

Mayor
James Kacsh
Council Members
Kristin Carpenter
Tim Joyce
Tom Bailer
Bret Bradford
EJ Cheshier
David Reggiani
James Burton
City Manager
Randy Robertson
City Clerk
Susan Bourgeois
Deputy Clerk
Tina Hammer
Student Council
Sarah Hoepfner
Gabrielle Brown

**REGULAR COUNCIL MEETING
MAY 21, 2014 @ 7:00 PM
LIBRARY MEETING ROOM**

AMENDED AGENDA



A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one Nation under God, indivisible with liberty and justice for all.

C. ROLL CALL

Mayor James Kacsh, Council members Kristin Carpenter, Tim Joyce, Tom Bailer
Bret Bradford, EJ Cheshier, David Reggiani and James Burton

D. APPROVAL OF REGULAR AGENDA..... (voice vote)

E. DISCLOSURES OF CONFLICTS OF INTEREST

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speaker
2. Audience comments regarding agenda items..... **(3 minutes per speaker)**
3. Chairpersons and Representatives of Boards and Commissions (Harbor, HSB, Parks & Rec, P&Z, School Board)
4. Student Council Representative Report

G. APPROVAL OF CONSENT CALENDAR..... (roll call vote)

5. Ordinance 1117..... (page 1)

An ordinance of the City Council of the City of Cordova, Alaska, authorizing a lease for a portion of Lot 5A, Block 3, Odiak Park Subdivision, Plat 79-5, specifically 38,069 square feet of land to the State of Alaska, Department of Fish and Game – 1st reading

6. Resolution 05-14-24..... (page 14)

A resolution of the City Council of the City of Cordova, Alaska, approving the Final Plat of Replat, portion of Lot 3 Alaska State Land Survey No. 81-28, Plat 81-28, creating Lots 3a and 3b Alaska State Land Survey No. 81-28

7. Change the “previously recorded as unexcused” absence of Council member Carpenter from the March 05, 2014 Regular Meeting to “excused”

8. Record excused absence of Council member Bradford from the May 07, 2014 Regular Meeting

H. APPROVAL OF MINUTES

9. Special Meeting Minutes 10-30-13..... (page 18)

10. Regular Meeting Minutes 05-07-14..... (page 19)

I. CONSIDERATION OF BIDS

**10a. Contract approval with GV Jones & Associates for Engineering Services..... (voice vote)(page 25a)
for the LT2 Water System Compliance project**

J. REPORTS OF OFFICERS

11. Mayor’s Report
12. Manager’s Report
13. City Clerk’s Report..... **(page 26)**

K. CORRESPONDENCE

14. Army Corps of Engineers public notice 04-18-14..... **(page 27)**
15. Army Corps of Engineers public notice 04-18-14..... **(page 29)**
16. Letter to Governor Parnell in re Capital budget 05-08-14..... **(page 32)**

L. ORDINANCES AND RESOLUTIONS

17. Substitute Ordinance 1115..... (roll call vote)(page 34)

An ordinance of the City Council of the City of Cordova, Alaska, amending sections 3.40.020 entitled “planning commission created- membership,” 3.40.030 entitled “planning commission-chairman,” 3.40.050 entitled “planning commission-members’ terms of office,” 3.52.020 entitled “advisory parks and recreation commission-membership,” and 11.08.020 entitled “harbor commission” to clarify and make consistent council member designation for service on city commissions, make council member service on commissions permissive rather than obligatory, and to reduce the number of commissioners on the parks and recreation commission from seven to five – 2nd reading

18. Ordinance 1116..... (roll call vote)(page 38)

An ordinance of the City Council of the City of Cordova, Alaska, enacting section 2.20.010 C of the Cordova Municipal Code to increase the notification requirements for City elections – 2nd reading

M. UNFINISHED BUSINESS

19. Designation of council rep to Parks and Recreation Commission..... (voice vote)(page 41)

N. NEW & MISCELLANEOUS BUSINESS

20. 2014 Budget review & discussion..... (page 42)

21. Certification of 2013 property tax roll..... (voice vote)(page 44)

22. Procedures for the Abatement of Dangerous Buildings – discussion..... (page 49) including the requested tax incentives/property tax exemptions information

23. Pending Agenda and Calendar..... (page 56)

O. AUDIENCE PARTICIPATION

P. COUNCIL COMMENTS

24. Council Comments

Q. EXECUTIVE SESSION

25. Cordova Center finances - (documents under separate cover)

R. ADJOURNMENT

∞ ∞ ∞ ∞ ∞ ∞ ∞ ∞ ∞ **Cordova School District** ∞ ∞ ∞ ∞ **May 23, 2014** ∞ ∞ ∞ ∞ **out for the summer** ∞ ∞ ∞ ∞ ∞ ∞ ∞ ∞ ∞

Executive Sessions: Subjects which may be discussed are: (1) Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government; (2) Subjects that tend to prejudice the reputation and character of any person; provided that the person may request a public discussion; (3) Matters which by law, municipal charter or code are required to be confidential; (4) Matters involving consideration of governmental records that by law are not subject to public disclosure.

If you have a disability that makes it difficult to attend city-sponsored functions, you may contact 424-6200 for assistance.

Full City Council agendas and packets available online at www.cityofcordova.net

Memorandum

To: City Council
From: Planning Staff
Date: 5/15/2014
Re: Alaska Department of Fish and Game Lease Extension

PART I – GENERAL INFORMATION

Requested Actions: Lease approval for ADF&G
Applicant: ADF&G
Address: Lot 5A, Block 3, Odiak Park Subdivision
Parcel Number: 02-072-812-1
Zoning: Business

PART II – History

November 2011 City council passed lease extension

The Alaska Department of Fish and Game contacted the city on September 21, 2011 asking for an extension on their current lease that was set to expire in June of 2013. Fish and Game was considering investing additional funds into the buildings that are currently on the leased property and wanted some assurance that the lease would be extended prior to making the investments.

PART III – BACKGROUND

ADF&G contacted the planning department in January 2014 expressing a desire to have a twenty year lease with the City. ADF&G is planning upgrades and improvements on the buildings located on the current site and would like to have the security of a long term lease in place.

The current lease was extended in 2011 and will expire in 2018. The lease amendment which is attached will terminate that lease and activate the lease attached. The proposed leased will terminate in 2034.

This lease is presented as an ordinance as required by charter 5.17 because the value will exceed \$50,000, not executed in five years and cannot be terminated in 30 days.

PART IV – STAFF RECOMMENDATION

Staff recommends approval of the ordinance 1117.

PART V– SUGGESTED MOTION

“I move to approve Ordinance 1117.”

**CITY OF CORDOVA, ALASKA
ORDINANCE 1117**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AUTHORIZING A LEASE FOR A PORTION OF LOT 5A, BLOCK 3, ODIK PARK SUBDIVISION,
PLAT 79-5, SPECIFICALLY 38,069 SQUARE FEET OF LAND TO THE STATE OF ALASKA,
DEPARTMENT OF FISH AND GAME**

WHEREAS, the City of Cordova has leased this parcel of land to the State of Alaska, Department of Fish and Game since July 1, 1980 and both parties desire to enter the lease for twenty years, effective **XXXX**, 2014; and

WHEREAS, the State of Alaska, Department of Fish and Game is considering investing additional funds in upgrading some of the buildings located on the parcel and does not want to invest such funds without ensuring a twenty year ground lease; and

WHEREAS, it is in the public interest for the City of Cordova to continue to make land available for the State of Alaska, Department of Fish and Game under the terms and conditions provided in the lease referred to below; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, Alaska, that:

Section 1. Notwithstanding anything to the contrary in Cordova City Code Chapter 5.22, the Council of the City of Cordova hereby authorizes the lease to the State of Alaska, Department of Fish and Game for a term of twenty years, for Lot 5A, Block 3, Odiak Park Subdivision, Plat 79-5, specifically 38,069 square feet of land.

Section 2. The form and content of the Lease between the City and the State of Alaska, Department of Fish and Game hereby are in all respects authorized, approved and confirmed, and the City Manager is authorized, empowered and directed to execute and deliver the Lease to the State of Alaska, Department of Fish and Game on behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as they shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said document now before this meeting, and from and after the execution and delivery of said document, the City Manager is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the lease as executed.

Section 3. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

Section 4. If one or more referendum petitions with signatures are properly filed within one (1) month after the passage and publication of this ordinance, the ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient or, if any such petition is found legal and sufficient, until the ordinance is approved in an election by a majority of the qualified voters, voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect 30 days after its passage and publication.

1st reading: May 21, 2014

2nd reading and public hearing: June 4, 2014

PASSED AND APPROVED THIS 4th DAY OF JUNE, 2014

Jim Kacsh, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

SECOND AMENDMENT OF GROUND LEASE

This SECOND AMENDMENT OF GROUND LEASE ("Second Amendment") between the City of Cordova, Alaska ("City") and State of Alaska Department of Fish and Game ("ADFG") is effective as of _____, 2014, by and between the City and ADFG (collectively referred to as the "Parties").

RECITALS

WHEREAS, the Parties entered into a Ground Lease permitting ADFG to lease certain real property and facilities from the City ("the Property"), commencing on July 1, 2003 and terminating on July 1, 2013;

WHEREAS, the Parties executed an Agreement and Amendment of Ground Lease on November 29, 2011, extending the Ground Lease termination date to July 1, 2018, as ADFG desired to upgrade buildings located on the Property; and

WHEREAS, the Parties desire to terminate the Ground Lease earlier than July 1, 2018, enabling the Parties to execute a new long term lease for the Property.

NOW, THEREFORE, the Parties agree to amend the Ground Lease as follows:

1. **Term.** The Ground Lease will expire on _____, 2014 ("Expiration Date").
2. **Rent.** The Parties acknowledge ADFG paid, or will pay, to the City on July 1, 2014, Eleven Thousand Five Hundred Fourteen Dollars and Twenty-Five cents (\$11,514.25), as the Rent payment due under the Ground Lease. ADFG and the City agree that after the Expiration Date the City will retain that entire Rent payment, applying a pro rata portion to the Rent due under the Ground Lease through the Expiration date, and the remaining portion to the initial base rent due under the new lease for the Property, which the Parties will execute concurrently with this Second Amendment.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed in their respective names as of the date first above written.

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME

CITY OF CORDOVA, ALASKA

By: _____

By: _____

Its: _____

Its: _____

CITY OF CORDOVA
Cordova, Alaska

GROUND LEASE

THIS LEASE ("Lease") by and between the **CITY OF CORDOVA**, a municipal corporation organized and existing under the laws of the State of Alaska ("City"), and the **STATE OF ALASKA, Department of Fish and Game** ("ADF&G") doing business in Cordova, Alaska ("Lessee").

RECITALS

WHEREAS, the City owns that certain parcel of land generally described as Lot 5A, Block 3, Odiak Park Subdivision, Plat 79-5, located within Cordova Recording District, Cordova, Alaska, (referred to hereinafter as the "Premises");

WHEREAS, Lessee desires to lease the Premises from the City, and the City desires to lease the Premises to Lessee, on the terms and conditions set forth herein; and

WHEREAS, the Cordova City Council ("Council") has approved the lease of the Premises from the City to Lessee in accordance with the Cordova City Charter §5-17 and Chapter 5.22 of the Cordova Municipal Code (hereinafter referred to as the "Code" or "CMC").

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties hereto, it is agreed as follows:

1. LEASE OF PREMISES

A. **Lease Premises.** Subject to the terms and conditions set forth herein, the City hereby leases to Lessee and Lessee hereby leases from the City, the Premises.

2. LEASE TERM AND TERMINATION

A. **Lease Term.** The term of this Lease shall be twenty (20) years, commencing on **XX, 2014** (the "Commencement Date") and expiring twenty (20) years later, on **June 30, 2034**, unless earlier terminated in accordance with the terms of this Lease.

B. **Lease Termination.** The Lease may be cancelled at any time by mutual written consent of the City and Lessee with one hundred eighty (180) days' notice.

3. RENT

A. **Base Rent.** The City acknowledges that on July 1, 2014, ADFG paid to the City Eleven Thousand Five Hundred Fourteen Dollars and Twenty-Five Cents (\$11,514.25), which satisfies the initial base rent payment due under this Lease through June 30, 2014. Beginning on July 1, 2015, rent shall be Thirteen Thousand, Three Hundred Twenty Dollars (\$13,320.00) per year ("Base Rent") and shall be paid on an annual basis on July 1 of each year starting July 1, 2015. Base Rent shall be paid to the City in lawful money of the United States without abatement, deduction or set-off for any reason whatsoever, at the address provided for notice to the City set forth in Section 20.E of this Lease, or at any other place that the City may from time to time direct in writing. Base Rent shall be paid promptly when due without notice or demand therefor. The parties intend the Base Rent to be absolutely net to the City. All costs, expenses, and obligations of every kind and nature whatsoever in connection with or relating to the Premises shall be the obligation of, and shall be paid by, Lessee. As required by the CMC Section 5.22.040(C), any lease having a term of more than two (2) years shall be subject to a rental adjustment to fair market value at

intervals of no more than two (2) years, but no adjustment shall result in a reduction of rent.

B. Additional Charges. In addition to the Base Rent, Lessee acknowledges and agrees that Lessee is obligated to pay and shall pay, before delinquency and without reimbursement, all costs, expenses, and obligations of every kind and nature whatsoever in connection with or relating to the Premises or the activities conducted on the Premises, including without limitation those costs, expenses and obligations identified in Section 7 and all other sums, costs, and expenses which shall be paid by Lessee monthly at the same time Lessee makes its monthly payments of Base Rent to the City) and other payments that Lessee assumes or agrees to pay under the provisions of this Lease (the "Additional Charges").

Without limiting in any way Lessee's payment obligations, the City shall have the right, but not the obligation, at all times during the Lease term, to pay any charges levied or imposed upon the Premises that remain unpaid after the same have become due and payable, and the amount paid, plus the City's reasonable expenses, shall be additional rent due from Lessee to the City, with interest thereon at the rate of ten percent (10%) per annum from the date of payment thereof by the City until repayment thereof by Lessee.

C. Late Penalty Provision. Rent not paid within ten (10) days of the due date shall be assessed a late charge of ten percent (10%) of the delinquent amount; such charge shall be considered liquidated damages and shall be due and payable as additional rent. In the event the late charge assessment above exceeds the maximum amount allowable by law, the amount assessed will be adjusted to the maximum amount allowable by law.

D. Security Deposit. Upon execution of this Lease, the City may require Lessee to deposit with the City an amount equal to two months' rent (the "Security Deposit"). The Security Deposit shall be held by the City as security for the faithful performance by Lessee of all of Lessee's obligations under this Lease. If Lessee fails to pay the Base Rent, or a portion thereof, or otherwise defaults with respect to any provision of this Lease, after notice and beyond the expiration of any applicable cure period the City may use, apply or retain all or any portion of the Security Deposit for:

- (i) the payment of any rent or other sum in default;
- (ii) the payment of any other sum to which the City may become obligated by reason of Lessee's default; or
- (iii) to compensate the City for any loss or damage which the City may suffer thereby, including, but not limited to, any costs associated with moving and storage of Lessee's personal property (if any) remaining on the Premises beyond termination of the Lease. The City shall be free to commingle the Security Deposit with funds held in the City's own accounts, including accounts in which the City keeps other security deposits. If Lessee performs all of its obligations under this Lease, the Security Deposit, or so much thereof as has not been used, applied or retained by the City in accordance with this Section, shall be returned to Lessee, at the expiration of the term, and subject to Lessee relinquishing possession of the Premises, without payment of interest or other increment for its use, within 30 days of Lessee's vacation of the Premises.

