Mayor

Clay Koplin

Council Members

James Burton Kenneth Jones Jeff Guard Robert Beedle Josh Hallquist David Allison James Wiese

City Manager

Alan Lanning

City Clerk

Susan Bourgeois

Deputy Clerk

Tina Hammer

Student Council

Corinne Pegau

K. Correspondence

Regular City Council Meeting October 4, 2017 @ 7:00 pm Cordova Center Community Rooms Agenda

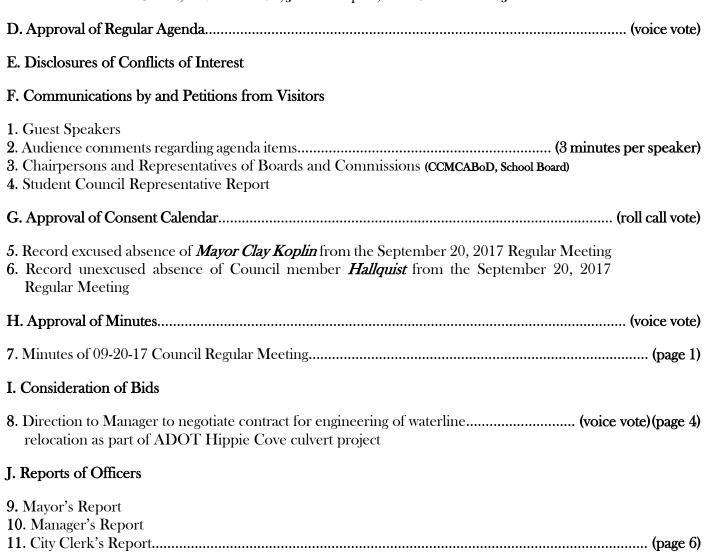
A. Call to order

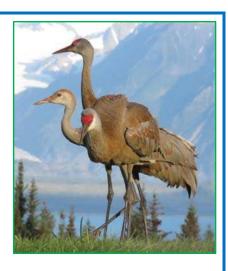
B. Invocation and pledge of allegiance

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 Clay Koplin, Council members James Burton, Kenneth Jones, Jeff Guard, Robert Beedle, Josh Hallquist, David Allison and James Wiese





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12. Ordinance 1156
M. Unfinished Business
14. Leo Americus performance deed of trust extension
N. New & Miscellaneous Business

O. Audience Participation

P. Council Comments

Q. Adjournment

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

Regular City Council Meeting September 20, 2017 @ 7:00 pm Cordova Center Community Rooms A & B Minutes

A. Call to order

Acting Vice Mayor James Burton called the Council regular meeting to order at 7:00 pm on September 6, 2017, in the Cordova Center Community Rooms.

B. Invocation and pledge of allegiance

James Burton led the audience in the pledge of allegiance.

C. Roll call

Present for roll call were Council members *James Burton*, *Ken Jones*, *Jeff Guard*, *Robert Beedle*, *David Allison* and *James Wiese*. *Mayor Clay Koplin* and Council member *Josh Hallquist* were absent. Also present were City Manager *Alan Lanning* and City Clerk *Susan Bourgeois*.

D. Approval of Regular Agenda

M/Allison S/Jones to approve the Regular Agenda.

Vote on the motion: 6 yeas, 0 nays, 1 absent (Hallquist). Motion was approved.

E. Disclosures of Conflicts of Interest

James Wiese declared a conflict with item 6 as he may be hired to work on that project if the extension is approved. **Burton** and Council agreed that he should recuse himself at that time.

F. Communications by and Petitions from Visitors

- 1. Guest Speakers *Dick Groff* was added as a guest speaker to present 5 CERT (Citizen Emergency Response Team) members with certificates of completion of the program. The recipients of the certificates were **Jack Reilly**, **Charlene Saunders**, **Lisa Carroll**, **Jayleene Garrett** and **Carolyn Roesbury**. Council and the audience offered praise and a round of applause to the volunteers for their service and dedication.
- 2. Audience comments regarding agenda items none
- 3. Chairpersons and Representatives of Boards and Commissions

CCMC Authority Board of Directors - CCMCA CEO Scot Mitchell presented a report to Council. He mentioned that they are on a three year plan like the City is - they have a dedicated quality improvement nurse on staff now. He said they are doing things to improve themselves such as cutting staff that they don't need; cut 9 FTE's last year and so far 3 this year. He hopes that 2 more will be cut by year end - they can do this while maintaining and even improving the quality of care they are providing. Through 7 months of 2016, operating loss was \$727k this year there's a \$274k profit through the same time frame. He said annually he is to submit a report to the council. That report should be heard at the next CCMCA board meeting and then will be to Council in October. A big part of the better success this year is the percentage of filled beds - we've been averaging 10 on the long term care side and 4 on the hospital side. The improved quality of nurses has led to more confidence with the doctors and that's why we are keeping patients instead of sending them off to Anchorage. Cordova School Board - President Barb Jewell was present to report. She said kids' activities are underway and she gave a shout out to some of the staff organizing some of the larger activities such as Close-Up and Band competition in Hawaii - thanks to **Debra Adams** and **Chelsea Corrao**. The board is working on self-evaluation and goal-setting. Chief among that is the strategic plan - an organization called "Outside the Lines" will be assisting as education is looking at a whole different landscape in the future a need to prepare kids for their future - not what exists today. She mentioned that the super sent an important spreadsheet to Council and the Clerk printed it for them tonight - several worksheets that give a historic look at school funding, budgets, etc. She said that will be important for the upcoming joint work session they'll be having. **Jewell** implored Council to ask any questions of the superintendent during their budget talks as the City Manager has said his first budget would be to them before the joint work session with the school board.

4. Student Council Representative Report - not present

G. Approval of Consent Calendar

James Burton declared the consent calendar was before the City Council. Item 6 was removed due to the conflict of interest declared earlier by **Wiese**. It became item 15a.

5. Resolution 09-17-25 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into an agreement with Appraisal Company of Alaska for tax year 2018 assessment services in the amount of Twenty Thousand dollars (\$20,000)

6. Performance deed of trust extension for Dan Nichols

7. Record excused absences of *Mayor Clay Koplin* and Council member *Hallquist* from the September 6, 2017 Regular Meeting

Vote on the consent calendar: 6 yeas, 0 nays, 1 absent. Beedle-yes; Hallquist-absent; Wiese-yes; Jones-yes; Allison-yes; Guard-yes and Burton-yes. Consent Calendar was approved.

H. Approval of Minutes

M/Allison S/Jones to approve the minutes.

- 8. Minutes of 09-06-17 Council Public Hearing
- 9. Minutes of 09-06-17 Council Regular Meeting

Vote on the motion: 6 yeas, 0 nays, 1 absent (Hallquist). Motion was approved.

