liquor Store, #61 Beverage Dispensary, Anchor Liquor Store, #62 Package Store

Dear Susan,

I have received your request for information regarding the liquor license for the Anchor Bar & Liquor Store (liquor licenses #61 & #62). I am aware of current violations and/or criminal cases regarding the Anchor Bar & Liquor Store with the Alcohol Beverage Control Enforcement Team.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Baty". The signature is stylized with a large, looped "R" and a long, sweeping "y".

Robert M. Baty  
Chief of Police





# State of Alaska

Department of Public Safety

## Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A. Masters, Commissioner

March 3, 2011

### Renewal Application Notice

City of Cordova

Attn: City Clerk

VIA EMAIL: [cityclerk@cityofcordova.net](mailto:cityclerk@cityofcordova.net)

DBA	Lic Type	Lic #	Owner	Premise Address
Anchor Liquor Store	Package Store	62	Dean Buser & Levitta Burks	207 Breakwater Avenue
Anchor Bar & Liquor Store	Beverage Dispensary	61	Dean Buser & Levitta Burks	207 Breakwater Avenue

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

Alcoholic Beverage Control Board

5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD  
Director

*Lauren Edades*  
Lauren Edades  
Records & Licensing Supervisor  
269-0359  
Lauren.edades@alaska.gov

# Memorandum

To: City Council

Thru: Samantha Greenwood, City Planner

Date: March 10, 2011

Re: Request for purchase of lot - Lot 3 Block 2 South Fill Development Park.

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## **PART I. GENERAL INFORMATION:**

The City has received a letter from an interested buyer for Lot 3 Block 2 South Fill Development Park. This property is zoned waterfront commercial and the lot is 15,556 square feet.

It was noted by staff that this lot is currently used as boat trailer parking in the summer. It is not used as a snow dump and the Public Works Department does not object to selling this lot. This lot is shown on the 2007 Land Disposal Committee maps as available for sale.

Planning and zoning met on March 8, 2011 to discuss the request and make a recommendation to City Council on the disposal of Lot 3 Block 2 South Fill Development Park.

Requested Action: Purchase from City for not less than fair market value

Zoning: Waterfront Commercial

Applicable Regulations: Chapter 5.22.040 Application to lease or purchase

## **PART II. PLANNING AND ZONING COMMISSION**

At the Planning and Zoning Commission meeting a motion was made to dispose of Lot 3, Block 2, South Fill Development Park

M/Sjostedt S/ Greenwood "I move that the Planning Commission recommend to City Council to dispose of Lot 3, Block 2, South Fill Development Park based on the findings as contained in the staff report."

**Yeas: Bailer, Reggiani, Greenwood, Sjostedt and Padawer**

**Nays: LoForte**

**Absent: Srb**

**Upon voice vote, motion passed 5-1**

## **PART III. RECOMMENDED MOTIONS:**

### **Motion for Approval:**

"I move that the City Council approve the sale of Lot 3, Block 2, South Fill Development Park for not less than fair market value."

## **MEMO**

**DATE:** March 10, 2011

**TO:** City Council

**FROM:** Harbormaster Muma

**RE:** Disposal of City Property

The Harbor Commission reviewed the proposal to dispose of Lot 3 and Lot 5 of Block 2 of the South Fill Development Park at their regular meeting of 3/9/11. There was a motion by Robert Beedle, second by Brent Davis to recommend that City Council retain Lots 3& 5 of Block 2 of the South Fill Development Park. After discussion, the motion was approved unanimously.

