

**CITY COUNCIL REGULAR MEETING
SEPTEMBER 21, 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 21, 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* (via teleconference), *Bret Bradford*, *EJ Cheshier* and *David Reggiani*. Council Members *Keith van den Broek* and *Robert Beedle* were absent. Also present was City Manager *Mark Lynch*, City Clerk *Susan Bourgeois*, Deputy City Clerk *Robyn Kincaid* and Student Council representative *Shyla Krukoff*.

D. APPROVAL OF REGULAR AGENDA

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

Vote on motion: 5 yeas, 0 nays, 2 absent (van den Broek, Beedle). Motion was approved.

E. DISCLOSURES OF CONFLICTS OF INTEREST

Kacsh declared a conflict on item #25. *Mayor Kallander* agreed, and determined that *Kacsh* should refrain from commenting on item #25.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speakers - None

2. Audience comments regarding agenda items

Mary Ann Bishop of 406 Fourth St, read a letter that spoke against the passage of Ordinance 1088. She stated that she felt Council has not done their due diligence with AIGCO. She does not think the City should be giving away fill for free. She felt there are inconsistencies in the contract and is afraid that the developments promised are not clearly addressed in the contract.

Don Sjostedt of 180 Eyak Dr. spoke in favor of Ordinance 1088 stating that it will bring in a competitive resource for our energy needs, it also would open up more industrial property. He opined that the City Council should look into creating more industrial land.

Tim Joyce of 1001 Pipe St, spoke in favor of Ordinance 1088 stating that it will improve the environment in Cordova, would reduce the energy costs for many families in Cordova, the fill removal will create flat land which could be used for boat storage or other industrial land. He added that the City had the right to offer whatever kind of incentive it wishes to bring new business into town.

3. Chairpersons and Representatives of Boards and Commissions

Jim Nygaard, Superintendent of Schools, presented to Council a handout explaining the Alaska Education tax credit, stated that he wants to educate people on how to keep their tax dollars in Cordova for Cordova's schools. He stated that the ILP building is moving forward, they had some issues with the ferry being canceled due to weather. He anticipates the kids will be moved into the building November 1st and thanked *Moe Zamarron* for his help. He spoke about No Child Left Behind reauthorization stating that the government knows that the testing isn't fair and they are issuing waivers and is moving towards test scores directly affecting teacher's evaluations. He informed Council that there is a week left of the timber receipts, it may be picked back up again next month but there is no guarantee. He

reminded Council that Commissioner **Click Bishop** will be in town next Wednesday night. He added that they are modifying their facilities use agreement and it is creating a stir. It is an old agreement but they are deciding they need to start being consistent. He is looking into the best practice for such a fee schedule. **Reggiani** asked about the intent of the fees. **Nygaard** responded that the fees are not new and that they don't charge many people. They feel if those using the facility are making a profit then the facility should make a profit. Mostly it's for financial accountability to maintain the facility and cover janitorial expenses etc. He clarified that there are no fees for kids' activities. He stated that there are student activity fees, tech fees, jazz band fees and shop fees. He stated that there is a fine line between school and public use and the school and kids need to come first. **Reggiani** stated that what he understands is that it's a money making tool for the school and that the cleaning fee is separate and everyone pays the cleaning fee. He added that he understands custodial fees but has a concern with the school renting out a City building; it could be a City fee schedule thing. He added he has a hard time charging the people to use the facility who paid to have the facility built in the first place. He would encourage the School Board to take a careful look at the agreement. **Nygaard** stated that the monies collected from the fees go into the general fund to pay for maintenance. They want to be consistent with the new facility. **Mayor Kallander** requested **Nygaard** provide for Council the facilities use agreement so they can be consistent in their community responses. **Nygaard** said he would supply it to the Clerk for distribution.

Bradford reported for Parks & Rec. He stated they went over their capital budget at the last meeting and that they will finalize it before Council's second meeting in October.

Reggiani reported that P&Z met with Parks & Rec to discuss parks and open spaces, specifically the avalanche zone. They are trying to label parcels that are for sale and not for sale. They are discussing updating code and working on a capital list to present to Council.

Krukoff reported for the Student Council that their mission statement for the year is "Inspire Leadership & Respect" they are planning on sending 4 students to the fall AASG next month and planning what they are going to do next year.

G. APPROVAL OF CONSENT CALENDAR

Mayor Kallander informed Council that the Consent Calendar was before them.

