

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

A. CALL TO ORDER

Mayor James Kallander called the Council Regular Meeting to order at 7:30 pm on March 16, 2011, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Corrine Erickson led the audience in an Invocation.

Mayor Kallander led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Mayor James Kallander*, Council members *Jim Kacsh*, *Bret Bradford*, *EJ Cheshier* (present via teleconference), *David Reggiani* and *Robert Beedle*. Council Members *Keith van den Broek* and *David Allison* were absent. Also present were City Manager *Mark Lynch*, City Clerk *Susan Bourgeois*, Deputy City Clerk *Robyn Kincaid* and Student Council representative *Shyla Krukoff*.

D. APPROVAL OF REGULAR AGENDA

M/Reggiani S/Bradford to approve the Regular Agenda.

Vote on motion: 5 yeas, 0 nays. Motion was approved.

E. DISCLOSURES OF CONFLICTS OF INTEREST

Beedle stated he may have a perceived conflict with item #15 as he is a member of the Moose Lodge. *Kallander* agreed and asked that he remove himself from the discussion on that item.

Kacsh stated he may have a perceived conflict with item #13 as is it his father-in-law's property. *Kallander* agreed and asked that he remove himself from the discussion on that item.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

Robert Smith of 702 Lake Avenue spoke as administrator of the Moose Lodge. He read into the record a letter that the local Moose Lodge had recently sent to Moose Lodge national concerning the local lodge's financial problems. There is an ongoing investigation concerning criminal activity of previous employees and officers. The IRS has noticed of intent to levy. So *Smith* said that the lodge is not trying to dodge anything, they want the Council and the City to understand the situation they are in. They need to get their finances in order and then will likely be able to get financing somewhere to pay off debts.

Jennifer Gibbins of Browning Street spoke of the Moose Lodge and said that the present officers are making a concerted effort to deal with the problems - bookkeeping and finances are being dealt with. She would hate to see the loss of the lodge.

Jerry Blackler 921 Center Drive mentioned that the Moose is the last fraternal organization in town and he would hate to see it go away.

3. Chairpersons and Representatives of Boards and Commissions

Jim Nygaard superintendant of schools said the ILP building is nearing 65% design phase - then he will send it in to state and then put a bid packet together. He will have a construction meeting next week. The existing district office is advertised as obsolete and he is hoping for interest. He is looking into driver's education for Cordova - he is sending 5 kids to Juneau. Archery in the schools program is set to begin April 18 - 19. Tenured teacher contracts were offered and the rest are not set until last day of school. He has spoken to some who realize that their jobs are in jeopardy. HSGQE exam may have had opposite

effect on graduation rates so state is looking into this. End of third quarter next week so 45 days of school left.

Beedle said that Harbor Commission is now meeting on the second Wednesday of the month 7pm at City Hall – they elected officers. Spoke about the Sound Developer – they have a good agenda going for next time. **Bradford** asked about the letter in the packet from the Harbor Commission regarding Cordova’s status as a regional port. **Lynch** said he would touch in that in his report to Council.

Reggiani reported on a Planning and Zoning meeting on Tuesday March 8 – they discussed disposal of properties; downtown parking and sidewalks.

Beedle mentioned the AML committee that he sits on (Land Use Committee) – HB64 may affect Cordova – onetime fee of vehicles over 8 years old, also Little-Davis Bacon act.

a. Student Council Representative

Shyla Krukoff reported that there had been an assembly about cyber-crimes which was good. Suicide prevention videos were made by different classes due to the AASG meeting. 337 delegates and 41 schools will be in attendance at AASG in Cordova. Nanda – an acrobat group will perform here on Friday. May 10 there will be an appreciation dinner at the elementary school.

G. APPROVAL OF CONSENT CALENDAR

Mayor Kallander stated that the consent calendar was before Council.

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

Vote on Consent Calendar: 5 yeas, 0 nays, 2 absent (van den Broek, Allison). Kacsh – yes; Bradford – yes; Cheshier – yes; Reggiani – yes and Beedle – yes. Consent Calendar was approved.

