

**CITY COUNCIL REGULAR MEETING
NOVEMBER 16, 2011 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Vice-Mayor David Reggiani called the Council Regular Meeting to order at 7:30 pm on November 16, 2011, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Mayor David Reggiani led the audience in the Pledge of Allegiance.

C. ROLL CALL

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

D. APPROVAL OF REGULAR AGENDA

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

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

E. DISCLOSURES OF CONFLICTS OF INTEREST

Kacsh declared a conflict with the personnel salary review and union negotiations executive session. *Reggiani* agreed that *Kacsh* should remove himself from that executive session.

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speakers - None

2. Audience comments regarding agenda items

John Harvill, 701 Railroad, spoke representing the Prince William Science Center (PWSSC). They are looking to build a new facility in conjunction with the University of Alaska. He informed Council that the City staff helped him greatly in preparing the required information for the corps of engineers to see if they can build the new facility on the tidal flats he specified via a map in the meeting. The land sale would require a lot line adjustment, which they would include in their proposal, to exclude the City dock. They wish to fill the otherwise unusable tidal flats off the extension of the new breakwater. This would give them the land for their new facility and would protect the harbor. The fill project would require 24K cubic yards of fill. He recommends the City sell the land to the PWSSC with conditions that they get a lot line adjustment and gain the corps of engineers permit.

Mayor Kallander and Council member *van den Broek* joined the meeting at 7:40 pm via teleconference

3. Chairpersons and Representatives of Boards and Commissions

Beedle reported on the Harbor commission. They are concerned with the harbor dumpsters overflowing. He would like to see if the City could put community dumpsters somewhere accessible or perhaps another dumpster over by the harbor to keep them from overflowing. He added that the harbor has had two more finger floats break off.

Allison reported on the Health Services Board. They are having a cash flow problem as some beds are not paying monthly and they had to order a new server before the end of the year. They have sent a letter to the City Manager requesting the balance of the \$500K line of credit Council set up for them to help cover the cash flow till the beds can pay. He added that they credentialed another doctor.

Reggiani reported that P&Z has a few items on tonight's agenda and that they have identified their top two projects for this year as continuing to update City code and updating the official zone map.

Van den Broek reported that the School Board is working on a response to the Mayors letter.

Mayor Kallander asked **Allison** if the request the HSB sent the City Manager was itemized and if it is for capital items or operating money. **Allison** responded that it is mostly capital items and it was itemized at the meeting. **Mayor Kallander** asked for them to present an itemized list with a feasibility of being paid back. If they are capital items then they might be a capital requests. **Lynch** stated that he had not received the letter yet but that the line of credit has already been authorized by Council. He asked if it needs to come back to Council. **Kacsh** suggested they allow the money to flow to alleviate the cash flow issue and deal with where the money should be paid back from later. Council concurred that it did not need to come back for re-approval.

Mayor Kallander reported that he and the Clerk are writing a letter to the Board of Fish.

G. APPROVAL OF CONSENT CALENDAR

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

Items #6 and #7 were called out and entered into the agenda under L.

4. Record excused absence of Council member David Allison from the 11-02-11 Regular Meeting

5. Resolution 11-11-41

A resolution of the City Council of the City of Cordova, Alaska, authorizing the disposal of City records that have no legal or administrative value or historical interest

6. Liquor License renewals— Council's right to protest

7. Resolution 11-11-41

~~A resolution of the City Council of the City of Cordova, Alaska, authorizing the City manager to enter into an amendment extending a ground lease to the Department of Fish and Game~~

Vote on Consent Calendar: 7 yeas, 0 nays. Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes and Bradford – yes. Consent Calendar was approved.

H. APPROVAL OF MINUTES - None

I. CONSIDERATION OF BIDS - None

J. REPORTS OF OFFICERS

8. Mayor's Report

Mayor Kallander reported that he met with Holly on the Providence Contract and that it will come before Council when it is completed.