**5.22.040 - Application to lease or purchase.**

- A. A person shall apply to the city manager in writing to lease or purchase an interest in city real property on a form approved by the city manager. The application shall include the following information:
1. The name of the applicant, and any other names under which the applicant does business;
  2. The name of each affiliate (as defined in AS 10.06.990(2) or its successor) of the applicant;
  3. The applicant's mailing address and the address of the applicant's registered office in the state, if applicable;
  4. The use or purpose for which the applicant proposes to lease or purchase the property, including the following:
    - a. An application for a lease with a term exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing for the development of a permanent commercial or industrial facility, which plan shall include the number of persons to be employed on the premises during the term of the lease, and any additional information required by the city manager, the city planner or the planning commission.
    - b. An application for a lease with a term not exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing the information required by the city manager, the city planner or the planning commission.
    - c. Any other application shall state the use, value and nature of any improvements the applicant proposes to construct on the property, and any additional information required by the city manager, the city planner or the planning commission;
  5. Evidence that the applicant meets the applicable qualifications in subsection B of this section; and
  6. Any other information required by the city manager.
- B. The city manager shall forward an application for further review only if the applicant:
1. Is not delinquent in the payment of any obligation to the city;
  2. Has not previously breached or defaulted in the performance of a material contractual or legal obligation to the city, unless the breach or default has been remedied or cured;
  3. If a natural person, is at least nineteen years of age;
  4. If a natural person, is a citizen of the United States, or has declared the intent to become a citizen; and
  5. If not a natural person, is authorized to transact business in the state of Alaska and in the city under all applicable laws.
- C. The city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting.
- D. The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.
- E. The city council shall review the application and the recommendation of the planning commission, and determine in its sole discretion whether to accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

(Ord. 1003 § 1, 2007; Ord. 999 § 1(part), 2007)

**5.22.050 - Disposal for fair market value.**

- A. Except as this chapter provides otherwise, all disposals of interests in city real property shall be for fair market value. The city may accept in exchange for an interest in city real property any consideration of sufficient value not prohibited by law.
- B. A lease of city real property for commercial or industrial use shall grant the lessee an option to purchase the property for fair market value at the time of purchase, subject to the council making each of the following findings by resolution upon receiving written notice of the lessee's intent to exercise the option:
1. No breach or default has occurred or is continuing under the lease;
  2. A commercial or industrial facility has been established and is being operated or maintained on the property under the lease;
  3. The sale will substantially increase the likelihood that the facility will continue or expand its operations; and
  4. The continuation or expansion will confer a net economic benefit upon the city or the citizens of Cordova that would not be obtained without the sale; provided that, unless the property is located within lots 4-11, Block 2 of the South Containment Area Replat, dated April 4, 1986 and recorded in Book 86 at Page 2 in the Cordova Recording District, this provision shall not apply to property contiguous or

adjacent to tidelands.

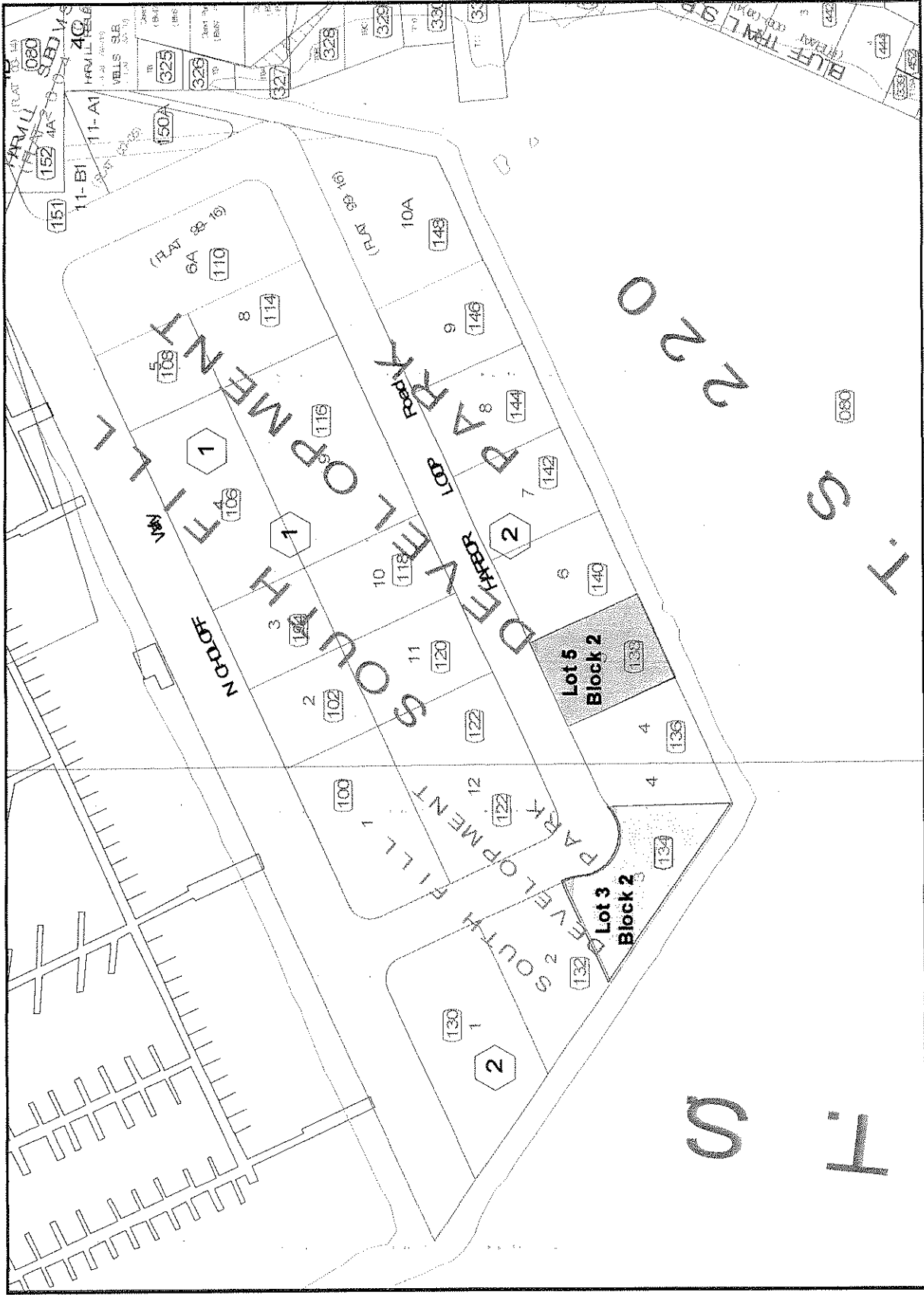
(Ord. 999 § 1(part), 2007)