H. APPROVAL OF MINUTES

M/Reggiani S/Kacsh to approve the minutes

5. Minutes of 03-02-11 Council Work Session

Beedle pointed out a typo in the minutes; **Bourgeois** took note to correct the typo.

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

I. CONSIDERATION OF BIDS - None

J. REPORTS OF OFFICERS

6. Mayor’s Report – **Mayor Kallander** reported had a meeting with Mr. Bailey at Copper River Seafoods concerning the property they own north of the North Fill and he is also still working with Samson on a property deal there. He is headed to Juneau and Bitney has scheduled a day of meetings with our legislators and others and maybe with the Governor as well. He is also working with the State in an effort to raise almost \$10 million worth of seafood to donate to Japan.

7. Manager’s Report – **Lynch** mentioned an LT2 bill in the legislature which he testified for. Quorum Health Resources folks were in town in preparation for an RFP they will be responding to – they had a good visit. Providence will be doing a similar thing next week. Cordova is not considered a regional port and we are trying to push for that designation so we need letters from Council members, and as many other people in town as want to write. **Lynch** also wanted some input on the dirt in the South Fill (from Cordova Center excavation). **Kallander** opined that we should leave it alone. There was some discussion and the idea of private sector availability for boat storage was raised as well. **Mayor Kallander** asked for and received Council’s concurrence to direct the Manager to write a letter about the regional port’s designation. **Lynch** said that the City would be involved in a brief training exercise and City Hall would be closed from 9:45 am until 11 am on Wednesday March 23.

8. City Clerk's Report - written report in the packet. *Bourgeois* also mentioned that assessment notices were in the mail on March 11 and the appeal period closes on April 11. Appeal forms are available on the City website as well as at City Hall.

9. Staff Reports

a. Moe Zamarron, COR, Cordova Center Project – *Zamarron* reported that we are building up now – we are in tight control of the excavation still occurring. The consultants have really stepped up – BBFM, MRV – all will be onsite this week for meetings. Rock anchor pull tests have all been completed and were all successful. Within the next week – the rest of the rock anchors will be installed then the pull tests on those will be two weeks later and then we go vertical on those rods. The schedule – as far as the contractor has said – has this running clear until the end of the year –which is about one month longer than anticipated – however, there are some things being pulled from the job which should shorten that up again. Budget wise, the fifth application for payment has been made and the sixth has not yet been received. There are no overruns – haven't eaten into our contingencies so far. The steel submittals are completed and the steel is starting to arrive – we need to find space to build the tresses. Main Street traffic flow needs to be addressed. Pool parking is an issue as well – we are working to keep it safe.

b. Tom Cohenour, Director of Public Works – was present to discuss the freezing up of many water lines around town and he mentioned that our water supplies (up in the mountains) have also frozen up. He said that the City was about ten days from running out of water so the plan has been to get the Eyak Lake water supply ready (i.e. the Eyak Water Plant). The plant was greatly damaged in a flood a few years ago. We had to get the plant registered with DEC and then we have to fix things there in order to get to the water supply. *Paul Mueller* of CH2MHill was present to explain that he has worked on the plant and has our water department looking over the system and the goal is to have it functional within the next few days.

Cathy Sherman was present and *Mayor Kallander* asked her if she could give a report on Cordova Center fundraising efforts and on phase 2 planning. She has been working on a budget for phase 2 with the architect and she has brought back on two people that had helped her with fundraising previously. She should have a report from them this week. The focus is foundations and corporations – these are our remaining sources – as well as smaller pots from Denali Commission, USDA, etc. Initially phase 2 was to go to bid this summer but that won't happen.

K. CORRESPONDENCE

10. Letter from RCAC Executive Director
11. E-mail from Nygaard in re Secure Rural Schools Funding
12. Invitation for Council to R&R Workshop

L. ORDINANCES AND RESOLUTIONS

13. Resolution 03-11-15

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

Kacsh removed himself from the discussion

M/Reggiani S/Bradford to approve Resolution 03-11-15, a resolution of the City Council of the City of Cordova, Alaska, approving the license for a mobile restaurant.