I. Consideration of Bids - none

J. Reports of Officers

- 10. Mayor's Report written in the packet
- 11. Manager's Report Lanning said maybe next week we will try to have a longer work session to hash out the budget.
- 12. City Clerk's Report **Bourgeois** said there would be a special election on November 7 based on the submission of the recall petition that she had in the amended packet tonight. She has been busy preparing for that. **Bourgeois** also mentioned ads would be out concerning turnover on the Boards and Commissions, she hoped for appointments to be made at the second November meeting. She has also begun to look into the ordinance change regarding Council member's service on boards and commissions, non-voting as was the direction given last time.
 - a. City Clerk and City Attorney Certification of Recall Petition and submission to City Council

K. Correspondence

13. 08-31-17 R. Curran letter about Marijuana businesses in Cordova

14. 09-12-17 AMHS Reform Project Draft Report released notice with link

L. Ordinances and Resolutions

15. Resolution 09-17-24 A resolution of the City Council of the City of Cordova, Alaska, designating capital improvement projects

M/Beedle S/Allison to approve resolution 09-17-24 a resolution of the City Council of the City of Cordova, Alaska, designating capital improvement projects.

Vote on the motion: 6 yeas, 0 nays, 1 absent (Hallquist). Motion was approved.

M. Unfinished Business

15a. 6. Performance deed of trust extension for Dan Nichols

M/Allison S/Guard to extend Dan Nichols substantial completion date do July 1, 2018, with a foundation substantially completed by January 1, 2018.

Allison wanted to ensure that these dates have been confirmed with Mr. Nichols. That was not the case and after some discussion, *Allison* offered an amendment to the motion.

M/Allison S/Guard to amend the motion by striking "with the foundation substantially completed by January 1, 2018".

Vote on the motion to amend: 6 yeas, 0 nays, 1 absent (Hallquist). Motion was approved.

Vote on the main motion as amended: 6 yeas, 0 nays, 1 absent (Hallquist). Motion was approved.

N. New & Miscellaneous Business

16. Planning Commission Resolution re recommended capital improvements (informational item)

Beedle asked **Lanning** about paying \$100,000 for a comprehensive plan as suggested by the Planning and Zoning Commission. **Lanning** said if you go back to the strategic plan, it suggested that we do the comprehensive plan in-house.

17. Council concurrence of Mayor's appointments to Fisheries Advisory Committee

M/Beedle S/Allison to concur with Mayor Koplin's appointment of Tim Joyce and Tommy Sheridan.

Vote on the motion: 6 yeas, 0 nays, 1 absent (Hallquist). Motion was approved.

18. Pending Agenda, Calendar and Elected & Appointed Officials lists

joint work session with the school board on Oct 18 @ 6pm - also a work session on October 11 with the Navy also @ 6pm; Oct 4 work session will still be about budget

O. Audience Participation

Dan Nichols of Alder Street - thanked Council for the extension.

P. Council Comments

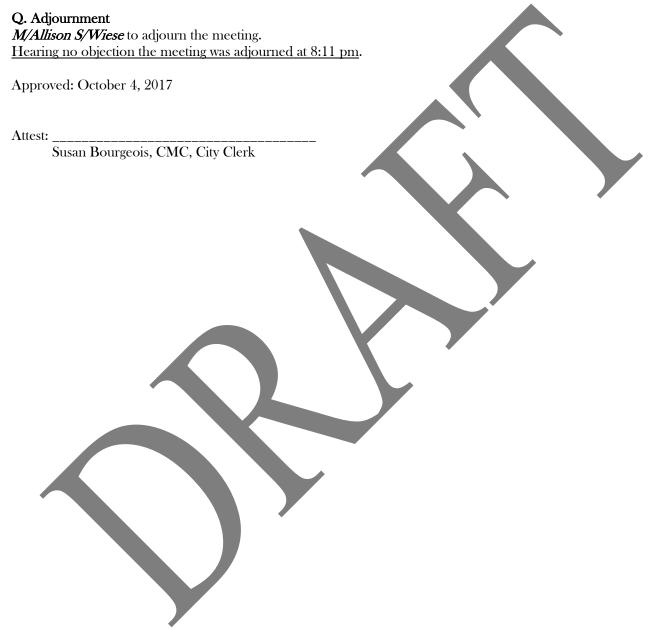
Wiese thanked the CERT team volunteers and thanked staff for work on budget.

Jones thanked the audience and staff and other council members for being here tonight.

Allison thanked volunteers, CVFD, Dick & Joanie, etc.

Burton echoed the thanks already given and commented that when it comes to budget, he said it's not so much about raising taxes as it is becoming more self-sufficient. Other revenue sources have dried up - if Cordovans want police, school, hospital, etc. we have to pay for it.

Guard seconded the comments *Burton* made about direction given to staff, the last few budget work sessions, we've split up and gave mixed messages.





AGENDA ITEM # 8 City Council Meeting Date: 10/4/17

CITY COUNCIL COMMUNICATION FORM

FROM:	Rich Rogers, City Engineer / F	Rich Rogers, City Engineer / Public Works Director		
DATE:	09/27/2017	09/27/2017		
ITEM:	Award of Design Engineer Contract per RFP #17-01			
NEXT STEP:	Council authorizes the City M	anager to negotiate this contract		
X		ESOLUTION RDINANCE		

I. REQUEST OR ISSUE:

This form constitutes the memorandum required per Code para 5.12.040 setting forth the following:

- A. Identity of Contractor: R&M Consultants, Anchorage, AK
- B. Contract Price: \$29,991.45
- C. Nature & quantity of the work that the City shall receive under the contract: design the relocation of the City's 16" DIP ductile iron pipe water main at the ADOT's Hippy Cove culvert replacement project; provide plans, specifications, and estimates; coordinate with ADOT and ADEC; and other associated tasks.
- D. Time for performance under the contract: Start 23Oct17 and complete by 23Oct20.

II. RECOMMENDED ACTION / NEXT STEP:

Council makes and approves motion "to direct the City Manager to negotiate a contract with R&M Consultants, Anchorage, AK, to provide engineering services for water line relocation per RFP#17-01 for a sum not to exceed twenty nine thousand nine hundred ninety one dollars and forty five cents (\$29,991.45)".

III. FISCAL IMPACTS:

This contract amount and all City staff time and all expenses are fully funded/reimbursed by the ADOT&PF Alaska Department of Transportation and Public Facilities per the ADOT letter of 22May14 "Order to Relocate Utility Facility".