4. USES AND CONDITION OF PREMISES

A. Authorized Uses. Use of the Premises shall include the warehousing, staging and storage of equipment and materials in support of the ADF&G's field and vessel operations. The Premises shall not, without the prior written consent of the City, be used for any other purposes. Lessee shall not construct or install, or cause to be constructed or installed on the Premises, any improvements or other permanent alteration of the Premises without the prior written consent of the City. Lessee shall not conduct any enterprise or activity on the Premises that cannot be terminated on thirty (30) days' notice.

B. Inspections. The City and its authorized representatives and agents shall have the right, but not the obligation, to enter the Premises at all reasonable times to inspect the use and condition of the Premises; to serve, post or keep posted any notices required or allowed under the provisions of this Lease, including notices of non-responsibility for liens; and to do any act or thing necessary for the safety or preservation of the Premises. The City shall not be liable in any manner for any inconvenience, disturbance, loss of business, nuisance or other damage arising out of the City's entry onto the Premises, except for damage resulting directly from the acts of the City or its authorized representatives or agents.

C. Compliance with Laws. Lessee shall maintain and repair the Premises in compliance with all applicable laws, regulations, ordinances, rules, orders, permits, licenses and other authorizations. Lessee shall not use or permit the use of the Premises for any purpose prohibited by law or which would cause a cancellation of any insurance policy covering the Premises. Lessee shall not leave the Premises unoccupied or vacant without the City's prior written consent. Lessee shall not cause or permit any Hazardous Material (as defined Section 10 of this Lease) to be brought upon, kept, or used in, on or about the Premises except for such Hazardous Material as is necessary to conduct Lessee's authorized uses of the Premises. Any such Hazardous Material brought upon, kept, or used in, on or about the Premises shall be used, kept, stored, and disposed of in a manner that complies with all environmental laws and regulations applicable to Hazardous Material. Lessee shall not cause or allow the release or discharge of any other materials or substances that are known to pose a hazard to the environment or human health.

D. Lessee's Acceptance of Premises. Lessee has inspected the Premises to its complete satisfaction and is familiar with its condition, and the City makes no representations or warranties with respect thereto, including but not limited to the condition of the Premises or its suitability or fitness for any use Lessee may make of the Premises. Lessee accepts the Premises AS IS, WHERE IS, WITH ALL FAULTS. No action or inaction by the Council, the City Manager, or any other officer, agent or employee of the City relating to or in furtherance of the lease of the Premises shall be deemed to constitute an express or implied representation or warranty that the Premises, or any part thereof, is suitable or usable or any specific purpose whatsoever. Any such action or inaction shall be deemed to be and constitute performance of a discretionary policy and planning function only, and shall be immune and give no right of action as provided in Alaska Statute §9.65.070, or any amendment thereto.

5. REPRESENTATIONS AND WARRANTIES

Lessee represents and warrants to the City that Lessee is not delinquent in the payment of any obligation to the City, and Lessee has not previously breached or defaulted in the performance of a material contractual or legal obligation to the City, which breach or default has not been remedied or cured.

6. ASSIGNMENTS AND SUBLETTING; SUBORDINATION

Lessee shall not assign or otherwise transfer this Lease or any interest herein or sublet the Premises or any portion thereof, or permit the occupancy of any part of the Premises by any other person or entity, without the prior written consent of the City, which consent the City may withhold in its absolute discretion. The City shall not be required to subordinate this Lease or the City's interest in the Premises to the interest of any other person or entity.

7. OPERATIONS, MAINTENANCE, UTILITIES, TAXES AND ASSESSMENTS

Lessee shall, at Lessee's sole cost and expense, be solely responsible for: (1) the maintenance and repair of the Premises and shall not commit or allow any waste upon the Premises; (2) obtaining any and all permits and approvals necessary for Lessee's use of the Premises; (3) all utilities and services needed for Lessee's use of the Premises; (4) all assessments levied against the Premises, and Lessee agrees to pay all such assessments as and when they become due, including but not limited to all utility bills and special assessments levied and unpaid as of the date of this Lease or hereafter levied for public improvements; and (5) all licenses and excise fees with respect to the business and activities conducted on the Premises.

8. LIENS

Lessee will suffer no lien or other encumbrance to attach to the Premises, including without limitation mechanic's or material man's liens, sales tax liens under CMC §5.40.125, or property tax liens under CMC §5.36.260. If the City posts any notice of non-responsibility on the Premises, Lessee will ensure that the notice is maintained in a conspicuous place.

9. ASSUMPTION OF RISK; WAIVER OF CLAIMS

The Lessee hereby assumes full responsibility for any and all risk of bodily injury, death or property damage caused by or arising out of the intentional acts, omissions or negligence of the Lessee (and those of its officers, agents, and employees) or arising out of or related to the Lessee's use of or presence on the Premises, and waives any claims (of any kind, including attorney fees) against the City for any claim, loss or damage arising out of negligent acts of the Lessee arising out of the Lessee's use of or presence on the Premises.

10. ENVIRONMENTAL PROTECTION AND SAFETY

Except for the use and storage of reasonable amounts of consumer products necessary for the support of ADF&G's field and vessel operations, the Lessee shall not cause or permit any Hazardous Materials to be brought upon, kept, or used in or about the Premises by Lessee, its agents, employees, contractors, or invitees, without the prior written consent of the City (which the City may withhold in its sole discretion). If the presence of any Hazardous Materials on the Premises caused or permitted by Lessee (whether or not authorized pursuant to the terms of this Lease) results in any contamination of the Premises, Lessee shall promptly take all actions at its sole expense as are necessary to return the Premises to the condition existing prior to the introduction of any such Hazardous Materials to the Premises; provided that the City's approval of such action shall first be obtained. Any breach of this paragraph shall be considered to be a material breach of this Lease and as a result this Lease may be terminated by the City pursuant to paragraph 12.

As used in this Lease, "Hazardous Material" means any substance which is toxic, ignitable, reactive, or corrosive or which is regulated by any federal, state or local law or regulation, as now in force or as may be amended from time to time, relating to the protection of human health or the environment, as well as any judgments, orders, injunctions, awards, decrees, covenants, conditions, or other restrictions or standards relating to the same. "Hazardous Material" includes any and all material or substances that are defined as "hazardous waste," "extremely hazardous waste," or a "hazardous substance" under any such law or regulation.

11. INSURANCE

The State of Alaska and its agencies are self-insured. Losses, including those for which the state is legally responsible, are covered by the financial resources of the State and are administered under the self-insurance program, handled by the State of Alaska, Division of Risk Management.

12. DEFAULT AND REMEDIES

A. Default. The occurrence of any of the following shall constitute a default and a breach of this Lease by the Lessee:

(i) The failure to make payment when due of any installment of rent, Additional Charges or of any other sum herein specified to be paid by the Lessee;

(ii) The failure to pay any assessments due from the Lessee to the City and in any way related to this Lease, the Premises, any improvements, or the Lessee's activities or business conducted thereon;

(iii) An assignment for the benefit of Lessee's creditors or the filing of a voluntary or involuntary petition by or against Lessee under any law for the purpose of adjudicating Lessee a bankrupt, or for extending the time for payment, adjustment, or satisfaction of Lessee's liabilities, or for reorganization, dissolution, or arrangement on account of or to prevent bankruptcy or insolvency, unless the assignment or proceeding, and all consequent orders, adjudications, custodies, and supervision are dismissed, vacated or otherwise permanently stated or terminated within thirty (30) days after the assignment, filing or other initial event;

(iv) The appointment of a receiver or a debtor-in-possession to take possession of the Premises (or any portion thereof) or of Lessee's interest in the leasehold estate (or any portion thereof) or of Lessee's operations on the Premises (or any portion thereof) by reason of Lessee's insolvency;

(v) The abandonment or vacation of the Premises or any portion thereof;

(vi) Execution, levy or attachment on Lessee's interest in this Lease or the Premises, or any portion thereof;

(vii) The breach or violation of any statutes, laws, regulations, rules or ordinances of any kind applicable to Lessee's use or occupancy of the Premises; or

(viii) The failure to observe or perform any covenant, promise, agreement, obligation or condition set forth in this Lease, other than the payment of rent, if such failure shall not be cured within ten (10) days after written notice has been given to Lessee. Notices given under this subsection shall specify the alleged breach and the applicable Lease provision and demand that the Lessee perform according to the terms of the Lease. No such notice shall be deemed a forfeiture or termination of this Lease unless the City expressly makes such election in the notice.

B. Remedies. If the Lessee breaches any provision of this Lease, in addition to all other rights and remedies the City has at law or in equity, the City may do one or more of the following:

(i) Distrain for rent due any of Lessee's personal property which comes into the City's possession. This remedy shall include the right of the City to dispose of Lessee's personal property in a commercially reasonable manner. Lessee agrees that compliance with the procedures set forth in the Alaska Uniform Commercial Code with respect to the sale of property shall be a commercially reasonable disposal.

(ii) Re-enter the Premises, take possession thereof, and remove all property from the Premises. The property may be removed and stored at Lessee's expense, all without service of notice or resort to legal process, which Lessee waives, and without the City becoming liable for any damage that may result unless the loss or damage is caused by the City's negligence in the removal or storage of the property. No re-entry by the City shall be deemed an acceptance of surrender of this Lease. No provision of this Lease shall be construed as an assumption by the City of a duty to re-enter and re-let the Premises upon Lessee's default. If Lessee does not immediately surrender possession of the Premises after termination by the City and upon demand by the City, the City may forthwith enter into and upon and repossess the Premises and expel Lessee without being deemed guilty in any manner of trespass and without prejudice to any remedies which might otherwise be used for arrears of rent or breach of covenant;

(iii) Declare this Lease terminated;

(iv) Recover, whether this Lease is terminated or not, reasonable attorney's fees and all other expenses incurred by the City by reason of the default or breach by Lessee;

(v) Recover an amount to be due immediately upon breach equal to the sum of all rent, Additional Charges and other payments for which Lessee is obligated under the Lease;

(vi) Recover the costs of performing any duty of Lessee in this Lease;

(vii) Collect any and all rents due or to become due from sublessees or other occupants of the Premises.

13. SUBSIDENCE

The City shall not be responsible for any washout, subsidence, avulsion, settling or reliction to the Premises, or for any injury caused thereby to the property of the Lessee or any sub-Lessee, or that of any other person. The City is not obligated to replace, refill, or improve any part of the Premises during Lessee's occupancy in the event of such washout, subsidence, avulsion, settling, or reliction.

14. VACATION BY LESSEE

Upon the expiration or earlier termination of this Lease, Lessee shall peaceably vacate the Premises and the Premises shall be returned to the City. The Lessee shall have the option, at its sole expense, to remove any alterations, additions or improvements made after the Commencement Date, including any items of personal property, or offer them to the City, which would then have the option to accept or request that the improvements be removed by the Lessee at the Lessee's sole expense. Any such property not removed from the Premises within One Hundred Eighty (180) days of the expiration or termination of this Lease shall become the property of the City at no cost or charge to the City, and may be removed, sold, destroyed or otherwise disposed of in any manner deemed appropriate by the City, all at Lessee's sole expense, and Lessee hereby agrees to pay the City for such expenses, including expenses to repair Premises damaged by removing the property and to place Premises in original condition. Except all petroleum, fuel, or chemical storage tanks installed in or on the Premises during the Lease shall remain Lessee's property and, upon expiration or earlier termination of the Lease, Lessee must remove all tanks, contaminated soil, and other materials associated with the petroleum, fuel or chemical storage tanks from the Premises, all at Lessee's sole expense.

15. RESERVATION OF RIGHTS

The City reserves the right to designate and grant rights-of-way and utility easements across the Premises without compensation to Lessee or any other party, including the right of ingress and egress to and from the Premises for the construction, operation and maintenance of utilities and access, provided that Lessee shall be compensated for the taking or destruction of any improvements on the Premises. Lessee shall be responsible for requesting a rental adjustment to reflect any reduction in the value of the Premises.

16. SIGNS

No signs or other advertising symbols, canopies, or awnings shall be attached to or painted on or within the Premises without approval of the City Manager first being obtained; provided, however, that this prohibition shall not apply to standard, directional, informational and identification signs of two square feet or less in size. At the termination of this Lease, or sooner, all such signs, advertising matter, symbols, canopies or awnings, attached or painted by Lessee shall be removed from the Premises by Lessee at its own expense, and Lessee shall repair any damage or injury to the Premises, and correct any unsightly conditions caused by the maintenance or removal of said signs.

17. HOLDING OVER

If Lessee with the City's written consent remains in possession of the Premises after the expiration or termination of the Lease term for any cause, or after the date in any notice given by the City to Lessee terminating this Lease, such holding over shall be deemed a tenancy from month to month at the same rental amount applicable immediately prior to such expiration or termination, subject to adjustment in accordance with CMC § 5.22.040(c) or such successor provision of the code then in effect, and shall be terminable on 30 days' written notice given at any time by either party. All other provisions of this Lease

except those pertaining to term and rent shall apply to the month-to-month tenancy. If Lessee holds over without the City's express written consent, Lessee is deemed to be a Lessee at sufferance and may be removed through a forcible entry and detainer proceeding without service on Lessee of a notice to quit.

18. EMINENT DOMAIN

If the whole or any part of the Premises shall be taken for any public or quasi-public use, under any statute or by right of eminent domain or private purchase in lieu thereof by a public body vested with the power of eminent domain, then the following provisions shall be operative.

A. Total Taking. If the Premises are totally taken by condemnation, this Lease shall terminate.

B. Partial Taking. If the Premises are partially taken by condemnation, then this Lease shall continue and the rent as specified in Section 3 above shall be abated in a proportion equal to the ratio that the portion of the Premises taken bears to the total Premises leased hereunder.

C. Award. Upon condemnation, the parties shall share in the award to the extent that their interests, respectively, are depreciated, damaged, or destroyed by the condemnation.

19. COSTS

Lessee shall be liable to and shall pay the City for the fees and costs incurred by the City in connection with the preparation, operation and enforcement of this Lease.

20. MISCELLANEOUS

A. Time Is of the Essence. Time is of the essence of this Lease and of each provision hereof.

B. Entire Agreement. This Lease represents the entire agreement between the parties with respect to the subject matter hereof. The City and Lessee agree and recognize that this Lease governs Lessee's use of the Premises and supersedes any previous agreement regarding the Premises, including, but not limited to, the Ground Lease executed by the City on September 8, 2003 and Lessee on September 3, 2003, as amended by the Agreement and Amendment of Ground Lease, executed November 29, 2011, and **Second Amendment to the Ground Lease, executed on _____**. This Lease may not be amended except in writing executed by the City and Lessee.