Casey McCune and *Patty Dahlstrom* were present to answer questions. There was some discussion but most of Council was in favor of the idea and wanted to move forward with the vote.

Vote on Motion: 3 yeas, 1 nays, 2 absent (van den Broek, Allison) 1 conflict of interest (Kacsh). Bradford – yes; Cheshier – yes; Reggiani – yes and Beedle – no. Motion was approved.

14. Resolution 03-11-16

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

M/Reggiani S/Bradford to approve Resolution 03-11-16, a resolution of the City Council of the City of Cordova, Alaska, approving the license for a mobile restaurant.

Vivian Lian was present to answer questions from Council.

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

M. UNFINISHED BUSINESS - none

N. NEW & MISCELLANEOUS BUSINESS

15. Council's right to protest renewal of liquor license for the Loyal Order of the Moose, license #747

Beedle removed himself from the discussion.

Lynch said that he had some new information to offer. *Ashley Royal* was able to come to an agreement with the Lodge this afternoon on a payment plan. As far as property tax, *Bourgeois* said that the Moose was delinquent only for 2010 and the property would not be in the final stages of foreclosure until 2012. Lastly, the Chief of Police was asked about the letter that he had in the packet about the Moose Lodge. He explained that the ABC Board had an undercover sting in Cordova and the Moose was one of the establishments that was caught selling to a minor.

Mayor Kallander summed it up for Council. Sales tax seemed ok, Clerk isn't concerned about property tax, really, Council had to decide whether or not to protest based on the sale to a minor allegation. *Bradford* thought ABC Board would handle itself. *Kacsh* didn't want to protest. *Cheshier* and *Reggiani* agreed.

M/Bradford S/Kacsh to waive the City's right to protest the liquor license renewal for the Loyal Order of the Moose Lodge 1266.

Vote on Motion: 4 yeas, 0 nays, 2 absent (van den Broek, Allison) 1 conflict of interest (Beedle). Cheshier – yes; Reggiani – yes; Kacsh – yes; Bradford – yes. Motion was approved.

16. Council's right to protest renewal of liquor license for the Cordova Hotel & Bar, license #277 & #278

Royal said that the Cordova Hotel and Bar had been on a payment plan but they had broken the arrangement and will not return calls and will not pick up certified letters. *Reggiani* asked *Royal* if they were non-responsive and *Royal* said they were.

M/Reggiani S/Kacsh to protest the ABC Board's approval of the application for renewal of liquor licenses #277 and #278 due to the Cordova Hotel & Bar's sales tax and property tax delinquency.

Beedle opined that we should not take away their liquor license. *Kacsh* said that the same business has been before Council before for sales tax issues. Statute allows us to protest the renewal for reasons such as these – it is a tool. *Reggiani* clarified sales tax vs. property tax. Tax that they have to pay is property tax. Sales tax is money they collect for the City – the taxpayers' money – he has little patience for that. *Beedle* said we are working on the sales tax issue and the property tax issue, taking away the liquor license is not the thing to do.

Vote on Motion: 3 yeas, 2 nays, 2 absent (van den Broek, Allison) Beedle – No; Kacsh – yes; Bradford – no; Cheshier – yes and Reggiani – yes. Motion was approved.

17. Council's right to protest renewal of liquor license for the Anchor Bar, license #61, and the Anchor Liquor Store, license #62

M/Bradford S/Beedle to waive the City's right to protest the liquor license renewal for the Anchor Bar and liquor store #62 and #61.

Royal had new news – this business has broken its agreement with the City and *Royal* termed them as now partially responsive. *Kacsh* said that this business is not one that has been before Council time and again – this is new to him that this business is having trouble. *Bradford* said he will not vote to protest the renewal.

M/Reggiani S/Kacsh to refer to staff to continue to work with the organization to see if they would be responsive – with hopes of an update by the next regular Council meeting.

