

**Mayor**  
James Kallander

**Council Members**  
Keith van den Broek  
James Kacsh  
David Allison  
Bret Bradford  
EJ Cheshier  
David Reggiani  
Robert Beedle

**City Manager**  
Mark Lynch

**City Clerk**  
Susan Bourgeois

**Deputy Clerk**  
Robyn Kincaid

**Student Council**  
Shyla Krukoff

**REGULAR COUNCIL MEETING  
DECEMBER 07, 2011 @ 7:30 PM  
LIBRARY MEETING ROOM**

**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 James Kallander, Council members Keith van den Broek, James Kacsh, David Allison, Bret Bradford, EJ Cheshier, David Reggiani and Robert Beedle

**D. APPROVAL OF REGULAR AGENDA..... (voice vote)**

**E. DISCLOSURES OF CONFLICTS OF INTEREST**

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

1. Guest Speakers - None
2. Audience comments regarding agenda items..... (3 minutes per speaker)
3. Chairpersons and Representatives of Boards and Commissions  
(Harbor, HSB, Parks & Rec, P&Z, School Board)
  - a. Student Council Representative

**G. APPROVAL OF CONSENT CALENDAR..... (roll call vote)**

4. Resolution 12-11-44..... (page 1)  
A resolution of the City Council of the City of Cordova, Alaska adopting an alternative allocation method for the FY12 Shared Fisheries Business Tax program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the Prince William Sound Fisheries Management Area
5. Resolution 12-11-45..... (page 3)  
A resolution of the City Council of the City of Cordova, Alaska, authorizing amendment to the 2011 budget, and the transfer of prior appropriation of \$70,000 for the purchase of a Gehl Skid Steer loader

**H. APPROVAL OF MINUTES**

6. Minutes of 11-02-11 Regular Meeting..... (page 6)
7. Minutes of 11-15-11 Special Meeting..... (page 14)
8. Minutes of 11-16-11 Regular Meeting..... (page 15)
9. Minutes of 11-28-11 Special Meeting..... (page 21)

**I. CONSIDERATION OF BIDS - None**

**J. REPORTS OF OFFICERS**

10. Mayor's Report
11. Manager's Report..... (page 23)
12. City Clerk's Report..... (page 24)
13. Staff Reports
  - a. **Josh Hallquist**, COR, Cordova Center Project
  - b. **Cathy Sherman**, Cordova Center Phase 2

**K. CORRESPONDENCE**

14. Mayor letter to Board of Fish November 18, 2011..... (page 25)

15. Letter from AK DHSS November 21, 2011 in re water fluoridation..... (page 27)  
16. Letter from Cordova Electric in re Street Lighting Savings..... (page 28)

## **L. ORDINANCES AND RESOLUTIONS**

17. Resolution 11-11-42..... (roll call vote)(page 29)  
A resolution of the City Council of the City of Cordova, Alaska adopting service fees, rates and charges for the 2012 calendar budget – 2<sup>nd</sup> reading  
18. Substitute Ordinance 1083..... (roll call vote)(page 40)  
An ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code section 14.16.260 to increase the monthly flat rate for sewer service – 2<sup>nd</sup> reading  
19. Resolution 12-11-43..... (roll call vote)(page 41)  
A resolution of the City Council of the City of Cordova, Alaska, adopting an operating budget for fiscal year 2012, and appropriating funds in the amount of \$24,692,663  
20. Ordinance 1091..... (voice vote)(page 43)  
An ordinance of the City of Cordova, Alaska, authorizing a borrowing in anticipation of the receipt of revenues of the City in the aggregate principal amount of not to exceed \$2,793,918.60 to finance part of the cost of the Cordova Center project; and providing for related matters – 1<sup>st</sup> reading  
21. Resolution 12-11-46..... (roll call vote)(page 46)  
A resolution of the City Council of the City of Cordova, Alaska, authorizing settlement agreement between the City of Cordova, Alaska and Terry Lonborg  
(may be discussed in Executive Session)

## **M. UNFINISHED BUSINESS**

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

22. Council concurrence of Mayor's appointments to fill vacant seats on..... (voice vote)(page 63)  
Parks and Rec Commission, Planning & Zoning Commission and Library Board  
23. Customer dispute of utility bill (CMC 14-04-100 billing errors and disputes)..... (voice vote)(page 77)  
24. Pending Agenda and Calendar..... (page 91)

## **O. AUDIENCE PARTICIPATION**

## **P. COUNCIL COMMENTS**

25. Council Comments

## **Q. EXECUTIVE SESSION**

26. Cordova Center Financial Update

## **R. 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,  
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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

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DATE: November 30, 2011  
TO: Mayor & City Council  
SUBJECT: Resolution 12-11-44

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The Clerk's office has worked diligently in an attempt to acquire more of the share of Fisheries Business Tax than we have been receiving these last ten years or so. The effort this year has been in vain but the Clerk will continue to have discussions with Whittier and Valdez over the course of this coming year to change the allocation for 2013.

**Recommended motion:** move to approve Resolution 12-11-44

**Required Action:** Majority voice vote or approval of the consent calendar.

**CITY OF CORDOVA, ALASKA  
RESOLUTION 12-11-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA  
ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY12  
SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS  
ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF  
SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE  
PRINCE WILLIAM SOUND FISHERIES MANAGEMENT AREA**

**WHEREAS**, AS 29.60.450 requires that for a municipality to participate in the FY12 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development (DCCED) that the municipality suffered significant effects during calendar year 2010 from fisheries business activities; and,

**WHEREAS**, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by DCCED; and,

**WHEREAS**, 3 AAC 134.070 provides for the use, at the discretion of DCCED, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of relative significant effect of fisheries business activity on the respective municipalities in the area; and,

**WHEREAS**, The Cordova City Council proposes to use an alternative allocation method for allocation of FY12 funding available within the Prince William Sound Management Area in agreement with all other municipalities in this area participating in the FY12 Shared Fisheries Business Tax Program.

**NOW, THEREFORE, BE IT RESOLVED**, that The City Council of the City of Cordova by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2010 of fisheries business activity in the Prince William Sound Management Area.

