

**CITY COUNCIL REGULAR MEETING
APRIL 21, 2010 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Vice Mayor David Reggiani called the Council Regular Meeting to order at 7:30 pm on April 21, 2010, in the Library Meeting Room.

B. INVOCATIONS AND PLEDGE OF ALLEGIANCE

Corrine Erickson led the audience in an invocation.

Vice Mayor David Reggiani led the audience in the Pledge of Allegiance.

C. ROLL CALL

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

D. APPROVAL OF REGULAR AGENDA

M/van den Broek S/Bradford to approve the regular agenda.

Vice Mayor Reggiani read CMC 3.12.060 D concerning the consent calendar portion of the Council agenda. He explained to Council that the method for removing an item from the consent calendar would be to call out the agenda item number after the chair (i.e. Mayor) declares the consent calendar before Council. Then, the item would be placed in a different, appropriate spot on the agenda.

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

Jennifer Gibbins of 305 Browning Street wanted to draw attention to the letter on page 70 of the packet written by Maryanne Bishop and herself regarding Ordinance 1066.

3. Chairpersons and Representatives of Boards and Commissions

Cheshier mentioned the HSB meeting of April 20 and said that they held off on electing officers because only four board members were present. He said the board reviewed the long term care facility admissions policy. He said the board passed a resolution which would be in the next Council packet.

Allison added that the HSB has a special meeting scheduled for 9AM on Saturday April 24, 2010. *Allison* also said that the HSB decided to put off the joint meeting that was scheduled for April 27 with City Council until a later date when the HSB would have more info worked out on bylaw changes.

G. APPROVAL OF CONSENT CALENDAR

Vice Mayor Reggiani declared the Consent Calendar before the Council.

Allison called out number 6 and so, agenda item 6 was placed after agenda item 21.

5. Proclamation of appreciation to James Kallander

~~6. Ordinance 1069~~

~~An ordinance of the City Council of the City of Cordova, Alaska, waiving for good cause the failure of Evelyn Chappell to make timely application for a senior citizen property tax exemption for the 2009 tax year 1st reading~~

7. Resolution 04-10-25

A resolution of the City Council of the City of Cordova, Alaska, authorizing Mark Lynch, City Manager; Cathy Sherman, Acting City Manager; Susan Bourgeois, City Clerk; James Kallander, Mayor; David Reggiani, Vice-Mayor; and Anne Cervenka, City Planner, to sign checks, vouchers, notes and other documents authorized by the city council

Upon roll call vote: 6 yeas, 0 nays, 1 absent (Kacsh). Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes and van den Broek – yes. The consent calendar was approved.

H. APPROVAL OF MINUTES

8. Minutes of 03-17-10 Regular Meeting

9. Minutes of 03-31-10 Public Hearing

M/Cheshier S/Bradford to approve the minutes.

Allison asked about the minutes on page 9 where “understood” was listed as the second to a motion. Council concurred that the second should be assigned to *Kacsh*. The Clerk said that she would make the appropriate change.

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

I. CONSIDERATION OF BIDS – None.

J. REPORTS OF OFFICERS

10. Mayor’s Report – *Vice Mayor Reggiani* reported that *Mayor Kallander* had attended a dinner at NVE with the commander of our district from the Corps of Engineers as well as the Chief of Business Management for the Corps. He praised NVE for bringing these two guys in and he had the opportunity to bring up the Sound Developer as well. He worked with staff and Kate Tesar on Cordova Center funding. He also met with AIGCO and their engineers who were here looking at the property that the company would like to buy and develop.

11. Manager's Report – *Mark Lynch* said that there has been activity between himself and the Coast Guard and the Corps concerning the Sound Developer. He has been working with *Canaski* concerning abandoned vehicles and there will be code changes forthcoming concerning that. School bond issue – the application has been submitted to the State Bond Bank and we'll hear back on that soon. He spent time talking with AIGCO as well. He asked for a consensus regarding putting a handicapped parking spot near Bidarki. Council had asked him to look into that and he said he could but he wanted to know for sure if they wanted him to do so.

