

**CITY COUNCIL REGULAR MEETING
MARCH 17, 2010 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Vice Mayor EJ Cheshier called the Council Regular Meeting to order at 7:30 pm on March 17, 2010, in the Library Meeting Room.

B. INVOCATIONS AND PLEDGE OF ALLEGIANCE

Corrine Erickson led the audience in an invocation.

Vice Mayor EJ Cheshier led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Vice Mayor EJ Cheshier*, Council members *David Allison*, *Bret Bradford* and *David Reggiani*. Council members *Robert Beedle* and *Keith van den Broek* were present via teleconference. *Mayor James Kallander* and *Council member James Kacsh* were absent. Also present were City Manager *Mark Lynch* and City Clerk *Lila Koplín*.

D. APPROVAL OF REGULAR AGENDA

M/Allison S/Reggiani to approve the regular agenda.

M/Allison S/Reggiani to amend item #24 so that it states "Council election of Vice Mayor," instead of "Mayor appointment and Council concurrence."

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

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

E. DISCLOSURES OF CONFLICTS OF INTEREST – None.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speakers – John Madden, Director of Division of Homeland Security and Emergency Management. *Madden* discussed the role of the State for dealing with disasters and emergencies, the history of support in Cordova, and ended with the preparations for the exercise scheduled at the end of April. *Lynch* thanked

Madden for coming to Cordova to discuss emergency preparedness. He also thanked all the people involved in the Emergency Preparedness grants. *Cheshier* commended the volunteer Cordova Fire Department on their great job and dedication.

Council member *Kacsh* arrived at 7:45 pm.

2. Audience comments regarding agenda items

Mike Hicks, Box 674, Cordova, thanked Madden and all the people involved in the emergency planning. He also wanted to address the speed limit reduction on Whitshed Rd. He is in favor of seeing the speed limit drop to 25 mph. He stated that enforcement was key.

Chris Canaski, Cordova Police Dept., received a letter to support the speed limit reduction on Whitshed Rd. He stated that the addition of a bike path would be a great help. He supports reducing the speed limit in that half-mile stretch of road.

Kate Alexander, 216 Orca Inlet Dr., supports reducing the speed limit on Whitshed Rd.

Pete Hoepfner, Saddle Pt. subdivision, supports reducing the speed limit on Whitshed Rd. He would also like a bike path and signs for the kids.

Adam Low, 614 3rd St., supports having the speed limit lowered on Whitshed Rd.

Dick Groff, 201 Whiskey Ridge Rd., encourages Council to support Ordinances 1063 and 1064, dealing with emergency management.

Deb Eckley, 107 Bluff Dr., supports the speed reduction on Whitshed Rd.

Kathy Zamudio, 600 Birch St., supports the speed reduction on Whitshed Rd. She stated that she also coordinates the 'Safe Routes to School,' and they received a \$24K grant for the education and encouragement component of the grant.

Jason Borer, 401 Observation, supports lowering the speed limit on Whitshed Rd. He also commends the City Manager on working towards removing junk cars.

3. Chairpersons and Representatives of Boards and Commissions

Kacsh stated that the School Board met. They passed the proposed athletic code. They are also looking into doing board training on Robert's Rules and a few other things. He thought that it would be good for the Council to get involved with that as well.

4. Student Council Representative - *Jessica Smyke* stated that the chemistry class went to Juneau to discuss the methane digesters with State legislatures. They met with Kookesh and Thomas. In addition, the following week, spring break, would be a good time to give a tour of the methane digesters. She will set a time up later. A few of the Future Problem Solver teams made it to State; three senior division teams and one intermediate team. The student council also supports lowering the speed limit on Whitshed Rd. *Smyke* read a resolution the student council drafted supporting the reduction. They will be taking it to the Alaska Association of Student Governments.

G. APPROVAL OF CONSENT CALENDAR

5. Waive right to protest renewal of liquor license for the Gandy Dancer Bar #2587 Beverage Dispensary – Seasonal

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

Vote on motion: 7 yeas, 0 nays, 0 absent. Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes. Motion carried.

H. APPROVAL OF MINUTES

6. Minutes of 02-17-10 regular meeting

M/Reggiani S/Kacsh to approve the 02-17-10 regular meeting minutes.