**ALTERNATIVE ALLOCATION METHOD:** All eligible communities in the Prince William Sound Fisheries Management Area (Cordova, Valdez, and Whittier) will receive an equal share of the funds available.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2011**

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James Kallander, Mayor

ATTEST:

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Susan Bourgeois, City Clerk

# Memo

To: Mayor and City Council  
From: Moe Zamarron, Director of Public Works  
CC: Mark Lynch, City Manager  
Date: November 30, 2011  
Re: City Equipment

As was presented previously, the Department of Public Works for the City of Cordova has been taking specific steps toward more efficient use of the City's resources, particularly where vehicle and equipment usage is involved. One of the most effective applications of this process has been to encourage cooperation between the divisions within the Department through open communications and equipment sharing.

The attached resolution provides for the purchase of a skid-steer loader with loader, forklift, plow and backhoe capabilities. It is intended to support existing equipment while offering expanded capabilities to each of the divisions. Funds within the 2011 budget, as outlined in the attached illustration, can provide initial purchase yet this year with council approval. The hope is to have the loader assisting with snow removal within 4 weeks of an approved resolution.

Please consider this request and offer input as is seen fit.

Thank you,  
Moe Zamarron  
Director of Public Works  
City of Cordova

**CITY OF CORDOVA, ALASKA  
RESOLUTION 12-11-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,  
AUTHORIZING AMENDMENT TO THE 2011 BUDGET, AND  
THE TRANSFER OF PRIOR APPROPRIATION OF \$70,000 FOR THE PURCHASE OF  
A GEHL SKID STEER LOADER.**

**WHEREAS**, money previously appropriated, which is neither encumbered or payable, or expected to be spent by year end, is available for the purchase of a Gehl Skid Steer Loader, upon the authorization by City Council of the purchase and the transfer to The General Projects and Grant Administration Fund #401, from the General Fund, \$8,750; the Sewer Fund, \$8,750; The water Fund, \$17,500; The Refuse Fund, \$17,500; and a line item transfer from Acct. 401-603-55003, \$17,500.

**WHEREAS**, the City Council of the City of Cordova, Alaska, has adopted the City Operating Budget and appropriated funds for FY11 for the period of January 1, 2011 to December 31, 2011; and

**WHEREAS**, all appropriations which are neither encumbered or payable, for all funds, shall expire at the close of the calendar year, and balances remaining in each fund as of January 1, 2012 shall be transferred to the unappropriated fund balance of the respective fund from which appropriated; and

**NOW, THEREFORE BE IT RESOLVED THAT** the City Council of the City of Cordova, Alaska, hereby authorizes amendment to the 2011 budget, and the transfer of prior appropriation of \$70,000 for the purchase of a Gehl Skid Steer Loader.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2011.**

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James Kallander, Mayor

ATTEST:

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Susan Bourgeois, City Clerk

REFUSE DIV.  
25% \$17,500  
Bagging machine

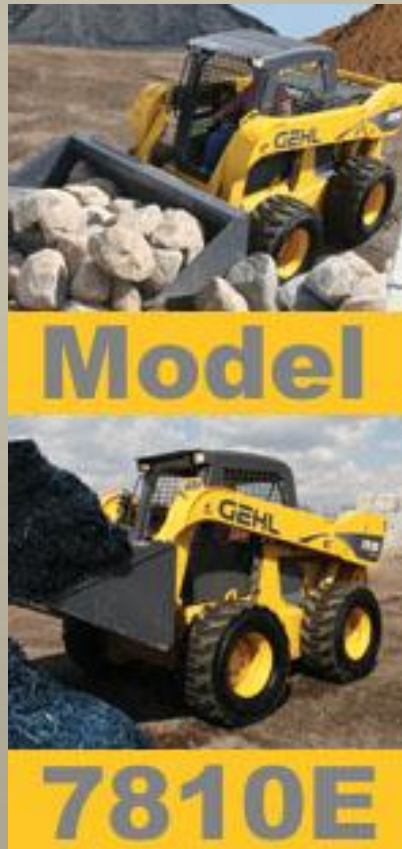
STREETS DIV.  
25% \$17,500  
Project Savings

WATER DIV.  
25% \$17,500  
Unfinished  
Projects

SEWER DIV.  
12.5% \$8,750  
Unfinished Projects

SNOW REMOVAL  
12.5% \$8,750  
Unused Overtime

**GEHL  
SKID STEER  
LOADER  
\$69,006  
(w/ assorted  
attachments)**



Bale  
Handling

Street Repairs,  
Material  
Handling

Utility  
Maintenance,  
Material Handling

Utility Maintenance, Material  
Handling

Sidewalk Clearing,  
Tire Chain Handling

**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:

Attest: \_\_\_\_\_  
Robyn Kincaid, Deputy City Clerk

**CITY COUNCIL SPECIAL MEETING  
NOVEMBER 15, 2011 @ 7:00 PM  
LIBRARY MEETING ROOM  
MINUTES**

**A. CALL TO ORDER**

*Vice-Mayor David Reggiani* called the Council Special Meeting to order at 7:06 pm on November 15, 2011 in the Library Meeting Room.

**B. ROLL CALL**

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

**C. APPROVAL OF AGENDA**

*M/Allison S/Cheshier* to approve the agenda

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

**D. DISCLOSURES OF CONFLICTS OF INTEREST - None****E. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

1. Audience comments regarding agenda items. - None

**F. COUNCIL COMMENTS – None****G. EXECUTIVE SESSION**

2. Personnel salaries and union negotiations

*M/Beedle S/Allison* to enter into an executive session. 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 specifically personnel salaries and union negotiations.

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

Council entered executive session at 7:09 pm

Council came out of executive session and back into regular session at 7:29 pm

**H. ADJOURNMENT**

*M/Allison S/Cheshier* to adjourn.

Hearing no objection the meeting was adjourned at 7:29 pm.

Approved:

Attest: \_\_\_\_\_  
Robyn Kincaid, Deputy City Clerk



**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 7<sup>th</sup> 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 5<sup>th</sup> to the 16<sup>th</sup>

**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:

Attest: \_\_\_\_\_  
Robyn Kincaid, Deputy City Clerk

**CITY COUNCIL SPECIAL MEETING  
NOVEMBER 28, 2011 @ 7:00 PM  
LIBRARY MEETING ROOM  
MINUTES**

**A. CALL TO ORDER**

*Vice-Mayor David Reggiani* called the Council Special Meeting to order at 7:02 pm on November 28, 2011 in the Library Meeting Room.