#### **5.22.060 - Methods of disposal for fair market value.**

- A.** In approving a disposal of an interest in city real property for fair market value, the council shall select the method by which the city manager will conduct the disposal from among the following:
1. Negotiate an agreement with the person who applied 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.
- B.** If the city elects to dispose of an interest in city real property under one of the competitive methods described in subsections (A)(2) through (A)(4) of this section, notice of the disposal shall be published in the manner which the city manager deems most likely to inform the public of the proposed disposal for a period of at least thirty days. At a minimum, the notice shall describe the interest in city real property to be disposed of, the method of disposal, and the time and place for submitting bids or proposals.
- C.** An invitation for bids to lease or purchase city real property shall specify any minimum price requirement, and any required terms.
- D.** A request for proposals to lease or purchase city real property shall specify the criteria upon which proposals shall be evaluated, which may include without limitation the type of proposed development and its benefit to the community, the qualifications and organization of the proposer, the value of the proposed improvements to the real property, and the required rent or purchase price. All proposals submitted in response to a request for proposals shall be reviewed by the planning commission, which shall recommend a proposal to the city council for award.

(Ord. 1003 § 2, 2007; Ord. 999 § 1(part), 2007)

# Lots 3 and 5 South Fill Development Park



This map was created by the Planning Dept. for illustration purposes only. It is not intended to be used as a survey instrument.

This map was created by the City of Cordova Planning Dept on February 23rd 2011. fwj

# Memorandum

To: City Council

Thru: Samantha Greenwood, City Planner

Date: March 10, 2011

Re: Request for purchase of lot - Lot 5 Block 2 South Fill Development Park.

---

## **PART I. GENERAL INFORMATION:**

The City has received a letter from an interested buyer for Lot 5 Block 2 South Fill Development Park. This property is zoned waterfront commercial and the lot is 12,585 square feet.

It was noted by staff that this lot is currently used as boat trailer parking in the summer. It is not used as a snow dump and the Public Works Department does not object to selling this lot. This lot is shown on the 2007 Land Disposal Committee maps as available for sale.

Planning and Zoning met on March 8, 2011 to discuss the request and to make a recommendation to City Council on the disposal of Lot 5 Block 2 South Fill Development Park.

Requested Action: Purchase from City for not less than fair market value

Zoning: Waterfront Commercial

Applicable Regulations: Chapter 5.22.040 Application to lease or purchase

## **PART II. PLANNING AND ZONING COMMISSION**

At the Planning and Zoning Commission meeting a motion was made to dispose of Lot 5, Block 2, South Fill Development Park

M/Sjostedt S/Padawer "I move that the Planning Commission recommend to City Council to dispose of Lot 5, Block 2, South Fill Development Park based on the findings as contained in the staff report."

