

CITY COUNCIL REGULAR MEETING
MAY 5, 2010 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES

A. CALL TO ORDER

Mayor James Kallander called the Council Regular Meeting to order at 7:32 pm on May 5, 2010 in the Library Meeting Room.

B. INVOCATIONS 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 *David Allison, Bret Bradford, EJ Cheshier, James Kacsh, Keith van den Broek* and *Robert Beedle*. Council member *David Reggiani* was present via teleconference. Also present were City Manager *Mark Lynch*, Deputy City Clerk *Erika Empey* and City Clerk *Susan Bourgeois*.

D. APPROVAL OF REGULAR AGENDA

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

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.

E. DISCLOSURES OF CONFLICTS OF INTEREST

Van den Broek stated a conflict with agenda item #10, because his wife is Rochelle. *Mayor Kallander* agreed, and stated that van den Broek would not vote on that issue.

Beedle stated a conflict with agenda item #7 because the requestor was a personal friend. *Mayor Kallander* stated that there was no conflict.

Kacsh stated a conflict with the executive session, employee salary review, because his wife was a City employee. *Mayor Kallander* stated that he would make a decision when they went into executive session.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

James Mykland, 21 West Davis, commented on item #26, stating that did not like the idea that ADF&G was going to build a fence in that location. He was also concerned with the limited parking spaces for long-term parking, and also only limiting the time to 72 hours.

Jennifer Gibbons, Browning St., stated that she would like the Council follow-thru with the earlier discussion of having workshops concerning industrial waterfront land.

3. Chairpersons and Representatives of Boards and Commissions
 - a. Cordova School District - Jim Nygaard, Superintendent – absent.

Allison stated that the Health Services Board had a workshop. He stated that the Council needed to look at the bylaw reviews, so it should be on the next agenda.

Kacsh stated that the streetlight crew met and evaluated the streetlights in question. They gave Tom Cohenour their report. *Cohenour* stated that he would discuss it at the next meeting.

Kallander stated that he attended a Trails Committee meeting. Their main question was whether or not to write grants and try and obtain funding. They wanted Parks & Rec. to clarify the committee's role.

4. Student Council Representative – *Jessica Smyke* stated that a coed baseball program had been started, coached by Mr. Reggiani. The Junior class had their prom the previous weekend. Five members from science club went to Fairbanks to present the methane digester project at the Alaska Rural Energy Conference. They donated one of the digesters to Chena Hot springs. Some of the teams and individuals from Future Problem Solvers made it to internationals, taking place in the middle of June in Wisconsin. At bandfest, the choir received a superior rating, along with other solos and duets. The drama play is taking place that night, and the following night.

G. APPROVAL OF CONSENT CALENDAR

Mayor Kallander stated that the consent calendar was before them.

The following items were removed: #10 was removed by *Cheshier*, #9 was removed by *Bradford*, and #7 was removed by *Reggiani*.

M/Reggiani S/Bradford 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.

Mayor Kallander stated that he was going to put item numbers 7, 9, & 10 under New Business on the agenda.

5. Proclamation in re National Women's Health Week
6. Confirmation of the Cordova Volunteer Fire Department Election of April 8, 2010
- ~~7. Resolution 05-10-26~~

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

8. Resolution 05-10-27

A resolution of the City Council of the City of Cordova, Alaska, approving the final plat of Tract B of Pebo Subdivision, part of U.S.S. 1088 located within Section 21 and 32, Township 15 South and Range 2 West.

9. ~~Resolution 05-10-28~~

~~A resolution of the City Council of the City of Cordova, Alaska, authorizing the City to issue General Obligation bonds in the principal amount of not to exceed \$385,000 to provide funds for the planning, design and construction of school and related capital improvements, fixing certain details of such bonds and authorizing their sale.~~

10. ~~Mayor appointment and Council concurrence of Rochelle van den Broek as the City's representative to the PWS RCAC Board of Directors~~

H. APPROVAL OF MINUTES

M/Kacsh S/Bradford to approve the minutes.

Van den Broek stated that he and Beedle were not on Council for all but the April 7th meeting.

M/Kacsh S/Cheshier to amend the motion to approve the minutes of the January 28, March 3, and March 11 meetings.

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

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

M/Allison S/Bradford to approve the April 7th meeting 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.