**B. ROLL CALL**

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

**C. APPROVAL OF AGENDA**

*M/Allison S/Kacsh* to approve the agenda

Council added *Todd Taylor* of the US Coast Guard as a guest speaker. The executive session on personnel salary review and union negotiations was removed as *Lynch* stated he had nothing new to report.

Vote on motion: 4 yeas, 0 nays, 3 absent. (Bradford, Cheshier and Beedle). Reggiani – yes; van den Broek – yes; Kacsh – yes and Allison – yes. Motion approved.

**D. DISCLOSURES OF CONFLICTS OF INTEREST - None****E. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

\* Guest speaker – Todd Taylor of the US Coast Guard

*Todd Taylor* introduced himself as part of the Marine Safety Unit from Valdez who is in town for the Sound Developer project. They are two weeks into the contract with Global who was hired to salvage the vessel. They will be lifting the vessel and towing it to the mud flat over by the ocean dock yard. They will be moving the vessel up the mud flat as tides allow. The vessel will then be cleaned to the satisfaction of Commander Ben Hawkins. It will then be delivered to the City for final disposal. They are using 26 heavy lift bags and have 5 to 9 people (depending on the day) working 12-hour shifts diving. Alaska Marine Response (AMR) with Andy Craig is running logistics for Global and pollution response for the Coast Guard. There is a proposal with the City now to move the vessel from the mud flat to the ocean dock yard that will be discussed later in the executive session.

*Mayor Kallander* joined the meeting (via teleconference) at 7:10 pm

1. Audience comments regarding agenda items. – None

**F. NEW BUSINESS**

2. Resolution 11-11-42

A resolution of the City Council of the City of Cordova, Alaska adopting service fees, rates and charges for the 2012 calendar budget – 1<sup>st</sup> reading

*M/Allison S/Kacsh* to approve Resolution 11-11-42, a resolution of the City Council of the City of Cordova, Alaska adopting service fees, rates and charges for the 2012 calendar budget.

*Allison* stated that he thought the water & sewer rates were being combined into the fee schedule. *Lynch* responded that it is still in the works but the attorney's recommended not doing it right now. *Reggiani* asked if the discount for City employees was a result of the union contract negotiations. *Lynch* responded that it was not, it is just a discount provided for our City employees. *Reggiani* asked about the used oil reception if

they are just trying to place a value on the used oil. **Lynch** responded that the man hour rate increased because labor rates increased and the 5% harbor increase is included in that amount. **Kacsh** pointed out that the fee is for the offloading of large quantities of used oil when the harbor crew has to bring their pump down to the boat.

Vote on motion: 4 yeas, 0 nays, 3 absent. (Bradford, Cheshier and Beedle). Reggiani – yes; van den Broek – yes; Kacsh – yes and Allison – yes. Motion approved.

### 3. Substitute Ordinance 1083

An ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code section 14.16.260 to increase the monthly flat rate for sewer service – 1<sup>st</sup> reading

**M/Allison S/Kacsh** to adopt Ordinance 1083, an ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code section 14.16.260 to increase the monthly flat rate for sewer service

**Lynch** stated that this is just a band-aid to get us through this year. This keeps the rate as low as possible. **Allison** asked if it will pay back the water funds that were borrowed. **Lynch** responded that he had decided to split the funds evenly instead of a heavier portion to water and now the sewer doesn't owe any money. Council decided to forgive the \$21K payment from water to the City's permanent fund till next year and will be contributing to the reserve fund instead. **Allison** clarified that this rate will get them through 2012. **Reggiani** affirmed and added that they will be investing toward it. **Kacsh** asked if this will be an even number for billing. **Lynch** responded that he was not sure.

Vote on motion: 4 yeas, 0 nays, 3 absent. (Bradford, Cheshier and Beedle). van den Broek – yes; Kacsh – yes; Allison – yes and Reggiani – yes. Motion approved.

### G. COUNCIL COMMENTS – None

### H. AUDIENCE PARTICIPATION

**Jennifer Gibbens**, Browning St, thanked the Coast Guard for working to remove the Sound Developer.

### I. EXECUTIVE SESSION

~~4. Personnel salaries and union negotiations~~

5. Update on Sound Developer

**M/Allison S/Kacsh** to go into an executive session for an update on the Sound Developer 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.

Vote on motion: 4 yeas, 0 nays, 3 absent. (Bradford, Cheshier and Beedle). van den Broek – yes; Kacsh – yes; Allison – yes and Reggiani – yes. Motion approved.

Council entered executive session at 7:25 pm

Present for the executive session were **Mayor James Kallander** (via teleconference), Council members **James Kacsh**, **David Reggiani**, **David Allison**, and **Keith van den Broek** (via teleconference), City Manager **Mark Lynch**, Finance Director **Ashley Royal** and Deputy City Clerk **Robyn Kincaid**.

Council came out of executive session and back into regular session at 7:45 pm

### J. ADJOURNMENT

**M/Allison S/Kacsh** to adjourn.

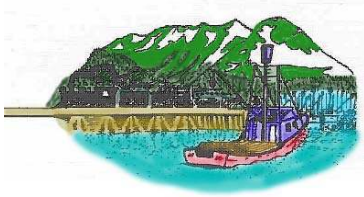
Hearing no objection the meeting was adjourned at 7:47 pm.

Approved:

Attest: \_\_\_\_\_

Robyn Kincaid, Deputy City Clerk





City of Cordova  
602 Railroad Ave.  
P.O. Box 1210  
Cordova, Alaska 99574

Phone: (907) 424-6200  
Fax: (907) 424-6000  
Email:

[citymanager@cityofcordova.net](mailto:citymanager@cityofcordova.net)

# CITY OF CORDOVA

## *Office of City Manager*

November 30, 2011 Manager's Report (for 12/07/11 Council meeting)

**Personnel issues:** Have conducted interviews with Fire Marshal candidates, and hope to have someone in place by January 1.

**Union Contract:** Scheduled to continue in mid-December. Currently working on cost analysis of union requests.

**Budget & Fees:** This item has consumed the bulk of my time recently, but is finalized in the current packet.

**Hospital Contract:** Continuing. Our attorneys have finalized a draft and are waiting a reply from Providence.

**Sound Developer:** I continue to work with the Coast Guard and Global Diving to get the vessel removed from our Harbor.