**Yeas: Reggiani, Greenwood, Padawer, Sjostedt and Bailer**

**Nays: LoForte**

**Absent: Srb**

**Upon voice vote, motion passed 5-1**

## **PART III. RECOMMENDED MOTIONS:**

### **Motion for Approval:**

"I move that the City Council approve the sale of Lot 5, Block 2, South Fill Development Park for not less than fair market value."



## **MEMO**

**DATE:** March 10, 2011

**TO:** City Council

**FROM:** Harbormaster Muma

**RE:** Disposal of City Property

The Harbor Commission reviewed the proposal to dispose of Lot 3 and Lot 5 of Block 2 of the South Fill Development Park at their regular meeting of 3/9/11. There was a motion by Robert Beedle, second by Brent Davis to recommend that City Council retain Lots 3& 5 of Block 2 of the South Fill Development Park. After discussion, the motion was approved unanimously.

**5.22.040 - Application to lease or purchase.**

- A. A person shall apply to the city manager in writing to lease or purchase an interest in city real property on a form approved by the city manager. The application shall include the following information:
1. The name of the applicant, and any other names under which the applicant does business;
  2. The name of each affiliate (as defined in AS 10.06.990(2) or its successor) of the applicant;
  3. The applicant's mailing address and the address of the applicant's registered office in the state, if applicable;
  4. The use or purpose for which the applicant proposes to lease or purchase the property, including the following:
    - a. An application for a lease with a term exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing for the development of a permanent commercial or industrial facility, which plan shall include the number of persons to be employed on the premises during the term of the lease, and any additional information required by the city manager, the city planner or the planning commission.
    - b. An application for a lease with a term not exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing the information required by the city manager, the city planner or the planning commission.
    - c. Any other application shall state the use, value and nature of any improvements the applicant proposes to construct on the property, and any additional information required by the city manager, the city planner or the planning commission;
  5. Evidence that the applicant meets the applicable qualifications in subsection B of this section; and
  6. Any other information required by the city manager.
- B. The city manager shall forward an application for further review only if the applicant:
1. Is not delinquent in the payment of any obligation to the city;
  2. Has not previously breached or defaulted in the performance of a material contractual or legal obligation to the city, unless the breach or default has been remedied or cured;
  3. If a natural person, is at least nineteen years of age;
  4. If a natural person, is a citizen of the United States, or has declared the intent to become a citizen; and
  5. If not a natural person, is authorized to transact business in the state of Alaska and in the city under all applicable laws.
- C. The city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting.
- D. The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.
- E. The city council shall review the application and the recommendation of the planning commission, and determine in its sole discretion whether to accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

(Ord. 1003 § 1, 2007; Ord. 999 § 1(part), 2007)

**5.22.050 - Disposal for fair market value.**

- A. Except as this chapter provides otherwise, all disposals of interests in city real property shall be for fair market value. The city may accept in exchange for an interest in city real property any consideration of sufficient value not prohibited by law.
- B. A lease of city real property for commercial or industrial use shall grant the lessee an option to purchase the property for fair market value at the time of purchase, subject to the council making each of the following findings by resolution upon receiving written notice of the lessee's intent to exercise the option:
1. No breach or default has occurred or is continuing under the lease;
  2. A commercial or industrial facility has been established and is being operated or maintained on the property under the lease;
  3. The sale will substantially increase the likelihood that the facility will continue or expand its operations; and
  4. The continuation or expansion will confer a net economic benefit upon the city or the citizens of Cordova that would not be obtained without the sale; provided that, unless the property is located within lots 4-11, Block 2 of the South Containment Area Replat, dated April 4, 1986 and recorded in Book 86 at Page 2 in the Cordova Recording District, this provision shall not apply to property contiguous or

adjacent to tidelands.

