

**CITY COUNCIL REGULAR MEETING  
NOVEMBER 02, 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 November 2, 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 *Keith van den Broek*, *James Kacsh*, *Bret Bradford*, *EJ Cheshier*, *David Reggiani* and *Robert Beedle*. Council Member *David Allison* was absent. Also present were City Manager *Mark Lynch*, City Clerk *Susan Bourgeois*, Deputy City Clerk *Robyn Kincaid* and Student Council Representative *Ronalyn Adajar*.

**D. APPROVAL OF REGULAR AGENDA**

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

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

**E. DISCLOSURES OF CONFLICTS OF INTEREST - none**

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

1. Guest Speakers

a. **Belen Cook** – Native Village of Eyak

*Cook* invited Council to attend the 18<sup>th</sup> Annual Sobriety Celebration November 11<sup>th</sup> - 13<sup>th</sup>. She stated that they have two new dance groups performing this year: the Tlingit-Haida Dancers and the Kodiak Drummers. She highlighted several activities that will be happening this year. The Cordova Ikumat Dancers and the Kodiak Drummers will perform at the elementary. The key note speaker will speak on Fetal Alcohol Spectrum Disorder, his name is *Morgan Faucet*. *Faucet* is a 19 year old who lives with the disorder and will be performing on his flute as well. Updates will be on the website [www.eyak/nsn.gov](http://www.eyak/nsn.gov). *Mayor Kallander* asked if the schedule of events has been on the radio. *Cook* responded that it has been and she will look into doing some additional radio coverage. *Bradford* asked what kind of outreach they have done to the other communities. *Cook* responded that they offer some financial help to those who need it. However, Chenega will not be able to attend this year.

b. **Paul Voelckers** – MRV Architects, Cordova Center

*Voelckers* stated that he is in town checking up on Phase I and in meetings discussing Phase II. He met with the 1% for Art committee. He reviewed for Council the addition of the Redden Marine property, how that will change their plan and that it will cost an additional \$25K to finish the design. They are not seeing broad questions from the contractors any more. They are having some odd issues like the windows not being ordered. The rock facing is going in and giving a real pleasing look to the building. They are about two weeks out from getting the review documents on Phase II to the City. He stated that he will be back this time next month and could meet with Council again if they wish. By then they should have a closure date for Phase I and will be able to start talking about Phase II. *Mayor Kallander* asked if the review documents would be 85%. *Voelckers* responded that it would be more like 99.5%. *Mayor Kallander* stated that they should schedule to have him come back and report to Council again next month. He is concerned with the progress as we are getting into winter. They could have been doing the rock facing on the west wall last spring. *Voelckers* stated that that is one of the things they find perplexing, the other is that the windows haven't been ordered yet. They had been working with a fiberglass window company

that went out of business and the aluminum windows still have not been ordered. He is not sure why this is so. **Mayor Kallander** asked if the completion date has been renegotiated. **Voelckers** responded that it has not and that they are scheduled to be done in two weeks but they won't make that date. He continued that the 5 week delay is legit due to the soil stuff but why we are looking at months and months is not clear. **Lynch** asked if there was concurrence on Council to accept the contract amendment to include the design for the Redden Marine addition. **Mayor Kallander** stated that he had reviewed MRV's fees and they were okay but is not sure about the PND fees. **Voelckers** stated that they are redoing the utilities, groundwork, paving, grading, retaining, it's the full civil package. **Hallquist** is recommending a survey may need to be done on the site which is outside the estimated costs. **Mayor Kallander** recommended having the executive session before giving direction or concurrence.

2. Audience comments regarding agenda items

**Joe Arvidson**, 3<sup>rd</sup> Street, spoke concerning the letter he had submitted in the packet. He handed out a packet of research he has done on the matter. He is looking for reimbursement and a code change. He does not think it is fair that he has to pay for the repairs to the water line that runs to his house. **Mayor Kallander** asked **Arvidson** if he had come directly to Council or had he spoken to staff first. **Arvidson** responded that he has spoken with **Moe Zamaron** but not with the City Manager. **Mayor Kallander** stated that he appreciates the work put into this and asked that he follow the process lined out in City Code and speak to the City Manager, if he is unsatisfied with the answer he can bring it back to Council.

**Mary Anne Bishop**, 406 Fourth St, spoke in response to the letter in the packet concerning Ordinance 1088 from **Tim Joyce** to **Mayor Kallander**. She stated that the referendum that she is sponsoring speaks to a single ordinance and not to all City land sales. She stated she consulted a lawyer about the statements in the letter and they advised her that Mr. Joyce legal theories are poppycock, nonsense. The referendum is about a single specific transaction that various city voters oppose for varying reasons. The referendum is by no stretch of the imagination a general objection to filling any tidelands or to selling or leasing any City lands. She stated that Mr. Joyce is attempting to punish well-meaning citizens for their constitutionally protected use of the referendum by trying to scuttle other unrelated transactions about which this referendum has nothing to do and result in personal liability to Mr. Joyce. She added that she has 145 signatures on the referendum which is more than the required number. And feels the citizens want to vote on this ordinance in March.

**Jim Nygaard**, 1003 Young Drive, spoke concerning ordinance 1090. He handed out and reviewed a packet of information on the schools building use fee. He stated that they have reviewed the information and have heard some support off the street on the proposed fee schedule. The district wants to keep the doors open for kids. **Beedle** pointed out that the calendar **Nygaard** handed out didn't show the wrestlers so the gym was even busier than it appears. **Bradford** asked if he knew how many were charged in October. **Nygaard** replied that he didn't think anybody on that schedule had been charged. There is no charge on kid activities. **Bradford** pointed out that there were over 200 activities in the gym in one month and asked who coordinates the schedule. **Nygaard** responded that the ladies in the office do. **Mayor Kallander** asked if he thought there was support on the School Board for this new proposal. **Nygaard** responded in the affirmative. **Bradford** asked if he knew what they brought in from fees in October. **Nygaard** responded that he didn't believe they brought anything in. **Bradford** commented that the gym is busy from 6:30 am to sometimes 9:30 pm.

**Tim Joyce**, 1001 Pipe Street, spoke in follow up to the letter he submitted in the packet concerning the referendum on Ordinance 1088. He stated that he also sought legal advice and they told him that the City does have liability because the petition does not specify the reason. It simply states the ordinance and what that ordinance was written as. So that gives you a population in town that is dissatisfied with the process. Process was followed as it is written in your ordinances for how to sell property. That property

was sold and is now being referred back to the people for a vote because that property apparently did not follow the process and was not acceptable. Because the petition does not specify the reason it calls into question the entire process. He suggested the Council have a discussion with the City lawyer on the issue and find out where they should stand.

### 3. Chairpersons and Representatives of Boards and Commissions

**Beedle** asked the **Mayor Kallander** if they could have a report from their rep on RCAC in the future.

**Jim Nygaard**, superintendent of schools, reported that the ILP building is 3 weeks away from being completed. They are slightly below budget on this project. He has two bids out, one for the roof extension for a car port and the other for the removal of the old modular behind the high school. The deadline for submitting those bids is tomorrow. **Mayor Kallander** asked if the fiber is already in the building. **Nygaard** responded that it is in the building but he still has to hook it up to the main building. He stated that the digital heating and cooling at Mt. Eccles needs to be fine-tuned as well as a few other small items. They are progressing with the water leaking issue. He received the completed High School energy audit report which outlined areas of need. He is looking at putting out an RFP for insight on how to proceed. The waste oil burner is working well and running almost 24/7. He is bringing in speakers for the January teacher in-service. Dr. Linda Chamberlin is a brain research specialist out of Homer who has been here before. Also, education chairperson for the house, Mr. Allen Dick, will be present for some of the training. **Nygaard** is excited to show him some of the MAP testing they have implemented. **Mayor Kallander** asked if the energy audit was done by the same people who did the hospital. Maybe we can do a bulk buy on some of the needed upgrades. **Nygaard** responded that it was the same people and he was planning to work with the hospital on this.

#### a. Student council Representative

**Adajar** reported that they are working on getting the vending machine working. Volleyball is going to Regionals and wrestling is in Homer this weekend.

## G. APPROVAL OF CONSENT CALENDAR

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

Item #6 was called out and entered into the agenda as item 23.a.

4. Record unexcused absence of Council member Keith van den Broek from the 10-19-11 Regular Meeting.

5. Proclamation recognizing NVE's 18<sup>th</sup> Annual Sobriety Celebration.

6. Ordinance 1089

~~An ordinance of the City Council of the City of Cordova, Alaska, authorizing the sale of Lots one through Four, Clock forty two, Cordova Townsite to Leo Americus — 1<sup>st</sup> reading~~

Vote on Consent Calendar: 6 yeas, 0 nays, 1 absent (Allison). Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes and Bradford – yes. Consent Calendar was approved.

## H. APPROVAL OF MINUTES

**M/Reggiani S/Bradford** to approve the minutes.

7. October 19, 2011 Regular Meeting Minutes

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

## I. CONSIDERATION OF BIDS - None

## J. REPORTS OF OFFICERS

8. Mayor's Report

**Mayor Kallander** reported that the 38 mile bridge has 2 pilings and possibly more that are completely detached and it could completely wash out. The temporary fix is estimated at \$8 million but won't address the problem permanently. It is hard to fix because they can't get equipment to the other side of the bridge.

DOT is having a meeting next week to try to figure out a solution. The Providence contract is moving forward, it was delayed because of the governance issue. The lawyer is preparing new governance options for the future. We are still waiting for a budget from the hospital. **Mayor Kallander** reported that **Moe Zamarron** completed a letter to ADEC which he heard good reports back on as well as **Zamarron's** work on LT2. It sounds like the DEC will be challenging the EPA on Cordova's behalf. **Mayor Kallander** stated that he has been to many meetings on the Civic Center and the breakwater. He reported that both projects are moving forward. They had a meeting on the boat launch ramp and they have a proposal. When it is developed they will bring it forward to Council for an RFP. **Bradford** asked how governance with Providence is going to work. **Mayor Kallander** responded there would be an advisory board much like our current one. There will need to be a charter change in the future. They want to be careful though because they don't want to have problems with PERS. He stated that he will go into detail when the contract is before Council. **Beedle** asked for an update on the breakwater. **Mayor Kallander** replied that they are working with the corps and the Science Center. Construction estimates are about 6 months so it couldn't be in by this winter but it will be in by next winter.

#### 9. Manager's Report

**Lynch** reported that they have a team effort going into the permitting documents for the floating dock at the north fill boat ramp. He has spent the bulk of his time on the budget. He handed Council the draft budget for them to review for the work session on the 15th. **Beedle** asked if they were going to hear about E-911. **Lynch** replied that it is included in the budget proposal to fund the E-911. **Beedle** asked if they will be sending out an RFP. **Lynch** responded that it has already been done. **Chief Bob** stated that the chosen company will honor the RFP that the committee chose a year ago. Also, that **Chief Bob** has found some additional funding opportunities so the City will not have to pay for the entire system. **Beedle** asked how the addressing and house numbers will work with the new system. **Sam Greenwood** responded that the Planning department is starting to work with the Clerk's office to coordinate new number assignments. E-911 will have some information pre-programmed into it when it's installed. So there will be a process getting that record and ours to match.

#### 10. City Clerk's Report – written report in packet

**Bourgeois** reported that she has been working on the shared fisheries tax. If it was based on raw fish numbers the split would be Cordova 70%, Valdez 22% and Whittier 6%. We have offered a 55%, 35% 10% split. We are still waiting to hear back from Valdez and Whittier. **Lynch** added that they budgeted for the previous years split of 33%.

#### 11. Staff Reports

##### a. **Josh Hallquist**, COR, Cordova Center Project

**Hallquist** reported that they are doing stone work and putting in trusses. They are getting timelines put together. The project is 71% complete so we are getting close. They are still waiting on the store front aluminum for the interior window frames. **Bradford** asked if the stone is coming from our own quarries. **Hallquist** responded that it is Cordova rock.

##### b. **Cathy Sherman**, Cordova Center Phase II

**Sherman** reported that the task force had a meeting on Phase II this week. She is trying to be more proactive on publicity to quell some rumors on the street. She is going to try to get on the radio and put a sign up on the street to update the public on the project. She will be doing a presentation for Pioneers. She is scheduling a meeting with the Science Center and Chamber on building usage.

##### c. **Sam Greenwood**, City Planner, in re policy for Performance Deeds of Trust

**Greenwood** presented some options on how to handle Performance Deeds of Trust. **Beedle** stated that under the foreclosing option they might add the word "strict" and added that we would have to sue in order to acquire the property. **Greenwood** responded that this information is not meant to define the

options and their legalities but more to define when to use the options. **Reggiani** stated that **Greenwood** did a great job on the memo and that he can see advantages and disadvantages to the options. He would like to have the lawyers look at it and then provide some feedback on whether it should be included in code. **Cheshier** stated that if we have not seen what is being proposed to do with the property then we should not set the kind of deed of trust to use yet. **Bradford** asked if they would be able to see the deed of trust a second time. **Greenwood** replied that she was not sure. **Mayor Kallander** stated that this adds subjectivity to the proposal process. He liked what originally came from the attorneys. Financial institutions do not get “some” back when a person stops paying, they take it all. He opined that this opens up a can of worms. He thinks it would be a mistake. He thinks they should stick with the hard line stance. **Bradford** stated that this does present a micro-management characteristic and he thinks they, as a Council, are trying to get away from that. **Greenwood** stated that it is an option to stay with the new one from the attorney. **Cheshier** stated that it was subjective and it will get sticky. He doesn’t like the definitions of residential and commercial. **Reggiani** reiterated that he would like to have the attorney give her opinion on it. **Kacsh** stated that this just gives us more tools in the tool box for disposal. The hard stance blocks too many people out. **Bradford** stated that the hard stance makes it easy in avoiding defining residential and commercial. **Mayor Kallander** asked for Council’s concurrence for legal review. This is a big decision and she be debated more. Council Concurred.

d. **Buck Adams**, City Investments, UBS Financial Services – written packet  
Council decided that they should meet with him after the budget cycle.

## K. CORRESPONDENCE

12. Letter from Tim Joyce in re Referendum Petition on Ordinance 1088
13. Letter from Joe Arvidson in re water pipe repair bill
14. Mayor’s letter to Governor Parnell
15. Mayor’s letter to Deputy Commissioner Mike Barnhill, Dept. of Administration
16. Mayor’s letter to Director Karen Rehfeld, Office of Management & Budget
17. Mayor’s letter to Commissioner Streur, Department of Health & Social Services
18. Mayor’s letter to Erik Elam, Office of Congressman Don Young
19. Letter from US Asst. Atty. General to lawyer in Anchorage in re redistricting (cc’d to City)
20. Mayor’s letter to Senator Murkowski in re SRS Reauthorization
21. Email from Bitney in re redistricting lawsuits

**Mayor Kallander** stated that redistricting wants him to testify and he is not sure yet whether he will be able to or not. **Kacsh** asked about the water pipe repair. They have talked about changing it back to going to the curb. Perhaps that could come back to Council in January. **Lynch** stated that the change could significantly change rates. **Bradford** stated that they shouldn’t talk about the specific item but the code part should be discussed. **Beedle** asked if they had addressed the fee issue that had come up at the last meeting. **Lynch** responded that code was followed in that instance.

## L. ORDINANCES AND RESOLUTIONS

22. Ordinance 1090

An ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code Chapter 3.32 to enact section 3.32.030 authorizing the City Council to charge fees for the use of all public works – 1<sup>st</sup> reading

**M/Reggiani S/Cheshier** to approve Ordinance 1090, an ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code Chapter 3.32 to enact section 3.32.030 authorizing the City Council to charge fees for the use of all public works – 1<sup>st</sup> reading

**Reggiani** stated that they have heard a good bit of public comment on the school use fee. The School Board is doing a good job working through some of those issues and concerns. The intent of the ordinance

would to help provide some guidance for a fee schedule for all City buildings. He stated that he feels the authority should rest with the City Council who represents the community and might have a little bit broader view. He opined that what the school district has put forth looks good on the surface. Looking at it from the economic development view, taking into consideration wanting to encouraging people to come to Cordova and to use our facilities, we need to not nickel and dime them. If the school needs more funding to support the janitorial services to facilitate the extra activities than the Council could fund them at a higher level. He is in support of this ordinance. **Kacsh** stated that he does not support the ordinance. It would be micro-managing the School District and the School Board who are elected just like Council members. **Bradford** agreed with **Kacsh**. The City buildings are managed by each department. They have a better idea of what to charge for their facilities to cover their costs. He will not support the ordinance. **Mayor Kallander** stated that every department recommends a fee and it is presented to Council and Council adopts the fees. This ordinance would make the School Board do the same. A couple weeks ago fees were looking excessive but they have been moderated considerably and look more reasonable now. **Van den Broek** stated that he does not feel the fees were lowered because of the public that came to Council. That public also went to School Board and went through their process. School Board is elected and Council does not need to undermine them. He was in attendance at the School Board meeting when these concerns were brought forth. The board listened and is working to correct the situation. **Beedle** stated that he does not think there is a need for this ordinance as the system isn't broken. He will not support the ordinance.

Vote on motion: 0 yeas, 6 nays, 1 absent (Allison). Motion failed.

## **M. UNFINISHED BUSINESS**

23. Council approval of lien release

**M/Kacsh S/Bradford** for the City Council to remove the City sales tax liens from Lots 1-4, Block 42 and the sales tax lien on personal property located at Lot 14, Block 7 USS 449

**Greenwood** explained that when the property was taken in payment as a debt to the hospital it was quit claimed to the City and no title search was performed at that time. This is what the City needs to do to clear the title so we can sell it. First National Bank is releasing their lien and there is one other lien out there that she is working on. The personal property the lien is against no longer exists. **Mayor Kallander** asked if Ordinance 1089 will be effective if they can't remove the other liens. **Greenwood** replied that it is fine for the first reading but it can't be sold until after the title is clear. **Kacsh** stated that this will also clean the title up for future sales and for any future owners.

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

23.a. Ordinance 1089

An ordinance of the City Council of the City of Cordova, Alaska, authorizing the sale or Lots one through Four, Block forty-two, Cordova Townsite to Leo Americus – 1<sup>st</sup> reading

**M/Kacsh S/Bradford** to approve Ordinance 1089, an ordinance of the City Council of the City of Cordova, Alaska, authorizing the sale or Lots one through Four, Block forty-two, Cordova Townsite to Leo Americus – 1<sup>st</sup> reading

**Lynch** pointed out that this sale has been reverted back to the old performance deed of trust. **Reggiani** explained that he pulled this ordinance out of the consent calendar because he wanted it to be after the vote to remove the lien. He is nervous when a former Mayor tells us to be careful in moving forward with sales. He supports this as a first reading but would like to talk to the attorney to explain the legal ramifications before it is finalized. Council concurred to have an executive session with the attorney.

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

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

24. Request for Purchase of City land, Lot 6 Block 2 South Fill DP

*M/Bradford S/Kacsh* that the City dispose of Lot 6 Block 2 South Fill Development Park for not less than fair market value as outlined in chapter 5.22.060 with option four (a request sealed proposal to lease or purchase the property).