**Science Center:** Our Planner continues to work with the Science Center and the Corps to amend our breakwater permit to allow additional fill to be placed.

**Breakwater Extension:** Work is proceeding to have an RFP ready to proceed with this as soon as the weather allows.

**North Fill Floating Dock:** Our Harbormaster and Planner are working on permitting for this project.

I will be leaving for vacation on the afternoon of December 2, and will be back at work on December 19.

## CITY CLERK'S REPORT TO COUNCIL

*December 7, 2011 Regular Council Meeting*

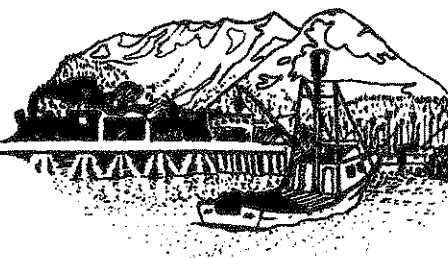
**Date of Report:** November 30, 2011

November 18 training session with Dennis McMillian of Foraker gave me some ideas.

- 1) **my** written reports are probably not being read – they should be bulleted (or numbered)  
I learned this in the training session
- 2) written reports should be in the packet and should be expected to be read  
If there is pressing new news, I will further verbally report otherwise the written is all you get – and I may change the format so as not to include the mundane daily tasks of the Clerk's office (do you really care?) I'll try to keep it to the exciting stuff
- 3) verbal reports at Council meetings should be reserved for action items – otherwise they should only appear in written form
- 4) McMillian was of the opinion that Council packets should be able to be read in 30 minutes - please report back to me on this – maybe reorganization is necessary  
I am brainstorming a form for agenda item submission  
the who, what, why, where, how, of the item  
easier for staff, for Council & for the PUBLIC
- 5) I am trying to streamline meetings – perhaps a discussion of this is needed – are you ok with the length of meetings? length of packets? do we need to streamline? is nothing broke so don't fix it? or are you in agreement with me? Perhaps something else to ponder is length of **Council's** discussion – I believe that discussion is necessary but is there a need/ a way to limit this?

OK, this was a shorter report – let's see if it worked – please comment via email or during your Council comments at the meeting

# CITY OF CORDOVA



November 18, 2011

Attn: BOF COMMENTS  
Boards Support Section  
Alaska Department of Fish & Game  
P.O. Box 115526  
Juneau, AK 99811-5526

BY FAX and mail

Board of Fish Members:

Cordova is located between the Copper River Delta and Prince William Sound. Our Alaska Native community, the Eyak's, have fished this area for thousands of years. Commercial fishing on the Copper River began over 100 years ago. Our peoples' lives revolve around the river, we identify with it, and it is who we are. Combined with our great heritage and customary and traditional use of subsistence fishing and hunting activities, Cordova has often been named as the perfect Alaskan town to call home. However, Cordova has one of the highest cost of living averages in Alaska. We are one of the last pure fishing communities; we survive by the efforts of the commercial fishermen, the processors and the support businesses. We enjoy the highest number of resident fishermen of any area in the State of Alaska, and many maintain year-round homes here. The way of life of most Cordova citizens would be threatened by the implementation of the proposals I have listed below. Cordova continues to sustain itself even through the tough times immediately following the Exxon Valdez Oil Spill. The City capably supports its infrastructure, maintains great levels of services for its citizens and funds our award-winning school district and full-service hospital to make Cordova a wonderful and safe place to live. Cordova could easily become a ghost town, a shell of a once thriving commercial fishing dependent town, if some or all of these proposals are approved by the Board of Fish.

The City of Cordova would like to offer input on five of the proposals that are before the Board for the December 2 – 7 meetings in Valdez.

**Proposal 50** does not appear to identify specific action to be taken by the Board. However, the City does agree with the proposer in supporting sound biological management which in tandem with expanding markets would increase fishery profitability for all permit holders and for our coastal community.

**Proposal 51** asks the Board to review the Copper River District salmon subsistence fishery and consider changing the classification from customary and traditional (i.e. subsistence) to personal use. The customary and traditional subsistence use of salmon in the Copper River region by Alaska Natives for 10,000 years as well as by Cordova residents for over 100 years is well documented. The 2003 C&T Worksheet

used by the Board to review all available data regarding the C&T eight criteria very accurately reflects this community's continued multi-generational dependence and use of Copper River salmon stocks. As an isolated, heavily fish-dependent coastal Alaskan community, Cordova's resource harvest and use pattern epitomizes all subsistence criteria.

**Proposal 53** asks the Board to amend the regulations concerning the Prince William Sound subsistence salmon fisheries management plan by combining the four Prince William Sound areas into one Area E and to have one set of bag and possession limits for the entire area. The City of Cordova believes that current subsistence districts and harvest levels amply provide for the respective needs of each community in Prince William Sound. The remote villages in the Sound have specific harvest areas, local licensing requirements, and adequate harvest levels in place. Supplemental provisions of the proposal throughout Prince William Sound are unwarranted.

**Proposals 114 & 115** aim at reducing the hatchery production of Chum Salmon in Prince William Sound and the City of Cordova adamantly opposes that. Hatchery chum production is a significant portion of the PWS commercial salmon harvest. The expanding market for all Alaska chum salmon is being realized due in large part to the enhanced components of chum runs throughout the state. Foreign producers readily fill any reduction in world market share of Alaskan salmon. Cordova, PWS regional ports and the State of Alaska continue to greatly benefit from raw fish taxes, processing jobs, transportation and individual income derived from these well-managed and healthy stocks.

On behalf of the City and citizens of Cordova, I urge the Alaska Board of Fisheries to consider the negative impacts of the aforementioned proposals to the rural communities and families of Prince William Sound during your deliberations. Please reject proposals 51, 53, 114 and 115.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "James Kallander" followed by "by Sam B..." in a smaller, less legible script.

