CITY COUNCIL REGULAR MEETING MAY 4, 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 May 04, 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 Keith van den Broek, Jim Kacsh, David Allison (present via teleconference), Bret Bradford and Robert Beedle. Council Members EJ Cheshier and David Reggiani 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/Kacsh S/Bradford to approve the Regular Agenda.

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

E. DISCLOSURES OF CONFLICTS OF INTEREST

Kacsh stated his wife is employed by the City of Cordova for item #20. **Mayor** ruled he had a conflict of interest and should recuse himself from that Executive Session. **Allison** stated he is employed by Trident Seafoods but has no financial gain from item #14. **Mayor** ruled no conflict.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

James Mykland, 121 W Davis Ave, spoke in opposition to Resolution 05-11-21. He stated that he is not impressed, that the proclamation does not state accurately what happened May 4, 1911, and he is opposed to it. He stated that Alaska gets a lot of financial support from the Federal Government and this Resolution does not seem appreciative of that fact. He added that he is going to the DMV tomorrow. He's heard of there being 3-4 hour waits, so will get his personal view on the topic.

Rocky Stone, 200 First St, spoke in support of **Sanee Maxwell** and stated that she has known **Sandee** for 30 years and in her book she is golden. She said a friend had commented to her that when she went into the DMV and saw all the license plates on the wall and **Sandee**'s smile she always felt welcome.

Mike Maxwell, 50 year resident of Cordova, 42 years in commercial fisheries, and involved in management at LFS Fisheries, so he is familiar with the handling of employees. He stated that the DMV issue is a personal and emotional issue for his family. He stated that he had several questions in relation to these issues to pose to Council, knowing the questions could not be answered today, but would like them to be answered soon. He told Council that the list of questions will be presented in petition form signed by Cordovans. He stated that he wants the questions answered and if things don't change they will enter into litigation with the City.

Tyee Lohse, 501 Chase Ave, thanked Sandee for her time at the DMV. She was always very helpful to him. He added that since she has been gone he has discovered the internet.

Sandee Maxwell, wished to address the allegations of money missing, she offered a personal testimony to recovering money to a customer. She asked how long the City Manager, Mark Lynch, and the Chief of Police, Robert Baty, have known each other.

3. Chairpersons and Representatives of Boards and Commissions

Robert Beedle reported on the Harbor Commissions last meeting. He reported on their findings in the possibility of adding a culvert on the South Fill for water circulation. He also reported that they are discussing the option of having the road by Ocean Beauty become a one-way street to avoid parking issues. Lynch added that they have asked the business owners for input and they are okay with the street being made one-way. Kallander suggested that the planning department and committee be involved. Bradford stated that it is creating a bottle neck issue. Kacsh informed the Council that this issue has arisen because a pedestrian was hit there not too long ago. Bradford suggested that a one-way may not solve that issue.

a. Student Council Representative

Shyla Krukoff reported that they are planning a movie night at the end of the month. They had planned on watching "Tangled" but they watched that at AASG so they may be choosing something different. It may be open to the public to attend. She added that they are planning a "Kids vs. Global Warming March" on May 10th or 11th. The question was asked why they can't do the walk on the highway. Baty responded that they had not planned enough in advance to get the state permit to walk down the Highway. Kacsh asked if they could walk on a City Street instead of the State highway. Would they still need a permit? Baty said he would have to look into it.

G. APPROVAL OF CONSENT CALENDAR - none

H. APPROVAL OF MINUTES

M/Bradford S/Kacsh to approve the minutes.

4. Minutes of March 16, 2011 Council Work Session

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

I. CONSIDERATION OF BIDS - None

J. REPORTS OF OFFICERS

5. Mayor's Report

Mayor Kallander reported that the state operating budget has passed. There will be \$68K extra in revenue sharing, plus, \$20 mil more for school funding which Cordova will get a small part of. They are stalling on the capital budget. He had lots of meetings with Lynch which he will report on.