11. Minutes of January 28, 2010 Special Meeting

12. Minutes of March 3, 2010 Public Hearing

13. Minutes of March 11, 2010 Work Session

14. Minutes of April 7, 2010 Regular Meeting

I. CONSIDERATION OF BIDS – None.

J. REPORTS OF OFFICERS

15. Mayor's Report – *Mayor Kallander* stated that he participated in the Emergency Response Drill the previous week. He stated that the evaluators were very impressed with how Cordova handled the emergency. He also met with the Boards and Commissions. The D.C. lobbyist reported that both Senator Murkowski and Senator Begich were both on board with the \$500K request for appropriations for the harbor breakwater feasibility study. Regarding the current oil catastrophe

in the Gulf of Mexico, *Mayor Kallander* interviewed with a newspaper out of Mississippi regarding how Alaska's oil spill affected the fishermen and the community in Cordova.

16. Manager's Report – *Mark Lynch* added to his written report. He stated at the final event for the Alaska Shield drill, the evaluators from Homeland Security commented that Cordova pulled off 31 events which was pretty extraordinary. *Lynch* stated that it not only better prepared Cordova for emergencies, but increased grant opportunities. As far as the Sound Developer, the Corp. has convinced the Coast Guard that they are the ones who will be taking it out of the harbor. The Coast Guard doesn't want to interfere with the fishing season however, and say they want to wait until the fall. The flag issue that was brought up at the last meeting has been resolved. The Fire Department will take it down and put it up each day until the City installs a light for it. He is working long-term parking issues. He provided an update on AIGCO's permitting process by Shipley Environmental.
17. City Clerk's Report – *Susan Bourgeois* provided a written report. She added that she was trying to get a training together for all the Boards & Commissions and Holly from the attorney's office. She questioned whether it would be better to wait until the fall. *Mayor Kallander* stated that fall would be a better time.
18. Staff Reports
 - a. Public Works Director – *Tom Cohenour* – stated that he received a grant from the Alaska Energy Authority for \$97,300 to install LED streetlights. The school gym has been moving along nicely and should be completed on schedule. The renovation side is looking good as well.

K. CORRESPONDENCE

19. Letter to Governor in re: Cordova Center funding
20. Letter from Mayor of Municipality of Cordova, Province of Cebu, Philippines

L. ORDINANCES AND RESOLUTIONS

21. 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 – 2nd reading

M/Kacsh S/van den Broek to adopt 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.

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

22. Resolution 05-10-29

A resolution of the City Council of the City of Cordova, Alaska, authorizing a contract amendment in the amount of \$7,500.00 for additional work to be completed by the Jefferson Consulting Group which is an addition to the original contract for the Jefferson Consulting Group

M/Bradford S/Kacsh to approve Resolution 05-10-29, a resolution of the City Council of the City of Cordova, Alaska, authorizing a contract amendment in the amount of \$7,500.00 for additional work to be completed by the Jefferson Consulting Group which is an addition to the original contract for the Jefferson Consulting Group.

Mayor Kallander stated that he had met with Cathy Sherman and Mark Lynch, and encouraged them to pursue avenues that would allow the City to comply with the EPA without costing a fortune. They engaged the City's lobbyists in both Juneau and D.C. to see how Cordova could find a way to comply or get around it the issue. However, he thought spending \$10K-20K now, which may work out would be worth it. *Sherman* stated she thought the cost increase would cover the rest of the year.

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.

23. Resolution 05-10-30

A resolution of the City Council of the City of Cordova, Alaska, authorizing a contract amendment with MRVArchitects in the amount of \$170,721.

M/Cheshier S/Kacsh to approve Resolution 05-10-30, a resolution of the City Council of the City of Cordova, Alaska, authorizing a contract amendment with MRVArchitects in the amount of \$170,721.

Bradford stated that he thought it was quite a bit of money to finish the project. *Sherman* stated when they stopped in 2005, they had about \$50K left on the contract. They didn't know if they were going to be able to build the building, so the City had them stop. After five years, their rates have increased, and they are also addressing issues they already covered, like civil and structural building, because of the foundation issue they had at Mt. Eccles. Also, they asked them to look at energy saving techniques that have changed in the last five years. *Sherman* stated that she and Cohenour have gone through the proposal, and they feel that their asking amount is a pretty fair number.

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.

M. UNFINISHED BUSINESS

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

Pending motion from 4/21/10 Regular Meeting: *M/Cheshier S/Allison* to approve the disposal by lease/purchase of 4 acres of land located at ATS 1004.