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

18. Request for purchase of City Land, South Fill Development Park Lot 3 Block 2

M/Reggiani S/Kacsh that the City of Cordova dispose of Lot 3 Block 2 South Fill Development Park for not less than fair market value as outlined in chapter 5.22.060 A.4.

Reggiani explained that he had made the motion to answer two questions, is the land available for sale and if so, what method will be used. The method he delineated was as in CMC 5.22.060 A.4. which calls for sealed proposals. *Bradford* said he is a proponent of economic development however, he sees that the Harbor Commission has suggested retaining this lot, and we are running out of room down there. *Mayor Kallander* said the harbormaster was fine with it – he had a different point of view than the commission had. *Mayor Kallander* also opined that in his seventh year now on Council and being the Mayor, he has always known that Council's intended the boat trailer parking as temporary until someone came in with proposals for the land down there. *Bradford* thought Council should at least help with a solution for the fishermen who have been used to the trailer parking being available. *Kacsh* agreed that Council should be looking out for our main industry but at the same time, Council has to think of everyone. *Beedle* said that the Harbor Commission was against this because of the trailer parking. *Cheshier* said he would support the motion because a year-round business paying sales tax and property tax outweighs boat trailer parking. He also thought that if boat trailer parking is such a great business then someone in the private sector should get into it. *Reggiani* also said he would support the motion. After lengthy discussion, Council agreed to look into North Fill locations for boat trailers.

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

19. Request for purchase of City Land, South Fill Development Park Lot 5 Block 2

M/Reggiani S/Bradford that the City of Cordova dispose of Lot 5 Block 2 South Fill Development Park for not less than fair market value as outlined in chapter 5.22.060 A.4.

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

20. Pending Agenda and Calendar

Cheshier signed off for the evening.

O. AUDIENCE PARTICIPATION

Steve Barnes of Power Creek Road had the opinion that the gillnet fleet really favors the South Fill.

Dave Sjostedt of 1003 Young Drive wondered why fishermen just don't keep their trailers the same place they keep them in the winter. As far as the new public safety building, he was not in favor of the current library and museum location. He is in favor of keeping it where it is presently. He opined that the City should secure some land before moving forward with design plans.

Corinne Erickson said she did not believe this library and museum location was right for a new police and fire facility and jail – she thought it much too dangerous near the school and all the children – she fears that someone will get hurt.

Barb Beedle of 910 Ingress Street asked why the City didn't think about a parking garage on the parking lot between Seaman's and Pallas'.

Jennifer Gibbins of Browning Street mentioned the Moose Lodge and that they really are turning things around. She doesn't want anyone to think that the Lodge is an easy place for minors to get served – she says it is not.

P. COUNCIL COMMENTS

21. Council Comments

Kacsh commented about declaring conflicts of interest. He said that Council members were elected in order to vote and when there is a perceived conflict, that doesn't have to be a real conflict. Mayor Kallander said that when the attorney gave her training to Council, she said that perceived conflicts were in fact conflicts and that is why he has ruled that way. He appreciates Mr. *Kacsh's* concerns and trusts all of the Council members to act correctly; he just wants to follow the advice of our attorney. He went on to remind Council that they are always welcome to disagree with his decision on conflict of interest and over rule his decision.

Reggiani said he had been approached by a few different people about the prospect of cutting a culvert through the breakwater down by K float in order to allow water to flow through the harbor. He had directed these people to the Harbor Commission so he wanted to bring this up to *Beedle* so maybe he could have it on a future agenda of the Commissions'. He also applauded the Mayor on his involvement in the "Alaska Seafood Provisions Plan to Japan" – it's a great idea and a great plan and it should be well-received.


Beedle said he is excited about the Mayor's talks with Bailey as well as Samson on land dealings.

Q. EXECUTIVE SESSION - None

R. ADJOURNMENT

M/Bradford S/Kacsh to adjourn the regular meeting at 10:40 pm
Hearing no objection, the meeting was adjourned.

Approved: April 6, 2011

Attest: 

Susan Bourgeois, City Clerk