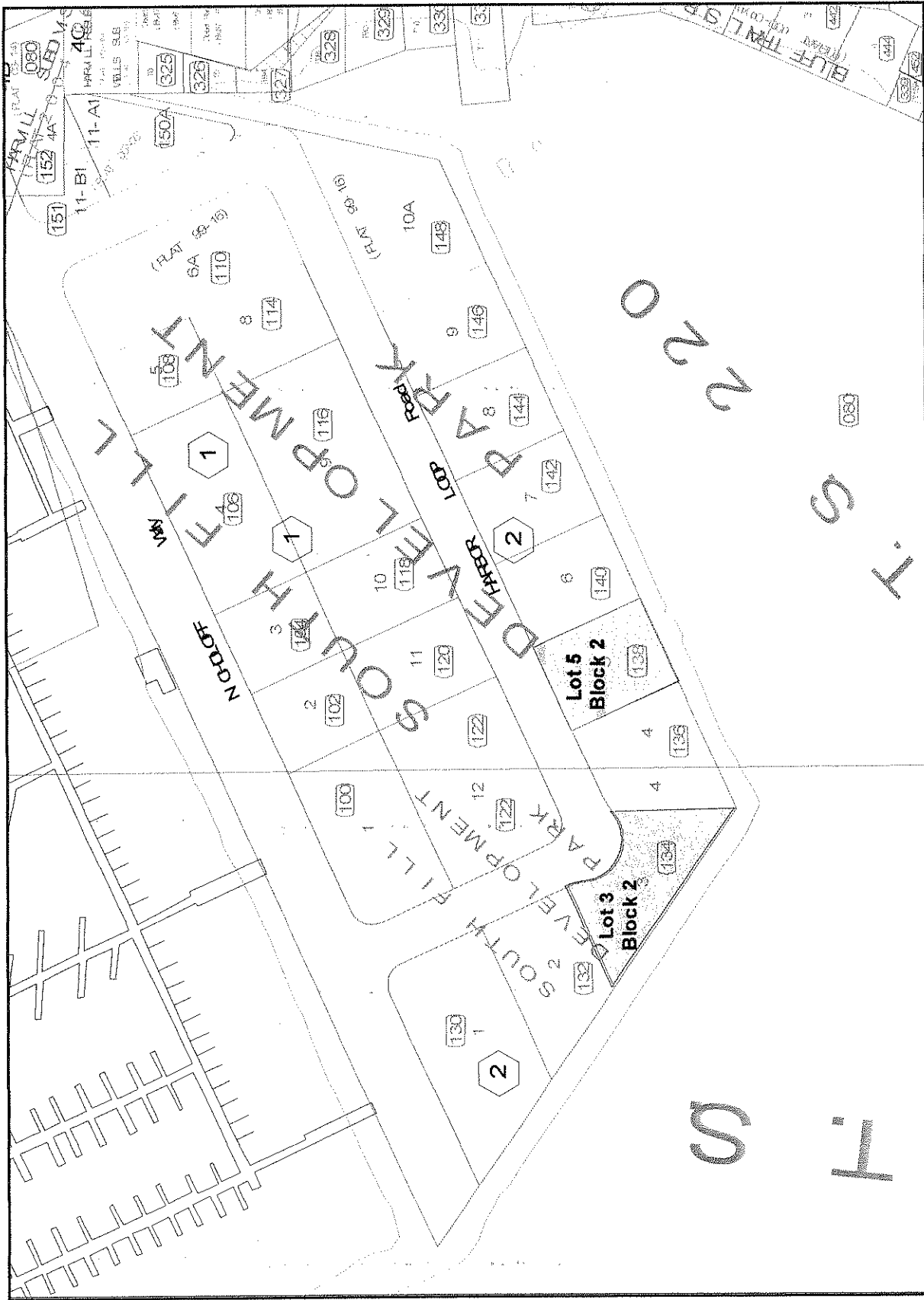
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**5.22.060 - Methods of disposal for fair market value.**

- A. In approving a disposal of an interest in city real property for fair market value, the council shall select the method by which the city manager will conduct the disposal from among the following:
1. Negotiate an agreement with the person who applied 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.
- B. If the city elects to dispose of an interest in city real property under one of the competitive methods described in subsections (A)(2) through (A)(4) of this section, notice of the disposal shall be published in the manner which the city manager deems most likely to inform the public of the proposed disposal for a period of at least thirty days. At a minimum, the notice shall describe the interest in city real property to be disposed of, the method of disposal, and the time and place for submitting bids or proposals.
- C. An invitation for bids to lease or purchase city real property shall specify any minimum price requirement, and any required terms.
- D. A request for proposals to lease or purchase city real property shall specify the criteria upon which proposals shall be evaluated, which may include without limitation the type of proposed development and its benefit to the community, the qualifications and organization of the proposer, the value of the proposed improvements to the real property, and the required rent or purchase price. All proposals submitted in response to a request for proposals shall be reviewed by the planning commission, which shall recommend a proposal to the city council for award.