IV. <u>BACKGROUND INFORMATION:</u>

The ADOT&PF project to replace the two existing Hippy Cove 48" culverts with one 84" tall oval/arch "fish friendly" culvert has been planned for several years. In 2014 the Department ordered the City of Cordova to relocate its existing 16" DIP water main due to conflict with the new culvert. The City requested and received six proposals from Alaskan design engineering firms on 01Sep17 which presented qualifications, experience, and cost estimates ranging from \$18,000 to \$76,000. The City's evaluation committee (L Stavig, S Greenwood, R Rogers) reviewed and graded all six proposals per the criteria/factors listed in the RFP. The proposal submitted by R&M Consultants scored the highest due to a preponderance of similar project and staff experience involving water line designs as part and parcel of ADOT&PF projects. The ADOT&PF culvert construction field work was originally scheduled for 2018 but now has been postponed to 2020.

V. LEGAL ISSUES:

Contract shall be negotiated and awarded per Code paras 5.12.040 and 5.12.130 and 5.12.170.

VI. <u>CONFLICTS OR ENVIRONMENTAL ISSUES:</u>

ADOT&PF is obtaining applicable environmental permits for this culvert relocation project, which includes the water line relocation work.

VII. SUMMARY AND ALTERNATIVES:

Alternative #1: Authorize City Manager to negotiate this contract.

Alternative #2: Do not authorize City Manager to negotiate this contract.

Alternative #3: Direct the City Manager to pursue some other action in lieu of negotiating this contract.



City of Cordova,
Office of the City Clerk
Cordova, AK 99574
601 First Street * 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

October 4, 2017 Regular Council Meeting

Date of Report: Sept 28, 2017

Clerk's Office needs Council Feedback on: nothing at this time

Clerk's Office has been working on:

- Continue organizing required documents and advertising for upcoming Special City Election on November 7, 2017
- Corresponded with State Division of Elections regarding upcoming Special Election
- Contacted usual election board workers to ensure appropriate coverage for upcoming Special Election
- Conferred with attorney about a recent records request
- Answered questions from the media about recall petition, special election
- Disseminated the passed/signed/sealed minutes/resolutions from regular meeting of 09-20-17
- Prepared agenda and packet for work session, public hearing and regular meeting on 10-04-17 including minutes from 09-20-17 regular meeting
- Signed City payroll and accounts payable checks
- Attended staff meetings
- Deputy Clerk continues to send late bills for 2017 property taxes owing, first half is now delinquent
- Deputy Clerk and Finance staff conducted some research about a sewer line extension SAD for continued billings on that assessment district
- Worked with DMV staff to renew registrations on City vehicles
- Disseminated AMHS reform project links to website a much more user friendly PowerPoint is now up vs. the difficult to interpret and lengthy report
- Advertised for board & commission vacancies, informed staff to boards about which terms are expiring – began receiving letters of interest
- Worked with IT staff to update Elections portion of City webpage to include pertinent information /dates /deadlines for upcoming Special Election



AGENDA ITEM # 12 City Council Meeting Date: 10/4/2017

CITY COUNCIL COMMUNICATION FORM

FROM: Alan Lanning, City Manager						
DATE: 10/4/2	2017					
ITEM: Motor	r Vehicle Fuel Tax O	rdinance 1156 FY2018 Budget				
NEXT STEP:	Seeking Council M	otion				
x_	ORDINANCE MOTION	RESOLUTION INFORMATION				

I. REQUEST OR ISSUE:

In an effort to move forward the ongoing FY2018 budget discussion and given there has been no consensus regarding revenues necessary to run operations in FY2018, staff has prepared the following Ordinance. Staff is seeking official guidance from Council regarding a 4 cent per gallon Motor Vehicle Fuel Tax in the attached Ordinance 1156 for first reading.

• Motor Vehicle Fuel Tax rate of 4 cents per gallon, raising approximately \$176,000.

II. RECOMMENDED ACTION / NEXT STEP:

Council motion to approve Ordinance 1156 as submitted or with appropriate changes.

III. FISCAL IMPACTS:

The budget as submitted is in the red, just over \$367,000. Very little funding is available for capital or improved maintenance. This option would provide up to \$176,000 in new revenue, depending upon Council's direction.

IV. BACKGROUND INFORMATION:

During the Strategic Planning process, considerable discussion focused on arriving at the nexus of personnel vs. operational costs. The discussion using FY2106 as the baseline required decreasing personnel costs and increasing operational costs. At this point in time, that nexus cannot be achieved without additional revenue or extremely radical cuts. Cuts, which in my professional opinion would severely limit our ability to provide quality services to the City. I would like to reiterate, this is the General Fund only. I would also reiterate, the Strategic Plan was the culmination of 8 special meetings, specifically focused on strategic planning and economic sustainability. Also termed the 20/20 plan, it is intended for the City to reach expense and revenue parity, no later than 2020, without complete reliance upon either State or federal funding. It was also asked and indicated at a later meeting, the overall revenue need was \$620,000 to reach the nexus of operations and personnel. Combined with the other submitted Ordinance, potential new revenue would be approximately \$631,000.

V. LEGAL ISSUES:

None that we are aware of.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

There are none anticipated.

VII. SUMMARY AND ALTERNATIVES:

Approved the Ordinance. Reject the Ordinance. Alter the Ordinance.

CITY OF CORDOVA, ALASKA ORDINANCE 1156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, ADOPTING CHAPTER 5.39, "MOTOR FUEL EXCISE TAX" AND IMPOSING AN EXCISE TAX OF \$.04 PER GALLON ON MOTOR FUEL DISPENSED INTO VEHICLES AND WATERCRAFT FROM A FUEL FACILITY WITHIN CORDOVA

WHEREAS, the City of Cordova ("City") is currently facing financial challenges and budgeting concerns, and

WHEREAS, it is in the City's best interest to generate revenue to support the valuable services the City provides its citizens, residents, and visitors; and

WHEREAS, the implementation of a comprehensive motor fuel tax is in the City's best interest as it provides the City additional revenues to meet the needs of its population and visitors.

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

<u>Section 1.</u> Cordova City Code Title 5 is amended to adopt Cordova City Code Chapter 5.39, entitled "Comprehensive Motor Fuel Tax" to read as follows:

Chapter 5.39 Motor Fuel Excise Tax

Sections:

5.39.010 Levy of tax

5.39.020 Payment by consumer and collection by distributor

5.39.030 Returns- Filing required- Remittance of tax

5.39.040 Definitions

5.39.010 Levy of tax.

A. An excise tax is levied on all motor fuel dispensed into vehicles and watercraft from any fueling facility within the City other than a fueling facility located on property for which the City receives rent calculated based on the number of gallons of fuel sold from the fueling facility.