James Kallander, Mayor  
City of Cordova

cc: Monica Wellard, Executive Director, BOF  
Cora Campbell, Commissioner, ADF&G  
Tom Carpenter, CR/PWS Advisory Committee  
John Renner, CR/PWS Advisory Committee

JK:sb

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH

**SEAN PARNELL, GOVERNOR**

3601 C Street, Suite 756  
ANCHORAGE, ALASKA 99503  
PHONE: (907) 269-8126  
FAX: (907) 269-2048

November 21, 2011

The Honorable James Kallander, Mayor  
The City of Cordova  
P.O. Box 1210  
Cordova, Alaska 99574

Subject: Support for community water fluoridation

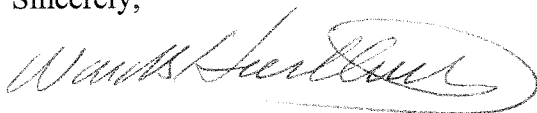
Dear Mayor Kallander:

The State of Alaska Division of Public Health strongly supports water fluoridation for improving the dental health of Alaskans. Over 60 years of experience and research confirms that community water fluoridation is safe and effective for reducing tooth decay. A recent study in Alaska found that children from villages with fluoride added to their water had 3-fold fewer cavities than children from villages where fluoride was not added to the water. The only adverse affect of water fluoridation at the currently recommended concentration of 0.7 – 1.2 mg/L is increased risk of mild enamel fluorosis - barely noticeable white flecking or striations in tooth enamel. Enamel fluorosis is cosmetic and often only apparent under close inspection under light (e.g., in the dental office). Teeth with enamel fluorosis have less dental decay.

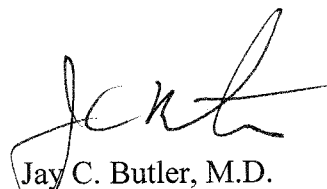
The US Centers for Disease Control and Prevention (CDC) is the lead federal agency for recommendations and guidelines on community water fluoridation. We expect that the CDC will soon change their recommendation for how much fluoride should be added to the water in Alaska for an optimal concentration – the notice of this proposed change to 0.7 mg/L was released this past January. Currently about 72% of the U.S. population served by public water systems have optimally fluoridated water. With this increase in optimally fluoridated water, recent national studies find about the same reduction in dental decay at the 0.7 mg/L level of fluoride as is seen at the upper end of the current range. Further, the lower fluoride concentration will reduce risk of the mild enamel fluorosis.

I want to offer the resources of the Alaska Division of Public Health to assist you in relation to water fluoridation in your community. If you have questions on the proposed change for fluoride concentration for water fluoridation or water fluoridation in general, please contact: Brad Whistler, DMD, Alaska Division of Public Health Dental Officer, by phone at (907) 465-8628, or by email at [bradley.whistler@alaska.gov](mailto:bradley.whistler@alaska.gov).

Sincerely,



Ward B. Hurlburt, M.D., MPH  
Chief Medical Officer  
Director, Division of Public Health



Jay C. Butler, M.D.  
Senior Director, Community Health Services  
Alaska Native Tribal Health Consortium



CORDOVA  
ELECTRIC  
COOPERATIVE, INC

P.O. Box 20, 705 Second Street, Cordova, Alaska 99574-0020 \* (907) 424-5555 \* Fax (907) 424-5527

December 1, 2011

Mark Lynch  
City Manager  
City of Cordova  
PO Box 1210  
Cordova, AK 99574

RE: \$35,000 per year City of Cordova LED Street Lighting Savings

Mr. Lynch:

Per your concerns that the City was not realizing savings from the LED street light retrofits on the metered main street lighting and the new LED fixtures distributed around the community for street lighting, I performed more detailed analysis of the performance of the lights since we met last week. I was pleasantly surprised that the fuel savings were even more than I had anticipated.

From October 2008 to October 2009 bills for the decorative main street lights were approximately \$11,400 for the year (CEC had already installed 3 LED samples at the library at that time) The bills to the City of Cordova for those same lights from October of 2010 to October of 2011 were approximately \$4,500, a savings of almost \$7,000.

The savings for the general street lighting were even more dramatic. The new LED fixtures are billed at \$8.10 per month per fixture less than the old 150W high pressure sodium (HPS) lights. For the 138 fixtures the City is billed, the savings are \$13,413.60 per year. In addition, CEC only bills fuel pass through costs on 31kWh of usage per month for LEDs as compared to the 110kWh per month we used to bill on the HPS fixtures. This savings, at the average fuel pass through cost of \$0.107/kWh through October of 2011, is \$13,998.17 for the 138 fixtures. Add to this the savings of the fixtures the City removed from service at an annual savings of approximately \$532.68 a year per fixture, and the savings are substantial, \$35,000 for the LED retrofits alone.

It is my hope that CEC and the City of Cordova can continue to partner on energy conservation projects to reduce electric energy costs to Cordova, despite the pressure this places on CEC to adjust to the declining revenues. CEC is particularly supportive of assisting the City in retrofitting community buildings including the hospital, schools, and other municipal buildings with energy efficient T8 fluorescent lighting as we have discussed recently. We appreciate your participation in the Clean Choice Green Power Program that assists CEC in providing these services and savings.

Sincerely,

Clay Koplin  
CC: City Council

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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

---

DATE: November 30, 2011

TO: Mayor and City Council

SUBJECT: Resolution 11-11-42 &  
Substitute Ordinance 1083

---

City rates fees and charges as well as enterprise fund rates will now be set simultaneously with passage of the budget.

This is the second reading of the sewer rate increase ordinance that the City Council arrived at during discussions at the 2012 Budget Work sessions. Ordinance 1083 first came before Council on July 6 but was referred to staff until budget time. At that same meeting, Council decided that all City rates, fees and charges should be set for the year at the same time that the budget is adopted for that year.

Therefore, this Resolution (fees) and this Ordinance are both before you tonight for second reading. Both were passed with little discussion and problem at the special meeting on November 28, 2011. There was also a public hearing for both of these as well as the budget resolution tonight previous to Council's voting on these again.

RECOMMENDED MOTION: Move to approve Resolution 11-11-42

REQUIRED ACTION: Majority voice vote.

RECOMMENDED MOTION: Move to adopt Ordinance 1083

REQUIRED ACTION: Majority roll call vote.