12. City Clerk's Report – *Susan Bourgeois* reported that after the BOE meeting on Monday April 19, letters went in the mail to all the appellants with their adjusted values. She has been preparing to certify the 2010 tax roll. Council should expect that at the second meeting in May.

a. Staff Report – Information Services Director *Cathy Sherman* gave a report on the Cordova Center and the funding that has thus far been obtained. Total project cost is \$21M and change. We have secured \$17M and change. These numbers are pending the Governor's ability to veto part of the \$4.5M in the state budget thus far. \$7M is from EVOSTC and we are trying to get that money from them – there will be a meeting on Monday April 25 with the EVOSTC representatives. There are still requests in the federal delegation, Senator Begich has a \$2M request in for the Cordova Center and Congressman Young has a \$700,000 request in and we have asked that they keep those in place. She and *Cohenour* went to Juneau to meet with architects and engineers and it was really helpful because of his knowledge with the Mt. Eccles project. May 20 – 27 should be 100% construction documents. Other dates that are upcoming: bid-release date – June 3, bid-closing July 1-8, award contract July 14. We are looking at doing a groundbreaking ceremony in late July or early August. *Sherman* mentioned that as long as the Governor signs the \$4.5 million, they will move on with requests to the federal delegation, foundations, corporations and just local fundraising.

K. CORRESPONDENCE

13. Letter from Senator Murkowski in re: Humpback Creek
14. Letter from Governor's office to Riki Ott in re: forgiveness of debts impacted by Exxon Valdez Oil Spill
15. Title 4 Chapter 1 Sections 5-7 of US Code submitted by Barb Beedle
16. Letter from State of Alaska DOT&PF in re installation of vehicle recording devices
17. Letter from Mary Anne Bishop and Jennifer Gibbins in re Ordinance 1066
18. Letter to Reinhard Koenig, P.E. in re Cordova visit
19. Letter to James Ligh, P.E. in re Cordova visit

L. ORDINANCES AND RESOLUTIONS

20. Ordinance 1066

An ordinance of the City Council of the City of Cordova, Alaska, approving property described as part of A.T.S 1004 zoned to waterfront industrial – 1st reading

M/Cheshier S/Beedle to adopt Ordinance 1066 an ordinance of the City Council of the City of Cordova, Alaska, approving property described as part of A.T.S 1004 zoned to waterfront industrial.
Vote on motion: 6 yeas, 0 nays, 1 absent (Kacsh). Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes and Allison – yes. Motion carried.

21. Resolution 12-09-76

A resolution of the City Council of the City of Cordova, Alaska, authorizing a change order in the amount of \$70,088.06 for additional work completed by the contractor, Harris Sand & Gravel, which is not considered part of the original contract for the Cordova Boat Haul Out Facility Project

M/Cheshier S/Bradford to approve Resolution 12-09-76, a resolution of the City Council of the City of Cordova, Alaska, authorizing a change order in the amount of \$70,088.06 for additional work completed by the contractor, Harris Sand & Gravel, which is not considered part of the original contract for the Cordova Boat Haul out Facility Project.

M/van den Broek S/Bradford to amend the resolution by changing the amount from \$70,088.06 to \$87,500.

Vote on motion to amend: 4 yeas, 2 nays, 1 absent (Kacsh). Cheshier – yes; Reggiani – yes; Beedle – no; van den Broek – yes; Allison – no and Bradford – yes. Motion carried.

Vote on main motion: 4 yeas, 2 nays, 1 absent (Kacsh). Reggiani – yes; Beedle – no; van den Broek – yes; Allison – no; Bradford – yes and Cheshier – yes. Motion carried.

6. Ordinance 1069

An ordinance of the City Council of the City of Cordova, Alaska, waiving for good cause the failure of Evelyn Chappell to make timely application for a senior citizen property tax exemption for the 2009 tax year – 1st reading

This agenda item had been removed from the consent calendar and will be taken up here at the meeting.

M/Bradford S/Cheshier to adopt Ordinance 1069, and ordinance of the City of Cordova, Alaska waiving for good cause the failure of Evelyn Chappell to make timely application for a senior citizen property tax exemption for the 2009 tax year.

Beedle wondered if there was a way to help these people to ensure they file on time. *Cheshier* said that it was best to not change the ordinance but to take care of specific cases this way. *Allison* said that for the benefit of the new Council members, maybe someone could give a short history of where we are today. *Cheshier* said that senior applications are due by January 15 and she was very sick at that time and basically just fell through the cracks so her son paid the taxes.