6. Manager's Report

Mark Lynch told Council that he will explain item #17a when they get to that part of the agenda. He said he spent a lot of time with DEC working on the waste water treatment plant issue. He reported that the final RFP for the hospital went out and the RFP's are due May 31st. Decisions will need to be made on how the responses will be handled. Bradford inquired about the hospital RFP. He stated that some decisions and discussions still need to happen. Lynch responded that the last joint council meeting asked him to send out an RFP to see who was interested. They also asked NVE to submit an RFP. There will be four proposals from four very different entities. Kallander said he met with Kristin Smith who reviews a lot of RFP's. He had her draft an evaluation form to use to evaluate the RFP's. Lynch added that the

responses are due by May 31st and it will be mid-June before any action can be taken and they have until September 1st to make any decisions. *Bradford* inquired as to the list of tasks that were assigned at the last joint meeting as the RFP was only one of the tasks assigned that night. *Kacsh* stated that it was his understanding that they would look at the RFP's to see what the options are and then make the decisions. *Lynch* informed Council that DEC has served papers on The Cordova Hotel & Bar, for notice of closure for operating without an annual permit; which may affect the ability to pay the sales tax they owe. *Kallander* stated that this should be monitored as it will make a difference when Council goes to set the mill rate. Lastly, *Lynch* announced that he hired *Josh Hallquist* to be the project manager for the Cordova Center.

7. City Clerk's Report

Bourgeois reported that the State Assessor, Steve VanSant, did an evaluation on the office which gave several suggested. One was in regards to the senior exemptions one-time filing and senior delinquent direction that will require code to be reviewed. Bourgeois reminded Council that the last meeting had a letter in the packet in regards to Guy Beedle's delinquency in addition to the one-time filing. She informed Council that she will be looking for direction from them on those two issues. She informed the Council that Erika Empey has left the office and Robyn Kincaid is working full-time now. She stated that the next steps for the office are to certify the role and set the mill rate. Currently the office is working on minutes and cemetery records reorganization. She reported that she had worked with Sam and Holly on a planning and zoning code issue. She took some ethics training for APOC and did a quarterly report with Bitney. Beedle stated that if the Council is going to discuss senior filing delinquencies he may have a conflict. The Mayor decided to see where the discussion goes.

8. Staff Reports

- a. Moe Zamarron, COR, Cordova Center Project
- b. Cathy Sherman, Cordova Center Phase II

Sherman reported on the Cordova Center Project and Phase II. She stated that MRV was here last week and will be back next week. Bradford asked if Hallquist was making a good transition. Sherman replied that he was doing SERVS this week but he and Zamarron will be back on Saturday full swing. Sherman passed out information, including a budget, for Phase II. She said they had to review the plans since Redden Marine came into the picture. She said she and Zamarron are looking into some funds available through the EDA that they think may be applicable to the Cordova Center. Beedle asked if the Redden Marine building will be going away in the middle of June. Sherman responded in the affirmative and added that papers are being signed and processed now for the purchase. She clarified for Council that Phase I will be the shell of the building and Phase II is the interior and the walls. Phase I will leave us with a beautiful shell but you'll open the doors and there will be nothing inside. Bradford asked what the City needs to do to clean up the ball field. Sherman responded that Reggiani had said the Little League would take care of it. Kacsh asked if they have considered going back to EVOS and asking for more money? Sherman responded they have not but they are considering going back to Exxon, BP and a number of the oil companies as corporate sponsors.

c. John Bitney, Juneau update - written report in packet

K. CORRESPONDENCE

9. Invitation to the Ribbon cutting Ceremony for the Copper River Scenic Byway

10. Letter from Mike Maxwell in re DMV and dispatch issues

L. ORDINANCES AND RESOLUTIONS

11. Resolution 05-11-19

A resolution of the City Council of the City of Cordova, Alaska, approving the sale of Lot 13, Block 13 Original townsite to Joshua E. Hallquist and Karen S. Hallquist for \$8000.00

MINUTES - REGULAR MEETING

M/Kacsh S/Bradford to approve Resolution 05-11-19, a resolution of the City Council of the City of Cordova, Alaska, approving the sale of Lot 13, Block 13 Original townsite to Joshua E. Hallquist and Karen S. Hallquist for \$8000.00.

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

12. Resolution 05-11-20

A resolution of the City Council of the City of Cordova, Alaska, authorizing the City to loan the Cordova School District up to \$500,000 to pay construction costs for the Cordova Jr/Sr High School ILP building until such time that a bond sale occurs and the amount loaned shall be repaid from the bond proceeds

M/Kacsh S/Bradford to approve Resolution 05-11-20, a resolution of the City Council of the City of Cordova, Alaska, authorizing the City to loan the Cordova School District up to \$500,000 to pay construction costs for the Cordova Jr./Sr. High School ILP building until such time that a bond sale occurs and the amount loaned shall be repaid from the bond proceeds.