**CITY OF CORDOVA, ALASKA  
RESOLUTION 11-11-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA ADOPTING SERVICE  
FEES, RATES AND CHARGES FOR THE 2012 CALENDAR BUDGET**

**WHEREAS**, the City of Cordova is concurrently adopting the City's 2012 Operating Budget; and

**WHEREAS**, the City Council determines by resolution the fees, rates and charges for city services that are not otherwise established by ordinance or other applicable law; and

**WHEREAS**, fees for water, sewer, and garbage are established by ordinance and can be found in Chapters 14.08, 14.16, and 8.12 respectively of the Cordova Municipal Code;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Cordova, Alaska, hereby adopts the attached list of service fees, rates and charges for the 2012 calendar year:

**CITY OF CORDOVA / PARKS AND RECREATION 2012 FEE SCHEDULE**

**BIDARKI RECREATION CENTER AND BOB KORN POOL FEES**

FEES MARKED WITH A (\*) WILL INCLUDE ALL YOUTH ACTIVITY FEES FOR THE DURATION OF THE MEMBERSHIP/ AN (X) INDICATES THAT THIS OPTION IS NOT AVAILABLE.

<b>BIDARKI OR POOL</b>	<b>ADULT</b>	<b>FAMILY</b>	<b>SPECIAL</b>
<b>DROP IN SUMMER</b>	\$10.00	X	*\$3.00
<b>DROP IN OFF SEASON</b>	\$5.00	X	*\$3.00
<b>WEEKLY SUMMER</b>	\$30.00	X	X
<b>WEEKLY OFF SEASON</b>	\$15.00	X	X
<b>1 MONTH</b>	\$55.00	* \$80.00	*\$30.00
<b>ANNUAL</b>	\$225.00	*\$400.00	*\$80.00/\$100.00
<b>OFF SEASON / 7 MO.</b>	\$150.00	*\$300.00	X
<b>SUMMER / 5 MO.</b>	\$150.00	*\$300.00	X
<b>COMBO</b>	<b>ADULT</b>	<b>FAMILY</b>	<b>SPECIAL</b>
<b>WEEKLY SUMMER</b>	\$50.00	X	X
<b>WEEKLY OFF SEASON</b>	\$25.00	X	X
<b>1 MONTH</b>	\$100.00	*\$150.00	*\$50.00
<b>ANNUAL</b>	\$400.00	*\$600.00	*150.00
<b>OFF SEASON / 7 MO.</b>	\$250.00	*\$450.00	X
<b>SUMMER / 5 MO.</b>	\$250.00	*\$450.00	X



**CORPORATE PASS RATES**

CORPORATE PASSES ARE CONSIDERED ANNUAL FAMILY COMBO PASSES/ THE USCG PAYS A FLAT FEE FOR ALL COAST GUARD FAMILIES; ALL OTHERS ARE CHARGED PER FAMILY /YOUTH ACTIVITY FEES NOT INCLUDED

NAME	ANNUAL FEE	QUALIFIED FAMILIES / INDIVIDUALS
USCG	\$5,000.00	UNITED STATES COAST GUARD FAMILIES STATIONED IN CORDOVA ALASKA
CCMC	\$220.00	A REGULAR FT OR REGULAR PT EMPLOYEE OF THE CORDOVA COMMUNITY MEDICAL CENTER / WORKING 15 OR MORE HRS PER WEEK
CPSD	\$220.00	A REGULAR FT OR REGULAR PT EMPLOYEE OF THE CORDOVA PUBLIC SCHOOL DISTRICT / WORKING 15 OR MORE HRS PER WEEK
CITY EMPLOYEE / CVFD	\$187.00	A REGULAR FT OR REGULAR PT EMPLOYEE OF THE CITY OF CORDOVA / WORKING 15 OR MORE HRS PER WEEK THE VOLUNTEER FIRE FIGHTER (CVFD) PASS IS AN ANNUAL <b>ADULT</b> COMBO.
PARTICIPATING CANNERY	\$1,000.00	SEASONAL (MAY 1ST - SEPT. 30) CANNERY WORKERS

**CITIZENSHIP & RATE GRID KEY**

<b>ADULT</b>	18 YRS AND OLDER / NO LONGER IN HIGH SCHOOL
<b>FAMILY</b>	2 ADULTS WHO SHARE A HOUSEHOLD WITH UP TO 5 YOUTH / STUDENT DEPENDANTS. <b>NOTE:</b> FOR FAMILIES GREATER THEN 7; ADD \$10 PER ADDITIONAL FAMILY MEMBER
<b>STUDENT DEPENDANT</b>	A FAMILY MEMBER WHO IS ENROLLED IN SECONDARY EDUCATION AND CLAIMED ON PARENTS TAX RETURN
<b>CHILD</b>	5 YRS AND YOUNGER FREE ADMISSION WITH AN ADULT
<b>CORPORATE MEMBERSHIP</b>	A REDUCED RATE GROUP MEMBERSHIP; UNLIMITED USE COMBO PASS/ YOUTH ACTIVITY FEES ARE NOT INCLUDED.
<b>PARTICIPATING CANNERY</b>	A CANNERY WHO PAYS AN ANNUAL FLAT RATE OF \$1,000.00 SO THEIR SEASONAL EMPLOYEES WORKING MAY 1 - SEPT. 30 <sup>TH</sup> HAVE A REDUCED RATE ENTRY FEE OF \$3.00 TO BIDARKI (POOL EXCLUDED)
<b>SEASONAL CANNERY WORKER</b>	A WORKER EMPLOYED DURING THE SUMMER MONTHS (MAY 1 -SEPT. 30) BY A LOCAL 'PARTICIPATING CANNERY' / PAY A REDUCED RATE DROP IN FEE OF \$3.00 TO BIDARKI (POOL EXCLUDED)

**'SPECIAL' PASS CITIZENSHIP**

\*EACH CITIZEN DEFINED BELOW FALLS UNDER OUR 'SPECIAL PASS' /PASS OPTIONS FOR THESE INDIVIDUALS ARE OUR MOST REASONABLY PRICED.

<b>YOUTH</b>	6-17 YEARS OLD AND/OR STILL IN HIGH SCHOOL
<b>MILITARY</b>	ENLISTED IN THE ARMED FORCES AND PRESENTING AN ID
<b>STUDENT</b>	COLLEGE OR TRADE SCHOOL STUDENT PRESENTING AN ID
<b>DISABLED</b>	AN INDIVIDUAL PROCLAIMED DISABLED BY HIS/HER STATE OF RESIDENCY
<b>CVFD</b>	A MEMBER OF THE CORDOVA VOLUNTEER FIRE DEPARTMENT

**ANNUAL DISCOUNT MONTH**

EVERY **NOVEMBER** WE OFFER A 20% DISCOUNT ON THE ANNUAL PASSES LISTED BELOW.

<b>CITIZENSHIP</b>	<b>FULL PRICE</b>	<b>20% DISCOUNT</b>
ADULT BIDARKI OR POOL	\$225.00	\$180.00
ADULT COMBO	\$400.00	\$320.00
FAMILY BIDARKI OR POOL	\$400.00	\$320.00
FAMILY COMBO	\$600.00	\$480.00

**SUMMER CAMP**

WE OFFER A 25% DISCOUNT OFF THE TOTAL COST FOR FAMILIES WHO HAVE MORE THEN ONE CHILD IN CAMP SIBLING DISCOUNT EXAMPLE IS CALCULATED FOR TWO KIDS IN CAMP /WHEN YOU PURCHASE A 10 OR 5 DAY PACKAGE YOU CAN USE IT FOR ANY COMBINATION OF DAYS IN ANY SESSION OFFERED. AN (X) INDICATES THIS OPTION IS NOT AVAILABLE.

<b>OPTIONS</b>	<b>COST</b>	<b>SIBLING DISCOUNT</b>
10 DAY PACKAGE	\$200.00	\$300.00
5 DAY PACKAGE	\$110.00	\$165.00
DAILY DROP IN	\$25.00	X
SLEEPOVER DROP IN	\$45.00	X

**CHRISTMAS BAZAAR TABLE RENTAL**

THE CHRISTMAS BAZAAR IS AN ANNUAL EVENT HAPPENING THE FIRST FRI-SAT OF DECEMBER. PRE REGISTRATION FOR VENDORS FROM THE PRIOR YEAR HAPPENS IN MID OCTOBER/ GENERAL REGISTRATION BEGINS NOVEMBER 1ST ANNUALLY/ VENDORS MUST HAVE A STATE OR CITY BUSINESS LICENSE/ TEMPORARY BUSINESS LICENSES ARE AVAILABLE AT CITY HALL FOR \$25

<b>TABLE / SPACE SIZE</b>	<b>RENTAL FEE</b>
6FT TABLE / SPACE	\$45.00
8FT TABLE / SPACE	\$60.00
FOOD COURT TABLE	\$60.00
SHARED TABLE	\$30.00 PER PERSON

**POOL FACILITY RENTAL**

LONG TERM POOL RENTAL AND SPECIAL INTEREST GROUP RENTAL FEES TO BE DETERMINED ON AN INDIVIDUAL BASIS BY THE DIRECTOR OF PARKS AND RECREATION/ POOL PARTY'S ARE SCHEDULED FOR SUNDAYS ONLY.

<b># OF GUESTS</b>	<b># OF GUARDS</b>	<b>HOURLY RATE</b>
25 GUEST MAXIMUM	2 LIFE GUARDS	\$50.00
50 GUEST MAXIMUM	3 LIFE GUARDS	\$75.00

**BIDARKI UPSTAIRS GYM RENTAL**

THE WEIGHT ROOM IS NOT AVAILABLE FOR RENTAL / B-DAY PARTY FEE INCLUDES A HALF HOUR SET UP AND HALF HOUR CLEAN UP SUNDAYS ONLY & FOOD MUST REMAIN ON THE 3RD FLOOR / ATHLETIC RENTALS INCLUDE A 15 MIN. SET UP AND CLEAN UP SUNDAYS ONLY / DANCES 4 HR MAX SAT. EVENINGS ONLY. 4 HOUR MAX / CONFERENCES SCHEDULED M-SAT; 8 HOUR MAX.

RENTAL TYPE	# OF REC AIDS	FEE	MAX # OF GUESTS
BIRTHDAY PARTY	1	\$50 PER HOUR	25
ATHLETIC RENTAL	1	\$50 PER HOUR	25
DANCES	2	20% OF DOOR FEE	100
CONFERENCES	2	\$500 PER 8 HOUR DAY	150

**SKATERS CABIN RENTAL**

SKATERS CABIN IS A 3 DAY MAXIMUM RENTAL / THE RATE INCREASES EACH 24 HR PERIOD / RENTAL PERIOD STARTS AT 12PM AND ENDS AT 12PM NEXT DAY. THOSE NEEDING TO GET INTO THE CABIN PRIOR TO 12PM MUST RENT IT THE DAY PRIOR / THE BEACH IN FRONT OF THE CABIN AND THE SWIM PLATFORM ARE INCLUDED IN THE RENTAL FEE; THE BEACH IS CLOSED TO THE GENERAL PUBLIC DURING RENTAL PERIODS / MANDATORY \$35 REIMBURSABLE DAMAGE DEPOSIT FOR EACH RENTAL.

RENTAL PERIOD	PERIOD FEE	TOTAL FEE
1ST 24 HR PERIOD	\$25.00	\$25 (+ \$35 DEPOSIT)
2ND 24 HR PERIOD	\$35.00	\$60.00
3RD 24 HR PERIOD	\$50.00	\$110.00

**ODIAK CAMPER PARK SPACE RENTAL**

DAILY AND MONTHLY RENTAL FEES INCLUDE ELECTRICITY/ LONG TERM RENTERS (THOSE STAYING OVER 30 DAYS) PAY 6% SALES TAX WHILE SHORT TERM RENTERS (THOSE STAYING LESS THEN 30 DAYS) PAY 12% BED TAX / A **\$15 PER MO.** FEE WILL BE ADDED FOR TENTANTS WITH FREEZERS (**\$15 PER FREEZER**).

RENTER	FEE PER DAY	TOTAL CHARGE
SHORT TERM / 12% TAX	\$23.00	\$25.76 PER DAY
LONG TERM / 6% TAX	\$23.00	\$23.48 PER DAY

**INFORMATION SERVICES****Library/Museum****Meeting Room**

Meeting room reservations made according to priority use as set forth in the Policies and Procedures Manual of the Cordova Public Library. \$25 clean-up deposit may be required; clean up by user is required; cleaning deposit is refundable.