B. The tax is \$0.04 per gallon,

5.39.020 Payment by consumer and collection by distributor.

A. The fuel distributor shall be responsible for collecting the tax from the consumer. If the distributor has reasonable cause to believe that fuel sold is ultimately destined to be dispensed subject to this excise tax, the distributor shall require the customer to pay the tax at the time of the sale or cause the customer to sign a statement that the fuel is either: (1) not going to be dispensed into a vehicle or watercraft within the City or (2) will be dispensed into a watercraft from the floating fuel dock located in the Cordova small boat harbor. Except as otherwise provided in this chapter, the fuel distributor shall be jointly and severally liable with the consumer to the City for all taxes the distributor is required to collect, whether or not collected by the distributor.

- B. It shall be a misdemeanor to falsely sign or cause to sign, such a statement or to do so with false intent. The maximum fine shall be \$500.00.
- C. All excise taxes collected or which should have been collected pursuant to this chapter are City moneys for which the fuel distributor is liable and at all times accountable to the City. All such City moneys shall be held by the fuel distributor in trust for the City in an account that is separate from other moneys of the fuel distributor.

5.39.030 Returns- Filing required- Remittance of tax.

- A. Every fuel distributor shall file an excise tax return, on forms furnished by the City on a monthly basis.
- B. The completed return, together with remittance in full for the amount of tax due, must be transmitted to the City no later than the first business day following the last day of the month following the end of each reporting period (i.e., March's reporting period is due the first business day of May).

5.39.040 Definitions.

For the purpose of this chapter when not clearly indicated by the context, the following words and phrases have the following meanings:

- "Consumer" means and includes each person who purchases motor fuel for which the tax under this chapter has not previously been paid.
- "Motor fuel" means fuel used in and on watercraft for any purpose, or in a stationary engine, machine, or mechanical contrivance that is run by an internal combustion motor; "motor fuel" does not include:
 - 1. Fuel consigned to foreign countries;
 - 2. Fuel used in stationary power plants operating as public utility plants and generating electrical energy for sale to the general public;
 - 3. Fuel used by nonprofit power associations or corporations for generating electric energy for resale;
 - 4. Fuel used by charitable institutions;
 - 5. Fuel sold or transferred between qualified dealers;
 - 6. Fuel sold to Federal, state, and local government agencies for official use;
 - 7. Fuel used in stationary power plants that generate electrical energy for private residential consumption;
 - 8. Fuel used to heat private or commercial buildings or facilities;
 - 9. Fuel used in stationary power plants of 100 kilowatts or less that generate electrical power for commercial enterprises not for resale; or

10. Residual fuel oil used in and on watercraft if the residual fuel oil is sold or transferred in the state or consumed by a user; for purposes of this subparagraph, "residual fuel oil" means the heavy refined hydrocarbon known as number 6 fuel oil that is the residue from crude oil after refined petroleum products have been extracted by the refining process and that may be consumed or used only when sufficient heat is provided to the oil to reduce its viscosity rated by kinetic unit and to give it fluid properties sufficient for pumping and combustion.

"Vehicle" means a vehicle of a type that is subject to registration under AS 28.10.011, without regard to the exceptions in that statute.

"Watercraft" means and includes vessels, ships or crafts of all types including but not limited to motor ships, tugs, barges, sailing vessels, and motor boats.

<u>Section 2.</u> 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:	
2nd reading and public hearing:	
PASSED AND APPROVED THISD	AY OF, 2017.
АТТ	Clay Koplin, Mayor EEST:
	Susan Bourgeois, CMC, City Clerk



AGENDA ITEM # 13 City Council Meeting Date: 10/4/2017

CITY COUNCIL COMMUNICATION FORM

FROM: Alan Lanning, City Manager
DATE: 10/4/2017
ITEM: Sales Tax Ordinance 1157 FY2018 Budget
NEXT STEP: Seeking Council Motion

X_ ORDINANCE RESOLUTION INFORMATION	
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I. REQUEST OR ISSUE:

In an effort to move forward the ongoing FY2018 budget discussion and given there has been no consensus regarding revenues necessary to run operations in FY2018, staff has prepared the following Ordinance. Staff is seeking official guidance from Council regarding 3 items contained in the attached Ordinance for first reading.

- Splitting the sales tax rate to a seasonal 8/4, raising approximately \$300,000.
- Raising the singles sales tax cap from \$3,000 to \$7,500 raising approximately \$125,000
- Eliminating the Compensatory Collection Discount, raising approximately \$30,000.

II. RECOMMENDED ACTION / NEXT STEP:

Council motion to approve Ordinance 1157 as submitted or with appropriate changes.

III. FISCAL IMPACTS:

The budget as submitted is in the red, just over \$367,000. Very little funding is available for capital or improved maintenance. These options would provide up to \$455,000 in new revenue, depending upon Council's direction.

IV. BACKGROUND INFORMATION:

During the Strategic Planning process, considerable discussion focused on arriving at the nexus of personnel vs. operational costs. The discussion using FY2016 as the baseline required decreasing personnel costs and increasing operational costs. At this point in time, that nexus cannot be achieved without additional revenue or extremely radical cuts. Cuts, which in my professional opinion would severely limit our ability to provide quality services to the City. I would like to reiterate, this is the General Fund only. I would also reiterate, the Strategic Plan was the culmination of 8 special meetings, specifically focused on strategic planning and economic sustainability. Also termed the 20/20 plan, it is intended for the City to reach expense and revenue parity, no later than 2020, without complete reliance upon either State or federal funding. It was also asked and indicated at a later meeting, the overall revenue need was \$620,000 to reach the nexus of operations and personnel.

V. LEGAL ISSUES:

None that we are aware of.

VI. <u>CONFLICTS OR ENVIRONMENTAL ISSUES:</u>

There are none anticipated.

VII. SUMMARY AND ALTERNATIVES:

Approved the Ordinance. Reject the Ordinance. Alter the Ordinance.

CITY OF CORDOVA, ALASKA ORDINANCE 1157

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING CORDOVA MUNICIPAL CODE CHAPTER 5.40 TO DECREASE SALES TAX FROM 6% TO 4% FROM OCTOBER 1st TO MARCH 31st OF EACH YEAR AND INCREASE THE SALES TAX FROM 6% TO 8% FROM APRIL 1st THROUGH SEPTEMBER 30th OF EACH YEAR, INCREASE THE CAP ON SALES TAX FROM \$3000 TO \$7500, AND REPEAL CMC 5.40.090, ELIMINATING THE COMPENSATORY COLLECTION DISCOUNT

WHEREAS, the City of Cordova ("City") is currently facing financial challenges and budgeting concerns; and

WHEREAS, it is in the City's best interest to generate revenue to support the valuable services the City provides its citizens, residents, and visitors; and

WHEREAS, amending the rate of the sales tax is in the City's best interest as it provides the City additional revenues to meet the needs of its population and visitors.