(Ord. 1003 § 2, 2007; Ord. 999 § 1(part), 2007)

# Lots 3 and 5 South Fill Development Park



This map was created by the  
City of Cordova Planning Dept  
on February 23rd 2011. fwj

This map was created by the Planning  
Dept. for illustration purposes only. It is  
not intended to be used as a survey instrument.

## **PENDING AGENDA**

**March 16, 2011** – Work Session with Steve Vansant – State Assessor in re: BOE Hearing Procedures

Capital Priorities List Meeting – **June 2011, September 2011, December 2011**

Redistricting Work Session – TBA

City Clerk's annual evaluation – **April 2011** (date TBA)

## **Committees:**

Cordova Center Committee: Tim Joyce, Sylvia Lange, VACANCY, Darrel Olsen, Larue Barnes, VACANCY, Valerie Covell, David Roemhildt, Dan Logan, Nancy Bird, and Cathy Sherman

Fisheries Advisory Committee: David Reggiani, PWSAC; Ken Roemhildt, Seafood Sales; Jim Holley, AML; Torie Baker, Marine Advisory Program Coordinator; VACANCY; and Brian Marston, ADF&G

Cordova Trails Committee: Elizabeth Senear, VACANCY, Jim Kallander, Toni Godes, and David Zastrow

E911 RFP Committee: Dick Groff – Chairman, Gary Graham, Chief Baty, Mike Hicks, Oscar Delpino, Dave Allison, Bret Bradford

Public Services Building Design Committee: David Reggiani - Chairman, Chief Baty, Martin Moe, Jim Kacsh, Dick Groff, Mike Hicks, Tom Bailer

# March 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>Location Legend</b> CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib	28 Noon Harbor Commission mtg CH 7pm PSBDC mtg LMR	1 Regular Election 7am - 8 pm LMR	2 6:00 Cncl wksn LMR 7:30 Cncl reg mtg LMR	3	4	5
6	7	8 P&Z Commission Mtg 7pm CH	9 Election board mtg absentee votes 10am CH Hrbr Cms 7pm CH HSB 7pm LMR Sch Bd 7pm HSL	10 Special Meeting to certify the election 7pm LMR	11 2011 Assessment Notices in the mail	12
13	14	15	16 6:30 Cncl wksn w— State Assessor LMR 7:30 Cncl reg mtg LMR	17 period	18	19
20	21	22 appeal	23	24 period	25	26
27  76	28 Seward's Day City Hall offices closed assessment	29 appeal	30	31 period		<b>Location Legend</b> CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib

# April 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>Location Legend</b> CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib				<b>Location Legend</b> CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib	1	2
3	4	5	6	7	8	9
	assessment	appeal	7:30 reg mtg LMR	period		
10	11	12	13	14	15	16
	Assessment appeals deadline	P&Z Commission Mtg 7pm CH	Hrbr Cms 7pm CH HSB 7pm LMR Sch Bd 7pm HSL			
17	18	19	20	21	22	23
	7:00 Board of Equalization Meeting LMR		7:15 pub hrg (maybe) 7:30 reg mtg LMR			
24 Easter Sunday	25	26	27	28	29	30
77						

# May 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 7:15 pub hrg (maybe) 7:30 reg mtg	5	6	7
8	9	10 P&Z Commission Mtg 7pm CH	11 Hrbr Cms 7pm CH HSB 7pm LMR Sch Bd 7pm HSL	12	13	14
15	16	17	18 7:15 Cncl pub hrg (maybe) LMR 7:30 Cncl reg mtg LMR	19	20	21
22	23	24	25	26	27	28
29	30 Memorial Day City Hall offices closed	31	<b>Location Legend</b> CH—City Hall Confer- ence Room LMR—Library Meet- ing Room HSL—High Sch Lib			<b>Location Legend</b> CH—City Hall Confer- ence Room LMR—Library Meet- ing Room HSL—High Sch Lib
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