Lynch reported that the proposals for the building are out and they hope to start construction within a month or so but the State is not going to be doing a bond sale until August so these funds will be paid back to the City after that sale. Council discussed the funds disbursement. Bradford inquired of the certainty of the bond sale as Buck had cautioned that bond sales are slowing down. Kallander responded that bond sales everywhere, other than Alaska, are slowing down. Kacsh agreed with Kallander.

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

13. Resolution 05-11-21

A resolution of the City Council of the City of Cordova, Alaska, commemorating the Cordova Coal Party of May 4, 1911, focusing attention on the federal government's current stranglehold on Alaska, and calling on the president of the United States, U.S. Secretary of the Interior, U.S. Senate, and Congress to develop common sense policies that allow Alaska and the rest of the nation to utilize the nation's abundant resources in a safe, environmentally sound manner that serves the best interests of Americans

M/Kacsh S/Bradford to approve Resolution 05-11-21, a resolution of the City Council of the City of Cordova, Alaska, commemorating the Cordova Coal Party of May 4, 1911, focusing attention on the federal government's current stranglehold on Alaska, and calling on the president of the United States, U.S. Secretary of the Interior, U.S. Senate, and Congress to develop common sense policies that allow Alaska and the rest of the nation to utilize the nation's abundant resources in a safe, environmentally sound manner that serves the best interests of Americans

Beedle stated that he is at odds because on one hand it is what is best for America but not necessarily what is best for Alaska. Kacsh stated he doesn't necessarily have a problem with it but doesn't like that they are using a historical event to send a message to the Federal Government. Kallander reviewed for Council some of the history of the Resolution. Beedle stated he won't vote for the Resolution. Bradford stated he shares some of the same views and will vote in favor of the Resolution. Kacsh stated he still hates using a historical event with a negative slant to reach a political agenda. He said he feels like Cordova is being used as a pawn. Bradford stated that he feels it is a message to the Government to look inward at resources. Beedle stated that these are Alaskan issues not Federal issues and that this message needs to be sent to Juneau not D.C. Allison stated he is in support of the Resolution because the thinks the Government can be overbearing in lots of ways. Bradford stated that Juneau is not the one holding back

but D.C. Van den Broek stated that if the community wants to commemorate a local even then they should do it. There are more professional ways to reach the means this is aiming towards.

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

14. Resolution 05-11-22

A resolution of the City Council of the City of Cordova, Alaska, approving a site plan for Trident Seafoods Inc. to construct a 1,200 square foot screen house on lot 7, block 1, Cordova Industrial Park

M/Bradford S/Kacsh to approve Resolution 05-11-22, a resolution of the City Council of the City of Cordova, Alaska, approving a site plan for Trident Seafoods Inc. to construct a 1,200 square foot screen house on lot 7, block 1, Cordova Industrial Park.

Kallander stated that this is very good environmentally. Beedle stated that it is already in process.

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

M. UNFINISHED BUSINESS- none

N. NEW & MISCELLANEOUS BUSINESS

15. Senior Exemption filing discussion

Bourgeois explained to Council that City Code is going against State Statute in disallowing delinquent seniors from applying for an exemption. This needs to be fixed in code. The State assessor has also recommended that we go to a one-time filing. Kacsh stated he has no problem with it. Kallander stated that he has been wondering for six years why the City was requiring an annual filing. Council concurred to direct staff to make it a one-time filing.

Bourgeois reminded Council of the issue of Guy Beedle's delinquency. Kacsh recommended the Council move forward on the forgiveness of delinquent property tax for Guy Beedle. Council concurred.

16. Harborside Pizza lease payments refund

Lynch introduced the item by reviewing the three options for repayment listed in the proposal from Brain Wildrick of Harborside Pizza. Kallander asked if a precedent had been set by a previous similar action. Kacsh informed Council that Alaska Power had a similar issue and he's sure there had been others. Kallander reminded Council that the decision today could be setting a precedent for the future. Lynch stated that there used to be a piece of code that allowed for lease repayments that no longer exists. Kacsh reminded Council that when Wildrick approached Council about purchasing the property we did not have a system set in place for selling those lots. He was not allowed to purchase, even though that was his intent, he was however, allowed to lease. Harborside Pizza had had many roadblocks along the way, many placed there by the City, and he has worked through them all and turned out a thriving business. Bradford agreed with Kacsh and reiterated that Harborside Pizza is a victim of the land sales not being set up right. He is concerned with setting a precedent though. Kacsh stated that Wildrick has had to jump through hoops from day 1. He had an idea, he had a vision, and he did what he needed to do to get the business up off the ground. Kallander stated that he thought the reason he couldn't purchase the property was because he didn't have the financing to do it. Wildrick reminded Council that the City wanted him to build on the land before they would sell to him but he could not get a loan to build on leased property. Bradford stated that other business owners were given the option to purchase just after this incident. Wildrick stated he is just asking the City to level the playing field with his neighbors so he can get the building built as quickly as possible. Kallander informed Wildrick that the standard performance agreement on City sold properties