9. Manager's Report – written report in packet

Lynch reported that he met with the State Economic Development Authority (EDA) office and Federal office of USDA when he was in Anchorage. They will help track down some grants. He met with Steve Hutchings and John Bitney on the EVOS funds issues. He made good contacts at AML. Chief Todd Taylor is looking to get the Sound Developer out around Thanksgiving and is still planning to put it on the mud flat. **Reggiani** asked what the options are for places to put the boat and how to get it there. **Lynch** responded that it can be cut into two pieces and hauled out with the boat lift or they can roll it out on roller bags and put where the scrap metal guys were working. They have located some bags in Texas and they are deciding now if that's cost effective. They also could use logs. It would be cheaper for the City if we can get them to put the boat over where the scrap metal was instead of the mud flat.

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

Bourgeois asked for some direction from Council on the shared fisheries business tax. Valdez is concerned for Whittier. They propose making the change in 2012 for the 2013 budget year. They are

entertaining a Resolution for the old 3 way split at their next Council meeting. **Bradford** stated he would like to hear what Whittier says before following Valdez. Council concurred on waiting to hear from Whittier and discuss it again at the December 7th Regular Council meeting.

11. Staff Reports

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

Hallquist reported that the mid-January construction completion date was approved. Right now they are thinking they will be done in March but he thinks if things keep going as they are it won't be until April. The 98% Phase II design should be in tomorrow. Snow removal and parking have become an issue. Concrete should be done in the next two weeks. Roofers should be in town tomorrow. They are 2-3 weeks off schedule. Ferry scheduling and cancelations will be an issue. **Beedle** asked about the rebar behind the Library and if it was going to be moved. **Hallquist** responded that he has been asking them to move it, particularly before it snowed. It has been a head butting issue and now they will have to dig it out.

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

Sherman reported that she is gearing up for the first meeting in December. She will be bringing the business plan forward that was created in conjunction with the Chamber of Commerce.

c. **Moe Zamarron**, Director of Public Works – City equipment

Zamarron reported that he is looking to share equipment between the departments and the hours spent performing duties. He is looking to purchase a skid steer loader. It would back up aging equipment. The attachments would enable a number of departments to use the equipment. He is looking to replace some equipment that is expensive to operate with this multi-operational piece of equipment. **Reggiani** clarified that he would be redirecting some already allocated monies and is not requesting additional money. **Lynch** explained that it would be a budget amendment to reallocate the funds. **Zamarron** added that this would allow them to remove snow in some of the smaller places their current equipment is too large to remove. **Bradford** clarified that it is money coming out of this year's budget from different departments. The response was affirmative. **Bradford** asked who would be using the sludge bed. **Zamarron** responded that it would primarily be the water/sewer departments. The other departments could have use for it though. **Bradford** asked if we already have a truck to put the bed on. The response was affirmative. **Bradford** asked if **Zamarron** had looked into purchasing a used skid steer. **Zamarron** responded that he had not, he is looking to get the good warranty the new one will include. **Reggiani** asked if he could bring more information to them when he brings the resolution forward. **Kacsh** furthered that he would like to see details on the equipment with the resolution.

K. CORRESPONDENCE – None

L. ORDINANCES AND RESOLUTIONS

(6.) Liquor License renewals – Council's right to protest

Allison stated that he has no problem waiving the right to protest he was just unsure how to vote for it under the consent calendar.

M/Allison S/Kacsh to waive Council's right to protest the ABC board's approval of the application for renewal of Alaska Commercial Company's package store liquor license #3410 and for Baja Taco's Restaurant, eating place, public convenient, seasonal liquor license #4786.

Vote on motion: 7 yeas, 0 nays. Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes and Reggiani – yes. Motion passes.

(7.) Resolution 11-11-41

A resolution of the City Council of the City of Cordova, Alaska, authorizing the City manager to enter into an amendment extending a ground lease to the Department of Fish and Game

M/Cheshier S/Bradford to approve Resolution 11-11-41, a resolution of the City of Cordova, Alaska, authorizing the City manager to enter into an amendment extending a ground lease to the Department of Fish and Game

Reggiani asked **Greenwood** how she came up with the lease rates in the agreement. **Greenwood** replied that they use the assessed value, and then take the States adjustment to make us current with the State, then take that total times 10%, then times that total by 1.06 for sales tax which becomes the annual rate.

Vote on motion: 7 yeas, 0 nays. Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes and Cheshier – yes. Motion passes.