C. Governing Law and Venue. This Lease shall be subject to the provisions of the Code now or hereafter in effect. This Lease shall be governed by and construed in accordance with Alaska law and any action arising under this Lease shall be brought in a court of competent jurisdiction in Cordova, Alaska.

D. Relationship of Parties. Nothing in this Lease shall be deemed or construed to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between Lessee and the City. Neither the method of computation of rent, nor any other provisions contained in this Lease, nor any acts of the parties shall be deemed to create any relationship between the City and Lessee other than the relationship of Lessee and landlord.

E. Notice. All notices hereunder may be hand-delivered or mailed. If mailed, they shall be sent by certified or registered mail to the following respective addresses:

TO CITY:

**City of Cordova
Attn: City Manager
P.O. Box 1210
Cordova, Alaska 99574**

TO LESSEE:

**State of Alaska, Department of Fish and Game
Attn: John White
P.O. Box 115526
Juneau, Alaska 99811-5526**

or to such other respective addresses as either party hereto may hereafter from time to time designate in advance in writing to the other party. Notices sent by mail shall be deemed to have been given when properly mailed, and the postmark affixed by the U.S. Post Office shall be conclusive evidence of the date of mailing. If hand-delivered, notice shall be deemed to have been made at the time of delivery.

F. Captions. Captions herein are for convenience and reference and shall not be used in construing the provisions of this Lease.

G. No Waiver of Breach. No failure by the City to insist upon the strict performance of any term, covenant or condition of this Lease, or to exercise any right or remedy upon a breach thereof, shall constitute a waiver of any such breach or of such term, covenant or condition. No waiver of any breach shall effect or alter this Lease, but each and every term, covenant and condition of this Lease shall continue in full force and effect with respect to any other existing or subsequent breach.

H. Survival. No expiration or termination of this Lease shall expire or terminate any liability or obligation to perform which arose prior to the termination or expiration.

I. Late Payment. In the event that any rent or other payment due under this Lease is not received by the City when due, a late fee of ten percent (10%) per month of the principal amount due shall be due and payable until the full amount of rent or other payment is received by the City.

J. Partial Invalidity. If any provision of this Lease is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

K. Successors and Assigns. The terms, covenants and conditions in this Lease shall inure to the benefit of and shall be binding upon the successors and permitted assigns of the City and Lessee.

L. Estoppel Certificates. Either party shall at any time and from time to time, upon not less than 10 days' prior written request by the other party, execute, acknowledge, and deliver to such party a statement certifying that this Lease is unamended and in full force and effect (or, if there has been any amendment, that the same is in full force and effect as amended and stating the amendments); that there are no defaults existing (or, if there is any claimed default, stating the nature and extent thereof); and stating the dates to which the rent and other charges have been paid in advance.

N. Authority. Each party warrants that it is authorized to enter into this Lease, the person signing on its behalf is duly authorized to execute the Lease, no other signatures are necessary, and all actions necessary to authorize the execution and delivery of this Lease have been duly taken. Each party represents that this Lease is the valid and legally binding obligation of such party, enforceable with its terms.

O. No Third Party Beneficiaries. Nothing in this Lease shall be interpreted or construed to create any rights or benefits to any parties not signatories or successors or permitted assigns of signatories to this Lease.

P. Interpretation. The language in all parts of this Lease shall in all cases be simply construed according to its fair meaning and not for or against the City or Lessee as both City and Lessee have had the assistance of attorneys in drafting and reviewing this Lease.

Q. Counterparts. This Lease may be executed in counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which taken together shall constitute one and the same instrument.

R. Attorney's Fees. In the event that the City shall bring any suit or action to enforce this Lease or any term or provision hereof, and shall prevail in such suit or action, Lessee agrees that Lessee

shall pay the City's attorney's fees, costs and expenses incurred in connection with such suit or action.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed on the dates set opposite their respective signatures below.

CITY:

CITY OF CORDOVA

Dated: _____

By: _____
Its: City Manager

Attest: _____
City Clerk

LESSEE:

STATE OF ALASKA, DEPT. OF FISH AND GAME

Dated: _____

By: _____
Its: _____

Location of ADF&G Lease Lot



Memorandum

To: Cordova City Council
From: Planning Staff
Date: 5/14/14
Memo No.: 003-14
Re: Final Plat Approval for Tina Hammer

PART I – GENERAL INFORMATION

Requested Actions: Final Plat Approval
Applicant: Tina Hammer
Address: Lot on Crest Circle
Parcel Number: 02-099-220
Zoning: Unrestricted

PART II – BACKGROUND

5/13/14 – Planning Commission approved the preliminary plat and final plat for Tina Hammer.

M/Pegau S/Baenen to approve the Preliminary Plat request for Replat, Portion of Lot 3 Alaska State Land Survey No. 81-28, Plat 81-28, Creating Lots 3A and 3B Alaska State Land Survey No. 81-28.

Upon voice vote, main motion **passed** 7-0.

Yea: Bailer, Greenwood, McGann, Pegau, Baenen, Roemhildt, Reggiani

Nay: None

Absent: None

M/Greenwood S/Reggiani to approve the Final Plat request for Replat, Portion of Lot 3 Alaska State Land Survey No. 81-28, Plat 81-28, Creating Lots 3A and 3B Alaska State Land Survey No. 81-28.

Upon voice vote, main motion **passed** 7-0.

Yea: Bailer, Greenwood, McGann, Pegau, Baenen, Roemhildt, Reggiani

Nay: None

Absent: None

PART III – SUGGESTED FINDINGS

1. The proposed plat conforms to the Comprehensive Plan Policies and serves the public use, health, and safety.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

PART IV – STAFF RECOMMENDATION

Staff recommend that City Council approve the Final Plat request for Replat, Portion of Lot 3 Alaska State Land Survey No. 81-28, Plat 81-28, Creating Lots 3A and 3B Alaska State Land Survey No. 81-28.

PART V – RECOMMENDED MOTION

“I move to approve Resolution 05-14-24.”

**CITY OF CORDOVA, ALASKA
RESOLUTION 05-14-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
APPROVING THE FINAL PLAT OF REPLAT, PORTION OF LOT 3 ALASKA STATE LAND
SURVEY NO. 81-28, PLAT 81-28, CREATING LOTS 3A AND 3B ALASKA STATE LAND
SURVEY NO. 81-28**

WHEREAS, the City of Cordova recognizes that the Planning Commission has completed a review of the final plat; and

WHEREAS, the plat is titled, "Replat, Portion of Lot 3 Alaska State Land Survey No. 81-28, Plat 81-28, Creating Lots 3A and 3B Alaska State Land Survey No. 81-28."; and

WHEREAS, the plat is subject to all conditions, easements, covenants, reservations, restrictions and rights of way of record; and

WHEREAS, the proposed subdivision is zoned Unrestricted.

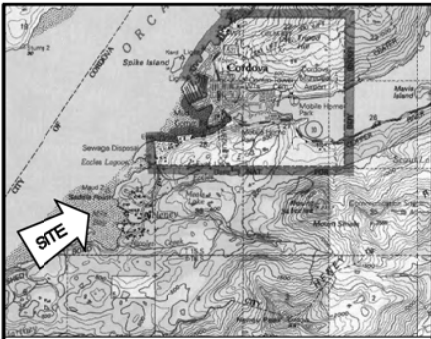
NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Cordova, Alaska, hereby approve the Final Plat of Replat, Portion of Lot 3 Alaska State Land Survey No. 81-28, Plat 81-28, Creating Lots 3A and 3B Alaska State Land Survey No. 81-28 effective the date this resolution is adopted.

PASSED AND APPROVED THIS 21st DAY OF MAY, 2014

James Kacsh, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk



VICINITY MAP



● FOUND 1-1/2" ALUMINUM CAP

✱ FOUND 3-1/4" BRASS CAP

(M) = MEASURED DIMENSION

(R1) = RECORD DIMENSION (DEED BOOK 66 PAGE 11)

(R2) = RECORD DIMENSION (DEED BOOK 65 PAGE 762)

BASIS OF BEARING—PLAT 81-02.

BASIS OF ROTATION—MONUMENT FOUND IN THE NORTHWESTERLY CORNER OF LOT 3 FOR POSITION AND MONUMENT FOUND IN THE SOUTHWEST CORNER OF LOT 3 FOR LINE.

REFERENCE—PLATS

U.S. SURVEY 898.

PLAT NUMBER 81-02 RECORDED IN THE CORDOVA RECORDING DISTRICT.

NOTES:

1. SUBJECT TO ALL CONDITIONS, SERVITUDE'S, EASEMENTS, COVENANTS, RESERVATION, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
2. SUBJECT TO ALL COPY RIGHT LAWS.
3. SITE ZONING = R - RESIDENTIAL
4. LOCATION OF PUBLIC UTILITIES ARE PER FIELD INSPECTION AND AVAILABLE RECORDS WITH NO GUARANTEE OF THOROUGHNESS; SAID LOCATIONS ARE FOR GENERAL REFERENCE ONLY AND NOT TO BE USED FOR CONSTRUCTION OR ENGINEERING PURPOSES.

1.5" ALUMINUM CAP
MONUMENT FOUND *
R1=2 13 12 1987
EDGE OF RIGHT OF WAY

CENTER OF RIGHT OF WAY

50' 0' 50' 100'

CREST CIRCLE
(60' WIDE R.O.W.)

U.S. SURVEY 898

LOT 3A
42488 Sq. Feet
0.975 Acres

LOT 3B
42488 Sq. Feet
0.975 Acres

VACATED
PORTION
LOT 3
THIS PLAT
DEED BOOK 66
PAGE 11

PORTION
LOT 3
DEED BOOK 65
PAGE 762

TRACT A

LOT 4

OWNERSHIP AFFIDAVIT

I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON.
I HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS FOR PUBLIC UTILITIES, STREETS, ALLEYS,
THOROUGH FAIRES, PARKS AND OTHER PUBLIC AREAS SHOWN HEREON.

TINA L. HAMMER

I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON.
I HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS FOR PUBLIC UTILITIES, STREETS, ALLEYS,
THOROUGH FAIRES, PARKS AND OTHER PUBLIC AREAS SHOWN HEREON.

WILLIAM A. HAMMER

NOTARY ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 2014

TINA L. HAMMER

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 2014

WILLIAM A. HAMMER

TAX CERTIFICATE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE KODIAK ISLAND BOROUGH ALL
TAXES ASSESSED AND DUE AGAINST SAID LAND AND IN FAVOR OF THE CITY OF CORDOVA
ARE PAID IN FULL.

DATED AT CORDOVA ALASKA, THIS _____ DAY OF _____ 2014

CORDOVA CITY CLERK

PLAT APPROVAL

CORDOVA PLANNING AND ZONING COMMISSION

RECEIVED _____ DATE _____

APPROVED _____ DATE _____

CHAIRMAN _____ DATE _____

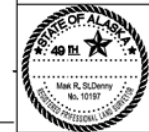
THIS IS TO CERTIFY THAT WITHIN PLAT IS DULY APPROVED IN ACCORDANCE WITH CITY OF CORDOVA

COOKS THIS _____ DAY OF _____ 2014

CITY MANAGER _____

CITY CLERK _____ DATE _____

CITY PLANNER _____ DATE _____



SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND
LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF
ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME
OR UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS
SHOWN HEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL
DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE _____ REGISTRATION NO. _____

MARK R. STODNY REGISTERED LAND SURVEYOR

REPLAT
PORTION OF LOT 3 ALASKA STATE
LAND SURVEY NO. 81-28
PLAT 81-28
CREATING LOTS 3A AND 3B ALASKA
STATE LAND SURVEY NO. 81-28

CORDOVA ALASKA

DRAWN BY DATE 4-13-14 CORDOVA RECORDING DISTRICT

SCALE 1"=50' 1 of 1 PROJECT NO. 13-01 V

PREPARED FOR: WILLIAM H. & TINA L. HAMMER, CORDOVA, ALASKA 99574

ST. DENNY SURVEYING INC.

P.O. BOX 388, KODIAK, ALASKA 99615 (907) 417-8500

**CITY COUNCIL SPECIAL MEETING
OCTOBER 30, 2013 @ 5:00 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kacsh called the Council Special Meeting to order at 5:00 pm on October 30, 2013 in the Library Meeting Room.

B. ROLL CALL

Present for roll call were *Mayor James Kacsh* and Council members *Kristen Carpenter, Tim Joyce, David Allison, EJ Cheshier, David Reggiani* and *James Burton*. Council member *Bret Bradford* was absent. Also present were City Manager *Randy Robertson* and City Clerk *Susan Bourgeois*.

C. APPROVAL OF AGENDA

M/Reggiani S/Allison to approve the agenda.

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

D. DISCLOSURES OF CONFLICTS OF INTEREST - none

E. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Audience Comments regarding agenda item - none

F. CONSIDERATION OF BIDS

2. Approval of change order to contract with Dawson Construction, Inc. (**may be discussed in executive session**)

M/Allison S/Burton to direct the City Manager to enter into a change-order with Dawson Construction, Inc. to provide on-site support services for third-party window testing at the Cordova Center and associated work for a sum of Sixty Thousand Dollars and no cents (\$60,000.00).

Robertson said this is a continuation of what was discussed last week. He had sent Council emails with letters he had sent to *George Haley* and *Kurt Imig*. *Robertson* offered Council *George Haley's* response which in not so many words says, "Put me back in coach". *Robertson* said *Holly Wells* was available for an executive session discussion if Council wanted that today.

G. AUDIENCE PARTICIPATION - none

H. COUNCIL COMMENTS – none

I. EXECUTIVE SESSION (see item 2 above)

M/Joyce S/Reggiani to enter into an executive session to receive attorney advice on the response that Council has just received from George Haley and the change order with Dawson.

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

Council entered executive session at 5:11 pm and reconvened the special meeting at 5:21 pm. *Mayor Kacsh* said there was no action taken in the executive session and that Council was now back to the pending motion from above: see agenda item 2.

Joyce asked for a quick rundown on what exactly we were approving that Dawson do with the windows. *Robertson* said it is a two process methodology, they will pull five units, completely disassemble them, reassemble them correctly, test them and then reinstall the windows. *Joyce* said does this mean we are looking at doing every window in the building this way. *Hallquist* said no, what this does is go a little further with the testing, because it will be tested outside of the opening in a laboratory type setting.

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

J. ADJOURNMENT

M/Joyce S/Allison to adjourn. Hearing no objection, the meeting was adjourned at 5:22 pm

Approved: May 21, 2014

Attest: _____

Susan Bourgeois, CMC, City Clerk

**CITY COUNCIL REGULAR MEETING
MAY 07, 2014 @ 7:00 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kacsh called the Council Regular Meeting to order at 7:00 pm on May 07, 2014, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Kacsh led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were **Mayor James Kacsh** and Council members **Kristin Carpenter, Tim Joyce, Tom Bailer, EJ Cheshier, Dave Reggiani** and **James Burton**. Council member **Bret Bradford** was absent. Also present were City Manager **Randy Robertson** and City Clerk **Susan Bourgeois**.