M/Allison S/Kacsh to change page three, second paragraph, where Kacsh is asking if Council should attend the AML meeting; the word ‘if’ should be changed to ‘that,’ right before is says “LT2 is on the agenda.” Also in the same paragraph, last sentence where it says “Mayor Joyce directed,” it should say “Mayor Joyce asked.”

Vote on amendment to minutes: 7 yeas, 0 nays, 0 absent. Van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes. Motion carried.

Vote on minutes as amended: 7 yeas, 0 nays, 0 absent. Van den Broek – abstain; Kacsh – yes; Allison – yes; Bradford – abstain; Cheshier – yes; Reggiani – yes; Beedle – abstain. Motion carried.

I. CONSIDERATION OF BIDS – None.

J. REPORTS OF OFFICERS

7. Mayor’s Report – *Mayor Kallander* was absent.
8. Manager’s Report – *Mark Lynch* reiterated his offer for Council members to stop by the office if they would like to discuss anything. He would also be willing to set up meetings with any of the City department heads if they would like to talk with any of them. The boat haul out lifted its first boat earlier in the day. There will be a ribbon cutting ceremony at a later date. Concerning the speed limit reduction, he received a call from the DOT district office in Valdez stating that if

Council supported lowering the speed limit, they would be happy to work with them to get it done. On another note, Dale Muma spoke with the Corp. of Engineers recently. The person the City had communicated with about raising the Sound Developer out of the Harbor had left, and the new person is not aware of their previous commitment. The Coast Guard still supports having the Corp. remove the boat. Muma has taken the lead in communicating with them. Muma also learned about a potential opportunity to lift the boat out using a crane that Manson Construction had en route to Anchorage. Unfortunately, they will not be able to stop by Cordova due to time restrictions. They may be able to do it in the fall.

9. City Clerk's Report – *Lila Koplín* stated that assessment notices were mailed the previous Friday. There is a 30-day appeal period that ends Monday, April 12th, 2010. The Board of Equalization will meet in the Library meeting room on April 19th, 2010. Susan Bourgeois has been working on the 2009 foreclosures. She is also starting to work on delinquent taxes for mobile homes by beginning the collections process via small claims court. *Koplín* has been working on wrapping up the election and reporting the propositions, legal issues, meetings, and other miscellaneous matters. *Koplín* stated that she may be gone on Tuesday, March 30th.

10. Staff Reports

- a. City financials for January and February 2010 – *Lynch* asked if there needed to be any changes to the City budget format for future reports. *Allison* stated that the header should be changed so that it stated only the month of the report. *Ashley* stated that the Harbor & Port Projects line doesn't have a budget because they are working on several budget amendments, along with the Cordova Center and the Mt. Eccles line items. *Lynch* clarified why those budgets were still being worked on. *Reggiani* stated that a memo would be helpful in the future, even if there were not any flags to raise.
- b. School District financials as of 2/28/10

K. CORRESPONDENCE

11. Letter from Alaska Dept. of Revenue in re: total assessed value of oil and gas properties in Cordova.

Allison asked how the 2010 assessed amount compared to last year's. *Koplín* replied that it was right about the same.

12. Letter from Karen Swartzbart in re: safe routes to school
13. Letter from Penelope Oswald in re: safe routes to school
14. Letter from Sharon Olson in re: safe routes to school

Allison asked how the Council was going to deal with the speed limit reduction on Whitshed. *Cheshier* stated that they could talk about it in Council Comments.

Tom Cohenour stated that he was available to answer any questions the Council had. *Cheshier* stated that he got an update on the concrete work on the roof, and thought everything sounded good. The *Council* had no further comments or questions.

L. ORDINANCES AND RESOLUTIONS

15. Ordinance 1063

An ordinance of the City Council of the City of Cordova, Alaska, enacting Cordova Municipal Code Chapter 3.45 establishing the City of Cordova Emergency Management Organization, and repealing Cordova Municipal Code Chapter 3.44, Civil Defense Organization - 1st reading

M/Reggiani S/Kacsh to adopt Ordinance 1063, an ordinance of the City Council of the City of Cordova, Alaska, enacting Cordova Municipal Code Chapter 3.45 establishing the City of Cordova Emergency Management Organization, and repealing Cordova Municipal Code Chapter 3.44, Civil Defense Organization.