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

Section 1. Cordova Municipal Code 5.40.010 is amended to read as follows:

5.40.010 – Levied.

There is levied on all sales equal to or more than twenty cents, services provided, and rents collected within the city, except sales, services, and rents that are exempt from taxation under this chapter, a tax equal to six percent of the sale price a tax as set forth in this section. From April 1 through September 30, a tax is levied equal to eight percent of the sale price, charge for services, or rents collected. From October 1 through March 31, a tax is levied equal to four percent of the sale price, charge for services, or rents collected.

Section 2. Cordova Municipal Code 5.40.030(C) is amended to read as follows:

5.40.030- Exemptions

The following sales and services are exempt transactions and are not subject to taxation by the city:

- A. Proceeds from casual, occasional or isolated sales which are easily identified as the sale of personal goods or property at such private functions as moving, garage, yard, food and bake sales, sale of private vehicles when the seller is not a dealer in used vehicles, or services such as babysitting or house-sitting. A city license is not required under this subsection A;
- B. Sales of insurance and bonds of guaranty and fidelity;
- C. Fees for sales and services in excess of \$\frac{\$7500.00}{three thousand dollars}\$ per single purchase transaction. This exemption does not apply to accumulative purchases and billed as a lump sum in excess of \$\frac{\$7500.00}{three thousand dollars except}\$ as provided in subsection (D) relating to sales of construction materials and services. In the event of an oil spill that requires mobilization of the oil spill response vessels, this exemption is

- automatically suspended for ninety days on all fees for sales and services commencing on the day of the oil spill;
- D. Sales of construction materials and services exceeding \$7500.00 three thousand dollars for use in each construction project paid for by any one purchaser during any twelve consecutive month period; provided, that the purchaser has obtained a building permit from the city prior to the start of the project and all receipts for construction materials and services clearly show the building permit number. Construction materials are those items becoming a permanent part of the structure. Purchaser may pay all sales tax on such materials and services and may apply for a refund as set out in [Section 5.40.042] or may pre-pay applicable city sales tax in advance and receive an exemption card;
- E. Gross receipts or proceeds derived from servicing, freezing, storing, handling or wharfing of fisheries commodities awaiting shipment or in the process of being shipped;
- F. Gross receipts or proceeds derived from sales or services which the municipality is prohibited from taxing under the laws of the state, or under the laws and the Constitution of the United States, including but not limited to:
 - 1. Sales by the U.S. Postal Service,
 - 2. Sales of any items purchased with food coupons, food stamps or other type of certificate issued under 7 U.S.C. Sections 2011-2025 (Food Stamp Act),
 - 3. Purchases made under the authority of or made with any type of certificate issued pursuant to 42 U.S.C. Sections 1771-1789 (Child Nutrition Act of 1966),
 - 4. Interstate sales,
 - 5. Air transportation including that portion of any chartered fishing or hunting expedition which covers the cost of air transportation,
 - 6. Gross receipts or proceeds derived from sales to the United States, state, city or any political department thereof;
- G. Gross receipts or proceeds from the transportation (including freight and shipping charges), loading, unloading or storing of cargo from marine vessels or aircraft in foreign, interstate or intrastate commerce;
- H. Services of a person licensed or certified by the state of Alaska as a doctor of medicine and surgery, a doctor of osteopathy and surgery, a doctor of veterinary medicine, a chiropractor, a dentist, a naturopath, an optometrist, an audiologist, a hospital, an occupational therapist, a physical therapist, a massage therapist or a licensed or practical nurse; provided, that the service is within the scope of the state license or certificate;
- I. Services of a person licensed or certified by the state of Alaska as a psychologist or psychological associate, a clinical social worker, an alcohol and drug counselor, or a marital and family therapist;
- J. Fees for supplies, equipment and services provided by a hospital, medical clinic or dental clinic for patient treatment including laboratory and x-ray services;
- K. Gross receipts or proceeds of the retail sale of prescription drugs;
- L. Sale of cemetery plots, caskets, funeral and burial related items and the services by a funeral home;
- M. Commissions received by travel agencies for their services that are not set by and billed by the travel agencies. Service charges set by and billed by the travel agencies are not exempt from taxation under this chapter;
- N. Dues or fees to clubs, labor unions or fraternal organizations;
- O. Fees and charges for extracurricular activities or events promoted or undertaken by educational or student organizations;

- P. Sales by any student organization, parent/teacher organization or booster club recognized by the school or educational organization in which it operates, which proceeds are utilized to further the purposes for which the organization was formed;
- Q. Sales and services by schools or other educational organizations made in the course of their regular functions and activities, which proceeds are utilized to further the purposes for which such organization was formed;
- R. Sales of food at educational and hospital cafeterias and lunchrooms which are operated primarily for staff and/or students, and which are not operated for the purpose of sale to the general public for profit;
- S. Sales, services and rentals by or to religious organizations which have obtained a 501(c)(3) or 501(c)(4) exemption certificate from the Internal Revenue Service and which are made in the normal conduct of religious activity; provided, the income from the exempt transaction is also exempt from federal income taxation;
- T. Sales, services and rentals by or to scouting, 4H or similar youth organizations which have obtained a 501(c)(3) or 501(c)(4) exemption certificate from the Internal Revenue Service and which are made in the normal conduct of activity; provided, the income from the exempt transaction is also exempt from federal income taxation;
- U. Sales, services and rentals by or to benevolent or civic organizations which have obtained a 501(c)(3) or 501(c)(4) exemption certificate from the Internal Revenue Service and which are made in the normal conduct of activity; provided, the income from the exempt transaction is also exempt from federal income taxation and the income is donated to a charity. Such organizations shall pay the sales taxes at the time of purchase and shall apply to the city for a refund as provided in Section 5.40.040;
- V. Proceeds from contract services provided by a state-licensed child care contractor;
- W. Proceeds from contract services provided by a person for the purpose of taking temporary care of minors for another person;
- X. Proceeds from products sold as wholesale sales to businesses designated by the state of Alaska as wholesalers. These include the sales of goods, wares, or merchandise to a retail dealer, manufacturer, or contractor, for resale within the city as is or incorporated into a product or commodity to be sold by the dealer, manufacturer or contractor within the city, if the subsequent sale is subject to the city sales tax. In this connection a retailer must stock that merchandise for resale, display the same to the public and hold himself out as regularly engaged in the business of selling such products;
- Y. Proceeds from products sold for resale:
 - 1. Sales of goods, wares or merchandise to a retail dealer, manufacturer or contractor, for resale within the city as is or incorporated into a product or commodity to be sold by the dealer, manufacturer or contractor within the city, if the subsequent sale is subject to the city sales tax. The product must be an item that is sold as part of the reseller's primary business and must be of such nature that it can be purchased by the general public in a transaction that is not dependent upon the purchase of another product or service,
 - 2. Goods, wares or merchandise that can be purchased only as part of a package purchase of services, such as a bed-and-breakfast or a fishing or hunting charter and not by the general public as separate and individual items are not exempt under this chapter,
 - 3. Food products that are purchased for resale must be purchased and sold as is or prepared in a kitchen that is DEC-certified in order to qualify for sales tax exemption. Proof of certification must be available upon request;

- Z. Proceeds from services for resale: Services that are provided by a subcontractor to a contractor for a third party is considered services for resale and is exempt from taxation;
- AA. Sales of real property. Rentals of real property are not exempt from taxation by the city.
- AB. Commissions or fees in excess of two thousand five hundred dollars earned by brokers or agents in real estate sales transactions.
- AC. Home heating oil purchased for use in a dwelling, as defined in [Section 18.08.190], for use at that location conditioned on the following:
 - 1. That no more than fifty percent of the floorspace of the building(s) considered as dwellings be used as nonresidential use, including business activities.
 - 2. That the dwelling be operated in compliance with all other regulations and laws.
 - 3. If a fuel tank is used to supply more than one structure or area then no more than fifty percent of the floorspace and area supplied shall be nondwelling and nonresidential including business activities.

Section 3. Cordova Municipal Code 5.40.090 "Compensatory collection discount" is hereby repealed.

<u>Section 4.</u> 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:	
2nd reading and public hearing:	
PASSED AND APPROVED THIS	DAY OF
	Clay Koplin, Mayor
	ATTEST:
	Susan Bourgeois, CMC, City Clerk



AGENDA ITEM # 14 City Council Meeting Date: October 4, 2017

CITY COUNCIL COMMUNICATION FORM

FROM:	City Manager		
DATE:	September 27, 2017		
ITEM:	Americus Performance Deed of Trust Extension		
NEXT STEP:	Vote on Metion		
NEAT SIEF.	Vote on Motion		

I. REQUEST OR ISSUE:

A Performance Deed of Trust was approved by City Council on Lots 1-4, Block 42, Original Townsite requires substantial completion by March 16, 2017. See attached map

Leo Americus was granted an extension in March 2017 for his performance deed of trust. He is asking for an additional extension through the next season. See attached email

II. RECOMMENDED ACTION / NEXT STEP:

Vote on motion to extend performance deed of trust.

"I move to extend Leo Americus' Performance Deed of Trust substantial completion date to October 1st, 2018."

III. FISCAL IMPACTS:

If extended the property will provide property residential housing and property tax. If the motion fails, the foreclosure process would need to be initiated by the city.

IV. BACKGROUND INFORMATION:

- 1. January 31, 2017 letter sent to Americus reminding that substantial completion was required to be completed by March 2017.
- 2. At the March 15, 2017 regular city council meeting an extension was granted with milestones.

Upon successful completion of Phase 1 and 2, the performance deed of trust will be extended to September 30th, 2018, with additional milestones.

The milestone dates below were included in the extension

Phase 1 - April 1, 2017 through June 30, 2017

- ❖ Subdivision application, Final Plat submitted for approval on P&Z meeting
- Professional house plans & estimated building cost
- ❖ Water & Sewer permit in place
- Drainage plan submitted to Public works department for approval

Phase 2 - July 1, 2017 through September 30, 2017

- Building permit submitted and approved
- ❖ Water & Sewer installed
- ❖ Lot filled, graded and inspected by public works for drainage approval
- Foundation substantially completed

The letter that was sent on March 16, was signed by Mr. Americus and returned to the City on March 27, 2017. To date Phase 1 A, B, and C have been completed. Phase 2 has not been started.

- 3. On September 11, 2017 an email was sent to Leo reminding him of the milestone dates in his performance deed of trust extension. Mr. Americus was asked to provide an update for City Council on his plans to complete the extension, no later than the October 4 meeting.
- 4. In response to the September 11 letter, an email was received asking for an extension.

V. <u>LEGAL ISSUES:</u>

None

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

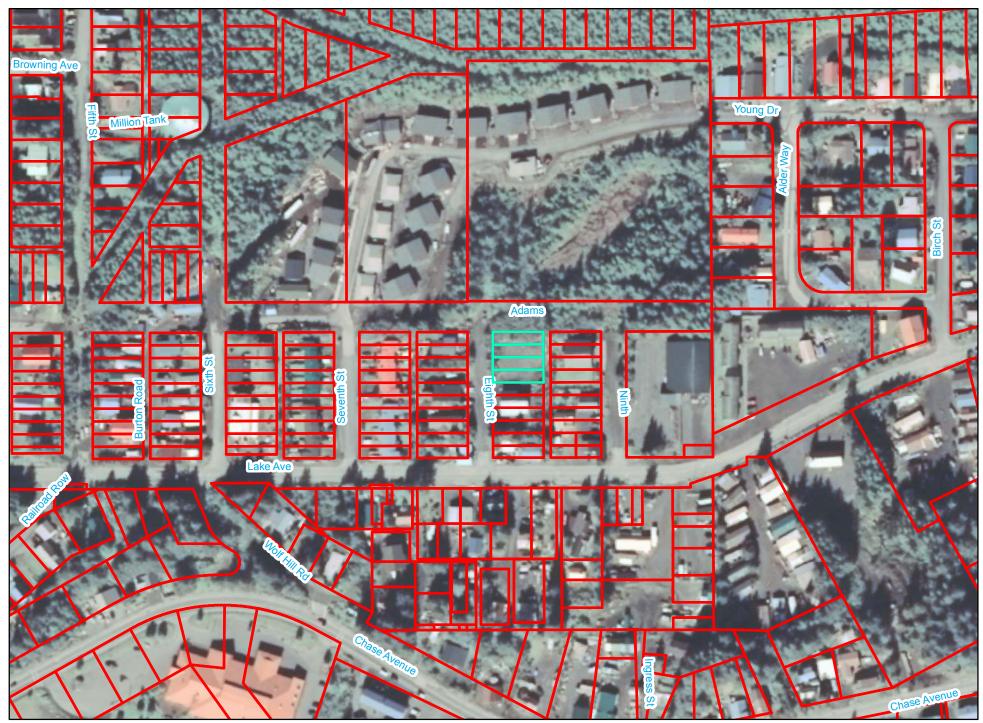
None

VII. <u>SUMMARY AND ALTERNATIVES:</u>

Pass motion

1. Start Foreclosure process

Performance Deed of Trust Lots



To whom it may concern,

I apologize for not meeting my development deadlines on Lots 1A, !B Block 42 Original Townsite. I had hoped to put in a foundation this fall. I ran into problems.

I would like an extension to build next season.

I have added value to the property already by creating 2 usable lots from my one original purchase. When this property was originally offered I was the only offer. My offer was also far above the minimum asked. The city has already done well by me on this property.

I have the resources to complete the project and would appreciate additional time to complete my plan.

Thank you

Leo Americus



City Council of the City of Cordova, Alaska

Pending Agenda - October 4, 2017 Regular Council Meeting

A. Future agenda items - when will these be heard before Council?

- 1) Council direction to staff in pursuing Crater Lake Water & Power project from City (water) side
- 2) Code change re Council member service on boards/commissions (ordinance being drafted for Oct/Nov)
- 3) Land Disposal vs. Land Development policy
- 4) Discussion/action regarding water charges at the Harbor
- 5) Odiak Camper Park and/or other locations for long term rv/trailer space rentals in Cordova
- 6) Marijuana ordinance City Manager has attorney working toward this (as of 6/21/17)
- 7) Harbor centrifuge for waste oil building/project awaiting resolution from Harbor Commission
- 8) Cordova Center bird mitigation for 2018

B. Upcoming Meetings, agenda items and/or events:

- 1) Oct 18 is a holiday, City Offices closed still have work session & reg mtg scheduled though, concerns?
- 2) Capital Priorities List and Resolution to come before Council quarterly:

12/6/2017

3/7/2018

6/6/2018

9/5/2018

- 3) Joint work session to discuss budget with the School Board scheduled for October 18
- 4) Staff quarterly reports will be in the following packets:

10/18/2017

1/17/2018

4/18/2018

7/18/2018

C. Mayor/Council member/staff member suggestions for future agenda items:

Clear direction should be given to Clerk/Manager on the what and when of this proposed agenda item.

item:

suggested agenda date:

- 1) ...
- 2) ...
- 3) ...

Mayor Koplin or the City Manager can either agree to such an item and that will automatically place it on an agenda, or a second Council member can concur with the sponsoring Council member.



City Council of the City of Cordova, Alaska

Pending Agenda - October 4, 2017 Regular Council Meeting

D. Membership of existing advisory committees of Council formed by resolution:

1) Fisheries Advisory Committee: 1-Torie Baker, chair (Marine Adv Prgm) 2-Jeremy Botz (ADF&G)

authorizing resolution 04-03-45 3-Tim Joyce (PWSAC) 4-Jim Holley (AML)

approved Apr 16, 2003 5-Chelsea Haisman (fisherman) 6-Tommy Sheridan (processor)

Mayor Koplin is currently contacting existing members and hopes to have new appointments for Council concurrence soon

2) Cordova Trails Committee: 1-Elizabeth Senear 2-Toni Godes

authorizing resolution 11-09-65 3-Dave Zastrow

approved Dec 2, 2009 4-vacant 5-vacant

3) Fisheries Development Committee: 1-Warren Chappell 2-Andy Craig 3-Bobby Linville

authorizing resolution

12-16-43

E.

approved Dec 23, 2016

4-Gus Linville 5-Tommy Sheridan 6-Bob Smith

City of Cordova appointed representatives to various Boards et al:

1) Prince William Sound Regional Citizens Advisory Council

Robert Beedle re-appointed March 2016 2 year term

re-appointed March 2014

appointed April 2013

2) Prince William Sound Aquaculture Corporation Board of Directors

Tom Bailer term until Oct 2018 3 year term

appointed February 2017

3) Southeast Conference AMHS Reform Project Steering Committee

Mike Anderson appointed April 2016 through December 2017

Sylvia Lange alternate

OCTOBER

2017

CALENDAR MONTH OCTOBER

CALENDAR YEAR 2017

1ST DAY OF WEEK SUNDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5 12:30 SHTF CCAB	6 CHS Volle	7 Pyball @ Unalaska
			6:00 Council work session 7:00 Council reg mtg CCAB			1202
8	9	10	11	12	13	14
			6:00 Council work session CCAB		CHS SWIMMIN	ng @ Palmer Invite
		6:30 P&Z CCAB	7:00 Sch Bd HSL 7:00 Harbor Cms CCM			7pm Pirates of the Caribbean, NST
15	16	17	AK Day-City Hall Offices Closed	19	20	21
			6:00 Council work session 6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB		7pm movie TBA NST	
22	23	24	25	26	27	28
			5:30 CTC Board Meeting	g		11am, 2pm, 5pm, 8pm, Harry Potter
			6:00 CEC Board Meeting	g	7pm <i>Harry Potter</i> ; NST	Movies, NST
				6:00 CCMCAB HCR	NSI	
29	30	31	1	2	3	4
1pm, 4pm, 7pm, Harry Potter Movies, NST		5pm, Trick or Treat for books, CCER 6:00 P&R CCM				
5	6	Notes				
		Legend: CCAB-Community Rms A&B HSL-High School Library	CCA-Community Rm A CCB-Community Rm B CCM-Mayor's Conf Rm CCER-Education Room	LN-Library Fireplace Nook CRG-Copper River Gallery HCR-CCMC Conference Room		

NOVEMBER

2017

CALENDAR MONTH NOVEMBER

CALENDAR YEAR 2017

1ST DAY OF WEEK SUNDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 6:00 Council work session	2	3	4 7pm movie TBA NST
			6:45 Council wolk session 6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB			S Basketball home ames w-Valdez
5	6	7 Cordova Special	8	9	10 Vet erans' Day	11
		Election 7am - 8pm, CCA		1	City Hall Offices Close	
			7:00 Sch Bd HSL 7:00 Harbor Cms CCB			
12	13	14	7pm, La Santa Cecilia Concert, NST	16	17	18
			6:00 Council work session 6:45 Council pub hrg		CHS v	vrestling @ Lancer
		6:30 P&Z CCAB	(maybe) CCAB 7:00 Council reg mtg CCAB			n Tourney, Palmer
19	20	21	22	23	24	25 7pm Current
			6:00 CEC Board Meeting		Holiday-City Hall s Closed	Rhythms, The Nutcracker,
				6:00 CCMCAB HCR	7pm Current Rhythms, <i>The</i> <i>Nutcracker</i> ,	NST
26	27	28	29	30	1 NST	2
			5:30 CTC Board Meeting	ng		
		6:00 P&R CCM	HS Baske practice s			
3	4	Notes				
		Legend: CCAB-Community Rms A&B HSL-High School Library	CCA-Community Rm A CCB-Community Rm B CCM-Mayor's Conf Rm CCER-Education Room	LN-Library Fireplace Nook CRG-Copper River Gallery HCR-CCMC Conference Room		

DECEMBER

CALENDAR MONTH	DECEMBER
CALENDAR YEAR	2017
1ST DAY OF WEEK	SHINDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	4	5	6	7	8	9
		_	6:00 Council work session 6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB		_	
10	11	12	13	14	15	16
		6:30 P&Z CCAB	7:00 Sch Bd HSL 7:00 Harbor Cms CCB		CHS Basketball home endowment games w-Valde Fri & Sat, 12/15-16	z,
17	18	19	20	21	22	23
		_	6:00 Council work session 6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB		_	_
24	25	26	5:30 CTC Board Meeting 6:00 CEC Board Meeting		29	30
	Christmas holiday - City Hall Offices Closed	6:00 P&R CCM	Cordova Teams	in ANC D		oall Tourney
31	1	Notes		6:00 CCMCAB HCR		
		Legend: <u>CCAB</u> -Cordova Center Community Rms A&B <u>HSL</u> -High School Library	CCA-Cordova Center Community Rm A CCB-Cordova Center Community Rm B	CCM-Cordova Center Mayor Conference Rm CCER-Cordova Center Education Room	d's	

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

Mayor and City Council - Elected				
seat/length o	of term email	Date Elected	Term Expires	
Mayor:	Clay Koplin	March 1, 2016	March-19	
3 years	Mayor@cityofcordova.net			
Council mem	nbers:			
Seat A:	James Burton	March 1, 2016	March-19	
3 years	CouncilSeatA@cityofcordova.net	March 5, 2013		
Seat B:	Kenneth Jones	March 7, 2017	March-20	
3 years	CouncilSeatB@cityofcordova.net			
Seat C:	Jeff Guard	March 7, 2017	March-20	
3 years	CouncilSeatC@cityofcordova.net			
Seat D:	Robert Beedle	March 3, 2015	March-18	
3 years	CouncilSeatD@cityofcordova.net			
Seat E:	Josh Hallquist, Vice Mayor	March 3, 2015	March-18	
3 years	CouncilSeatE@cityofcordova.net			
Seat F:	David Allison	March 1, 2016	March-19	
3 years	CouncilSeatF@cityofcordova.net			
Seat G:	James Wiese	March 1, 2016	March-19	
3 years	CouncilSeatG@cityofcordova.net			

	1 150 4	4 C I I I	1 131 / 1
`ordova S	chaal Distria	ct School Ros	ard - Elected
vuuva s	CHOOL DISULI	at Bandar Da	aiu - Dicci

length of ter	rm	Date Elected	Term Expires
3 years	Barb Jewell, President	March 1, 2016	March-19
	bjewell@cordovasd.org	March 5, 2013	
3 years	Bret Bradford bbradford@cordovasd.org	March 3, 2015	March-18
3 years	Tammy Altermott	March 1, 2016	March-19
	taltermott@cordovasd.org	March 5, 2013	
3 years	Peter Hoepfner	March 3, 2015	March-18
	phoepfner@cordovasd.org	March 6, 2012	
		March 3, 2009	
		March 7, 2006	
3 years	Sheryl Glasen	March 7, 2017	March-20
	sglasen@cordovasd.org	March 4, 2014	
	Vacant (appointed, non-voting)		
	City Council Rep		

seat up for re-election in 2018

board/commission chair

seat up Nov 17

CITY OF CORDOVA, ALASKA – ELECTED OFFICIALS & APPOINTED MEMBERS OF CITY BOARDS and COMMISSIONS

length of terr	n	Date Elected	Term Expires
3 years	Kristin Carpenter	March 7, 2017	March-20
3 years	Sally Bennett	March 7, 2017	March-19
3 years	April Horton	March 7, 2017	March-19
3 years	Dorne Hawxhurst	March 7, 2017	March-18
3 years	vacant	to be appointed	March-18

LIBRARY BOARD - APPOINTED

length of term		Date Appointed	Term Expires
3 years	Mary Anne Bishop, Chair	November-16	November-19
		November-13	
		November-10	
		November-06	
3 years	Wendy Ranney	November-15	November-18
		April-13	
3years	Erica Clark	November-16	November-19
3 years	Krysta Williams	December-14	November-17
		November-11	
3 years	Kay Groff	December-14	November-17
		December-11	
		January-09	

PLANNING AND ZONING COMMISSION - APPOINTED

length of ter	m	Date Appointed	Term Expires
3 years	Nancy Bird	November-16	November-19
3 years	Allen Roemhildt	November-16	November-19
		January-14	
3 years	Scott Pegau, vice chair	December-14	November-17
		December-11	
3 years	John Baenen	November-15	November-18
		December-12	
3 years	Tom McGann, chair	December-14	November-17
		December-11	
		April-11	
3 years	Chris Bolin	September-17	November-18
3 years	Mark Frohnapfel	February-15	November-17

seat up Nov 17

seat up for re-election in 2018

board/commission chair

CITY OF CORDOVA, ALASKA – ELECTED OFFICIALS & APPOINTED MEMBERS OF CITY BOARDS and COMMISSIONS

HARBOR COMMISSION - APPOINTED	HARBOR	COMMISSION -	APPOINTED
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length of term		Date Appointed		Term Expires
3 years	Robert Beedle, Chair	January-14		November-17
3 years	Andy Craig	November-16		November-19
3 years	Max Wiese	January-14		November-17
		March-11		
3 years	Ken Jones	November-16		November-19
		February-13		
3 years	Jacob Betts	November-15	1	November-18

PARKS AND RECREATION COMMISSION - APPOINTED

length of term			Date Appointed	Term Expires
3 years	Wendy Ranney, Chair		November-15	November-18
		-	August-14	
3 years	Kara Johnson		February-15	November-17
			December-12	
3 years	Miriam Dunbar		November-15	November-18
			August-14	
3 years	Stephen Phillips		November-15	November-18
3 years	Marvin VanDenBroek		November-16	November-19
			February-14	
3 years	Karen Hallquist		November-16	November-19
			November-13	
3 years	Dave Zastrow		February-15	November-17
			September-14	

HISTORIC PRESERVATION COMMISSION - APPOINTED

length of ter	rm	Date Appointed	Term Expires
3 years	Cathy Sherman	August-16	November-19
3 years	Heather Hall	August-16	November-19
3 years	Brooke Johnson	August-16	November-19
3 years	John Wachtel	August-16	November-18
3 years	Sylvia Lange	August-16	November-18
3 years	Tom McGann	August-16	November-18
3 years	Jim Casement, Chair	August-16	November-17

seat up for re-election in 2018

board/commission chair

seat up Nov 17