

**CITY COUNCIL REGULAR MEETING
SEPTEMBER 07, 2011 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kallander called the Council Regular Meeting to order at 7:30 PM on September 07, 2011, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Kallander led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Mayor James Kallander*, Council members *James Kacsh*, *David Allison*, *EJ Cheshier*, *David Reggiani*, *Robert Beedle* and Student Council representative *Shyla Krukoff*. Council Members *Bret Bradford* and *Keith van den Broek* were absent. Also present were City Manager *Mark Lynch*, City Clerk *Susan Bourgeois* and Deputy City Clerk *Robyn Kincaid*.

D. APPROVAL OF REGULAR AGENDA

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

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

E. DISCLOSURES OF CONFLICTS OF INTEREST

Mayor Kallander asked if Council member *Kacsh* would not include himself in the conversation of agenda item 18 because of his employment at Anchor Auto/Marine. *Kacsh* agreed.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speakers – none
2. Audience comments regarding agenda items – none
3. Chairpersons and Representatives of Boards and Commissions – none

G. APPROVAL OF CONSENT CALENDAR

Mayor Kallander informed Council that the Consent Calendar was before them. Council member *Kacsh* pulled number 6 from the consent calendar and it was placed as agenda item 20a.

4. Record excused absence of Council member Keith van den Broek from the 08-17-11 Regular Meeting
5. Ordinance 1086

An ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code section 5.36.035(c) to create a one-time filing requirement for qualified senior citizens, disabled veterans and their widows and widowers – 1st reading

6. Ordinance 1087

~~An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code section 5.12.100 to authorize additional methods for procuring construction, supply and/or design services on City of Cordova projects – 1st reading~~

7. City Manager leave adjustment

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

H. APPROVAL OF MINUTES

M/Reggiani S/Kacsh to approve the minutes as presented.

8. August 17, 2011 Public Hearing Minutes
9. August 17, 2011 Regular Meeting Minutes

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

I. CONSIDERATION OF BIDS - none

J. REPORTS OF OFFICERS

9. Mayor's Report – he reported that he has met with the Planner and they are moving forward on the Samson deal. **Bruce Lamoureux**, CEO of Providence will be coming to town for a meeting with staff at the hospital on September 13. He also met with **Lynch** and a contract officer from Providence as well as with our attorneys discussing our Charter and bylaws and trying to decide what if anything needs to be changed. He and **Lynch** may run to Anchorage for a quick meeting with attorneys on these Providence matters. He has initiated some remediation on the Governor's veto of the hospital roof. AIGCO – ball is in their court – Holly sent them a letter and their attorney has not responded – nor to phone calls.

10. Manager's Report – he reported that he has been concerned lately about the workload of staff and the stress they have been under. He gave the example of how **Cindy Appleton** is away for a week and human resources, grants administration and insurance close down while she is away, there is no backup and she does all those things. These are observations that he thought Council would be interested in knowing. **Reggiani** asked **Lynch** for a status update on the Children's Memorial Park project. Lynch said the bid was let in July and Eagle has the contract and they have a completion date of October 1, 2011. The project cost is in the \$30,000 range and the penalty for not completing timely is \$100 per day. Eagle's contract was for filling, grading and pouring foundations for equipment and installing equipment. Then City workers would install the fencing in the spring. **Mayor Kallander** said there may be a misunderstanding because in speaking to Eagle, they believe that the City did not prepare the site with the fill that was anticipated before Eagle was to do their work. **Beedle** asked if any news about the Sound Developer. **Lynch** said it's in USCG's hands – only concern is where they will put it – right now the plan is as it has always been to put it up n corner by boat haulout facility. USCG said if we change our minds, it can be between us and whoever gets the bid.

11. City Clerk's Report – **Bourgeois** reported that she would be advertising for seats that are coming available on a few City Boards and Commissions – **Mayor Kallander** asked that she get him a list of the ones who are still interested in remaining in their appointments. **Bourgeois** also reported that there was plenty of money within the Council budget for those interested in attending AML in Fairbanks – however, it would take her moving money from the Council Contingency line item into the travel line items – she just wanted the ok from Council to do so. **Kacsh** suggested that there be money spent on trips to Juneau. **Mayor Kallander** agreed and **Bourgeois** said that at least two Mayoral trips to Juneau were included in her calculations and still would fall within the budget once Contingency was transferred to travel line items.