Reggiani asked if there was any new information, like a site plan. *Lynch* stated that there was additional information in report that he handed out. He stated that he had a phone conversation with the attorney about the flow chart. Initially, the attorney stated that the flow chart is consistent with the Code. However, after some further questions from Lynch, the Attorney suggested adopting a new ordinance that he provided amending Cordova Municipal Code Chapter 5.22. That could be decided at the next meeting. *Mayor Kallander* asked why Council was now interested in changing

the land disposal method after years of doing it that way. *Allison* stated that he had brought it up previously because the flow chart doesn't match the Code. He stated that the Code says that they can negotiate with the interested party, or put the land up to bid; but the only option the flow chart gives is to put it up for bid. *Reggiani* stated that he didn't want to change the Code. The flow chart encumbers the process, and the Code streamlines the process. that the Council could decide to dispose of the land by one of the competitive procedures outlined in the Code. The first option is to negotiate an agreement directly with the interested party. That's the option he is interested in. *Reggiani* stated that he would still like to see an application; so if Lynch received a letter as an application, that letter needed to be forwarded on to the Planning Commission and to the Council. The Council would then decide what disposal method they would pick.

M/Allison S/Kacsh to approve the disposal by lease/purchase of 4 acres of land located in ATS 1004 by method 1: negotiate an agreement with the person who applied by lease/purchase of the property.

Allison stated that the motion doesn't sell the land, it just gives the City Manager authority to negotiate, and bring a report back to the Council. *Reggiani* stated that he supported the motion at this point, but would like to see the letter and proposal at the next step. *Kacsh* stated that he was still interested in setting up a workshop with the public like they had stated that they would do. *Bradford* asked if they still needed to do the thirty-day notice. *Bourgeois* stated that the Code stated the thirty-day notice was only if applicable. *Lynch* stated that according to Code, the thirty-day notice is skipped. *Allison* stated that the next step would go back to the Planning Commission, so there would be Public Hearings and permitting to still go through there.

Vote on motion: 6 yeas, 1 nays, 0 absent. Cheshier – yes; Reggiani – yes; Beedle – no; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes. Motion carried.

Mayor Kallander asked why Council member Beedle voted no. *Beedle* stated that he just not clear enough on the issue, and did not feel comfortable in voting yes.

N. NEW & MISCELLANEOUS BUSINESS

25. Discussion of the possibilities of cooperation with NVE concerning health care in Cordova – Bruce Cain

Bruce Cain, Executive Director of the Native Village of Eyak (NVE) stated that there is a proposal to the State of Alaska under the MOA for joint health care and a letter of support that NVE needs for any grant applications going in. The grant is for \$100,000 for strategic planning for health care. *Cain* summarized his experience in strategic planning, healthcare, and the budget included in the packet. *Kallander* stated that he thought that Council should explore every option in health care management. *Allison* stated that he appreciated the information, and agreed with Cain that the first step in managing health care in Cordova was strategic planning. He would like it done in less than a year however. He thinks that if the funding doesn't happen for the grant, the City and NVE should still work together in coming up with a solution. He is in favor of a letter of support. *Bradford* echoed Allison's statements, but thought a year of strategic planning was reasonable. They did need to do something in the meantime though. *Mayor Kallander* asked for Council concurrence to write a letter of support for NVE's grant application. The *Council* concurred.

M/Beedle S/Bradford for a five minute recess.

Seeing no objection, *Mayor Kallander* recessed from 9:30 pm to 9:38 pm.

26. Discussion of ADF&G plans to build and fence Lot 2, ATS 1602

Mayor Kallander stated that ADF&G was going to build a secure parking lot by the three stage dock that would extend out to Railroad Ave. This had been before the Council previously, but he thought he would bring it up again in order to explore any opportunities that they had at stopping it, or amending the amount of space they would use. *Lynch* stated that ADF&G owned the land, he's seen the deed, and there were no ordinances against what they were proposing to do. *Kacsh* stated that this discussion had been going on for years, and they have scaled back the amount of land they were originally going to fence off, so he is uncertain of how much more they would be willing to do. *Mayor Kallander* stated that ADF&G also planned to fill a portion of their land in the harbor for their project. *Lynch* stated that if the fill extended into the water, it would put them inside the boundaries of the harbor, and they wouldn't be able to do that without City Council approval. *Kacsh* stated that they should look into putting a new boat launch into the harbor. *Cheshier* stated that he would like Mayor Kallander to use all his powers to find some sort of solution. *Mayor Kallander* and *Lynch* will continue to look into solutions.

27. Discussion of CCMC Community Health Services Board Resolution 04-10-20

Bradford asked if they could suspend this until they do some strategic planning. *Allison* agreed that strategic planning needed to be done first. They should wait until after the HSB and Council have their joint meeting. The *Council* concurred.

7. Resolution 05-10-26

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

M/Allison S/Bradford to approve Resolution 05-10-26, a resolution of the City Council of the City of Cordova, Alaska, approving the license for a mobile restaurant.

Bradford stated that he supported the restaurant. *Reggiani* stated that he was not opposed to it; he just wanted to make sure it wouldn't interfere with parking issues. *Allison* stated that she would be parking at home at night and mobile during the day.

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.

9. Resolution 05-10-28

A resolution of the City Council of the City of Cordova, Alaska, authorizing the City to issue General Obligation bonds in the principal amount of not to exceed \$385,000 to provide funds for the planning, design and construction of school and related capital improvements, fixing certain details of such bonds and authorizing their sale.

M/Allison S/Cheshier to approve Resolution 05-10-28, a resolution of the City Council of the City of Cordova, Alaska, authorizing the City to issue General Obligation bonds in the principal amount of not to exceed \$385,000 to provide funds for the planning, design and construction of school and related capital improvements, fixing certain details of such bonds and authorizing their sale.

Bradford stated that he thought they should discuss the resolution. *Mayor Kallander* stated that he had put it in the consent calendar because it had been discussed at two prior meetings. *Bradford* asked if the definitions in the packet were a routine part of the bond procedure. *Lynch* stated that was correct.

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.

10. Mayor appointment and Council concurrence of Rochelle van den Broek as the City's representative to the PWS RCAC Board of Directors.

M/Bradford S/ Kacsh Council concurrence of the Mayor's appointment of Rochelle van den Broek as the City's representative to the PWS RCAC Board of Directors.

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

28. Pending Agenda and Calendar

Kacsh stated that he wanted to set up a work shop on waterfront development next to the boat haulout. *Bradford* agreed, and he also wanted harbor parking issues on the next agenda. *Allison* stated that the Harbor commission use to do a master parking plan, but hasn't for awhile. *Mayor Kallander* stated that for this year it was too late. They can think about it for next year though.

Beedle stated that he concurred with Kacsh and Bradford about having a workshop on the waterfront industrial area.

Bourgeois clarified that the public hearing on the 19th was at 7:00 pm and not 7:15 pm.

Bradford stated that since the sale/lease of the waterfront land was already in the process, it would be helpful to have the workshop dealing with design and planning. *Allison* stated that P&Z would have public comments on the site plans. *Bradford* stated that a workshop would be more helpful for the public. *Allison* stated that P&Z should have the workshop. *Reggiani* and *Cheshier* agreed with Allison.

Van den Broek stated that he would be absent for the meeting on May 11th.

O. AUDIENCE PARTICIPATION

Jennifer Gibbons stated that as the Prince William Soundkeeper, she has been working on cleaning up the Harbor. She stated that she continually gets complaints about garbage and oily waste. She would

like the Harbor to step up by becoming more aggressive in enforcing litter and oil waste, but to also approach CDFU, and encourage their members to take pride in their harbor.

Barbara Beedle thanked the City Manager for dealing with the flag issue. She would also like someone to address skateboards and bikes on 1st Street.

P. COUNCIL COMMENTS

29. Council Comments

Bradford thanked Lynch for taking care of the flag issue. He would also like the Council to vocalize their opinions when asked for Council concurrence.

Allison thanked all the staff and volunteers that participated in the Alaska Shield Drill.

Cheshier concurred with what Allison stated.

Reggiani appreciated Barbara Beedle bringing up the skateboard and bicycle issue, and asked if J.R. Lewis could run a public service announcement addressing it. The second comment was on the Trails committee, he would like the Parks & Rec. to clarify their role.

Mayor Kallander stated that one of the coordinators of the Alaska Shield Drill encouraged Cordova to apply for grants with them.

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

Seeing no objection, *Mayor Kallander* recessed the meeting from 10:35 pm to 10:40 pm.

Q. EXECUTIVE SESSION

30. Employee salary review

Mayor Kallander requested that Kacsh leave the executive session since his wife is a City employee, unless Council disagreed. With that, *Kacsh* exited the room.

M/Bradford S/Allison to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically, to discuss employee salary review.

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

Mayor Kallander convened the executive session at 10:42 and reconvened the regular meeting at 10:52 pm

M/Bradford S/Allison to direct the City Manager to proceed as directed in executive session.

Vote on motion: 5 yeas, 1 nay (Beedle), 0 absent, 1 conflict of interest (Kacsh). Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – no; van den Broek – yes. Motion carried.

Mayor Kallander inquired as to why Beedle voted no. *Beedle* stated that he needed more information, and he didn't want to be too generous and have to raise taxes.

R. ADJOURNMENT

M/Cheshier S/Bradford to adjourn the regular meeting.

Seeing no objection, *Mayor Kallander* adjourned the regular meeting at 10:55 pm.

Approved: June 2, 2010

Attest:


Erika Empey, Deputy City Clerk

