

CITY COUNCIL REGULAR MEETING  
OCTOBER 7, 2015 @ 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 October 7, 2015 in the Library Meeting Room.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

*Mayor James 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, Robert Beedle, David Reggiani* and *James Burton*. Council member *Josh Hallquist* was absent. Also present were City Manager *Randy Robertson* and City Clerk *Susan Bourgeois*.

**D. APPROVAL OF REGULAR AGENDA**

*M/Burton S/Reggiani* to approve the Regular Agenda.

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

**E. DISCLOSURES OF CONFLICTS OF INTEREST**

Council member *Bailer* declared that it may be perceived that he has a conflict on Ordinance 1135 because he rents an apartment to the Daskalos'. He does not believe that he's conflicted but he thought it best to disclose the relationship. *Mayor Kacsh* ruled that it was not a conflict and stated that he spoke to the City Attorney who agreed as well.

**F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

1. Guest Speaker – **Buck Adams**, UBS, City Investments was accompanied by **Chad Adams**, also of UBS. Overall it has been a rough year especially in global fixed income markets. Cordova's investment portfolio is down about 3% on the year. September, August, October are the three most volatile months usually. On August 24, a huge occurrence when the market fell drastically (1,000 points) was that ETF's (exchange traded funds), which normally track the market they are tied to, didn't trade with the index they represent. Aurora and Tactical Income builder are UBS' 2 portfolios that use ETFs, so they are now in the process of transitioning these two portfolios back into mutual funds. They are choosing mutual funds with the biggest and best companies in the world. *Joyce* asked about the loss in the permanent fund because he was concerned that they will not be able to use anything in the 2016 budget based on the earnings in the permanent fund. *Adams* said we are not at year-end yet. *Robertson* mentioned that staff will be bringing to Council the possibility of extending our current line of credit. *Adams* said he will do his part and start working on getting that approved.

2. Audience comments regarding agenda items

*Mary Ann Bishop* of 700 Fourth Street representing PWS Audubon Society spoke against the passage of Ordinance 1135.

*Greg Meyer* of 1 Cannery Row, business owner and 35 year resident of Cordova spoke about the passage of Ordinance 1135, hoped Council would postpone it instead.

*Scott Pegau* of 110 Mt. Eccles Estates spoke to agenda item 22 and he said of the three options P&Z had discussed option 2 but did not vote to recommend that to Council they said they wanted more input. He urged Council to not go with option 2 as it would bypass the P&Z input.

*Emily Stolarczyk* of 501 Sixth Street addressed Council on Ordinance 1137 and is in support of the passage of the ordinance.

3. Chairpersons and Representatives of Boards and Commissions

*Mayor Kacsh* welcomed back the Student Council representative, *Ashley Reece*. *Reece* mentioned that Student Council is working on the orange campaign which is an anti-bullying effort scheduled for October 21.

*Health Services Board* met earlier in the evening and *Carpenter* reported that they are working on responding to the Critical Access Hospital Survey results that were received a few weeks ago. So medical staff bylaws and policies and procedures are being updated and approved and CCMC personnel policy is being worked on too. The CT Scanner should be up and running by December.

*Beedle* reported on the recent RCAC meetings in Kodiak and said the September 2016 RCAC meetings are scheduled for the Cordova Center.

## G. APPROVAL OF CONSENT CALENDAR

*Mayor James Kacsh* informed Council that the Consent Calendar was before them

4. Ordinance 1134 An ordinance of the City Council of the City of Cordova, Alaska, repealing and reenacting Cordova Municipal Code Chapter 18.08 and amending Chapter 18.39 to expand permitted uses and to generally update and consolidate the requirements of the Waterfront Commercial Park District – 2<sup>nd</sup> reading

5. Ordinance 1136 An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code chapter 19.04 – flood protection to amend sections 19.04.010, 19.04.100, 19.04.150, 19.04.230, and 19.04.270 and enact sections 19.04.275, 19.04.276, and 19.04.277 to comply more fully with the national flood insurance program standards and to amend section 19.04.090 to adopt the December 16, 2015 flood insurance study and flood insurance rate map – 2<sup>nd</sup> reading

6. Resolution 10-15-43 A resolution of the City Council of the City of Cordova, Alaska, authorizing an Advisory Services Agreement between Quorum Health Resources, LLC and the City of Cordova

7. Resolution 10-15-44 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a five (5) year lease agreement with Carl J. Arvidson and Margaret R. Arvidson, which includes an option to purchase for Lot 13, Block 12, Original Townsite

8. Approval of exception to CMC 6.12.030 for concert in Cordova Center

9. Record excused absence of Council member Reggiani from the September 16, 2015 Regular Council meeting Council member *Joyce* called out number 7 and *Bailer* called number 8. *Mayor Kacsh* placed them as items 21a and 21b respectively.

Vote on the consent calendar: 6 yeas, 0 nays, 1 absent. Burton-yes; Joyce-yes; Beedle-yes; Hallquist-absent; Carpenter-yes; Reggiani-yes and Bailer-yes. Consent calendar was approved.

## H. APPROVAL OF MINUTES

*M/Bailer S/Burton* to approve the minutes.

10. 10-29-14 Special Meeting Minutes

11. 11-12-14 Special Meeting Minutes

12. 06-23-15 Special Meeting Minutes

13. 09-16-15 Regular Meeting Minutes

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

## I. CONSIDERATION OF BIDS

14. Council direction to City Manager regarding City Attorney RFP

*M/Carpenter S/Burton* to direct the City Manager to engage with Birch Horton Bittner and Cherot for a contract to continue providing legal services to the City for a term not to exceed three years.

*Carpenter* spoke in favor of the current City Attorney's. *Joyce* read through the other proposals and didn't think we could get any better service than we have been getting. *Beedle* said he will not be supporting the motion he did review the proposals and he doesn't have a lot of faith in lawyers. He thinks Council should discuss some of the other attorneys.

*Reggiani* said he is uncomfortable with the motion he hoped we could discuss getting to a short list; having some of the other firms come in for interviews. *Burton* agreed and thinks interviews are a great idea. Council talked about coming up with this list of who to invite. *Carpenter* withdrew her motion, *Burton* (the second) agreed.

*M/Joyce S/Carpenter* to make a list of those we would ask the City Manager to invite here to present their proposals to us: Hoffman & Blasco and Boyd Chandler & Falconer.

*M/Beedle S/Carpenter* to amend the motion by adding Landye Bennett & Blumstein as well.

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

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

## J. REPORTS OF OFFICERS

15. Mayor's Report – *Mayor Kacsh* said on Friday he met with the Lieutenant Governor and he discussed the state of the state and what he took away from the meeting was that Cordova should plan on being vocal with our needs.

16. Manager's Report – *Robertson* said the oil spill exercise last week out of Valdez, he thinks it went relatively well. *Robertson* said he had a long talk with *Mr. Bitney* regarding the ferry schedule – which is out and he'd like to speak to Council next time. *Robertson* thanked *Buck* and *Chad Adams* for once again, free of charge, offering financial counseling to City staff. *Robertson* said the Bidarki gym floor is looking excellent; it was done way faster than anticipated. He said he'll bring new staff members for introductions at the next meeting. *Robertson* said it was just a

remarkable conference last week in the Cordova Center. He said the moving parts were tremendous and he said the volunteerism was outstanding.

a. Cordova Center update report – *Cathy Sherman* reported that attendees of the recent Alaska Historical Society and Museums Alaska conference came from as far away as Savoonga, Nome, Craig and Whitehorse in the Yukon Territory. 143 people from out of town 17 cancellations due to the ferry and plane issues. 23 Cordovans and others registered to participate in the Angel project – which was the restoration of our bear gut parka; *Denis Keogh* organized this through a grant from Museums Alaska and Rasmuson foundation. Workshops took place Wednesday through Saturday and all the meals were catered by local restaurants that were interested in participating. The Cordova Historical Society hosted the conference and was able to purchase three-quarters of the food and items needed for the event locally. There were post-conference tours offered that were well-attended. Overall, the building served us well – it cleaned up well and we received accolades from all the guests. *Sherman* continued to tell about this week’s event – which was the Alaska State Commission on Disabilities and Special Education and then next week the Center is hosting the Alaska Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse – for 3 days Monday – Wednesday. Also on Wednesday night there is the first event in the auditorium – a concert. The big conference had a total of 206 registrants.

17. City Clerk’s Report – *Bourgeois* said that the City Hall offices have been busy packing up and moving furniture and files and everything up to the Cordova Center.

#### K. CORRESPONDENCE

18. 09-29-15 Letter from Bishop opposing Ordinance 1135

19. Letter and advisory petition from EPC supporting Ordinance 1137

#### L. ORDINANCES AND RESOLUTIONS

20. Ordinance 1135 an ordinance of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a thirty year lease agreement, which includes an option to purchase, with Salty Steer, LLC for portions of Lot 1 & 2, Block 7A, Tidewater Development Park and a portion of ATS 220 – 2<sup>nd</sup> reading

*M/Joyce S/Bailer* to adopt Ordinance 1135 an ordinance of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a thirty year lease agreement, which includes an option to purchase, with Salty Steer, LLC for portions of Lot 1 & 2, Block 7A, Tidewater Development Park and a portion of ATS 220.

*Joyce* said this has seen a lot of public testimony. Council has received input from the Harbor Commission. He feels comfortable that the Harbor Commission’s concerns have been addressed. *Joyce* said that people are still bringing up the Science Center too but he is certain that Council knows that they have done everything possible to get the Science Center to use that property. It just didn’t work out and he said that the City is “open for business”. *Bailer* echoed *Joyce’s* comments. He said the concerns have been addressed. *Beedle* said *Joyce’s* comments are his opinions but not fact. He said we need to ensure that the Breakwater will be protected and maintained. *Carpenter* said she voted against this in the past and will again. She is not against the proposal specifically, but she thinks the lot was built with public money and she thinks a non-profit should be using it. *Burton* said he doesn’t know why people are still discussing the Science Center on this – that is not what this is about. He also mentioned the need for more hotel rooms in this town with the Cordova Center and future conferences.

Vote on motion: 4 yeas, 2 nays, 1 absent. Beedle-no; Joyce-yes; Hallquist-absent; Bailer-yes; Carpenter-no; Burton-yes and Reggiani-yes. Motion was approved.

21. Ordinance 1137 An ordinance of the City Council of the City of Cordova, Alaska, adopting Cordova Municipal Code Chapter 8.37 governing the use of non-biodegradable plastic carry-out bags and polystyrene foam disposable food service ware in the City of Cordova – 1<sup>st</sup> reading

*M/Burton S/Carpenter* to adopt Ordinance 1137 an ordinance of the City Council of the City of Cordova, Alaska, adopting Cordova Municipal Code Chapter 8.37 governing the use of non-biodegradable plastic carry-out bags and polystyrene foam disposable food service ware in the City of Cordova.

*Mayor Kacsh* said he is putting this before Council as one option on how to handle this. *Joyce* said he likes the idea of the one year wait period so businesses can use up inventory on these items and so that they can plan ahead on alternatives. *Bailer* supports this even though plastic bags are not single use bags for him, he reuses them for many different applications. *Reggiani* supports the idea, supports recycling, but struggles with whether this is a place for government. He wonders if we have put the effort in to reaching out to the store owners and seeing if they can handle this without our intervention. *Mayor Kacsh* said this came from the Future Problem Solvers and they had contemplated putting it to a vote. However, *Mayor Kacsh* thought Council could pass it and avoid the need of going to a vote of the people. *Beedle* thought this was a good idea but not in this exact form. *Carpenter* said she has seen other approaches –

such as a 5 cent rebate if not using plastic but she thinks this method we are considering puts the least amount of burden on the vendor. As far as whether this is the role of government – she believes habits are hard to change and sometimes we do need to force their hands. **Burton** said he looked at every single name on the advisory petition that EPC sent to Council (in tonight’s packet) and there were people from all walks of life. He appreciated the diversity and thinks it’s a very well-supported initiative. **Carpenter** thought a nine month time-frame might be enough to use up inventory.

**M/Carpenter S/Burton** to amend the ordinance to begin on June 1, 2016 instead of October 1, 2016.

**Reggiani** asked if that would be substantive and would require another first reading. **Bourgeois** said yes. She also said this ordinance still had to be reviewed by the City Attorney as well, so it might not be back right away for another reading. **Burton** said either the chamber or someone else made up some bags and that would be really helpful to the community. **Mayor Kacsh** said as a retailer, it will be difficult as all change is, but 9 months is maybe too short to use all the inventory he has regarding plastic bags.

Vote on motion to amend: 1 yea, 5 nays, 1 absent (Hallquist). Motion to amend failed.

The discussion shifted to enforcement. If this is put into code, **Reggiani** wondered what the penalties will be if a vendor chooses to continue to dispense plastic bags. **Carpenter** said that would be somewhat easy to determine as many other municipalities have gone to this. **Robertson** said he’d get word out to citizens for input before the next reading of the ordinance. **Burton** said he would prefer incentive-based vs. punitive regarding enforcement.

**M/Reggiani S/Beedle** to refer to staff to get attorney’s review and specifically thoughts on enforcement of this if it were put into Code.

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

**21a. 7.** Resolution 10-15-44 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a five (5) year lease agreement with Carl J. Arvidson and Margaret R. Arvidson, which includes an option to purchase for Lot 13, Block 12, Original Townsite

**M/Joyce S/Bailer** to approve Resolution 10-15-44 a resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a five (5) year lease agreement with Carl J. Arvidson and Margaret R. Arvidson, which includes an option to purchase for Lot 13, Block 12, Original Townsite.

**Joyce** said he only pulled this to make it clear that an error had been made in the attached lease; the rate was taken from a different lease and it needed to be adjusted. The City Manager can do that himself, there is no need to amend the resolution at all.

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

**21b. 8.** Approval of exception to CMC 6.12.030 for concert in Cordova Center

**M/Carpenter S/Joyce** to approve the exception to CMC 6.12.030 for a concert to be held in the Cordova Center.

**Carpenter** said this is something that will come up a lot in the future so we may have to consider a different policy but for this instance she is in support. **Bailer** said he does not support this – it’s a City building and there is no place for alcohol there. He prefers we go with the school’s policy – no alcohol at all, zero-tolerance. Then he said he would support a comprehensive plan, with public hearings and public input, relative to all City facilities. **Joyce** said this facility (the Cordova Center) will be bringing in a lot of business and people scheduling meetings, conferences, etc. will have banquets associated with those functions and alcohol will be expected. We will lose business if we ban the serving of alcohol in the Cordova Center. **Joyce** said these will not be big melees in the Center, there will be wine offered with dinner and the like. He might agree to a plan for the Cordova Center only. **Reggiani** shares some of the feelings being voiced. He’d agree to pass this exception tonight but said we should discuss at pending agenda the ordinance coming forward for review. **Reggiani** said he has been to many conferences and alcohol is the norm and we do need to accommodate the conference planners. **Bailer** said that basically that was his point as well.

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

## **M. UNFINISHED BUSINESS**

**22.** Council action regarding disposal of Library / Museum Building

**M/Joyce S/Carpenter** to direct the City Manager to put out an RFP for the sale of the lots with the building on it.

**Bailer** said he disagrees. He doesn’t know why an amount was put on the RFP. He would prefer it go back to Planning and Zoning. **Beedle** said his biggest concern is the added cost to the people of Cordova, he wants it out of the City’s hands, as was promised. **Reggiani** reiterated the motion – RFP for land and building – he said he supports that. **Burton** asked if we can put out an RFP with an either/or option **Mayor Kacsh** said he was going to suggest that as well – an RFP with all proposals accepted. **Joyce** agrees and thinks the City Manager can work that into the RFP – as he is listening to us right now. **Reggiani** agreed – any and all proposals will be accepted. **Robertson** said he understood – any and all proposals accepted.

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

## **N. NEW & MISCELLANEOUS BUSINESS**

23. Pending Agenda, Calendar, Elected & Appointed Officials lists

*Mayor Kacsh* mentioned that something should come before them next time regarding the alcohol code – i.e. Cordova Center. *Burton* said he would anticipate something about extending the UBS line of credit. *Robertson* said that *Stavig* would have a budget schedule to discuss at the October 21 meeting.

## **O. AUDIENCE PARTICIPATION**

*Dave Janka* Box 498 Slip G-1, said he had lived in Valdez when the Civic Center there was built and something he remembers as being difficult was the name of it, i.e. what people wound up calling it. He said words are important especially coming from the Council – he doesn't want it called Civic Center or Conference Center or Convention Center, he said that alienates the community – he wants the community to feel part of it. It's the Cordova Center or the Community Center. He mentioned that the Inn at Whittier and the City of Whittier are fighting over a damaged breakwater there that occurred 4 years ago – he said it might be smart for us to talk to Whittier about that. He said regardless of the Science Center he is concerned about the negative impact to established locally-owned businesses that will close.

*Alice Grimwood* thanked the Council for the plastic bag discussion. She also said that the clerks at stores are less-inclined now to give her a plastic bag automatically, even if she's forgotten hers because they remember that she's brought in a reusable one before. She also mentioned that she's grateful for the plastic dog poop bags that are around town and recently one was empty. *Carpenter* said that different entities are responsible for different stations, be it NVE, City, CRWP – there should be a name on each one so if she sees an empty one that is who to call.

*Donald Kurz* 1001 Lake Avenue gave props to the CHS Volleyball team who won their own tournament this past weekend. Notably they beat a very good 3A team, the Nome Nanooks. He praised Coach **Janelle Greenwood** and her senior-laden squad. This coming weekend they play Ninilchik at home. Also *Zach Hamberger* finished 14<sup>th</sup> out of 117 racers at the state tournament for Cross Country.

## **P. COUNCIL COMMENTS**

24. Council Comments

*Joyce* said he appreciated the good discussion tonight at Council – that's how it should go. He appreciates ASLN for their good service to the community.

*Carpenter* said that we just had a large conference of 150 people but not all the conferences we have will be that big. More will be between 25 – 50 people so as far as hotel rooms we won't be maxing out town for every conference.

*Beedle* mentioned the recent 72 hour BP drill. He said kudos to *Dick (Groff)* and *Joanie (Behrends)* for their participation. He'd like to see Council support CDFU's work toward a Tanner Carb fishery in PWS.

*Bailer* said congrats to the JV Volleyball for their participation this weekend too – and their coach **Victoria Peterson**.

*Burton* wanted to congratulate the Cordova Center Committee, *Cathy* and our staff for pulling off the conference. Also *Dawson* for being able to make that happen. *Burton* said that there were some comments made tonight that kind of bother him and he is really speaking to the community right now. He said not everybody started in this town as a local. There were comments about locally-owned businesses, etc. and everyone has to start somewhere. We have some restaurant owners now who weren't "local" a few years ago but they sure are now and they are valuable, and well-respected members of our community. He would like to see a friendly atmosphere in this town. He knows people don't always like the decisions made here – it is tough to sit here and make them but we should all be kind in the way that we speak about people, their business ideas and their hopes and dreams.

## **Q. EXECUTIVE SESSION**

25. see item 14 above – Council did not use this e.s. in discussion of item 14.

26. Contract negotiation CEO of CCMC

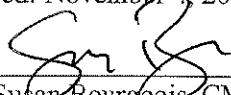
*Mayor Kacsh* said that there is an executive session scheduled but Council can decide what to do about it because really, the HSB is the entity that oversees the Hospital Administrator, not Council. *Joyce* said the only employees that the Council can direct are the City Manager and the City Clerk. If the City Manager is negotiating for the Council and has specific questions of the Council in that regard, otherwise it is up to the HSB. *Mayor Kacsh* agreed and that is why Council is going to adjourn this meeting and handle this as the HSB which is in a recess right now and they can call that meeting back into order after this meeting.

## **R. ADJOURNMENT**

*M/Bailer S/Joyce* to adjourn.

Hearing no objections the meeting was adjourned at 9:31 pm.

Approved: November 4, 2015

Attest:   
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Susan Bourgeois, CMC, City Clerk