M. UNFINISHED BUSINESS

12. MRV contract amendment #11, Cordova Center Phase II

M/Kacsh S/Bradford to approve amendment #11 with MRV Architects of Juneau, Alaska, in the amount of \$24,448 for additional design work on Phase II of the Cordova Center Project

Mayor Kallander suggested this be postponed until spring when we know how the project turns out. He would like to consider other engineering firms. He does not see any reason to do this at this time.

M/Kacsh S/Bradford to refer to staff until Council asks to bring it back

Sherman stated that she did have MRV separate out their costs. She stated some money needs to be allocated now so they can start work on the site. \$6412 would leave out the civil work. **Reggiani** asked how time critical it is. **Hallquist** responded that the transformer pad needs to be installed and a little bit electrical work needs to be done. **Reggiani** clarified that the \$6412 is the critical amount. He is surprised MRV is not doing this for the City. **Mayor Kallander** stated that if Council feels the \$6412 is needed now than they can fail this motion and make a motion for the \$6412 amount.

Vote on motion: 3 yeas, 4 nays. van den Broek – no; Kacsh – no; Allison – yes; Bradford – yes; Cheshier – no; Reggiani – yes and Beedle – no. Motion failed

M/Cheshier S/Kacsh to modify the motion to reflect the changes in separating the project out as presented by Cathy Sherman from MRV to \$6412.

Bradford asked if this was for just architecture and electrical. **Sherman** responded that it is for architecture, electrical and shifting some underground utilities. **Bradford** clarified that the line behind City hall has already been shifted. **Sherman** responded that one major line had been shifted but there still is a smaller line to be moved. **Hallquist** stated that this will be to map out where the lights go and all that stuff. He is not happy about giving MRV any more money either. **Bradford** pointed out that this doesn't have any civil work done in it so we still won't have the elevation needed to set the transformer. **Hallquist** responded that he had Dokoozian survey it already.

Vote on main motion: 6 yeas, 1 nays. Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – no; Beedle – yes and van den Broek – yes. Motion passes.

Allison stated that every time these things come up he feels like he is being robbed. **Kacsh** asked if the transformer pad can be made too high and then be lowered later if needed.

Vote on main motion as amended: 2 yeas, 5 nays. Kacsh – no; Allison – no; Bradford – no; and Cheshier – yes; Reggiani – no; Beedle – yes and van den Broek – no. Motion failed

N. NEW & MISCELLANEOUS BUSINESS

13. Council approval of disposal of City property

M/Kacsh S/Cheshier to authorize the City Manager to dispose of surplus vehicles, equipment, and supplies each item having an estimated value of \$1000 or less.

Vote on motion: 7 yeas, 0 nays. Allison – yes; Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes and Kacsh – yes. Motion passes.

14. Request for Purchase of City land, Lot 7A Block 14 Tidewater DP

M/Allison S/Bradford that the City dispose of Lot 7A Block 14 Tidewater Development Park for not less than fair market value as outlined in chapter 5.22.060 using disposal method #1 (negotiate an agreement with the person or entity who applied to lease or purchase the property).

Beedle suggested that having the Harbor Master review the proposal is bypassing the Harbor Commission that by code should review the proposal. *Mayor Kallander* stated that since he has been on Council they have sold several pieces of land and has never asked the Harbor Commission to weigh in on it. *Kacsh* agreed with *Beedle* but that they are not to that step yet. The decision to sell the land is for Council to decide. Harbor Commission gets to review it after this step. *Beedle* stated that if they have not gone through the Harbor Commission in the past then code was not followed. So they either need to follow code or change code. He understood the property to be sold because there are plans and approvals. He wants to follow code. *Allison* stated that he does feel that they should follow code or change code. He agreed with *Kacsh* that this isn't a done deal. This is authorizing to negotiate the sale. The Harbor Commission might have some good ideas and that input can come in after the sale. *Reggiani* agreed that this is the first step. He is in favor of the motion. He thinks it will open up a substantial amount of space for the harbor and will protect the harbor from the north winds. *Bradford* asked if they would move out of the leased building or will they occupy both. *Harvill* responded that their intention is to move into the new building once it is completed. *Kacsh* asked if they will still be building across the street. *Harvill* responded that they will build across the street, by Ocean Beauty Seafoods, if Council does not approve this sale and the corps permits don't go through for the fill project. It is plan "B". *Beedle* raised the concern that this would delay the breakwater project and he is concerned what damage the harbor will get as a result. *Reggiani* responded that he did not hear from the proposal that this additional project would slow down the breakwater construction. *Mayor Kallander* stated that the breakwater is a 6 month job. By spring we will be starting on the breakwater one way or the other. We will have all the information we need to make a decision in the next 30-60 days.