12. Staff Reports

a. **Josh Hallquist**, COR, Cordova Center Project – not present

b. **Cathy Sherman**, Cordova Center Phase II – she would report for Hallquist as well as Cordova Center Phase II. **Sherman** gave an update of actual construction activities, stating that all concrete pours should be completed by mid-October. Windows submittals are still forthcoming – in Dokoozian's court now. Redden removal went well – completed in three days. Weekly construction meetings have been streamlined – no longer are outstanding cases discussed in these meetings – they are being handled separately (by the negotiating teams) – keeps these meetings more productive. Phase II – we are working on different ways to approach contracts – November 1 still Phase II documents deadline. As far as funding for Phase II – Rasmusen Foundation and other pockets of money are still being looked into.

Mayor Kallander backtracked and asked **Shyla Krukoff**, Student Council Representative to give her report to Council. **Krukoff** said the next AASG meeting would be in Anchorage and then the spring meeting is in Kodiak and we are trying to send four students (Cordova sponsored it last spring). The Student Council is hoping to have a ski hill day and a university day this year.

c. **Ashley Royal**, Finance Director, City Financials (ytd 2011) – discussion ensued regarding how the budget process would go this year. **Lynch** suggested beginning talks at the first meeting in October but to wait until the first November meeting for any action because that is when the 3rd quarter sales tax data would be in by. Council agreed.

d. **Ashley Royal**, Finance Director, Sales Tax Delinquencies update – he stated that 2 businesses continue to be delinquent and these are businesses which have had difficulties staying up-to-date for years. The next step was to take action per code. **Kacsh** said that Code needed to be followed – there were no longer special circumstances. **Beedle** felt he needed more information. **Reggiani** agreed that staff has to follow code. **Lynch** said that he will proceed with following Code unless he is directed otherwise.

K. CORRESPONDENCE

14. Letter from Governor in re: FY2012 capital budget projects
15. Letter from Lynch in re EVOSTC Cordova Center funding
16. Letter from Harvill's in re Council appreciation
17. Letter from Nancy Bird, PWSSC in re land purchase request
18. Letter from Shawn Stimson, Anchor Auto/Marine in re used tire disposal
19. Letter from RCAC in re project suggestions

Allison thanked the **Harvill's** for their letter. He also commented on the Anchor Auto/Marine letter and said he would like to find a way to recycle tires and if there is a way to support that he would be interested in pursuing that. **Mayor Kallander** said that **Sean Stimson** suggested this to him and he asked for a letter on the matter which is why this is before Council. He said that Napa is providing somewhat of a service because people are dumping tires on their lot and they do pay to have them hauled away and they do pay at the landfill.

M/Cheshier that Council waives the dump fees for the tires.

Motion had no second and the Clerk opined that Council should not take action on a correspondence item. **Cheshier** asked that it could be placed on the next agenda as an action item.

L. ORDINANCES AND RESOLUTIONS

20. Resolution 09-11-38

A resolution of the City Council of the City of Cordova, Alaska joining the national moment of remembrance of the 10th anniversary of September 11th

M/Reggiani S/Cheshier to approve Resolution 09-11-38 a resolution of the City Council of the City of Cordova, Alaska joining the national moment of remembrance of the 10th anniversary of September 11th.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

- 20a. Ordinance 1087

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code section 5.12.100 to authorize additional methods for procuring construction, supply and/or design services on City of Cordova projects – 1st reading

M/Kacsh S/Reggiani to adopt Ordinance 1087 an ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code section 5.12.100 to authorize additional methods for procuring construction, supply and/or design services on City of Cordova projects.