is two years and asked him if he thought he could get a building up in that time. Wildrick responded that he did not. He was hoping for a 5-year performance agreement if the lease payments were refunded or up to a 9-year performance agreement if the payments were not refunded. Kallander stated that Wildrick's neighbors have signed a 2-year agreement. Kacsh stated that every case is unique, and he would like to right some of the wrongs. There have been other properties sold with different performance agreements for different reasons. Wildrick was put into a tough spot by Council and a small business owner does not have the same resources as a larger entity does. Allison stated that Wildrick was given a different kind of lease with different requirements because we didn't have our land disposal process in place yet. So he has no problem giving him a different kind of performance agreement. He is in favor but not sure of the full lease repayment. Allison clarified that the City is not refunding Property Tax just the lease payments. He stated that he has no problem giving Wildrick a 2 or 3-year performance agreement and he can extend if he needs to as long as some progress is being made. Bradford asked if Wildrick had plans. Wildrick responded that the foundation has been laid and he has architect plans already. Bradford stated he liked the suggestion from Allison that we give him a 3-year performance agreement and if he needs more time he can come back and ask for it. Kallander reminded Council they are considering two things; lease repayments and a performance agreement. Lynch told Council the total amount of his lease payments to date is \$21,718.64.

M/Kacsh S/Bradford to approve the refund of \$20,000 to Brian Wildrick contingent on his entering into a performance agreement for purchase.

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

Kallander asked Council if they should direct the City Manager with a performance agreement term. Kacsh suggested they direct the City Manager to negotiate and see Wildrick's plan. Bradford suggested Wildrick can build it in 3-years. Van den Broek stated he is fine with 5-years if there are significant milestones. He suggested a 3-year performance agreement with the option to extend to a 5-year if he needs it and substantial completion is achieved. Kacsh stated he is ok with 3-years as long as if when we get to the third year and he isn't completely finished we don't kick him out. Beedle told Wildrick that if he does need the extension to not wait till the last minute to request it. Wildrick agreed and stated that he wants to build the building as soon as possible and will work to get it done as soon as possible, with advance communication if he does need more time. Wildrick explained his concern with his having to be closed for a short period of time as the building will have to be framed around the oven and he can't use it in the old structure if they are framing it into the new one. This is something he will need to save up his money for in preparation. Kallander told Wildrick that he appreciates his efforts and added that the land around him is getting sold and developed; he doesn't want to be last or be left behind. Lynch clarified that the performance agreement should be 3-years with the option to extend an additional 2-years if substantially completed and he must give 6-months prior notice if he needs to extend. Kacsh stated for the record that this is a very unique situation and doesn't expect people to be using this as a precedent. Kallander reiterated to be clear that this situation arose because the City was in transition in our land disposal codes. Mr. Wildrick fell into a phase of our Code development that put him into this unusual situation. Council concurred.

17. North Fill Boat Launch Ramp Improvement discussion

Kallander reviewed for Council that he had the City Manager contact CH2MHill on starting on the design. They wanted to start it next year but he is pushing for this year. He stated that he is confident of the \$1.4M coming from the capital budget, to be used for the boat launch ramp and breakwater. He stated he is looking for Council's concurrence with allowing the City Manager to proceed with engineering for this project up to \$225K. Council discussed specifics of the docks construction. Kallander stated that if