4. Record excused absence of Council member Keith van den Broek from the 9-07-11 Regular Meeting.

5. Record unexcused absence of Council member Bret Bradford from the 9-07-11 Regular Meeting.

6. 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 – 2nd reading

7. 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 – 2nd reading

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

H. APPROVAL OF MINUTES

M/Reggiani S/Kacsh to approve the minutes.

8. September 7, 2011 Work Session Minutes

9. September 7, 2011 Regular Meeting Minutes

Vote on motion: 5 yeas, 0 nays, 2 absent (van den Broek, Beedle). Motion was approved.

I. CONSIDERATION OF BIDS - none

J. REPORTS OF OFFICERS

10. Mayor's Report

Kallander reported that he attended the City's 9-11 ceremony and that the Police and Fire Departments did a good job. He had a meeting with **Floyd Lamoreux**, Providence new CEO, and the staff's questions were answered. He talked with **Dale Muma**, Harbor Master, and asked him to develop a long term plan for the harbor. **Muma** will be producing that this winter. He stated that **Bradford** and he toured the Civic Center and it is an impressive building. He and **Bitney** discussed and have identified some issues with the Governor's veto for the hospital roof and they are mitigating those for a better outcome this next year. He will be in Juneau October 4th. PERS is creating large challenges with the Hospital contract and he will keep Council informed on that. The City is still waiting on the 7 million from EVOS.

11. Manager's Report

Lynch reported that the new Police Chief, **Bob Griffiths** will be here October 3rd. The City is currently looking for a Fire Marshal, a Diesel Mechanic and a position within Public Works. He is working on contract negotiations with the Union which is due before the end of the year. He is working on the fee schedule and the budget. The City was granted a default judgment of \$14K against the Sound Developer which should be out and clean by the middle of November according to the Coast Guard. The owner of the Spartan has filed for bankruptcy and the lawyer is working on it. The City is still getting push back from EVOS. He met with **John Harvill** from the Science Center and they are working on a draft proposal. The ILP building is under construction. He will be taking leave next week as he has family visiting. There is an opportunity for ICS Training through FEMA that he will be unable to attend because of AML. He is looking into a new funding opportunity for developing new jobs. He handed out his self-evaluation to Council.

12. City Clerk's Report – Written report is in the packet

13. Staff Reports

a. Josh Hallquist, COR, Cordova Center Project

Hallquist reported that the west wall is complete. They did work on the walls and footings for the cisterns. They installed the below grade piping for the second floor. They are pouring the third floor slabs Friday and the second floor slabs possibly tomorrow. They should start assembling the trusses in about a week and a half. Negotiations are moving slowly. The architect is visiting on-site bi-monthly and he is continuing to push to try to get him here every week. Phase II schedule is a month behind.

b. Cathy Sherman, Cordova Center Phase II

Hallquist read **Sherman's** report into the record. No official change in the financials since September 11th. There has been no progress on the EVOS money. Contract date for substantial completion prior to change order 20 was November 4, 2011, after change order 20 it is now November 16, 2011. There will be meetings this Monday and Tuesday with the roofer and mason, OAC and MRV. Internal work is being done within the City to determine the technology needs.

c. Moe Zamarron, Public Works

Zamarron invited the Council members to come to the shop barbeque from 3-5 September 22nd. The goal is to get everyone out to review the equipment and see what they have going on at the shop. He stated he is really proud of his crew. He is able to give DEC good reports because of the good people he has working for him.

K. CORRESPONDENCE

14. Letter from State Archives in re citizen oversight task force for Exxon Valdez records

15. Letter from AML seeking funding for Partnership for Rural America Campaign in re Secure Rural Schools funding
16. Letter from Linda Kelly in re City land acquisition
17. Email from AML in re SRS Proposal
18. Letter from Mayor Kallander to USDoj in re redistricting
19. Letter from Clay Koplin in re AIGC land sale ordinance
20. Letter from RCAC requesting letter of support in re invasive animal and plant species

Lynch gave Council a briefing on the **Linda Kelly** letter stating that Planning had decided the land was not for sale. He stated that Planning had determined that the lot was not big enough to build on. It used to be filled with junk that was removed for the purpose of creating an impound lot. It was talked about once that it could possibly be used for a snow dump location. He does have a concern with the City providing City lots for people to store their personal snow it may set an impossible precedent. **Kallander** asked if a written response had been sent to Kelly's. **Lynch** responded that he would look into it.