Vote on motion: 7 yeas, 0 nays. Bradford – yes; Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes and Allison – yes. Motion passes.

15. Council approval of P&Z Resolution in re Land Disposal Maps

Greenwood stated that this is the first step to changing code. Planning & Zoning worked hard on this over several meetings. *Reggiani* stated that their hope is to have this available online and update it annually. *Bradford* asked if someone could still request to purchase or lease a lot that has been designated not available. *Greenwood* responded that they have allowed for that. *Cheshier* thanked them and he appreciates the work that has gone into this. It has been needed for a long time.

M/Cheshier S/Kacsh that the City Council accept the Planning and Zoning Commission's Resolution 11-05 passed and approved on November 8, 2011.

Vote on motion: 7 yeas, 0 nays. Cheshier – yes; Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes and Bradford – yes. Motion passes.

16. Pending Agenda and Calendar

Friday is the Foraker training from 6-8 pm

Budget work session tomorrow at 7:00 pm

Lynch will be on vacation from December 5th to the 16th

Beedle requested to have a discussion on code change for the water and sewer on an agenda

O. AUDIENCE PARTICIPATION

Jennifer Gibbens announced that the paper comes out on Friday

P. COUNCIL COMMENTS

17. Council Comments

Bradford stated that staff has been doing a good job with the packets and information. He would like to see the Council go electronic and maybe look into devices that could save us money on paper.

Van den Broek thanked **Bradford** for the comment as he views his packets online too and it is very convenient for him as he travels.

Cheshier stated that he would view them electronically with an electronic device at the meetings but the online code is a challenge.

Beedle stated he would like to see the City do something about the cat problem in town. Businesses are having a hard time keeping them out of their buildings. A feral cat will kill songbirds. It is a serious problem. He added that the last snow fall was heavy and the City crew did a good job.

Kallander thanked the Planning Department and P&Z for the land disposal maps. He stated with regards to snow removal the City got a few complaints but they do a much better job than Anchorage does. Hats off to the City crew for doing such a good job and to Sam too who was acting City Manager at the time.

Council took a 5 minute recess at 9:00 pm before entering the executive session

Q. EXECUTIVE SESSION

18. Cordova Center Financial Update

M/Allison S/Cheshier to enter into executive session to discuss the Cordova Center financial update subjects that 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: 7 yeas, 0 nays. Reggiani – yes; Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes and Cheshier – yes. Motion passes.

Council went into executive session at 9:05 pm. Council came out of executive session at 9:20 pm

19. Financial update regarding Sound Developer

M/Allison S/Beedle to enter into executive session to discuss the financial update regarding the Sound Developer subjects that 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: 7 yeas, 0 nays. Beedle – yes; van den Broek – yes; Kacsh – yes; Allison – yes; Bradford – yes; Cheshier – yes and Reggiani – yes. Motion passes.

Council went into executive session at 9:22 pm. Council came out of executive session at 9:30 pm

20. Personnel salary review and union negotiations

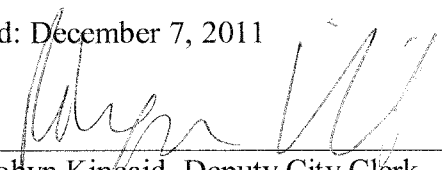
Lynch reported that this executive session is unnecessary as he has no new information for Council.

R. ADJOURNMENT

M/Allison S/Cheshier to adjourn the regular meeting at 9:32 pm

Hearing no objection. Motion approved.

Approved: December 7, 2011

Attest: 
Robyn Kincaid, Deputy City Clerk