Koplin stated that she gave the Council a memo regarding the ordinance stating that an amendment needed to be made. She stated that a change needed to occur in section 3.45.040, so that the plan is adopted by ordinance, and not resolution. It can be amended by resolution however.

M/Allison S/Reggiani to amend the ordinance by striking 3.45.040 and replacing it with 3.45.040 Emergency Operations Plan, stating, "There shall be an Emergency Operations Plan developed jointly with Alaska Division of Homeland Security and Emergency Management which shall be adopted by ordinance. Major revisions of the plan may be amended by resolution with notification to the Alaska Division of homeland Security and Emergency Management."

Vote on amendment: 7 yeas, 0 nays, 0 absent. Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes. Motion carried.

Vote on main motion as amended: 7 yeas, 0 nays, 0 absent. Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes. Motion carried.

16. Ordinance 1064

An ordinance of the City Council of the City of Cordova, Alaska, adopting an Emergency Operations Plan (EOP) – 1st reading

M/Kacsh S/Reggiani to adopt Ordinance 1064, an ordinance of the City Council of the City of Cordova, Alaska, adopting an Emergency Operations Plan (EOP).

Allison and *Cheshier* expressed appreciation for all the people that worked on the plan.

Vote on motion: 7 yeas, 0 nays, 0 absent. Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes. Motion carried.

17. Ordinance 1065

An ordinance of the City Council of the City of Cordova, Alaska, authorizing the transfers of money from the General Reserve Fund (Permanent Fund) to Governmental Capital Projects funds, to provide a source of money for the capital projects expenditures which were appropriated in the operating budget for fiscal year 2010 – 2nd reading

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

Vote on motion: 7 yeas, 0 nays, 0 absent. Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes. Motion carried.

18. Ordinance 1067

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code Section 5.40.030(bb) exempting purchases of home heating oil from sales tax.

M/Reggiani S/Kacsh to adopt Ordinance 1067, an ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code Section 5.40.030(bb) exempting purchases of home heating oil from sales tax.

Allison stated that this ordinance required no action by the Council because it was passed by the voters. *Cheshier* asked *Koplin* if the Council just needed to acknowledge that the ordinance passed when they certified the regular election. *Koplin* replied that was correct.

19. Resolution 02-10-07

A resolution of the City Council of the City of Cordova, Alaska, adopting service fees, rates and charges for the 2010 calendar budget – 2nd reading

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

Vote on motion: 7 yeas, 0 nays, 0 absent. Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes. Motion carried.

20. Resolution 03-10-13

A resolution of the City Council of the City of Cordova, Alaska, to establish a repayment schedule for reserve fund monies loaned to the Cordova Boat Haulout project in the amount of Three Hundred Sixty Thousand Dollars (\$360,000)

M/Bradford S/Kacsh to approve Resolution 03-10-13, a resolution of the City Council of the City of Cordova, Alaska, to establish a repayment schedule for reserve fund monies loaned to the Cordova Boat Haulout project in the amount of Three Hundred Sixty Thousand Dollars (\$360,000).

Cheshier stated that the Council discussed the schedule they wanted previously, and this was the resolution supporting that decision. *Bradford* stated that he thought that they should re-evaluate in a year to see if the fee needed to be raised. The *Council* agreed.

Vote on motion: 7 yeas, 0 nays, 0 absent. Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes. Motion carried.

M/Reggiani S/Bradford to recess for five minutes.

Vote on motion: 7 yeas, 0 nays, 0 absent. Van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes. Motion carried.

The *Council* recessed from 8:45 pm to 8:50 pm.

M. UNFINISHED BUSINESS – None.

N. NEW & MISCELLANEOUS BUSINESS

21. Select interview questions for Clerk position

Kacsh asked how many questions the Council was limited to. *Koplin* stated that they were not limited. *Cheshier* stated that Mayor Kallander would like the Council to choose the questions that evening. *Bradford* asked how long the Council wanted to spend interviewing candidates. *Kacsh* stated that they should start by eliminating questions until they got down to about 15. *Reggiani* thought that they should have a quick work session. The *Council* decided on Friday, March 19th at noon to have a work session.