D. APPROVAL OF REGULAR AGENDA

M/Reggiani S/Joyce to approve the Regular Agenda.

Mayor Kacsh said that under the consent calendar, Council member Carpenter's absence should read excused not unexcused. **Mayor Kacsh** also asked to add an executive session for negotiations with the PWSSC as agenda item 27.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Motion passes.

E. DISCLOSURES OF CONFLICTS OF INTEREST – none

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speaker – **Lobbyist John Bitney**, end of session report. **Bitney** thanked the Mayor and the Council members for all sticking with the plan of staying out of any controversial matters this term and just concentrating on getting funding in the capital budget. He said we were successful, the Cordova Center is in for \$4 Million. **Bitney** wanted to thank a few people individually such as former **Mayor Jim Kallander** and **John & Barbara Harvill** as well as **Jennifer Gibbens** and **Christa Hoover** over at the Chamber of Commerce. Last fall when the legislators were in Cordova, as well as getting the halibut shipped down there: these things made a huge difference. The education bill caused the overtime – the increased funding was split between raising the BSA and then half the increase was outside of the formula. The amount of money that was added to education outside the BSA formula, there was an amendment in the bill that allowed those funds to be counted toward calculating the local contribution cap. Also, something that didn't happen, was that the employer contribution rate for municipalities into PERS did not increase. Governor's proposal went through which was \$3 Billion – 2 towards TRS and 1 toward PERS. **Joyce** and **Cheshier** thanked **Bitney** for his hard work. **Mayor Kacsh** thanked him also for the great time during his visit; said he was helpful in showing him the ropes in Juneau.

2. Audience comments regarding agenda items: none

3. Chairpersons and Representatives of Boards and Commissions

Harbor – Burton said there will be no Harbor Commission meeting this month but last month they discussed North Fill lots; **Health Services Board – Carpenter** said they had just met and had an executive session with the Attorney regarding a personnel matter; **Parks and Rec - Carpenter** said they had met on April 28 and two items are before Council tonight – code change regarding dropping from 7 to 5 members as well as the resolution naming a park after **Noel Pallas**; **Planning and Zoning – Reggiani** said they will meet next week; **School Board – Bradford** was not present and **Mayor Kacsh** said that the Superintendent was speaking later and could update the Council.

4. Student Council Representative Report – **Sarah Hoepfner** reported that AASG meeting was at Eielson in Fairbanks and seven Cordova kids went. High school music concert was last night and the Elementary school

concert is May 20. We just had a movie night for the junior high and high school and we watched the Goonies. Last event of the year will be a spirit week for baseball and softball. Graduation is on May 17 – next Saturday and then the rest of the classes have another week and school is out on May 23. Future problems solvers – almost 20 kids went to Soldotna for that. One team and 4 individuals will be going on to Internationals this summer in Iowa.

5. Superintendent's report – April was a busy month for School Board – Regular meeting on April 9 and they are working on budget as well as approving teacher's contracts. Busy time of year as we near the end. **Mayor Kacsh** asked a question: he asked what the education bill means as far as the cap. **Keel** said that Department of Ed hasn't come out with a template yet so the budget they are working on now does not take that new legislation into account. Our change in enrollment is what really changed the cap. High School is projected to be below 150 students, which causes a flip in the formula. Prediction for high school enrollment is 141 and that will mean we are predicting the City's cap contribution to be about \$1.7M whereas last year it was closer to \$1.6M. The legislation meant about \$250K more for Cordova and with students about to do course selection, there will be more opportunities due to this funding.

G. APPROVAL OF CONSENT CALENDAR

Mayor Kacsh informed Council that the consent calendar was before them.

6. Resolution 05-14-20 A resolution of the City Council of the City of Cordova, Alaska, requesting FY15 Payment in Lieu of Taxes funding from the Department of Commerce, Community, and Economic Development.

7. Resolution 05-14-22 A resolution of the City Council of the City of Cordova, Alaska, officially naming the park known as the 'tot lot', "The Noel Pallas Children's Memorial Park" in honor of and to show respect for his 13 years of volunteer service on the City of Cordova Parks and Recreation Commission

8. Resolution 05-14-23 A resolution of the City Council of the City of Cordova, Alaska, authorizing supplemental appropriations in the total amount of \$39,680 in the General Fund and Enterprise Funds to pay a 2014 wage increase for all IBEW bargaining unit (union) employees and all exempt City employees

9. Cordova Volunteer Fire Department confirmation of 2014 election of officers

10. Record excused absence of Council member Carpenter from the April 02, 2014 Regular Meeting

Vote on Consent Calendar: 6 yeas, 0 nays, 1 absent (Bradford). Cheshier – yes; Burton – yes; Joyce-yes; Carpenter-yes; Bailer – yes and Reggiani-yes. Consent Calendar was approved.

H. APPROVAL OF MINUTES

M/Reggiani S/Joyce to approve the Minutes.

11. Public Hearing Minutes 04-02-14

12. Regular Meeting Minutes 04-02-14

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Motion passes.

I. CONSIDERATION OF BIDS - none

J. REPORTS OF OFFICERS

14. Mayor's Report – **Mayor Kacsh** said while he was in Juneau he had meetings with ADF&G and DoT and both conversations were alarming. The Mayor said he met with **Patrick Kemp**, commissioner of DoT and in trying to cut budgets, they are looking hard at AMHS. There is a saying that goes, "80% of the funds move 20% of the people". He said that they are looking in the next 10 – 25 years of connecting land-based communities by road. **Mayor Kacsh** said that he mentioned that in the next ten years we could see as few as 2 runs a month in the Cordova-Whittier-Valdez ferry routing. We will need to pay close attention and to start fighting for what we have to keep our services to at least what we have now. Just as alarming was a conversation with **Kevin Brooks**, Deputy Commissioner of ADF&G. The **Mayor** said that the conversation was about shoulder fisheries, like Crab and Herring and how Fish and Game is allotting no money to explore these with test fisheries, etc. they are looking at cutting back these fisheries and definitely not adding new ones. It seems to be a shift of funding from an economically thriving resource that the fisheries are to a failing one, in the

form of the oil industry. As a community, as a Council, we need to become more vocal and more active to fight for what we have in place. **Mayor Kacsh** also reported that Title II, secure rural schools funding is available to the PWS area through the USFS, and he and **Carpenter** are on the Advisory Committee that helps pick the projects that get funded; skater's cabin bathrooms are getting an overhaul this summer with some of that funding.

15. Manager's Report – **Robertson** recognized two City employees, **Caleb Hoover**, Parks and Rec Department and Police Officer **Greg Rubio**. He also passed around a letter he would like to send to the Governor for the Council members to sign, regarding the 2014 state budget. He introduced **Rich Rogers**, new PW Director. He asked **Rogers** and **Harbormaster Schinella** to report to Council on the oil spill incidents that have occurred recently.

- a. Informational – report from City Attorney regarding City Procurement Procedures
- b. Informational – **Rich Rogers** and **Tony Schinella** on recent environmental incidents

Schinella said that last month there was a spill in the North Harbor – large diesel spill, E and C float, the spill was easily contained because the wind was blowing just right, blew it into the corner – the source had been a boat that was filling its potable water tank and it overflowed into the bilge and the bilge then overflowed over the side of the boat and he had just changed fuel filters so there was a decent amount of diesel in the bilge. USCG was in town, they came down with all the forms and called the response center. The USCG had just done an inspection on that vessel so they had the owner's cell number and were able to get in touch with him. His choices were to get fined by the USCG, \$22K, get a contractor to clean it up, Andy Craig's outfit (probably a similar cost) or he could help **Tony (Schinella)** and the City harbor crew and pay the man hours as well as the cost of sorbents, etc. He opted for the third choice.

Rich Rogers thanked **Randy** for the introduction, said it was nice to be here and he said everyone's been very welcoming. He reported on a home-heating oil tank that leaked and caused a spill over on Alder, **Dan Urton's** property. Light sheen was visible down in lagoon by Nirvana Park. At this time, things are remedied, DEC became involved, the private property owner was responsible and hired Andy Craig's firm and handled it to the satisfaction of DEC. Last week another spill incident; this time we were the responsible party. It was a leak in the tank behind this building (Library). We pumped it out, contacted DEC and cleaned it up. The cause of both incidents was accelerated corrosion.

Robertson handed Council a one page report from **Brandon Dahl** about the "cans to the curb" initiative. He says overall, we have heard from a few people but not that much push back. He also reported that NVE paid us for their performance deed; we got a check this week. **Senator Stevens** sent back a short note – "glad we were able to make a dent on the Cordova Center needs" – **Robertson** said this underscores the hard work **Bitney** put in – really carried the water on this one for the City in Juneau. He handed out a first edition of a Harbor newspaper – **Schinella** and staff – **Brandy Griffith** – did a great job putting this together. LT2 moving forward we have received interest from 8-10 firms, we've received proposals from two; might be able to have that on the next agenda.

Bailer asked about a having a meeting or session to get with the Manager about goals for the summer. Since he is new on Council he wondered if there was a performance review that traditionally gets done. **Mayor Kacsh** said there is an annual performance review that Council conducts with the Manager. **Carpenter** asked **Robertson** if August was his one year anniversary; he said yes. **Joyce** said that projects were laid out at budget time. So, if you missed that, you wouldn't know what we funded.

- c. Staff Quarterly Reports – 1Q 2014
 - i. **Laura Cloward**, Information Services
 - ii. **Cathy Sherman**, Museum Director
 - iii. **Miriam Dunbar**, Library Director
 - iv. **Susan Herschleb**, Director of Parks & Recreation
 - v. **Paul Trumblee**, City Fire Marshal
 - vi. **Buck Adams**, UBS Financial, City Investments

- vii. Public Works Department
- viii. **Tony Schinella**, Harbormaster
- ix. **Samantha Greenwood**, City Planner
- x. **Jon Stavig**, Finance Director
- xi. **George Wintle**, Chief of Police

16. City Clerk's Report – **Bourgeois** said that during the five weeks between these two regular meetings she has been catching up on some projects such as cleaning up the cemetery records – i.e. map, spreadsheet, etc. Also, she has had a few records requests that the department has handled with assistance from the City Attorney. Property-tax-wise, she anticipates Council will certify the roll at the May 21 meeting (code says this must be done by June 1) and then set the mill rates at the June 4 meeting (code says this must be done by June 15).

K. CORRESPONDENCE

- 16. Resolution from CDFU
- 17. Letter from ARRT (Alaska Regional Response Team) April 8, 2014
- 18. Letter from DCCED in re National Forest Receipts FY14 April 16, 2014
- 19. Letter from Jim Holley, AML in re North Fill Lots April 30, 2014

L. ORDINANCES AND RESOLUTIONS

20. Substitute Ordinance 1115 An ordinance of the City Council of the City of Cordova, Alaska, amending sections 3.40.020 entitled “planning commission created- membership,” 3.40.030 entitled “planning commission-chairman,” 3.40.050 entitled “planning commission-members’ terms of office,” 3.52.020 entitled “advisory parks and recreation commission-membership,” and 11.08.020 entitled “harbor commission” to clarify and make consistent council member designation for service on city commissions, make council member service on commissions permissive rather than obligatory, and to reduce the number of commissioners on the parks and recreation commission from seven to five – 1st reading

M/Reggiani S/Cheshier to adopt Substitute Ordinance 1115 An ordinance of the City Council of the City of Cordova, Alaska, amending sections 3.40.020 entitled “planning commission created- membership,” 3.40.030 entitled “planning commission-chairman,” 3.40.050 entitled “planning commission-members’ terms of office,” 3.52.020 entitled “advisory parks and recreation commission-membership,” and 11.08.020 entitled “harbor commission” to clarify and make consistent council member designation for service on city commissions, make council member service on commissions permissive rather than obligatory, and to reduce the number of commissioners on the parks and recreation commission from seven to five

Reggiani said we had a long discussion about this over the last couple of meetings. **Cheshier** said he read through this it looks like it accomplishes what we said we wanted to do, thanked staff for amending it. **Mayor Kacsh** said he discussed this with some members of City boards and commissions to get their opinions. They were not keen on the “may” instead of “shall” and they were not happy with the three year term for a Council elected seat on a board or commission, they preferred we stick to the one year; the way we have been doing it. Parks and Recreation Commission was of the opinion that their membership should remain at seven and not be dropped to five members. **Bailer** said he supports it the way it’s written. **Joyce** said he made a lot of comments on this when it was before us last; it will change 20 some odd years of precedence and he can’t support it. **Mayor Kacsh** said he really doesn’t agree with this; it is only a first reading; he reminded everyone of his power to veto.

Vote on motion: 4 yeas, 2 nays (Joyce, Carpenter), 1 absent (Bradford). Motion passes.

21. Ordinance 1116 An ordinance of the City Council of the City of Cordova, Alaska, enacting section 2.20.010 C of the Cordova Municipal Code to increase the notification requirements for City elections – 1st reading

M/Reggiani S/Joyce to approve Ordinance 1116 An ordinance of the City Council of the City of Cordova, Alaska, enacting section 2.20.010 C of the Cordova Municipal Code to increase the notification requirements for City elections.

Reggiani said he supports this but he thought it would go in a different direction than this. He thought the advertising requirement would become more generalized and instead it has become more specific. **Joyce** understands that but also thinks it needs to be specific or a situation can come back on them because of ambiguity, etc.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Motion passes.

22. Resolution 05-14-21 A resolution of the City Council of the City of Cordova, Alaska, authorizing amendment to the FY14 budget by changing line item #101-902-57000 to \$830,975 and by changing line item #101-300-40001 to \$1,892,334 and authorizing the transfer of an additional \$30,334 to the Cordova School District to fund the school district to the maximum local contribution allowed by the Alaska Department of Education and Early Development

M/Joyce S/Burton to approve Resolution 05-14-21 A resolution of the City Council of the City of Cordova, Alaska, authorizing amendment to the FY14 budget by changing line item #101-902-57000 to \$830,975 and by changing line item #101-300-40001 to \$1,892,334 and authorizing the transfer of an additional \$30,334 to the Cordova School District to fund the school district to the maximum local contribution allowed by the Alaska Department of Education and Early Development.

Joyce said he was looking through the packet for a note or something, a resolution of support from the school board or why they wanted to see this increase. He said because then it would have gone through their public process and then our process and if it means raising mill rates, then that's what we might do. He wondered if the superintendent could address that. **Mayor Kacsh** said he thinks it could get done either way. If this gets approved they would have to amend their budget. **Superintendent Keel** came to the table and explained that the extra funding came because we got approval for two intensive needs students that we have had in the district since the beginning of the year but Department of Ed has to determine eligibility while we serve those students, and they finally have and have funded us accordingly. The school board amended our budget in February to reflect the extra state funding. She said the School Board directed her to come to Council and ask for that extra funding – the \$30K which was used directly for the intensive needs students. **Keel** said it seems you are wondering if the school board is apprised of this and her answer is that she acts at their direction. **Joyce** said that he understands, there has been an increase in state funding which allows you to come to us asking for an increase as well. He speaks more to the process; saying that the budgets have been approved and in order to amend budgets now, he would just like to see the process followed where they come to us with a specific request (a resolution or some other proposal from the board) in order for us to then look at and decide if we will go there. What **Joyce** is looking for is an “on the record” accounting of the fact that the school board took this up on an agenda, that they need the extra \$30K to meet the cap because of the additional funding received from the state. If it sees the public process at the school board level, then the council level, it just has more visibility and he would prefer that process be followed. **Reggiani** said he agrees that the school board needs to be out in front of this.