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

M. UNFINISHED BUSINESS – None.

N. NEW & MISCELLANEOUS BUSINESS

22. Council approval of Senior Citizen property tax exemption application received after the Jan. 15 deadline

M/Bradford S/van den Broek to authorize the assessor to accept the 2010 Senior Citizen Property Tax Exemption application for Bert Nichols as if timely filed.

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

M/Bradford S/Beedle to recess the meeting for five minutes.

Hearing no objection, the meeting was recessed at 8:32 PM.

Vice Mayor Reggiani called the meeting back to order at 8:40 PM.

23. Council approval to write-off delinquent property tax accounts

M/Cheshier S/van den Broek to write-off the following property tax account balances: 02-273-275 in the amount of \$2,577.25 and 02-072-930-31 in the amount of \$811.75.

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

24. Council approval of request to lease/purchase 4 acres of ATS 1004

M/Cheshier S/Allison to approve the disposal by lease/purchase of 4 acres of land located in ATS 1004.

Cheshier said that Council would need to leave an opening for the City or is an amendment needed to reserve some land for the boat haul out facility.

Allison called “point of order” because he cited Code, specifically 5.22.040 – 5.22.070 and claimed that the Code and the flowchart do not correspond to each other. He said that they were following the flowchart and he thought that the law was the Code and that they should be following the Code.

Vice Mayor Reggiani called for a five minute recess so that Council members could get this part of the Code in front of them for the conversation. There was no objection.

Allison said that the Code speaks to Planning Commission as well as City Council “reviewing the application” – which he said was not done at the planning level and nor was the application in the packet for Council to see tonight. *Reggiani* agreed that Planning & Zoning did not review the application. *Reggiani* asked *Allison* if he had a suggestion. He suggested referring to staff.

M/Cheshier S/Bradford to refer to staff.

Reggiani wanted to ensure that staff (i.e. the City Manager) understood exactly what was being asked of him. *Allison* said that Council was referring this sale (i.e. ATS 1004) back to staff to be done the correct way (i.e. following code) as long as the attorney agreed. Then, he said, at the same time – yet on the side, either the Code needed to be changed to fit the flow chart or vice versa.

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

25. Council discussion and decision regarding Heney Trailer Court trailer encroachment and survey

City Planner *Anne Cervenka* said that the area in question was researched by *Leo Americus* and he found a survey which says that there are in fact two trailers encroaching on City land. She was in need of some direction from Council. She believes that Council has two options: 1) to contact the Heney Trailer Court owner and ask if she is interested in purchasing enough land to bring those trailers into the trailer court (we would need to contact the attorney to determine the correct way to do that fairly) – if this is the route Council chooses, she could hire Leo to survey the land; or 2) start a trespass proceeding which would mean there would be no reason to do any further survey work.

Allison said to provide the owner with the updated information and offer her the chance at buying the land. However, he hoped it wouldn't take nine or ten years to do it this time. *Bradford* concurred. *Cheshier* agreed. *Beedle* agreed with placing a time-frame on this offer. *Anne* asked who would pay for the survey. *Bradford* said he would suggest that the trailer court owner should pay for the survey. *Vice-Mayor Reggiani* ensured that there was Council concurrence on offering to sell to the trailer court owner and on requiring her to incur the cost of the new survey.

26. Pending Agenda and Calendar

There had previously been a planned joint meeting with the HSB for April 27 – at this time, the HSB is suggesting to cancel that and let them work further on their bylaws. *Allison* said that the HSB would get back to Council. A new date for the joint meeting was set for Tuesday, May 11, 2010.

O. AUDIENCE PARTICIPATION

Tom Bailer of 304 Orca Inlet Drive explained the land sale process as far as the Planning Commission is concerned.

Barb Beedle of 910 Ingress is affiliated with the American Legion and had submitted the portion of US Code that speaks to the American Flag. She wanted to ensure that someone was doing something about it.

P. COUNCIL COMMENTS

27. Council comments

Van den Broek asked if the Manager had done anything about the flag situation. *Lynch* said that he has talked to the Public Works Director and they were working on it.

Bradford asked *Lynch* to talk to maybe the Police Department or the Fire Department about lowering and raising the flag until a light was purchased and installed. *Lynch* said he would do that.

Q. ADJOURNMENT

M/Cheshier S/Bradford to adjourn the meeting.

Hearing no objection, *Vice Mayor Reggiani* adjourned the meeting at 9:40 pm.

Approved: May 19, 2010

Attest: _____

Susan Bourgeois
Susan Bourgeois, City Clerk