Kallander asked why **Clay Koplin's** letter was before Council again. The Clerk responded that it was at the request of a Council member to have the letter re-presented to them the next time AIGCO was on the agenda. **Kallander** pointed out that the letter spoke to an older version of the contract.

The Clerk pointed out to Council that if they want to support the letter from AML, item #15, they need to give direction on the amount they wish to send. **Lynch** added that they used a scenario last year that gave them a percentage of the money given to the City which was about \$1400. If Council uses the same scenario this year it would be about \$1100. **Allison** stated that he felt they should support in the amount of \$1000-\$2000. **Bradford** agreed that they should use the same formula as last year. **Lynch** stated that it would be \$1180. Council concurred on the amount.

Allison requested the **Linda Kelly** topic in regard to City Land acquisition be put on a future agenda for discussion on snow dumps and also on the impound lot. He thinks there are better places for the impound lot to go. **Kacsh** agreed with **Allison** to put it on the next agenda.

L. EXECUTIVE SESSION

21. Attorney advice regarding AIGCO negotiations

M/Reggiani S/Bradford to enter into executive session to receive some advice from our attorney regarding AIGCO negotiations matters the immediate knowledge of which would clearly have an adverse effect on the finances of the government.

Council entered executive session at 8:40 pm; Council came out of executive session at 9:10 pm

Council took a recess at 9:10 pm; Meeting reconvened at 9:15 pm

M. ORDINANCES AND RESOLUTIONS

22. Ordinance 1082

An ordinance of the City Council of the city of Cordova, Alaska, authorizing the conveyance to Alaska Intrastate Gas Company of 4.21 acres of tidelands located in ATS 1004 – ^{2nd reading}

M/Reggiani S/Kacsh to approve Ordinance 1082, an ordinance of the City Council of the City of Cordova, Alaska, authorizing the conveyance to Alaska Intrastate Gas Company of 4.21 acres of tidelands located in ATS 1004

Bradford stated that there has been talk of postponing this ordinance and he is not in favor of postponing the ordinance he would rather there be a vote.

M/Reggiani S/Cheshier to postpone Ordinance 1082 indefinitely.

Reggiani pointed out that Ordinance 1088 is a substitute ordinance for 1082, postponing this ordinance

is the correct parliamentary procedure. **Bradford** opined again that there is no reason to postpone; to vote the ordinance down would also be a correct parliamentary procedure.

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

23. Ordinance 1088

An ordinance of the City Council of the City of Cordova, Alaska, authorizing the conveyance to Alaska Intrastate Gas Company of approximately 4 acres of tidelands located in ATS 1004—^{1st reading}

M/Kacsh S/Reggiani to approve Ordinance 1088, an ordinance of the City Council of the City of Cordova, Alaska, authorizing the conveyance to Alaska Intrastate Gas Company of approximately 4 acres of tidelands located in ATS 1004

Bradford stated that he has reservations about this deal with AIGCO. To give them the fill is not a good deal. He gives his whole hearted support of cheaper energy but is not in support of this ordinance. **Kacsh** wanted to make note that non-substantial changes to the provisions to the fill and time for survey are being negotiated between AIGCO and the City Manager with the City Attorney. **Reggiani** stated he is in support of the ordinance and that it is a great opportunity for the community. There is potential of reducing energy costs, potential of creating some flat land for us out of the Fleming Spit quarry, and potential helping us with our North Fill project. **Cheshier** stated he is in support of the ordinance. The only thing he has had a concern with all along is that the City be able to get their land back if this thing doesn't go through and that the lawyers have done a good job at making sure that will happen. As far as he can see that will be the worst thing that could happen is we get filled land back or they don't fill it and nothing happens. **Allison** is in support of the ordinance stating that worst case doesn't hurt us and the best case provides us with cheaper energy.

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

24. Resolution 09-11-39

A resolution of the City Council of the City of Cordova, Alaska, designating capital improvement projects

M/Reggiani S/Bradford to approve Resolution 09-11-39, A resolution of the City Council of the City of Cordova, Alaska, designating capital improvement projects.

Lynch reviewed for Council an item that they may want to add to the list. In the discussions with Providence they have conveyed to him that Electronic Health Records (EHR) will need to be in place by 2014. Any system we choose could be \$750K-\$1 mill. If that deadline is to be met it may be a good idea to start asking for funds for it now.