22. Junk cars and scrap metal – discuss report from City Manager

Lynch gave an overview of the report he provided in the packet. Some additions were: Peninsula Scrap Metal also wanted to mine the landfill for scrap metal; they wanted to start as soon as April; there are a few locations around town that they would like to set up and work on disposing of fluids and priming the cars; and lastly, they would also need an area on one of the docks to stack the cars on a barge. *Kacsh* thanked Lynch for getting the project to move forward. However, he was worried about waiving fees though, because there were so many junk cars, and the City would have to find a way to come up the money. *Lynch* stated that there was about \$33,000

in the budget currently for junk cars. He thought that even though there was a large upfront cost, it would be cheaper to deal with them now rather than later. **Bradford** asked if Lynch had thought about using City employees to start draining fluids. **Lynch** stated that he had discussed it with Ron Smith, but they did not confirm anything. **Bradford** encouraged Lynch to try to negotiate a lower fee by having City employees assist with draining and hauling cars.

M/Allison S/Reggiani to direct the City Manager to proceed as outlined in his March 10th memo regarding junk cars and scrap metal.

Reggiani commended Lynch for his work on the junk cars. He supported the \$175 fee and stated that it was a great price. **Reggiani** asked Lynch about any updates regarding Lynch's recommendation to change the City Code to more effectively deal with junk cars. **Lynch** stated he would like Council to look at Anchorage's Code, which is extensive, but would cover everything that Cordova would need. **Reggiani** stated that a work session would be helpful in deciding how to change the Code. **Lynch** stated that the Council should also decide on how many non-running cars one residence should be able to have. **Kacsh** stated that the fee of \$175 was a great deal. He didn't think they could beat that price by having a City employee help. Secondly, he didn't think the City was ready to hire a new person to manage junk cars, per Lynch's recommendation. **Bradford** suggested that the City should advertise to the public to start moving junk cars that were already drained, to the landfill for preparation. He suggested that the City could also think about helping with transportation costs. **Reggiani** stated that the fee was a great price, and didn't think the City could get it much cheaper by helping. **Allison** pointed out to Kacsh that items 5-8 on the recommendation list would be pursued over many years, and the motion was to proceed as outlined in the memo. It didn't mean to hire a new person right away however. **Cheshier** commended Lynch for working towards removing the junk cars. He thought that spending \$100-200K upfront towards removal, and then repaying the City back through registration fees, or something similar, would be well worth it.

Vote on motion: 7 yeas, 0 nays, 0 absent. Van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; Smyke – yes. Motion carried.

23. Discussion of Mt. Eccles Project budget

Lynch gave an overview of the memo he provided in the packet. Regarding spending authority, **Kacsh** stated that they should follow the State's regulations. **Lynch** stated that Nygaard had spoken to the Dept. of Education, and they stated that they didn't care if they use the School Board's policy or the City's policy to purchase the equipment. **Lynch's** recommendation was to transfer the money to the School District, so that his staff wouldn't be burdened with all the extra paperwork. **Reggiani** agreed with Lynch's recommendation, however, he was opposed to transferring all the money at once. He thought that they should establish a cash-flow

schedule with the School Board, and fund as needed. *Allison* agreed with Reggiani, but was concerned that it didn't interfere with the City's cap to the school. *Kacsh* thought that the Council should consider giving Nygaard a certain spending authority to purchase, without Council approval every time. *Reggiani* stated that his concept dealt with who was going to generate the purchase orders and which accounting department was going to be dealing with all the paperwork. His suggestion was to share the burden with the school district. *Cheshier* stated that he agreed with most everything being said, but thought that if Nygaard needed more authority, he could request it. The *Council* agreed that they should leave the money with the school to administer it. *Lynch* clarified that it was on a need basis. The *Council* agreed.

24. Council election of Vice Mayor

Allison nominated Cheshier for Vice Mayor. *Bradford* nominated Reggiani. *Cheshier* stated that Mayor Kallander recommended Reggiani to be Vice Mayor, because he thought that with him and Cheshier fishing, it would be difficult to have meetings and getting quorums together. With that being said, *Cheshier* declined the nomination.

M/Allison S/Bradford to close the nominations.

Vote on motion: 7 yeas, 0 nays, 0 absent. Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes. Motion carried.

Vote Reggiani for Vice Mayor: 7 yeas, 0 nays, 0 absent. Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes. Motion carried.

25. Minutes of Health Services Board in 2009 (2/24/09, 3/17/09, 4/7/09, 5/7/09, 11/12/09, 12/7/09)

Allison stated that the packet was missing minutes that were referenced in the HSB minutes in the packet. He also had some general comments. First, the HSB is the Council's responsibility to appoint and manage, and he doesn't think they, or any of the Commissions or Boards are properly trained. He states this, because the minutes that were ultimately approved by the HSB have major errors and are inadequate. In addition, the HSB is supposed to have a meeting every month, and it doesn't appear that they met between May 7th and November 12th. He states that it's almost impossible to be a Director of a company, and not have a meeting for four or five months. The representatives relayed to the Council that they had not had meetings several times; but the Council was never informed that there were any issues, crises, or even recommendations to appoint new members to establish a quorum. The Council needs to keep better tabs on these meetings. Regarding the minutes, he would still like to see all of the minutes, because he still doesn't see how they got to where they are currently with the Hospital Administrator. *Cheshier* agreed that there

were minutes missing and inaccuracies in the minutes that were available. He agreed with Allison that the minutes need to be recorded accurately.

26. Pending agenda and Calendar

Cheshier restated that there would be a meeting on March 19th at noon to discuss the clerk interview questions.

The *Council* decided to meet on March 31st for a Public Hearing at 7:00 pm for ordinances on emergency management.

The *Council* scheduled Koplín's exit interview as a Special Meeting at 6:30 pm on April 7th.

Allison and *Reggiani* will be gone during the fourth week of March.

27. Evaluation and continued employment of Health Services Administrator
(May be done in executive session.)

Koplín stated that David Bryant wanted to have an open session. *Cheshier* stated the Council needed to accept the evaluation and rebuttal of the Health Services Administrator.

M/Reggiani S/Bradford to recess for five minutes.

Vote on motion: 7 yeas, 0 nays, 0 absent. Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes. Motion carried.

The *Council* recessed from 9:55 pm to 10:05 pm.

M/Bradford S/Kacsh to accept the Health Service Board's evaluation of Dave Bryant as the Council's.

Allison stated that he was not ready to accept the evaluation as the Council's. He thought that the Council needed to go into executive session to discuss the Health Services Board and the Hospital's Administration as a whole, in respect to governing. He stated that there was nothing in the minutes in the packet that indicated any of the scores that were below a three. The minutes didn't indicate any problems at all, where as the evaluation says that there is. He would like to know why. *Allison* would like to go in to executive session to discuss Code, bylaws, who's responsible for what, and the legality of it all. *Cheshier* stated that the attorney was available if they wanted to talk with him in executive session. *Reggiani* stated that he supported all of Allison's comments.

M/Allison S/Reggiani to go into executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically, to discuss health services administration with the attorney.

Vote on motion: 7 yeas, 0 nays, 0 absent. Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes. Motion carried.

The **Council** convened the executive session at 10:15 pm and reconvened the regular meeting at 11:05 pm.

Cheshier stated that there would be no action on the motion to accept the Health Service Board's evaluation of Dave Bryant as the Council's, because they had passed their curfew of 11:00 pm. The motion would be taken up at the next meeting.

O. AUDIENCE PARTICIPATION

Unknown person stated that on March 31st at noon, there would be a "Stomp Out Violence" march through the City.

P. COUNCIL COMMENTS

28. Council comments

Kacsh stated that at the last meeting the Council had asked that the speed reduction on Whitshed be on the next agenda, and it wasn't. Many people were disappointed.

Allison asked if the Facility Contractors ever gave the City a written final report on the energy audit. He hasn't seen a final written report. He would like to see it, and implement their suggestions.

Reggiani echoed Kacsh's comments about the speed reduction. He would like to see it on the next agenda on March 31st.

Beedle thanked the other Council members, congratulated Reggiani as the new Vice Mayor, and stated he would do the best that he could to get caught up to speed.

van den Broek apologized for teleconferencing in for the first meeting, and stated that he would have to teleconference in on the next few meetings until he could get his schedule worked out.

Q. ADJOURNMENT

M/Allison S/Bradford to adjourn the regular meeting at 11:15 pm.

Vote on motion: 7 yeas 0 nays 0 absent. Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes. Motion carried.

Approved: April 21, 2010

Attest: 
Erika Empey, Deputy City Clerk