M/Joyce S/Reggiani to refer to staff and let the school board take action on it and bring it back to us.

Keel said they have a meeting Tuesday May 13 which means it won't be back before Council until June. City Clerk **Bourgeois** said that if the board can pass something on May 13 it could still make Council's May 21 packet.

Vote on motion to refer: 6 yeas, 0 nays, 1 absent (Bradford). Motion passes.

M. UNFINISHED BUSINESS - none

N. NEW & MISCELLANEOUS BUSINESS

23. Council acceptance of P&Z Commission Resolution 14-03 regarding Land Disposal Maps

M/Reggiani S/Bailer to accept Planning and Zoning Commission's Resolution 14-03

Reggiani said he appreciates all the information that was provided in the packet that details the conversations at the P&Z level. Obviously there was a divide especially focused on the North Fill area. He said the discussion points and the record speaks for itself. **Burton** said he would like to amend this and he's not sure of the appropriate way to do it. He wants the harbor department to have the flexibility to come up with a good plan,

invest money and man-hours into these lots without fear that they will be sold out from under them as soon as the next season.

M/Burton S/Bailer to amend the motion to say that these lots will not be revisited for five years: Lot 3, Blk 5; Lot 1, Blk 6; Lot 2, Blk 6; Lot 3A, Blk 8; Lot 4, Blk 8; Lot 5, Blk 8 – all in the North Fill.

Joyce said he thinks there is interest in leasing a portion of those lots and if we tie this up for five years we may be precluding some of the development that we would want over there. He is reluctant to say we won't look at this for five years. **Reggiani** brought up why this all is coming up and the "Traffic Authority" question came up (i.e. who determines parking lots/ land use/ where does the revenue go, etc.). He said there is confusion surrounding all this. The discussion about the actual amendment led to confusion as well. Council thought it cleaner to pass the main motion (accept P&Z's resolution) and then have Council separately take up amending the Land Disposal Maps. With that, **Burton** said he was willing to withdraw his amendment.

Amendment was withdrawn, second concurred.

Joyce had further questions on the land disposal maps, concerning the lots in the five mile avalanche area. He wanted to ensure that we didn't offer those lots that are unable to be built permanently upon, without knowledge of that. **Greenwood** said those lots have criteria on them enforced by the zoning of the lots. Other City lots that are "available" on the maps have similar constraints, like tidelands. **Greenwood** said we can sell those properties, but the deed would have a restriction on it. **Joyce** was satisfied with the answer.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Motion passes.

Council opted to look into the Land Disposal Maps further in the future. The Clerk was directed to place these items on the pending agenda so they do not go too long without being revisited. "Traffic Authority" as well as the prospect of leasing those North Fill lots to the harbor were both asked to be placed on the Pending Agenda.

24. Pending Agenda and Calendar

Council concurred that they would like to see an agenda item at the next meeting about the budget. A review of 2014 budget; i.e. what was approved and any amendments that were made to it so far this year.

Council also wants to see on a future agenda a discussion of "parking & parking lots" throughout the City as well as an item about the City's ability to lease land to a City department and/or enterprise fund (i.e. the items that were mentioned in agenda item 23 tonight).

Bourgeois reminded Council that quarterly review of Capital Priorities should be on the June 4 meeting, but with the session just ending and the budget not yet signed by the Governor, Council opted to forego a discussion and revisit the list again next quarter.

O. AUDIENCE PARTICIPATION

Mike Scott of Saddle Point said he'd been gone most of the winter but when he came back, he was upset about how the harbor garbage dumpsters are now. The hole is too small to fit anything through and he can't believe there are cameras setup there. He suggested that metal is the problem so just put three dumpsters out there.

P. COUNCIL COMMENTS

25. Council Comments

Cheshier welcomed **Rich Rogers** to Cordova.

Bailer said he appreciates the Police Chief, he thinks he's doing a great job.

Carpenter thanked staff for all the quarterly reports in tonight's packet.

Joyce said we have some outstanding young people in our work force. He appreciates the City Manager taking the time to recognize them. It might not be the highest wages but to feel appreciated and recognized goes a long way.

Mayor Kacsh said there are 2 executive sessions tonight.

M/Reggiani S/Burton to take a five minute recess. With no objection the meeting was recessed at 9:05 pm and reconvened at 9:12 pm.

Q. EXECUTIVE SESSION

26. Attorney advice concerning Cordova Center arbitration

27. Land sale negotiations with PWSSC

M/Joyce S/Burton 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, attorney advice concerning Cordova Center arbitration and land sale negotiations with PWSSC.

Vote on motion: 6 yeas, 0 nays, 1 absent (Bradford). Motion passes.

Council entered the executive session at 9:14 pm and reconvened the regular meeting at 10:43 pm.

Mayor Kacsh said that Council gave advice to the attorney on the arbitration and advice to the City Manager regarding negotiating with the PWSSC in the executive session.

R. ADJOURNMENT

M/Burton S/Joyce to adjourn. Hearing no objections the meeting was adjourned at 10:43 pm.

Approved: May 21, 2014

Attest: _____
Susan Bourgeois, CMC, City Clerk



City of Cordova
602 Railroad Ave.
P.O. Box 1210
Cordova, Alaska 99574
Phone: (907) 424-6200
Fax: (907) 424-6000
Email: citymanager@cityofcordova.net
Web: www.cityofcordova.net

CITY OF CORDOVA

Office of City Manager

May 21, 2014

Memo to City Council

Re: RFP 04-14 Intent to Award - Engineering Services for LT2 Water System Compliance.

CMC 5.12.040 "Council approval of contracts" says:

No contract for supplies, services or construction which obligates the city to pay more than fifteen thousand dollars may be executed unless the council has approved a memorandum setting forth the following essential terms of the contract:

- A. The identity of the contractor;*
- B. The contract price;*
- C. The nature and quantity of the performance that the city shall receive under the contract; and*
- D. The time for performance under the contract.*

A total of (2) proposals were received in response to RFP 04-14. One was from HDR and one was from G.V. Jones & Associates, Inc., both of Anchorage.

I recommend the City contract with G.V. Jones & Associates because of their firm's extensive Alaska LT2 experience and because of their five-year record of successful water, wastewater, and SCADA project work for the City.

The contract price will be not to exceed \$1,615,300.00.

The scope of performance is delineated in RFP 04-14 which includes engineering, planning, design, procurement, bidding assistance, permitting, construction services, a water quantity upgrade investigation, and a hydroelectric power development investigation.

All work must be complete and final payment requested prior to September 30, 2016.

Recommended action: Voice Vote.

I move to direct the City Manager to enter into a contract with G.V Jones & Associates of Anchorage, Alaska, to provide Engineering Services for LT2 Water System Compliance for the sum of \$1,615,300.00.

Thank you,
Randy Robertson
City Manager



City of Cordova,
Office of the City Clerk
Cordova, AK 99574
602 Railroad Avenue * PO Box 1210

Phone: 907.424.6248
Fax: 907.424.6000
Cell: 907.253.6248
E-mail: cityclerk@cityofcordova.net

CITY CLERK'S REPORT TO COUNCIL

May 21, 2014 Regular Council Meeting

Date of Report: May 13-15, 2014

Things I need feedback on or am reporting to Council on:

- AAMC Clerks often email each other when things come up that a different Clerk might have an answer to, etc. This week I received an email with questions about whether any other Councils/Assemblies had invocations at the start of meetings, in answering the question I realized that we haven't been doing them, yet it remains on the agenda and it is not in Code that there should be an invocation at the start of a meeting – this is informational and I ask that at pending agenda someone comment on this if they want this remedied/changed in any way

Things the Clerk's Office has been working on:

- Signed paychecks/other AP checks
- Prepared agenda and packet for public hearing and regular meeting on 05-21-14
- Continuing to update cemetery records, map, spreadsheet, when time allows
- Deputy Clerk prepared reports for certification of the 2014 tax roll
- Prepared agenda memo and attachments, mill rate scenarios, etc. for the certification of the roll agenda item
- Minutes catchup continues, able to get to some old sets of special meeting and work session minutes when time allows
- Helped Planner with memo on property tax exemptions/ state statute / code / received information from State Assessor's office on this as well
- Answered questions from School Board President regarding procedures I use for noticing City meetings
- Deputy Clerk / Assessor / Planner / Assistant Planner and I met regarding maintenance of property card records regarding City leased properties – new procedures are in place to ensure accuracy and ease of sharing information
- Processed a code supplement – disseminated the hard copy to those who need a hard copy – the electronic version of supplement #67 is available online
- In touch with state oil & gas assessor attempting to ascertain the final value of the Alyeska Property (02-060-245-1); these properties are handled separately and appealed multiple times – as we are certifying the roll tonight I may bring the final value to you if there has been a change



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	April 18, 2014
EXPIRATION DATE:	June 05, 2014
REFERENCE NUMBER:	SPN-2014-0162
WATERWAY:	Statewide

PUBLIC NOTICE

CLEAN WATER ACT INTERPRETIVE RULE FOR 404(f)(1)(A)

On 21 April 2014, the USEPA and the Corps of Engineers (Corps) are publishing a Notice of Availability and Public Comment to announce the availability of an interpretive rule regarding the applicability of the exemption from permitting provided under section 404(f)(1)(A) of the Clean Water Act (CWA) for discharges of dredged and/or fill material associated with certain agricultural conservation practices based on the Natural Resources Conservation Service (NRCS) conservation practice standards that are designed and implemented to protect and enhance water quality. The interpretive rule was effective on April 03, 2014.

Under the CWA, section 404 regulates the discharges of dredged and/or fill material into waters of the U.S. and section 404(f)(1) includes a list of activities that are exempt from regulation under section 404. Section 404(f)(1)(A) provides an exemption for discharges of dredged and/or fill material from "normal farming, silviculture, and ranching activities, such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices." The interpretive rule clarifies that certain NRCS conservation practices that are designed and implemented to protect and enhance water quality are included under these "normal farming, silviculture, and ranching activities."

The USEPA, the Corps, and NRCS have also entered into a Memorandum of Understanding to guide their future coordination on the exemption. The interpretive rule, Memorandum of Understanding, as well as a list of NRCS practices that meet the exemption,

are available via the Internet on the USEPA websites:

<http://water.epa.gov/lawsregs/guidance/wetlands/agriculture.cfm> and

<http://www2.epa.gov/uswaters>; as well as on the Corps website under Latest News:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>.

National Issues Concerning the Interpretive Rule: Similar public notices are being published concurrently by other Corps division or district offices. The Federal Register notice provides public opportunity to become familiar with the interpretive rule and understand what has become effective as of April 03, 2014. The agencies recognize the importance and value of receiving public input on the implementation of this interpretive rule; input which may inform future revisions to the list of activities included under the interpretive rule. The agencies welcome comments in response to the Notice of Availability within 45 days from date of publication in the Federal Register.

DATES: Submit comments on or before June 05, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2013-0820 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* ow-docket@epa.gov. Include EPA-HQ-OW-2013-0820 in the subject line of the message.
- *Mail:* Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2013-0820.

Hand Delivery/Courier: Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2013-0820. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Public Reading Room is 202-566-1744 and the telephone number for the Water Docket is 202-566-2426.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey M. Jensen, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202-761-5856; e-mail address: USACE_CWA_RULE@usace.army.mil; and include the EPA Docket ID No. EPA-HQ-OW-2013-0820 in the subject line of the message.



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	April 18, 2014
EXPIRATION DATE:	July 21, 2014
REFERENCE NUMBER:	SPN-2014-0161
WATERWAY:	Statewide

PUBLIC NOTICE

CLEAN WATER ACT PROPOSED RULE FOR DEFINITION OF WATERS OF THE U.S.

On 21 April 2014, the USEPA and the Corps of Engineers (Corps) are publishing for public comment a proposed rule defining the scope of waters protected under the Clean Water Act (CWA), in light of the U.S. Supreme Court cases in *U.S. v. Riverside Bayview, Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, and *Rapanos v. United States (Rapanos)*. The proposed rule was developed to enhance protection for the nation's public health and aquatic resources, and increase CWA program predictability and consistency by increasing clarity as to the scope of "waters of the United States" protected under the Act.

Developing a final rule to provide the intended level of certainty and predictability, and minimizing the number of case-specific determinations, will require significant public involvement and engagement. Such involvement and engagement will allow the agencies to make categorical determinations of jurisdiction, in a manner that is consistent with the scientific body of information before the agencies – particularly on the category of waters known as "other waters."

The agencies propose to define "waters of the United States" in section (a) of the proposed rule for all sections of the CWA to mean: traditional navigable waters; interstate waters, including interstate wetlands; the territorial seas; impoundments of traditional navigable waters, interstate waters, including interstate wetlands, the territorial seas, and tributaries, as defined, of such waters; tributaries, as defined, of traditional navigable waters, interstate waters, or the territorial seas; and adjacent waters, including adjacent wetlands. Waters in these categories would be jurisdictional "waters of the United States" by rule – no additional

analysis would be required. The agencies emphasize that the categorical finding of jurisdiction for tributaries and adjacent waters was not based on the mere connection of a water body to downstream waters, but rather a determination that the nexus, alone or in combination with similarly situated waters in the region, is significant based on data, science, the CWA, and case law.

In addition, the agencies propose that “other waters” (those not fitting in any of the above categories) could be determined to be “waters of the United States” through a case-specific showing that, either alone or in combination with similarly situated “other waters” in the region, they have a “significant nexus” to a traditional navigable water, interstate water, or the territorial seas. The proposed rule also offers a definition of significant nexus and explains how similarly situated “other waters” in the region should be identified.

The agencies propose to exclude specified waters from the definition of “waters of the United States” in section (b) of the proposed rule. The agencies propose no change to the exclusion for waste treatment systems designed consistent with the requirements of the CWA, no change to the exclusion for prior converted cropland, and no change to the regulatory status of water transfers. The agencies propose, for the first time, to exclude by regulation certain waters and features over which the agencies have generally not asserted CWA jurisdiction. Codifying these longstanding practices supports the agencies’ goals of providing greater clarity, certainty, and predictability for the regulated public. Waters and features that are determined to be excluded under section (b) of the proposed rule will not be “recaptured” as jurisdictional waters under any of the categories in the proposed rule under section (a).

The agencies’ decision on how best to address jurisdiction over “other waters” in the final rule will be informed by the final version of the EPA’s Office of Research and Development synthesis of published peer-reviewed scientific literature discussing the nature of connectivity and effects of streams and wetlands on downstream waters (U.S. Environmental Protection Agency, *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*, (Washington, D.C.: U.S. Environmental Protection Agency, 2013)) (“Report”) and other available scientific information.

The goal of the agencies is to ensure the regulatory definition is consistent with the CWA, as interpreted by the Supreme Court, and as supported by science, and to provide maximum clarity to the public, as the agencies work to fulfill the CWA’s objectives and policy to protect water quality, public health, and the environment.

National Issues Concerning the Proposed Rule: Similar public notices are being published concurrently by other Corps division or district offices. The Federal Register notice is the public’s opportunity to provide comment on the proposed rule. For more information on the proposed rule, please visit: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationalNoticeandProgramInitiatives.aspx>.

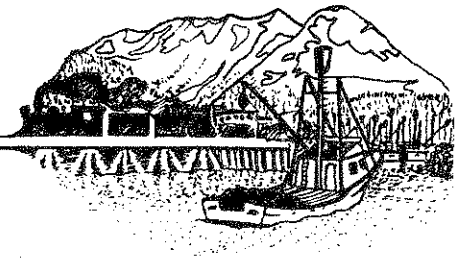
DATES: Submit comments on or before July 21, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2011-0880 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* ow-docket@epa.gov. Include EPA-HQ-OW-2011-0880 in the subject line of the message.
- *Mail:* Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0880.
- *Hand Delivery/Courier:* Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2011-0880. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Water Docket is 202-566-2426.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Downing, Office of Water (4502--T), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number 202-566-2428; e-mail address: CWAwaters@epa.gov. Ms. Stacey M. Jensen, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202-761-5856; email address: USACE_CWA_Rule@usace.army.mil; and include the EPA Docket ID No. EPA-HQ-OW-2011-0880 in the subject line of the message.

CITY OF CORDOVA



The Honorable Sean Parnell
Office of the Governor
State Capital Building
Juneau, Alaska 99811

8 May 2014

Subject: FY15 Capital Budget Appropriations

Dear Governor Parnell:

We wish to express congratulations and appreciation for your achievements during this past legislative session. Your efforts to advance a long-awaited natural gas pipeline from the North Slope will benefit the entire state. As a small municipality, with tremendous budgetary challenges, we are also grateful for your leadership in addressing the liability of the public pension systems.

Like the State of Alaska, the City of Cordova is focused on how to diversify our economy and enhance the sustainability of our community. Long term trends continue to reflect the need for greater self-reliance. In that regards, Cordova is pace-setter in reducing dependency on revenues from federal and state sources to pay for some basic community public services that we've seen in the past.

During this past session our top priority was securing the funding necessary to help complete the construction of the Cordova Center project. This project is complimentary with the general policy of state funding for projects underway and needing completion. The City has brought other funding sources to the table through the Exxon Valdez Trustee Council and an active ongoing fund raising campaign from private foundations and corporations. In short, the Cordova Center is a good project that well meets all the criteria for state participation.

With community-wide support and advocacy, Cordovans worked with our legislative delegation and your office to secure an appropriation of \$4 million for the Cordova Center completion in the Capital Budget (SB119). The appropriation is to the City of Cordova through the Department of Commerce, Community & Economic Development.

The purpose of this letter is to express our support for the Cordova Center as the top priority for the community, and request your approval of the \$4 million appropriated in SB119 towards completion of the project.

Cordova has made tremendous inroads since the Exxon Valdez Oil Spill, but the loss of our herring and crab fisheries since that time has created an economic hole for our community during the winter months. The Cordova Center will be an opportunity to generate economic activity and jobs when the salmon aren't running.

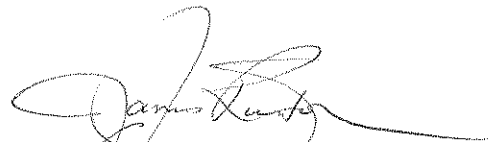
It would be an honor to host you and your wife to a visit in Cordova at your earliest convenience. Not only would we love to provide a firsthand inspection of the Cordova Center project, but we also are proud of our community's dedication to our local schools, fisheries, and history.

Sincerely,



Mayor Jim Kacsh

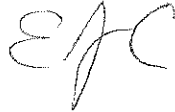
Councilor E.J. Cheshier



Councilor James Burton



Councilor Bret Bradford



Councilor Kristen Smith Carpenter




Councilor David Reggiani



Councilor Tom Bailer



Councilor Tim Joyce



CF:

Senator Gary Stevens
Rep Alan Austerman

A MEMO FROM SUSAN BOURGEOIS, CMC, CITY CLERK

DATE: April 30, 2014

TO: Mayor and City Council

SUBJECT: Substitute Ordinance 1115

At the March 19 Regular Meeting there was lengthy Council discussion regarding the Council seats on the City Boards and Commissions. A suggested ordinance change was presented as Ordinance 1115 for first reading at the April 2, 2014 Regular Meeting. The ordinance offered a draft of the way the City has been practicing the designation of Council members that serve on boards and commissions and it was what most of the Council members at the March 19 meeting wanted to see before them so that Code would reflect more precisely the actual practice. It was drafted by the Clerk and then reviewed and edited by the City Attorney. At the April 2, 2014 Regular Meeting Council made several amendments and passed the ordinance knowing that the amendments were substantial and that the Ordinance would come back for first reading. City Attorney Holly Wells redrafted the ordinance, calling it Substitute Ordinance 1115. This takes into account the amendments made on April 2.

Required action: Majority voice vote on first reading.

**CITY OF CORDOVA, ALASKA
SUBSTITUTE ORDINANCE 1115**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AMENDING SECTIONS 3.40.020 ENTITLED “PLANNING COMMISSION CREATED-
MEMBERSHIP,” 3.40.030 ENTITLED “PLANNING COMMISSION-CHAIRMAN,” 3.40.050
ENTITLED “PLANNING COMMISSION-MEMBERS’ TERMS OF OFFICE,” 3.52.020
ENTITLED “ADVISORY PARKS AND RECREATION COMMISSION-MEMBERSHIP,” AND
11.08.020 ENTITLED “HARBOR COMMISSION” TO CLARIFY AND MAKE CONSISTENT
COUNCIL MEMBER DESIGNATION FOR SERVICE ON CITY COMMISSIONS, MAKE
COUNCIL MEMBER SERVICE ON COMMISSIONS PERMISSIVE RATHER THAN
OBLIGATORY, AND TO REDUCE THE NUMBER OF COMMISSIONERS ON THE PARKS
AND RECREATION COMMISSION FROM SEVEN TO FIVE**

WHEREAS, City Council members are designated as members on City of Cordova, Alaska (“City”) commissions during their service on City Council; and

WHEREAS, it is in the City’s best interest to permit but not require Council members to be appointed to commissions during their service as Council members; and

WHEREAS, the method of appointing Council members to commissions should be consistent for all commissions; and

WHEREAS, it is necessary to meet the governing needs of the City to have only five members on the Parks and Recreation Commission instead of seven;

BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Chapter 3.40.020 is hereby amended to read as follows:

3.40.020 Planning commission created - Membership

A. There is created a city planning commission consisting of seven members.

B. Only residents of the city who qualify as municipal voters pursuant to Section 2.12.020 herein shall be entitled to serve on the planning commission. One of the members of the commission shall may be designated by the council from its number. ~~Each of the remaining six members not designated by the council from its number shall be nominated by the mayor and confirmed by the council. Each term of membership shall be for three years, and terms of individual members shall be overlapping. Members shall serve without compensation.~~

C. Each term of membership shall be for three years, and terms of individual members shall be overlapping. All members shall serve without compensation.

Section 2. Section 3.40.030 is hereby amended to read as follows:

3.40.030 Planning commission—Chairman.

A chairman of the commission shall be selected annually, and shall be elected from and by the ~~appointive~~ members **of the commission.**

[ADDED LANGUAGE BOLD AND UNDERLINED, REMOVED LANGUAGE STRICKEN OUT]

Section 3. Section 3.40.050 is hereby amended to read as follows:

3.40.050 Planning commission—Members' terms of office.

A. Members of the commission shall be appointed for three years **and terms of individual members shall be overlapping**; provided, however, that in the first instance one-third thereof shall be appointed for three years, one-third for two years, and one-third for one year.

Section 4. Section 3.52.020 is hereby amended to read as follows:

3.52.020 Advisory parks and recreation commission-Membership

A. The advisory parks and recreation commission shall consist of ~~seven~~**five** members. Only residents of the city who qualify as municipal voters pursuant to Section 2.12.020 of this code shall be entitled to serve on the commission. One of the members of the commission ~~shall may~~ be designated by the council from its number. ~~Each of the remaining six m~~**Members not designated by the council from its number** shall be nominated by the mayor and confirmed by the council. ~~All m~~**All m**Members shall serve without compensation.

B. Ex Officio Members. The mayor, the city manager, the public works director, parks and recreation director and the planning director shall be ex officio members of the commission, and shall have the privilege of the floor, but no right to vote.

C. Terms of Office. Members of the commission, **except as otherwise provided in this chapter,** shall be appointed for three year terms; provided however, that in the first instance two members be appointed for three years, two members for two years and one member for one year.

D. Filling of Vacancies. Appointments to fill vacancies shall be for the unexpired term of the vacated position.

Section 5. Section 11.08.020 is hereby amended to read as follows:

11.08.20 Harbor Commission

A. A harbor commission shall be established for the purpose of advising the city council on the operation, maintenance and improvement of the Port of Cordova's facilities, and for such additional purposes as the city council may from time to time designate. The harbor commission shall consist of five voting members. The city manager and harbormaster shall be ex officio members of the commission and shall have the right of the floor to participate in all discussions, however, they shall not have a vote. The commission shall elect a chairman and vice-chairman from its membership each January.

B. Only residents of the City who qualify as municipal voters pursuant to Section 2.08.010 of this code shall be entitled to serve on the harbor commission. One of the members of the commission ~~shall may~~ be designated by the council from its number. ~~Each of the remaining four M~~**Members not designated from the council from its number** shall be nominated by the mayor and confirmed by the council.

C. ~~Each T~~**Terms** of membership ~~for the members, not including the council member,~~ shall be for three years ~~each or until a successor in office is appointed by the council. Terms of individual members and~~ shall be overlapping, and shall commence January 1st of each year. ~~The member from the council shall serve at the pleasure of the council. All m~~**All m**Members shall serve without compensation.

D. The harbor commission shall hold a minimum of one meeting per quarter or as needed at a date, time and place as set by the commission, except that the commission shall not be required to have

[ADDED LANGUAGE BOLD AND UNDERLINED, REMOVED LANGUAGE STRICKEN OUT]

meetings during the fishing season or any like period as may hereafter be set by the commission, during any given year, said period not to exceed six months.

E. The harbor commission shall conduct its meeting in accordance with Robert's Rules of Order.

F. The unexpired portion of any term remaining after a vacancy exists on the commission shall be filled as the original appointment.

G. The harbor commission shall recommend for adoption by the city council a general plan for the Port of Cordova, Port of Cordova rules and regulations, and Port of Cordova fees, payments and assessments, which recommendation shall be presented to the city council, in writing, by the city manager at the first regular city council meeting in the month of March each year.

H. The harbor commission shall review all plans for construction and development within the confines of the Port of Cordova or anywhere within ATS 220, and shall report to the city council the expected impact of such construction or development on the Port of Cordova. The harbor commission shall make appropriate recommendations to the council concerning such construction or development.

Section 6. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading: May 7, 2014
2nd reading and public hearing: May 21, 2014

PASSED AND APPROVED THIS 21st DAY OF MAY, 2014

James Kacsh, Mayor

Attest:

Susan Bourgeois, CMC, City Clerk

[ADDED LANGUAGE BOLD AND UNDERLINED, REMOVED LANGUAGE STRICKEN OUT]

A MEMO FROM SUSAN BOURGEOIS, CMC, CITY CLERK

DATE: April 30, 2014
TO: Mayor and City Council
SUBJECT: Ordinance 1116

At the March 19 Regular Meeting there was Council discussion regarding the recent City Election and the noticing requirements in Title 2 for City Elections. Council asked staff to draft an Ordinance that would add noticing requirements to ensure more citizens were made aware by use of different means of noticing for City Elections. This was drafted by the City Clerk and then edited by the City Attorney. Initially the City Attorney and the City Clerk were hesitant to move forward with such an “Election Code” changing ordinance due to the Department of Justice preclearance requirements that have been in place in the past. The City Attorney at least asked for two weeks to ensure that those requirements were, in fact, no longer in place for the State of Alaska and Municipalities within the State of Alaska. City Attorney Holly Wells reports that she has learned from the Department of Justice that such preclearance is no longer necessary. The City Council is free to adopt ordinances to change Election Code by the same means that they adopt ordinances changing other code sections.

Required action: Majority voice vote on first reading.

**CITY OF CORDOVA, ALASKA
ORDINANCE 1116**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
ENACTING SECTION 2.20.010 C OF THE CORDOVA MUNICIPAL CODE TO INCREASE
THE NOTIFICATION REQUIREMENTS FOR CITY ELECTIONS**

WHEREAS, the City Council was informed that several residents were unaware of the date and times of elections despite the published notices regarding City elections; and

WHEREAS, it is in the City's best interest to encourage and facilitate participation in City elections to the greatest extent possible; and

WHEREAS, providing notification of elections using mediums other than print may facilitate greater awareness of local elections.

BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Section 2.20.010 C of the Cordova Municipal Code is hereby enacted as follows:

2.20.010 Notice of election.

A. The city clerk shall publish notice of each election in one or more newspapers of general circulation at least once in each of the three calendar weeks immediately preceding the calendar week of the election. For special elections, in addition to published notice as set forth in the preceding sentence, the city clerk shall give such other notice to the public as may be required by the laws of the state or by resolution of the city council. Each notice of election shall include:

1. The type of election, regular or special;
2. The date of election;
3. The polling place and hours the polls will be open;
4. The offices to which candidates are to be elected;
5. The subjects of propositions to be voted upon;
6. Voter qualifications; and
7. The dates and manner of absentee voting.

B. In addition to the above notices, the city clerk shall publish in full every City Charter amendment, every ordinance and every other question which is to be submitted at an election, except that a referred ordinance which was published in full after passage not more than eight weeks and at least four weeks before the election, in accordance with City Charter Sections 1-6(5) and 10-9, need not be published in full again.

C. The city clerk shall notify at least one local radio station and one television scanner channel, if such stations and channels are in existence, of:

1. The type of election

[ADDED LANGUAGE BOLD AND UNDERLINED, REMOVED LANGUAGE STRICKEN OUT]

2. The date of election

3. The polling place, and

4. The polling place hours

5. The location of the published notices required under subsections A and B and in Section 2.24.010 of this title.

D. The radio and television scanner channel notifications required in subsection C shall be made once in December of the year preceding the regular election; once in January of the year of the regular election; and once in February of the year of the regular election. For special elections, these notifications shall be made at least once in each of the three months immediately before the election; including the month of the election if the special election is held on or after the eighth day of a month.

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading: May 7, 2014
2nd reading and public hearing: May 21, 2014

PASSED AND APPROVED THIS 21st DAY OF MAY, 2014

James Kacsh, Mayor

Attest:

Susan Bourgeois, CMC, City Clerk

[ADDED LANGUAGE BOLD AND UNDERLINED, REMOVED LANGUAGE STRICKEN OUT]

A MEMO FROM SUSAN BOURGEOIS, CMC, CITY CLERK

DATE: May 14, 2014

TO: Mayor and City Council

SUBJECT: City Council Representative to Parks & Recreation Commission

Council designated members to three of the City Boards and Commissions at the 03-19-14 regular meeting. Council designated Kristin Carpenter to be the Council rep to the Parks & Recreation Commission. Carpenter has since been elected as the president of the Health Services Board and asked the Mayor to relieve her of the Parks & Rec seat at this time. The motion below is the practice that has been customary for some years, however, with substitute ordinance 1115 before Council for second reading tonight, it may be preferable to amend the motion below or to refer this until new code becomes effective (if the ordinance gets adopted).

RECOMMENDED MOTION: Move to designate _____ as Council rep to the Parks & Recreation Commission to serve a one year term that expires after the 2015 regular election when new Council members are seated.

REQUIRED ACTION: Majority voice vote.

MEMO, City of Cordova

To: Mayor and City Council

Through: Randy Robertson, City Manager

From: Jon K. Stavig, Finance Director

Date: May 14, 2014

RE: 2014 Budget Amendments

Council;

We have previously provided you with the Council 2 page financial report on 7 May, In addition to that, per your request, attached please find an YTD Budget Amendment report from Caselle. This will provide you with an overview of budgetary amendments made thus far in FY14.

Reference numbers 1 and 2 are minor inter departmental budgetary transfers that are both debit and credit and have a zero net effect.

Reference numbers 3 and 4 (Resolution 02-14-05 & 02-14-06) address the CCMC CT Scanner project.

Reference numbers 5 (Resolution #03-14-14) are related debits and credit associated with our street maintenance initiatives for FY14 (e.g., chip seal).

Reference numbers 6 (Resolution #03-14-15) are the debit and credit pertaining to the infrared street patching machine and roller.

Respectfully submitted,

Jon K. Stavig

Report Criteria:
Journal = 32

Account Number	Title	Reference	Description	Period	Period Amount
101-423-55010	Equipment & Furnishings	1.0100	Transfer budget amount within departme	04/14	1,000.00-
101-423-52184	Other Professional Fees	1.0200	Transfer budget amount within departme	04/14	1,000.00
101-423-52270	Legal Printing	2.0100	Transfer budget amount within departme	04/14	500.00-
101-423-52184	Other Professional Fees	2.0200	Transfer budget amount within departme	04/14	500.00
101-902-57017	CCMC Budget Appropriation	3.0100	Resolution 02-14-05 CCMC CT project	02/14	42,000.00
		4.0100	Resolution 02-14-06 CCMC CT project	02/14	225,000.00
401-443-51005	Ambulance Difibrillators	5.0100	Resolution 03-14-14	03/14	15,000.00-
101-601-50000	Salaries and Wages	5.0200	Resolution 03-14-14	03/14	10,000.00-
101-601-50120	Health Ins.	5.0300	Resolution 03-14-14	03/14	10,000.00-
101-421-55050	Contractual Services	5.0400	Resolution 03-14-14	03/14	15,000.00-
101-603-55025	Chip Sealing Maintenance	5.0500	Resolution 03-14-14	03/14	50,000.00
401-390-50000	Transfer From General Fund Add	6.0100	Resolution 03-14-15 2014 Road Mainten	03/14	95,000.00-
401-603-55111	2014 Road Maintenance Program	6.0200	Resolution 03-14-15 2014 Road Mainten	03/14	95,000.00
Grand Totals:					267,000.00

A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

DATE: May 12, 2014

TO: Mayor and City Council

SUBJECT: 2014 Property Assessment Roll Certification

Attached is the Clerk's certification of the 2014 property assessment roll with the reports of total assessed value, taxable value and exempt value. A brief analysis follows:

- 1) In ten years Cordova's total assessed value has gone up an average of **5.94%** per year yet taxes collected have gone up an average of **1.57%** per year over the same 10 years (hugely due to the \$500K cut in revenue goal between 2010 and 2011 and also to 2012 and 2013)
- 2) Taxable vs. exempt has been gradually shifting but staying close to 50%:50% and taxable has been slightly greater than exempt for the past 10 years but in 2013 there was a big shift due to four City properties which saw remodels, etc., namely: a) Cordova Center, b) Elementary School, c) High School and d) hospital. In 2014 taxable is at **46.6%**: exempt at **53.4%**.

A "mill rate scenarios" worksheet has been provided to assist Council in establishing a mill rate for the 2014 tax year. The 2014 budget includes \$1.862 million for property tax revenues. The dollar amount in the column second from the right, inside the box, indicates the total that would be collected at the specified mill rates. Council needs to establish the mill rate by June 15, 2014. I will bring a resolution to the June 4, 2014 meeting for your approval. I ask that you consider giving direction tonight as to what **other** scenarios you would like to see on the worksheet provided for the June 5 Regular Meeting or if 9.43 & 8.43 should be used or if 10.87 & 9.87 should be the mill rates inserted in the resolution or the other value I used for comparison 10.15 & 9.15.

Also attached to this memo are citations from Cordova Municipal Code 5.36.190, 5.36.230, 5.36.240 & 5.36.245 all referring to certifying the roll and setting the mill rate (tax levy) and dates that those are required to be done.

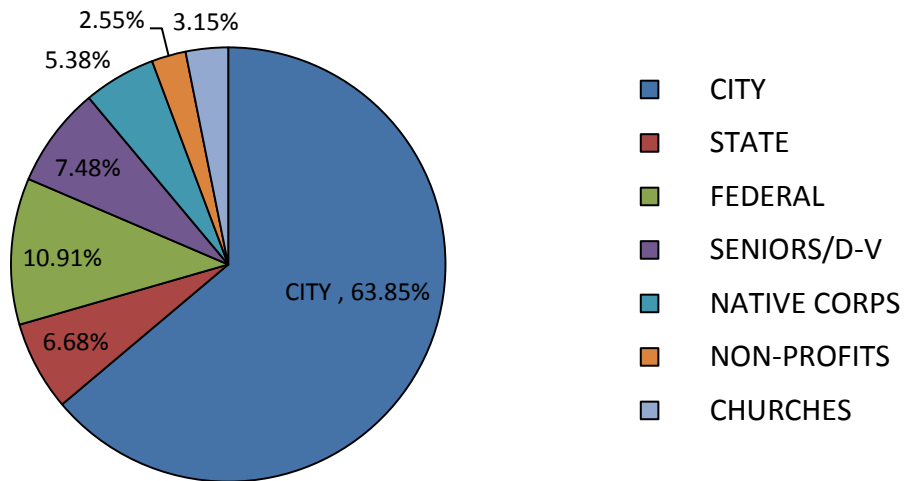
STAFF RECOMMENDATION: Move to certify the 2014 property assessment roll.

REQUIRED ACTION: Majority voice vote.

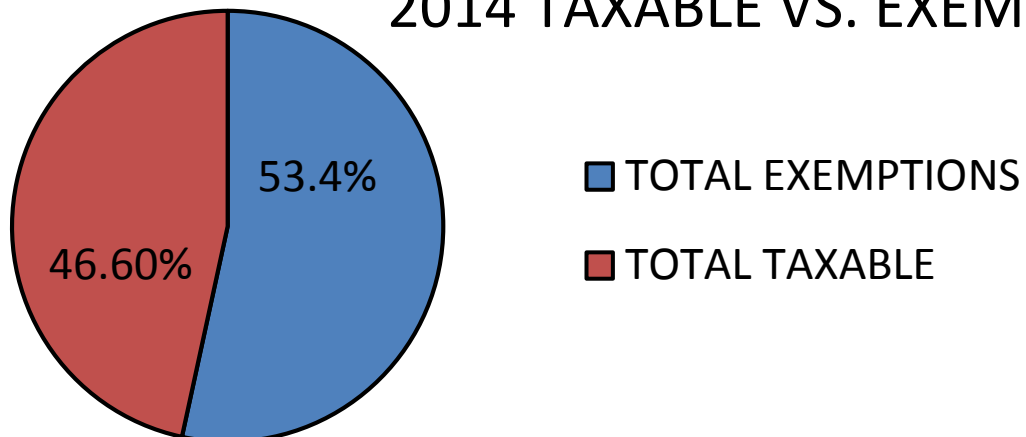
THREE YEARS COMPARISON OF EXEMPT VALUE TO TAXABLE VALUE

	2014	%	2013	%	2012	%
TOTAL LAND	\$83,491,800		\$80,282,400		\$76,701,400	
TOTAL IMPROVEMENTS	\$291,526,010		\$282,718,790		\$216,785,860	
TOTAL ASSESSED VALUE	\$375,017,810	100%	\$363,001,190	100%	\$293,487,260	100%
TOTAL EXEMPTIONS	\$200,270,200	53.40%	\$190,893,600	52.59%	\$130,722,764	44.54%
TOTAL TAXABLE	\$174,747,610	46.60%	\$172,107,590	47.41%	\$162,764,496	55.46%
EXEMPTIONS:						
CITY	\$127,882,000	63.85%	\$122,155,400	63.99%	\$65,527,700	50.13%
STATE	\$13,368,900	6.68%	\$12,530,400	6.56%	\$12,211,300	9.34%
FEDERAL	\$21,849,300	10.91%	\$21,251,600	11.13%	\$21,165,000	16.19%
SENIORS/D-V	\$14,983,700	7.48%	\$13,818,700	7.24%	\$13,253,064	10.14%
NATIVE CORPS	\$10,773,200	5.38%	\$10,247,300	5.37%	\$9,836,200	7.52%
NON-PROFITS	\$5,100,700	2.55%	\$4,868,900	2.55%	\$4,682,900	3.58%
CHURCHES	\$6,312,400	3.15%	\$6,021,300	3.15%	\$4,046,600	3.10%
TOTAL EXEMPTIONS	\$200,270,200	100%	\$190,893,600	100%	\$130,722,764	100%

2014 EXEMPTION CATEGORIES



2014 TAXABLE VS. EXEMPT



CITY OF CORDOVA
REVISED PROPERTY ASSESSMENTS COMPARISON

TAX YEAR	PROP TAX BILLED	MILL RATES	TAXABLE ASSESSMENT	EXEMPTED ASSESSMENT	TOTAL ASSESSMENT
2004	\$1,493,619	14.00 & 13.00	\$109,591,140	\$100,413,210	\$210,004,350
2005	\$1,584,360	14.00 & 13.00	\$114,867,647	\$106,751,693	\$221,619,340
2006	\$1,599,752	13.35 & 12.35	\$121,859,603	\$115,678,687	\$237,538,290
2007	\$1,621,154	13.35 & 12.35	\$123,424,858	\$114,058,652	\$237,483,510
2008	\$1,660,068	13.00 & 12.00	\$129,773,078	\$122,555,522	\$252,328,600
2009	\$1,756,300	14.50 & 13.50	\$137,305,360	\$123,808,050	\$261,113,410
2010	\$2,093,027	13.90 & 12.90	\$146,419,540	\$124,237,950	\$270,657,490
2011	\$1,506,150	9.70 & 8.70	\$158,862,060	\$128,619,400	\$287,481,460
2012	\$1,500,605	9.43 & 8.43	\$162,764,496	\$130,722,764	\$293,487,260
2013	\$1,587,405	9.43 & 8.43	\$172,107,590	\$190,893,600	\$363,001,190
2014	unknown	not yet set	\$174,747,610	\$200,270,200	\$375,017,810
2014	tbd	ORIG CITY AREA	\$136,967,310	\$174,619,000	\$311,586,310
2014	tbd	ANNEXED AREA	\$37,780,300	\$25,651,200	\$63,431,500

MILL RATE SCENARIOS 2014

**TOTAL TAXABLE VALUE IS \$174,747,610, THEREFORE,
EACH MILL GAINS \$174,747.61 IN PROPERTY TAXES**

IF MILL RATES STAY THE SAME AS LAST YEAR

			Total Tax Revenue by Area
In Town Total Taxable	\$136,967,310.00		\$1,291,601.73
in town mill rate		9.43	
Out of Town Total Taxable	\$37,780,300.00		\$318,487.93
out of town mill rate		8.43	
total taxable	\$174,747,610.00		
			\$1,610,089.66 TOTAL PROPERTY TAXES

CLOSEST TO BUDGETED REVENUE AMOUNT OF \$1.862M

mill rate increase of 1.44 mills or 15.27%

			Total Tax Revenue by Area
In Town Total Taxable	\$136,967,310.00		\$1,488,834.66
in town mill rate		10.87	
Out of Town Total Taxable	\$37,780,300.00		\$372,891.56
out of town mill rate		9.87	
total taxable	\$174,747,610.00		
			\$1,861,726.22 TOTAL PROPERTY TAXES

	value of home	taxes	
2013	\$200,000.00	\$1,886.00	
2014	\$200,000.00	\$2,174.00	
	annual increase	\$288.00	15.27%
	monthly increase	\$24.00	

HALF WAY BETWEEN THE ABOVE TWO VALUES

mill rate increase of 0.72 mills or 7.64%

			Total Tax Revenue by Area
In Town Total Taxable	\$174,747,610.00		\$1,773,688.24
in town mill rate		10.15	
Out of Town Total Taxable	\$0.00		\$0.00
out of town mill rate		9.15	
total taxable	\$174,747,610.00		
			\$1,773,688.24 TOTAL PROPERTY TAXES

	value of home	taxes	
2013	\$200,000.00	\$1,886.00	
2014	\$200,000.00	\$2,030.00	
	annual increase	\$144.00	7.64%
	monthly increase	\$12.00	

5.36.190 - Appeal—Entry of changes by assessor.

Except as to supplementary assessments, the assessor shall enter the changes so certified upon his records, and certify the final assessment roll by June 1st.

(Ord. 777 (part), 1996: prior code § 13.121, as amended during 1979 codification).

5.36.230 - Delivery of statement to council.

When the final assessment records have been completed by the assessor as provided in this chapter, the assessor shall deliver to the council on or before June 1st of each year a statement of the total assessed valuation of all real property within the city.

(Ord. 777 (part), 1996: prior code § 13.125, as amended during 1979 codification).

5.36.240 - Amount set by resolution.

The council shall thereupon by resolution annually before June 15th fix a rate of tax levy and designate the number of mills upon each dollar of value of assessed taxable real property that shall be levied.

(Ord. 777 (part), 1996: prior code § 13.126, as amended during 1979 codification).

5.36.245 - Rural zone and mill rate differential.

There shall be a differential tax zone, known as the rural zone. The rural zone shall encompass the 68.23 square miles of land annexed to the city in March 1993. All property taxes on property in the rural zone shall be levied at mill rate 1.00 mills less than all other property in the city. This mill rate differential is based upon the lower levels of service in the rural zone for the following services: police protection (.30 mills), fire and emergency medical services (.23 mills), parks and recreation (.26 mills), library and museum services (.16 mills) and public works (.05 mills).