Kacsh said he pulled this from the consent calendar because he was fearful that it was a way to bypass a favorable system (i.e. the bid process). So he was asking for more information. **Lynch** said that the protection against this is that Council must still review and approve what the manager recommends. There was discussion concerning the use of these innovative approaches – we are hopeful to use this for Cordova Center Phase II. Our attorney, **Steve Hutchings** is a proponent of this – he wrote the ordinance for us and **Dan Chandler**, our consultant on Cordova Center is also in favor of this change.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

M. UNFINISHED BUSINESS

21. Prioritization of Cordova's Capital Projects – follow up discussion from work session

At this time Council wanted to make certain that Lynch had an accurate list that they can agree on and can come back to them in a resolution for the next meeting. The list was as follows:

1. Hospital roof
2. Saw Mill Ave Trail and South Fill expansion
3. Shipyard building
4. South Fill sidewalks
5. Shipyard fill
6. Public Safety building
7. Recreation building
8. Water / Wastewater plant
9. Ferry Office trail

N. NEW & MISCELLANEOUS BUSINESS

22. Harbor dumpsters

Lynch said that *Dale Muma* and *Greg Rankin* both expressed concern about moving them back to the top of the ramps – there had been pollution issues. *Mayor Kallander* said that CDFU had initiated moving the dumpsters originally. *Kacsh* said that the garbage is coming to neighboring businesses – like Napa. After some discussion Council seemed committed to a solution but not necessarily moving the dumpsters back.

23. Council concurrence of Mayor's appointment to fill vacancy on the HSB

M/Reggiani S/Kacsh to approve Mayor Kallander's appointment of Tim Joyce to the Health Services Board, to serve a three-year term that will expire in August 2014.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

24. Pending Agenda and Calendar

Lynch mentioned that per the Resolution that was passed concerning 9/11, the Fire and Police departments would have a joint ceremony on Sunday morning at 9am around the flagpole at City Hall in honor of the 10 year anniversary of 9/11.

Lynch said he would be scarce from September 22 – 30 as his son and daughter-in-law will be in town. He will also be gone for AML November 7 – 11.

O. AUDIENCE PARTICIPATION – None

P. COUNCIL COMMENTS

25. Council Comments

Reggiani offered kudos to Public Works department because with all this rain of late (15+ inches), the drainage fix that had been completed a few years ago on Birch is working perfectly. He supports finding a solution to the dumpsters in the harbor issue rather than just moving them back to where they had been. He supports more frequent dumpings even if outside of the Harbor enterprise fund – would prefer people to use the dumpsters.

Allison he thought that when *Hahn* was Manager, he had brought an idea forward about dumpsters being placed at the baler or elsewhere for people to dump trash if they missed their pickup day or if they prefer to dump themselves (i.e. avoid dog, bear problems). He also asked the procedure for a letter to get in a Council packet – if cc'd to Council does it get into a packet? Mayor and Council discussed and that is the

case – if a letter is cc'd to Council it will appear in a Council packet under correspondence unless it is defamatory or discriminatory toward a person, etc.

Cheshier also thanked the Harvill's for their letter. He said as far as garbage he agrees with extra dumpsters.

Beedle opined that the South Fill Lots that we sold could have been generating revenue for the City all summer long and that they should not have been tied up until sold.

Council recessed for 5 minutes at 9:20 to prepare the room for executive session.

Q. EXECUTIVE SESSION

26. Cordova Center financial update

M/Reggiani S/Kacsh to enter into an executive session to discuss a Cordova Center Financial update, matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

The executive session lasted from 9:31pm until 9:54pm.

27. Attorney advice regarding Spartan

M/Cheshier S/Allison to enter into an executive session to receive attorney advice regarding Spartan, matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

The executive session lasted from 9:55pm until 10:01pm.

28. Attorney advice regarding CASI

M/Reggiani S/Allison to enter into an executive session to seek attorney advice regarding CASI, matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).


The executive session lasted from 10:01pm until 10:14pm.

R. ADJOURNMENT

M/Allison S/Beedle to adjourn the regular meeting at 10:15pm.

Vote on motion: 5 yeas, 0 nays, 2 absent (Bradford, van den Broek).

Approved: September 21, 2011

Attest: 
Susan Bourgeois, City Clerk