*Bradford* asked if this is the last piece and if there are other lots that we are not selling. *Greenwood* responded that it is the last one they are selling. There are City owned lots that are not available for sale. *Bradford* asked about easements and storm water drains. *Lynch* replied that the intent is to run the drains down into Nicholoff. *Greenwood* stated that there is always the road, which the City owns, and there are utility easements. *Beedle* stated that he has a problem moving to dispose of the lot when we are having a lawyer relook and redefine the deed of trust options. *Bradford* stated that this is the first step in the selling of land process. This process is not changing. *Kacsh* stated that there is stuff on the lot, do we know who it belongs to. *Lynch* responded that there is primarily Cordova Center stuff that we put there for storage that will be moved elsewhere. *Kacsh* asked if selling this land will complicate the Cordova Center project. *Lynch* responded that he did not think so by the time this land is actually sold.

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

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

*Mayor Kallander* announced his appointments to be *Jeremy Botz* and *John Bocci* to the Fisheries Advisory Committee. *Van den Broek* asked if it was appropriate to appoint a Fish and Game employee to the advisory board. *Mayor Kallander* replied that it is required to have one on the board. Council concurred with the appointments.

26. Pending Agenda and Calendar

November 15<sup>th</sup> executive session to review Union Contract Negotiations at 7:00 pm with Budget Work Session to follow immediately afterwards.

November 18<sup>th</sup> Foraker Group Training

**O. AUDIENCE PARTICIPATION - None**

**P. COUNCIL COMMENTS**

27. Council Comments

*Beedle* thanked staff for the information they have included in the packet.

*Cheshier* welcomed *Moe Zamarron's* girlfriend to Cordova and is glad she likes.

*Reggiani* stated that the City Building fee ordinance deeply concerns him. He voted with Council because there wasn't Council support but he is concerned with the taxation for the community who has paid for the building already and is now being charged to use the building. He will take his comments to the School Board and thanked Council for considering them.

*Bradford* thanked *Lynch* and *Royal* for the draft budget and that is was good to see *Jennifer Gibbens* back in the audience moving forward with the local paper.

*Van den Broek* apologized for missing so many meetings and added that he should be at least within calling distance for the next few meetings.

*Kacsh* reminded everyone that November 11<sup>th</sup> is Veterans Day. Go find a Veteran and thank them.

Council took a 5 minute recess before entering the executive session

**Q. EXECUTIVE SESSION**

28. Cordova Center Financial Update

*M/Reggiani S/van den Broek* to enter into executive session to discuss the Cordova Center financial update. Subjects which may be discussed are matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government.

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

Council entered into executive session at 10:00 pm. Council came out of executive session at 10:44 pm.

29. Update on Sales Tax Delinquencies

*M/Reggiani S/Kacsh* to enter into executive session to receive an update on sales tax delinquencies. Subjects which may be discussed are matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government.

Vote on motion: 6 yeas, 0 nays, 1 absent (van den Broek). Motion approved.

Council entered into executive session at 10:45 pm. Council came out of executive session at 10:53 pm.

*Ashley Royal* informed Council of a correction that needs to be made on the draft budget he handed out earlier in the meeting. On page 25, the managers proposed budget, has two \$50K numbers in it, they represent the same thing, there only needs to be one, so cross one out. Also on the line that says "transfer to fund 911" write in \$120K.

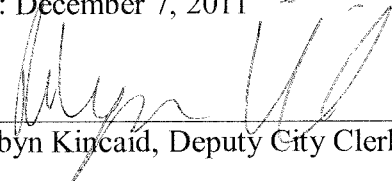
**R. ADJOURNMENT**

*M/Bradford S/Kacsh* to adjourn the regular meeting at 10:54 pm

Hearing no objection. Motion approved.

Approved: December 7, 2011

Attest:

  
Robyn Kincaid, Deputy City Clerk