M/Reggiani S/Cheshier to amend Resolution 09-11-39, by inserting Electronic Health Records (EHR) to the capital improvement projects list as the #2 item and adjusting the other items down.

Allison pointed out that EHR would be coming out of the Hospital's budget. If the Hospital is able to get funds they would be able to pay the City back sooner. The City will not be responsible for the entire bill.

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

Bradford stated that he wasn't at the meeting when they decided on the order on the list but has concerns with the shipyard building being ahead on the list of shipyard fill. He also thinks that the Public Safety Building should come before the shipyard building and would like to see the list reflected in that way.

Kallander informed that the Public Safety building will be \$20-30 mill and a shipyard building will be

about \$2 mill. Once the Samson deal has gone through and they are moved down there will be room for a shipyard building. There was lengthy discussion on the south fill sidewalks at the last meeting.

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

N. UNFINISHED BUSINESS

25. Anchor Auto/Marine request for landfill fee consideration in re tire disposal

M/Cheshier S/Bradford to waive landfill fees for NAPA for disposing of tires.

Bradford asked if Napa charges a disposal fee. *Mayor Kallander* replied that they do but they are removing more tires than they sell. *Lynch* stated that the City is working towards a solution and that the waiver will be good for the interim. *Mayor Kallander* suggested they review the topic when the City finds a solution. *Moe Zamarron* approached Council stating that the fee waiver is a good idea for now, it isn't right for one entity to carry that burden. He asked Council to not drop the issue though, perhaps bring it back as a capital project. He welcomes the challenge to solve this issue. *Bradford* asked if they were looking into a grinder. *Zamarron* responded that they are looking at grinding, baling and a few other options.

Vote on main motion: 4 yeas, 0 nays, 1 conflict of interest (Kacsh), 2 absent (van den Broek, Beedle). Allison – yes, Bradford – yes, Cheshier – yes and Reggiani – yes. Motion approved.

O. NEW & MISCELLANEOUS BUSINESS

26. Pending Agenda and Calendar

October 5th – City Manager Evaluation; Budget schedule presented in handout form; Mayor will be on vacation from November 2nd to December 1st

P. AUDIENCE PARTICIPATION

Joanie Behrends spoke concerning the BP oil spill drill on September 28th and if they were going to do their own drill. Council decided not to participate in the drill.

Behrends also spoke about position specific training Home Land Security (HLS) is offering for the first time in Alaska. *Mayor Kallander* stated that he is the Public Information Officer but will be unable to attend the training and would like to see someone else affiliated in City Government attend in his place. *Behrends* agreed that someone from the City Government would be good. It will be good training which is paid for by HLS if someone who can afford the time. That position training is October 31st - November 4th in Anchorage. *Kacsh* stated he is interested. *Behrends* asked if Council would be willing to pay the way for a second person to go to the training should they find two that wish to attend a position specific class. Council concurred that they would not be paying for the second person.

Barb Beedle, 910 Ingress St, presented the idea that at one point in time she collected some tires to cut in half and make into driveway runner flower pots if someone else would like to do the same.

Q. COUNCIL COMMENTS

27. Council Comments

Bradford stated that he has been doing the National Archery in Schools program and has had good experiences getting the facility. There is another class coming up on the 29th and 30th.

Reggiani stated that he is confused about the intent for the facility use fee. He has a concern with the school renting out a City building and also with charging the people who helped pay for the building in the first place. He added that this week a Police Officer informed him that he has been parking illegally for 11 years by parking within 30 ft of a yield sign. This also applies to stop signs and he has a concern that if this law is going to start being enforced the City is going to lose lots of parking. We might want to

look into options and painting for consistency. **Kacsh** suggested that this may be able to be amended for Cordova due to the town structure and parking constraints.

Cheshier stated he understood the no parking by a stop or yield sign. It makes it so you can't see to pull out into the intersection safely. He is in support of finding a solution to the tire issue.

Allison stated he would like to meet up with Moe and his crew when he gets back because he will miss the shop feed and equipment review.

R. ADJOURNMENT

M/Reggiani S/Bradford to adjourn the regular meeting at 10:07 pm

Hearing no objection, the meeting was adjourned.

Approved: October 5, 2011

Attest: _____

Robyn Kincaid, Deputy City Clerk