Memorandum

To: City Council
From: Randy Robertson
Date: 4/16/14
Re: Abatement of Dangerous Building

PART I– HISTORY OF ABATEMENT IN CORDOVA

The following are two examples that staff was able to find in which abatement procedures have been implemented in Cordova in the past:

2003 – The Public Works Director at the time sent a letter to a church requesting that they remove their building that had been partially dismantled. The letter stated that if they did not get a response they would go to City Council to declare it a public nuisance.

2006 – After a house’s foundation failed the City declared the building a public nuisance and required its removal or permanent stabilization. The letter sent by the City was signed by the City Manager and the Vice-Mayor. Due to the location of the building, it appears as though the building had to be removed without the use of heavy equipment.

In both of these cases, it appears as though the City was following the abatement procedures outlined in the City Code as opposed to the procedures in the Uniform Code. Both incidents appear to have been resolved after these letters were sent.

PART II – GENERAL INFORMATION

Under the 1997 Uniform Code for the Abatement of Dangerous Buildings (Uniform Code), buildings can be declared dangerous by the building official, who is the public works director as indicated in section 18.08.160 of the City of Cordova Municipal Code. When inspecting a building to enforce the Uniform Code or when the building official has reasonable cause to believe the building is unsafe, dangerous, or hazardous, the building official may inspect an occupied building at a reasonable time by presenting his or her credentials to the occupant and requesting entry. When a building is unoccupied, the building official must undertake reasonable efforts to locate the owner and request entry. For either occupied or unoccupied buildings, if entry is refused, officials can secure entry by law. In addition to the building official, the Uniform Code permits the City’s health officer and fire marshal to inspect buildings to determine if they are dangerous.

Some building may have sustained enough damage externally that the building official can declare the building dangerous and unsafe under multiple provisions of the Uniform Code without inspecting the Building’s interior.

The building official can find a building dangerous for many reasons, including when doors, passageways, or other means of exit fail to provide safe and adequate means of exit in case of fire or panic; when the building's structural strength is materially lessened and damaged due to natural forces; when a portion of the building is likely to fail or collapse, injuring people or property; when a portion of the building has warped, buckled, or settled reducing resistance to wind or earthquakes; when the exterior walls or other vertical structures list, lean, or buckle such that a plumb line does not fall inside the middle one third of the base; when the building shows 33% or more damage or deterioration to supporting members or 50 % damage or deterioration to non-supporting members; when the building has been damaged by natural causes so as to be an attractive nuisance to children, harbor for vagrants, or a place to commit illegal acts.(Section 302 -Dangerous Building)

Once the building has been declared dangerous and the City decides to pursue the Uniform Code violation, the building official must issue a notice and order containing the street address of the dangerous building, the legal description of the related property, and a concise description of the why the building is dangerous under the Uniform Code. The notice and order must also state the action required to abate the dangerous building, the building official can require the owner to repair, vacate, or demolish the building. If the order requires demolition, the owner has a maximum of 60 days to secure all permitting required. Demolition must be completed within a reasonable amount of time, as determined by the building official. If the order requires repair, the owner has 60 days to secure all permitting and physically commence construction. As with demolition, all repairs must be completed within a reasonable a time, as determined by the building official. The owner, or any person having a legal interest in the building, may appeal the order, but a written appeal must be filed within 30 days of the order.

If the owner fails to obey the order, the City has the ability to repair or demolish the building at the property owner's expense. The recovery of cost for the repair or demolition is outlined in Chapter 9 of the Uniform Code for Abatement of Dangerous Buildings (attached).

PART IV – RECOMMENDATION

As far as we are aware, the City has not implemented the Uniform Code in the past. In the prior two instances that abatement procedures have been implemented, it appears to have followed the procedure outlined in the CMC which has since been slightly reduced to Section 8.08.030. The section that applied to dangerous buildings in Title 8 was removed because of the chapter 16.05.010 adoption of the 1997 Uniform Code for Abatement of Dangerous Buildings.

Prior to beginning the procedures outlined in the Uniform Code, the City plans to give notice to the owners and offer the option of providing a response, outlining the steps they intend to take with a timeline which the City can review and approve. This would provide an agreement that both parties have agreed to and can be held accountable for. In the letter the owner will have 30 days to respond. If no satisfactory response is received, the City will send another letter which describes the abatement process and outlines in more detail the actions the City will take to ensure the building is dealt with. The City will give the owner another 30 days to respond. If there is no response we will declare the building a dangerous building and issue an order requiring demolition or repair and move through the abatement process.

One of our chief concerns is to approach the owner with respect and understanding, while still making it clear that our intent is significant action towards resolving the problem. It is our hope that we receive a positive response from the owner and that we are able to resolve the issue with the initial letter asking for a plan and timeframe. Avoiding the process and procedures in the Uniform Code all together. However, in case that the owner does not cooperate, we intend to follow through with the 2nd letter and the abatement process as outlined in the Uniform code.

Memorandum

To: City Council
From: Planning Department
Date: 4/16/14
Re: Tax Incentives for property improvements (i.e. property tax exemptions)

Currently Codified Tax Incentives:

Below is information about the current city tax incentives for improvements to property. This first tax incentive (5.36.035 F.) has been applied for by and granted to four individuals. No one has applied for it since 2007. Advertising this opportunity for residents may encourage participation as well reward beautification efforts throughout town.

CMC 5.36.035 Statutory property exemptions

- F. Temporary exemption from taxation of certain increases in assessed value of improvements.
1. There is an exemption from taxation for the increase of assessed value that is directly attributable to landscaping, or new exterior maintenance or repair of an existing structure, and if the landscaping, exterior maintenance or repair, when completed, enhances the exterior appearance or aesthetic quality of the land or structure. An exemption may not be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space for occupancy or nonresidential use in the structure or for landscaping as a consequence of construction activities. An exemption under this subsection continues for three years commencing with the year in which the exemption is approved by the assessor.
 2. An application for exemption under this subsection shall be filed with the assessor no later than March 1 of the year immediately following the year in which the landscaping, or exterior maintenance or repair of an existing structure, that is the subject of the application in whole or in part, may be appealed to the board of equalization, as provided in [Section 5.36.130](#) of this chapter.
 3. An exemption granted under this subsection expires at the end of three years and cannot be renewed. The granting of an exemption under this subsection does not affect changes in the assessed value of property that are attributable to causes other than the landscaping or exterior maintenance or repair of an existing structure that is the basis for the exemption. A reappraisal will be required prior to granting of a subsequent exemption.

Another tax exemption in City Code is section 5.36.037 Economic development property exemptions. There are some conditions that severely limit what property can qualify for this exemption. The condition of not being previously taxed as real or personal property by the city (highlighted) eliminates any vacant lot previously owned by a private individual from getting this exemption. City owned property that has been sold to a private individual does have the ability meet this exemption. No one has been granted (no one ever applied for) this tax incentive which was adopted in 2009.

5.36.037 Economic development property exemptions

- A. The assessed value of property used for economic development, as defined in this section, may be exempt from city property taxes, under the conditions listed in this section.
- B. "Property used for economic development," as used in this section, means that part of real or personal property, as determined by the city assessor, that:
 - 1. Has not previously been taxed as real or personal property by the city;
 - 2. Is used in a trade or business that is not already in existence within the city and such use will:
 - a. Create employment in the city; and
 - b. Generate sales outside of the city of goods or services produced in the city; or
 - c. Materially reduce the importation of goods or services from outside the city.
 - 3. Has not been used in the same trade or business in another municipality in at least six months before the application for deferral or exemption is filed; this paragraph does not apply if the property was used in the same trade or business in an area that has been annexed to the municipality within six months before the application for deferral or exemption is filed and this paragraph does not apply to inventories.
- C. The exemption shall be for up to one hundred percent of the assessed value of the property, for up to five consecutive years at the discretion of the city council. The city may also defer payment of taxes for up to five years on property used for economic development. Tax payments shall become due as specified by the city at the time the deferral is granted.
- D. In order to qualify for this exemption, an applicant must file, with the city assessor, a written application for the exemption no later than January 15 of each assessment year for which the exemption is sought. The application shall be on a form prescribed by the city assessor, and shall include all information determined to be necessary by the assessor to determine eligibility of the property for the exemption. If the applicant fails or refuses to provide information required or requested by the assessor, within the time period set by the assessor, the exemption shall be denied. The assessor may make an independent investigation of the application or property in making a determination under this section. The assessor shall notify the applicant, in writing, of the assessor's determination on the application for exemption.

- E. After the assessor determines that the applicant is eligible for a tax exemption and/or deferral and the application is complete, the assessor shall submit a copy of the application to the city clerk with a written recommendation to be submitted to the city council. No tax exemption or deferral under this section shall be granted by the city council prior to a public hearing thereon. The city clerk shall notify the applicant of the public hearing.
- F. An applicant delinquent in the registration for, filing of a return, or payment of, any city property or sales tax, city special assessment, or city utility bill may not be granted an exemption and/or deferral under this section.
- G. Any entity requesting a tax exemption or deferral pursuant to this section shall pay to the city an initial application fee of three hundred dollars, which shall be submitted at the same time the application form under subsection (D) is submitted. In addition, any entity that has been granted a tax exemption or deferral under this section shall pay an annual review fee in the amount of one hundred fifty dollars at a date specified by the city assessor.
- H. All property receiving a tax exemption or deferral under this section shall be annually assessed by the city assessor in the same manner as if it were not exempt. Any tax exemption or deferral granted under this section shall be subject to annual review by the city assessor to ensure that the ownership and use of the property and any other qualifying criteria for the tax exemption or deferral continue to exist. Information justifying the continued exemption or deferral shall be submitted annually to the city assessor at the same time the review fee required under subsection (G) of this section is due. If the city assessor determines that the property no longer qualifies for an exemption or deferral under this section, the assessor's determination may be reversed by a majority vote of the city council.
- I. An entity may request a construction deferral under this section if the entity is in the process of developing or building property used for economic development but has not yet completed construction on such property. In addition to the application required under subsection (D) of this section, an entity seeking a construction deferral must also submit a development plan to be approved by the city assessor. Upon construction of the economic development property satisfactory to the city, the city may change deferral under this subsection into an exemption which shall not exceed the remainder of the five-year period from the date the deferral was approved. If economic development property is not developed or created within the time specified in the application, the city may immediately terminate the deferral and take any other action permitted by law including, but not limited to, collecting all property taxes accrued on the property during the construction deferral, collecting penalties and interest on the taxes owed from the date such taxes would have been due if no deferral had been granted, and attach a tax lien to the property.
- J. Upon the failure of any entity to fully and timely pay the taxes due as may be required by any city ordinance, or to provide reports or other information requested by the city

assessor and reasonably necessary for the implementation of this section, the city assessor shall immediately revoke and not renew any exemptions or deferrals under this section to which such entity would otherwise be entitled and shall require immediate payment of the pro-rata share of taxes thereby due for any portion of the year remaining and any previously deferred taxes.

- K. The city council reserves the right to grant or not to grant a tax exemption or deferral under circumstances beyond the scope of this section or to waive any other requirement not mandated by state law. However, no such action or waiver shall be taken or made except upon a finding by the city council that an extraordinary circumstance or emergency exists, and that such action or waiver is found and declared to be in the vital public interest.
- L. As of the date of any change in majority ownership, sale, or substantive change in use of any property subject to a tax exemption or deferral under this section, the city shall revoke such tax exemption or deferral and require immediate payment of the property taxes thereby due. Any property owner who fails to notify the city assessor of any such change in ownership, use, or sale by the date of such change in ownership, use, or sale shall be subject to a fine of not more than three hundred dollars per day for each day thereafter.
- M. An applicant's completion of the application process for tax exemption or deferral shall not give rise to any right or claim against the city for its failure to grant the exemption or deferral. The grant or denial of a tax exemption or deferral application under this section is a discretionary act by the city.

(Ord. No. 1053, § 3, 9-2-2009)

Pending agenda:

Capital Priorities List Meeting **Sep 3, 2014; Dec 3, 2014; Mar 4, 2015; June 3, 2015**

HSB Quarterly regular meetings **July 2, 2014; Oct 1, 2014; Jan 7, 2015; Apr 1, 2015**

Staff quarterly reports in packets: **July 16, 2014; Oct 15, 2014; Jan 21, 2015; April 15, 2015**

Performance Deeds of Trust: discussion/decision regarding changing these and/or finding a different method of security when selling City property

Letter of support from Council regarding an Exxon reopener to be on a future agenda, later in April, 2014.

Traffic Authority discussion – including City parking lots

Ability to lease City land to City department (and/or Enterprise fund) – specifically Harbor?

Committees:

Cordova Center Committee: Tim Joyce, Sylvia Lange, Randy Robertson, Kristin Carpenter, Native Village of Eyak Representative, Chamber of Commerce Representative, Business Community Representative, PWSSC Representative, Stage of the Tides Representative.

Fisheries Advisory Committee: David Reggiani, PWSAC; Ken Roemhildt, Seafood Sales; Jim Holley, AML; Torie Baker, Marine Advisory Program Coordinator; John Bocci; and Jeremy Botz, ADF&G

Cordova Trails Committee: Elizabeth Senear, VACANCY, Jim Kallander, Toni Godes, and David Zastrow

Calendars:

3 months of calendars are attached hereto

May 2014; June 2014; July 2014

May 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Location Legend CH-City Hall Conference Room LMR-Library Mtg Rm HSL-High School Library				1 Clerk out on vacation	2 Clerk out on vacation	3
4	5	6	7 7:00 reg mtg LMR	8	9	10
11 Mother's Day	12	13 6:30 P&Z LMR	14 7:00 Sch Bd HSL 7:00 Hrbr Cms CH	15	16	17 CHS Graduation
18	19	20	21 6:45 pub hrg LMR 7:00 reg mtg LMR	22	23 CSD last day of school	24
25	26 Memorial Day City Hall Offices Closed	27	28	29 Clerk out on vacation	30 Clerk out on vacation	31

June 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 Clerk out on vacation	3	4 6:45 pub hrg (maybe) LMR 7:00 reg mtg LMR	5	6	7
8	9	10 6:30 P&Z LMR	11 7:00 Sch Bd HSL 7:00 Hrbr Cms CH	12	13	14
15	16	17	18 6:45 pub hrg (maybe) LMR 7:00 reg mtg LMR	19	20	21
22	23	24	25	26	27	28
29	30					Location Legend CH-City Hall Conference Room LMR-Library Mtg Rm HSL-High School Library

July 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Location Legend CH-City Hall Conference Room LMR-Library Mtg Rm HSL-High School Library		1	2 6:45 pub hrg (maybe) LMR 7:00 reg mtg LMR	3	4 Independence Day City Hall Offices Closed	5
6	7	8 6:30 P&Z LMR	9 7:00 Sch Bd HSL 7:00 Hrbr Cms CH	10	11	12
13	14	15	16 6:45 pub hrg (maybe) LMR 7:00 reg mtg LMR	17	18	19
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27	28	29	30	31		Location Legend CH-City Hall Conference Room LMR-Library Mtg Rm HSL-High School Library