we get started on it now than we can maybe have it done come fall. Bradford asked if the project was going to use up all of the \$1.4M. Kallander responded that is would take up to \$700-\$800K. He asked Council if they would concur to forego the geotechnical survey they are requesting. Beedle informed Council that the Harbor Commission was going to discuss this at the next meeting along the lines of options to use that money for a breakwater. He stated he has concerns with putting the money towards the boat ramp instead of the breakwater as the harbor is getting torn up. Kallander reminded Council that he had chosen to put the boat ramp in with the funding for the breakwater in funding because it is going to take a while to raise the funds needed to do the breakwater. He stated that the people he has talked to have said it would be more prudent to work on the boat ramp while we continue to raise money for the breakwater. Beedle stated he has talked to people that say the money may be enough to build the breakwater. If we don't do something with the breakwater soon we are looking at millions of dollars in harbor repairs. Kacsh stated he is not sure the \$1.4M will be enough to build a breakwater. Kallander stated that the corps will require a million dollars just for engineering before we can even start. The \$225K for the boat ramp is the complete project, minus the construction costs, that will be spent over a span of 6-months. Beedle reminded Council that the permit for the breakwater expires in 2013 and it is already engineered. He thinks the project can be done for a million dollars. If we don't do something we will have to replace the harbor. Lynch stated that the reason they had only asked for the \$1.4M to begin with was because they thought there was going to be some more funding available for the \$3.6M, but it turns out that won't go through this year. So we are looking at that funding coming available in 2012. He added that the permit and the engineering has been done for the breakwater they just don't have the construction money. The last construction estimate to cross his desk was \$6M if the corps did it and \$5M if we did it privately with our own money. Kacsh stated that as far as corps projects go the project just has to be started. Beedle requested the item be tabled till next meeting when he can be more informed about another option with the breakwater. Council chose to put this item on the next agenda for more discussion.

17a. Authorizing City Manager to sign a compliance order by consent with DEC *Lynch* informed Council that there will be a \$100K fine up front then \$10K a day after that if the Compliance order is not signed. The City has till May 9th to get a signature.

M/Kacsh S/Bradford to authorize the City Manager to sign the compliance order by consent with DEC concerning the waste water treatment plant

Bradford clarified that the EPA told the City to remove the equipment and now the DEC wants it back in or they will fine the City. **Kallander** suggested that if Council has further questions to see **Lynch**.

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

18. Pending Agenda and Calendar Ribbon Cutting Ceremony on May 7th for the Copper River Highway Scenic Byway designation

O. AUDIENCE PARTICIPATION

James Mykland agreed with Beedle that the City needs to take care of the fleet and can't wait for the North Fill to be developed because the South Fill is busy and a mess. He added that he is disappointed in the affirmative vote on Resolution 05-11-12

Jennifer Gibbins, Browning St, thanked Mark Lynch and the City employees for their hard work, she appreciates the time they put in. She requested of Robert Beedle that the Harbor Commission discuss the sheen in the harbor. She stated that the Resolution/Proclamation regarding the Coal party offended her that the community never heard anything about it. She added that it took a historical event out of context.

She stated that she is very pleased to see the progress with Harborside Pizza. Lastly she requested help from the community for the "Cordova Clean Up Day" on May 14th. Meet at the High School at 10:00 am.

P. COUNCIL COMMENTS

19. Council Comments

Beedle stated that the City crew has been hard at work. Both sides of the harbor look good and the streets are being swept so offered a "Good job" to them.

Kacsh stated that there is a community concern with the pot holes around town and wonders if there is something we can do to get them to reconsider repaving in 2011 instead of 2012 or 2013. **Kallander** stated that the funding for it is what the state is sitting on right now in the capitol budget. **Kacsh** said something needs to be done, letters written or phone calls made, because someone is going to get killed. Also, the City needs to work on consistent signage. If they City is going to be passing out parking tickets people need to know where they can and cannot park.

Council took a 5 minute break before entering the Executive Session at 10:10 pm

Q. EXECUTIVE SESSION

20. Employee Salary Review

Kacsh was recused from the discussion due to his conflict of interest.

M/Bradford S/Kacsh to move into executive session subjects which may be discussed are matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government specifically salary review.

Vote on motion: 4 yeas, 0 nays, 1 COI (Kacsh), 2 absent (Cheshier, Reggiani) Motion passed.

The Regular Council meeting was reconvened at 10:27 pm

M/Bradford S/van den Broek to direct the City Manager to take the actions discussed in executive session.

Vote on motion: 4 yeas, 0 nays, 1 COI (Kacsh), 2 absent (Cheshier, Reggiani) van den Broek – yes; Allison – yes; Bradford – yes and Beedle – yes. Motion passed.

City Manager left the meeting

21. City Clerk's Annual Evaluation

M/Bradford S/van den Broek to move into executive session subjects which may be discussed are subjects that tend prejudice the reputation and character of any person; providing that the person may request a public discussion specifically the City Clerks annual evaluation.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Reggiani) Motion passed.

The Regular Council meeting was reconvened at 11:12 pm

R. ADJOURNMENT

M/Bradford S/van den Broek to adjourn the regular meeting at 11:12 pm Hearing no objection, the meeting was adjourned.

Approved: May 20, 2011

Robyn Kincaid, Deputy City Clerk

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Attest: