

**CITY COUNCIL REGULAR MEETING  
APRIL 7, 2010 @ 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 April 7, 2010, in the Library Meeting Room.

**B. INVOCATIONS AND PLEDGE OF ALLEGIANCE**

*Corrine Erickson* led the audience in an invocation.

*Mayor James Kallander* led the audience in the Pledge of Allegiance.

**C. ROLL CALL**

Present for roll call were *Mayor James Kallander*, Council members *Keith van den Broek, James Kacsh, David Allison, Bret Bradford, David Reggiani* and *Robert Beedle*. Also present were City Manager *Mark Lynch* and City Clerk *Susan Bourgeois*.

**D. APPROVAL OF REGULAR AGENDA**

*M/Reggiani S/Bradford* to approve the regular agenda.

*M/Bradford S/Allison* to amend item #21 so that the Resolution number reads 04-10-20.

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

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

**E. DISCLOSURES OF CONFLICTS OF INTEREST – None.**

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

1. Guest Speakers – None

2. Audience comments regarding agenda items

*MaryAnne Bishop* of 406 Fourth Street spoke, representing the Prince William Sound Audubon Society, against the passage of Ordinance 1066 and read a letter into the record.

*Connie Bennell* of 02-041-400 Orca Road spoke against the passage of Ordinance 1066 and wondered why it was back on the agenda and wanted to know about the series of work sessions. She urged Council to vote no on Ordinance 1066.

*Jennifer Gibbins* of 305 Browning Street spoke against the process on Ordinance 1066 and had been hoping for a committee on the topic. She would like to see people put at ease.

*Tim Joyce* of 1001 Pipe Street said that the Comprehensive Plan had this piece of property identified for industrial use. He said people had asked for a smaller amount and that is what had happened.

### 3. Chairpersons and Representatives of Boards and Commissions

*Jim Nygaard* Superintendent of Schools spoke about the need to move everything out of Mt. Eccles in one week's time at the end of the school year. Substantial completion for phase 1 will be July 15. Then we can move everything back in. He will shop using a cooperative for things such as bleachers he appreciates Council's support on the purchasing authority. He will work with School Board in forming a committee, a "Call for Artists" – to get local artwork in the completed building. *Nygaard* gave a handout to Council concerning energy consumption and how the schools have been getting very good at being frugal and energy efficient. He has heard many say that he will not be able to heat that new gym and his goal is to be cheaper with the new gym than the old building was the day he moved into town. He mentioned summer lunch and summer school will both be hosted out of the high school. *Nygaard* mentioned the scheduling difficulty due to the large size of the sixth grade class moving up next year. The staff will be reduced through attrition.

Council member *Cheshier* arrived at 7:55 pm.

*Reggiani* asked if there was anything Council could do. *Nygaard* said that Council has been supportive and he tries not to nickel and dime them for each and every need. *Allison* asked about the student enrollment presently. He wondered how many were entering kindergarten next year. *Nygaard* said 26 would be entering kindergarten. Van den Broek asked where everything would be stored. *Nygaard* said there are five locations right now from private garages to airplane hangars etc.

*Reggiani* spoke concerning the Planning and Zoning Commission work session of April 6, 2010. He said there were two topics on the agenda, proposed tower code and new locations of waterfront industrial land. An ordinance should be forthcoming concerning the towers.

### G. APPROVAL OF CONSENT CALENDAR

5. Proclamation of appreciation to Tim Joyce
6. Proclamation of appreciation to Robert Henrichs
7. Proclamation of appreciation to Phil Hess
8. Proclamation of appreciation to members of the Police & Fire Facilities Committee
9. Record excused absence for Mayor James Kallander from the March 17, 2010 regular meeting. Reason – work-related.

*M/Kacsh S/Beedle* to approve the consent calendar.

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

### H. APPROVAL OF MINUTES

10. Minutes of 02-17-10 Special Meeting
11. Minutes of 03-03-10 Regular Meeting
12. Minutes of 03-17-10 Public Hearing
13. Minutes of 03-17-10 Work Session

*M/Reggiani S/Bradford* to approve the minutes.

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

**I. CONSIDERATION OF BIDS – None.**

**J. REPORTS OF OFFICERS**

7. Mayor's Report – *Mayor Kallander* reported that the capital budget from the senate held \$2M for the Cordova Center and \$2.3M for deferred maintenance at Cannery Creek hatchery. *Reggiani* said that the \$2.3M will directly benefit Cordova by offsetting cost recovery.

8. Manager's Report – *Mark Lynch* mentioned a visit with Rachel Kallander of Senator Murkowski's office where they discussed EPA water regulations and possibilities of easing the burden on Cordova. They also discussed boats that sink in harbors. We almost had a second one sink, but harbor staff worked well to get it pumped off and caught it in time. They are diligently working to get it out of our harbor. He will follow up with Murkowski's office as well about the recent issue with the Corps of Engineers and their statement that the employee who wrote us a letter promising assistance was not authorized to do so. He is still meeting with the gentlemen on scrap metal and junk cars – he will have a contract to Council in the near future. He sent the resolution concerning speed limit reduction on Whitshed to DOT and received a response from Jack Stevenson who said he would keep him informed.

9. City Clerk's Report – *Susan Bourgeois* reported that she has been acting as the Clerk since Monday, April 5 and Lila Koplín has been extremely helpful. The second half-time Deputy Clerk job will be advertised shortly and she hopes to fill that quickly. She said that Erika Empey is getting up to speed on all the property tax issues and we are in the appeal period which ends on Monday April 12. The assessor will be in town on April 12 to start handling the appeals and then the BOE will be Monday April 19. We are entering the expiration of the redemption period for 2008 delinquent taxes and the last day to redeem property will be May 7.

10. Staff Report – Director of Public Works and School Project lead, *Tom Cohenour* had an update for Council on School construction issues. He discussed the gym project first. There had been an issue with the roof pour and he asked the opinion of three separate firms about the cracks that appeared after the pour. He is convinced after three opinions that the pour is fine and that even though it doesn't look pretty, it will function as designed. The timeline of the gym project is generally on schedule. As far as the renovation project, things are going well but it is anticipated to be approximately two weeks behind schedule but he will keep a close eye on developments. He has taken several School Board members for tours and offered the same to Council members who may be interested.

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

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

*Mayor Kallander* reconvened the meeting at 8:45 pm.

**K. CORRESPONDENCE – None.**

**L. ORDINANCES AND RESOLUTIONS**

18. Ordinance 1066

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

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

*Bradford* thought that Council had agreed to a few work sessions on this topic so he was surprised to see it here.

*Reggiani* asked if we could hear from the City Manager. *Lynch* gave a handout to Council that showed the case detail from 3/19/2002 when the City got this property from the State of Alaska. He read from the case detail which showed no indication of the property intending to be conservation in nature – sounded much more industrial in nature. Then, he found the “official City zoning map” which does not delineate this land as conservation it deems it un-zoned. Then he researched back to 1975 through ordinance books and found no case where this property was ever zoned – so in his opinion at this time, this property is un-zoned.

*Kacsh* said he is not ready to vote on this, he still thinks there should be more public process. *Allison* wondered what the next step would be – i.e. we are zoning it not rezoning. He would like to go with the Planning Commission recommendation.

*M/Reggiani S/Allison* to amend by striking “the rezone of” and by changing “from conservation” to “zoned” in the title of the ordinance. In whereas 1 by striking the “re” in “rezone”. In whereas 2 by striking the “re” in “rezone”. In whereas 3 by striking the “re” in “rezone”. In the now therefore be it ordained section 2, striking the “re” in “rezone” and striking “from Conservation”. In section 3:A. changing “re-zone” to “zoning”. In section 3: B. striking the “re” in “rezone”.

There was discussion as to whether this would constitute a first reading. The Clerk said that the change was substantial and this ordinance should come back as a first reading.

*Van den Broek* said he thought it might be substantial enough to go back to the Planning Commission. *Allison* said that the Planning Commission’s intent was clear. *Reggiani* agreed having been at the Planning Commission meeting when this was approved.

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

*Bradford* mentioned that in the March 3 minutes *Mayor Joyce* mentioned workshops (plural). He said he would like workshops since we told people we would have workshops.

*M/Reggiani S/Cheshier* to amend the ordinance by describing the parcel as outlined on page 37 of the Council packet (i.e. to change the description to the new one that the Manager has presented).

*Cheshier* said that at the last meeting there was consensus to direct staff to make it a smaller area and that was done so he would like to attach that description here.

*Van den Broek* said he did not think the problem was solved by cutting off a portion of the lot to be rezoned. He had trouble supporting this.

*Bradford* said he also would not be supporting this.

Vote on amendment: 4 yeas, 3 nays, 0 absent. Reggiani – yes; Beedle – yes; van den Broek – no; Kacsh – no; Allison – yes; Bradford – no and Cheshier – yes. Motion carried.

*Reggiani* gave a recap of his two amendments. *Kacsh* reminded everyone that zoning is not the same as filling tidelands – there was a lot of permitting to go. *Van den Broek* said he would still like to see this area cut in half.

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

19. Resolution 04-10-18

A resolution of the City Council of the City of Cordova, Alaska, to provide for the transfer of money to the Mt. Eccles School District for the school capital project, in the amount of \$40,000, to be spent specifically for the purchase of equipment related to the Mt. Eccles gym addition

*M/Reggiani S/Allison* to approve Resolution 04-10-18, a resolution of the City Council of the City of Cordova, Alaska, to provide for the transfer of money to the Mt. Eccles School District for the school capital project, in the amount of \$40,000, to be spent specifically for the purchase of equipment related to the Mt. Eccles gym addition.

*M/Reggiani S/Allison* to amend the resolution by changing Mt. Eccles School District in the title of the resolution as well as in the last paragraph of the resolution to **Cordova** School District.

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

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

20. Resolution 04-10-19

A resolution of the City Council of the City of Cordova, Alaska, appropriating funds for the purpose of paying salaries and wages benefits expenses for the pay-out of a resigning employee

*M/Allison S/Bradford* to approve Resolution 04-10-19, a resolution of the City Council of the City of Cordova, Alaska, appropriating funds for the purpose of paying salaries and wages benefits expenses for the pay-out of a resigning employee.

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

21. Resolution 04-01-20

A resolution of the City Council of the City of Cordova, Alaska, establishing local government contribution of national forest receipts for the Cordova Public School District for the school fiscal year ending June 30, 2011

*M/Bradford S/Kacsh* to approve Resolution 04-01-20, a resolution of the City Council of the City of Cordova, Alaska, establishing local government contribution of national forest receipts for the Cordova Public School District for the school fiscal year ending June 30, 2011.

*Lynch* explained that this was nothing more than a paper trail to show how we give the adequate amount of forest receipts to the school.

*M/Allison S/Reggiani* to amend the resolution by adding “the City of Cordova commits \$1,233,492.77 in Forest Receipts money to the Public Schools and” after now, therefore be it resolved that.

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

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

22. Resolution 04-10-22

A resolution of the City Council of the City of Cordova, Alaska, requesting FY11 payment in lieu of taxes funding from the department of commerce, community, and economic development

*M/Kacsh S/Allison* to approve Resolution 04-10-22, a resolution of the City Council of the City of Cordova, Alaska, requesting FY11 payment in lieu of taxes funding from the department of commerce, community, and economic development.

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

**M. UNFINISHED BUSINESS – None.**

**N. NEW & MISCELLANEOUS BUSINESS**

23. Council approval of Clerk Employment Agreement

*M/Cheshier S/Kacsh* to approve the City Clerk employment agreement between the City of Cordova and Susan Bourgeois.

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

24. Council appointment of Council reps to City Boards, Commissions, and Committees: School Board, Harbor Commission, Health Services Board, Library Board, Parks & Recreation Commission, Planning Commission, Fisheries Advisory Committee

*Mayor Kallander* asked for Council concurrence in appointing the following Council members to the respective Boards and Commissions: Allison – HSB, Kacsh – HSB, Reggiani – P&Z.

*M/Cheshier S/Bradford* to concur with the Mayor’s appointments.

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

*Mayor Kallander* asked for Council concurrence in appointing the following Council members to the respective Boards and Commissions: Bradford – Parks & Rec, van den Broek – School Board, Beedle – Harbor Commission.

*M/Kacsh S/Allison* to concur with the Mayor’s appointments.

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

25. Update from AIGCO – Past *Mayor Tim Joyce* spoke to Council about AIGCO. He said that this company has been talking to the City for a number of years about the possibility of bringing gas to Cordova which they say would reduce the cost of heating a home by 25 – 50%. The City has agreed to buy gas from them as long as that remains true. They have started and stopped and had funding issues and most recently their funding is secure and they are ready to begin building. They are a regulated utility which means they can only profit a certain amount (no more than 15%) from the sale of gas. The other advantage of gas is how clean it is vs. diesel and now Cordova burns well over 1 million gallons of diesel in a year (private homes only). They are bringing in some engineers next week to do some measurements and to look at the waterfront area where they are proposing to put the facility.

*Allison* asked what our next step was. Does the land sale request go to Planning?

*Lynch* said that he believed Council could opt to deviate from the process where it goes through Planning and then to Council and so on.

*Kacsh* thought it needed to be rezoned first. *Bradford* thought that the land acquisition process could begin before the zoning issue is worked out.

#### 26. Pending Agenda and Calendar

- a. Schedule special meeting to discuss Health Services Board restructuring

A joint special meeting was set for April 27 at 7pm with the Council and the HSB

There was also a Council Special Meeting set for Friday April 9 at Noon.

- b. Schedule special meeting with AIGCO for week of April 12<sup>th</sup>

A special meeting was set for April 13 at noon. There may be one or two other agenda items as well for this meeting.

*Bradford* asked if on a future agenda we could see an item to discuss a handicapped parking spot near Bidarki.

### O. AUDIENCE PARTICIPATION

*Jason Borer* of the Eyak Corporation said he is pro-AIGCO. He just wants to ensure that there is public input all along the way. He said it looks like an aggressive timeline and he wants to ensure everyone who has a stake in it is well-involved.

*Barb Beedle* of 910 Ingress had a concern that the American Flag at City Hall needs to come down every night or else have a light shining on it at night.

*Kristin Smith* 507 Fourth Street said she is not opposed to more affordable energy. She would like to see more meetings about it. She would also like to see a cost-benefit analysis. She would also like to know how much land we need for the boat haul out.

*Connie Bennell* hopes that Council would ask AIGCO how these send out pipes might go through town. She said she thinks there can be other options for the fill needs. She would like to see maps of this land that is proposed for blasting. She said that she was representing hundreds of people that she has talked to.

*Tom Bailer* 304 Orca Inlet Drive spoke representing the Planning and Zoning Commission which has recommended that Council rezone this land industrial as per the strategic plan for the future of the City. He said he is troubled when Council second guesses the decisions made at the Planning and Zoning level.

*Tim Joyce* 1001 Pipe Street echoed what Tom just said. The Comprehensive Plan says that the use of that land should be industrial. He said if you have a commission that will recommend things to you, you should follow those recommendations.

*JR Lewis* said that he understood why “call for the question is used” but hopes this Council doesn’t go back to a way he once saw Council meetings proceed where if someone called for the question, then all discussion would immediately cease.

**P. COUNCIL COMMENTS**

27. Council comments

*Beedle* thanked Lila for all her time and he’s sad to see her go; at the same time he was glad to see Susan. He was glad to see and hear all the people who came tonight.

*Cheshier* apologized for being late.

*Allison* welcomed Susan and wished Lila luck. He had an issue that he would like someone at the City to resolve concerning sales tax on internet services. It appears as though CTC pays it and GCI does not. He wants that fixed.

*Reggiani* welcomed Susan aboard.

*Bradford* also welcomed Susan and said he was sad to see Lila go. As far as Mr. Bailer’s and Mr. Joyce’s comments, he said he was not trying to second guess Planning’s recommendations; he just wanted to make sure we were following the public process.

*Van den Broek* thanked the public for coming out and speaking. He said they may not feel as though we listen, but he said they do.

*Kacsh* thanked Lila and welcomed Susan. He said as far as private enterprise goes, the City should stay more out of it.

**Q. EXECUTIVE SESSION**

28. CCMC Financial Update

*M/Bradford S/Cheshier* to enter into an executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government specifically, a CCMC financial update.

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

The executive session was convened at 10:46 pm. The regular meeting was reconvened at 10:59 pm.

*M/Allison S/Cheshier* to direct the staff to proceed as was discussed in the executive session.

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

**R. ADJOURNMENT**

*M/Reggiani S/Bradford* to adjourn the meeting.

Hearing no objection, *Mayor Kallander* adjourned the meeting at 11:00 pm.

Approved: May 5, 2010

Attest:   
Susan Bourgeois, City Clerk