**Library fees**

Overdue fee	\$ .10/day
Copies	\$ .25/page

**POLICE DEPARTMENT****City Impound Fee:**

Vehicles and trailers up to 21 feet in length	\$10/day
Each foot beyond 21 feet	\$ 1/foot
All other material	\$0.29/sq. foot/day

Alcohol Breath Test	\$50.00
Fingerprinting:	\$ 20 - 1 card      \$ 35 - 2 cards
Police Reports	\$10.00 (requires approval from Chief)
Discovery CDs	\$15.00
Discovery Video	\$15.00

Service of Civil Papers	\$65.00
Chauffer's License	\$35.00
Dog License:	
Altered animal	\$10.00
Non altered	\$15.00
Conditional	\$ 5.00
Replacement	\$ 2.00
Impound Fees:	
Cats – Flat fee	\$50.00
Dog – 1 <sup>st</sup> Impound	\$25.00 Licensed
	\$50.00 Unlicensed
Dog – 2 <sup>nd</sup> Impound	\$50.00 Licensed
	\$75.00 Unlicensed
Dog – 3 <sup>rd</sup> Impound	Determined by Chief
Boarding Fees:	
Dogs	\$20.00/day
Cats	\$10.00/day

When an animal is impounded, the fee is as follows: Impound + Boarding + Medical + License if not yet obtained or proof of license = Total

## **FIRE DEPARTMENT**

Ambulance	\$500/run
Standby for Fire Dept.	\$200 & \$25 per hr per man and \$50 per hr for Officer

## **PUBLIC WORKS**

NOTE 1: All equipment includes an operator. 3 hour minimum may apply to any situation involving a City employee.

NOTE 2: Overtime or holiday rates apply outside of regular (straight time) work hours.

NOTE 3: Straight time work hours vary but are generally 7:00 AM to 3:30 PM. All rates are per employee.

NOTE 4: Water & sewer line locates per Utility Coordination Council Request procedure are free. (2 business days' notice required. All locates requested outside of normal business hours will be charged as emergency locate.)

NOTE 5: All prices subject to 6% sales tax.

DESCRIPTION	UNIT	STRAIGHT TIME RATE	OVERTIME RATE	HOLIDAY RATE	MINIMUM CHARGE
<b>EQUIPMENT</b>					
Volvo L120F Loader	Hour	\$130.00	\$163.50	\$230.50	
Cat 950 Loader	Hour	\$130.00	\$163.50	\$230.50	
Cat IT 62G Loader	Hour	\$130.00	\$163.50	\$230.50	
Michigan L-120 Loader	Hour	\$130.00	\$163.50	\$230.50	
Hitachi 230 Excavator	Hour	\$150.00	\$183.50	\$250.50	
Cat 436B Tractor/Backhoe	Hour	\$120.00	\$153.50	\$220.50	
Cat 163H Grader 2003	Hour	\$150.00	\$183.50	\$250.50	
Cat 140G Grader 1989	Hour	\$150.00	\$183.50	\$250.50	
Elgin Street Sweeper	Hour	\$200.00	\$233.50	\$300.50	
Ford L9000 Vacuum Truck (Vactor) 1992	Hour	\$225.00	\$258.50	\$325.50	
Ford L9000 Tandem Dump Truck 1987	Hour	\$110.00	\$143.50	\$210.50	
Ford L8000 Flatbed Truck w/ hoist 1991	Hour	\$110.00	\$143.50	\$210.50	

Mack Tandem Dump Truck 2008	Hour	\$110.00	\$143.50	\$210.50	
Tow Truck	Hour	\$120.00	\$153.50	\$220.50	
Dynapack CP132 Rubber Tired Roller	Hour	\$100.00	\$133.50	\$200.50	
Pickup Truck or Van w/ 1 person	Hour	\$110.00	\$143.50	\$210.50	
Vibratory Plate Compactor	Hour	\$75.00	\$108.50	\$175.50	
Bobcat 943 Skid Steer Loader	Hour	\$90.00	\$123.50	\$190.50	
Chevy 3500 Service Truck w/ Welder 2009	Hour	\$150.00	\$183.50	\$250.50	
City Level, Tripod, and Rod	Hour	\$80.00	\$113.50	\$180.50	
Cut-off saw	Hour	\$75.00	\$108.50	\$175.50	
Electric Jackhammer - Bosch	Hour	\$75.00	\$108.50	\$175.50	
1" Pump - Honda	Hour	\$75.00	\$108.50	\$175.50	
1.5" Electric Pump	Hour	\$100.00	\$133.50	\$200.50	
2" Pump - Honda	Hour	\$150.00	\$183.50	\$250.50	
120/240V Power Gen- Honda EG 3500	Hour	\$100.00	\$133.50	\$200.50	
Jackhammer w/ Compressor Ingersoll-Rand	Hour	\$110.00	\$143.50	\$210.50	
HDPE Welder	Day	\$150.00	\$183.50	\$250.50	1 Day
4" Honda Pump w/ Intake & Discharge Hose	Hour	\$200.00	\$233.50	\$300.50	4 HR
6" Gorman-Rupp Pump w/ Intake & Discharge Hose	Hour	\$250.00	\$283.50	\$350.50	4 HR
1.5" Neptune Backflow Preventer RPZ w/ Meter *	Day	\$90.00	\$123.50	\$190.50	1 Day
3/4" Double Check Valve Backflow Preventer *	Day	\$50.00	\$83.50	\$150.50	1 Day
* Must be installed & removed by City staff daily					
<b>SERVICES</b>					
Dump Station Fee (behind Harbor Office)	Each	\$20.00	--	--	
Towing - Car or Pickup Truck	Hour	\$120.00	\$153.50	\$220.50	
Water Turn On or Off (free to year-round customers)	Each	\$50.00	\$83.50	\$150.50	
Water Sample Testing - Coli Forms	Each	\$45.00	\$78.50	\$145.50	
Cemetery Plot - Preparation and Covering	Each	\$500.00	\$533.50	\$600.50	
Cemetery Plot – Purchase (Regular Hours Only)	Each	\$200.00	--	--	
Water Tap (connection to main)	Hour	\$72.00	\$108.00	\$180.00	
Shut off Notices (delivered for non-payment)	Each	\$25.00	--	--	
Water & sewer line locates per Utility Coordination Council Request procedure (2 business days notice)	Each	No Charge	--	--	
Emergency water & sewer locate (less than 2 business days notice)	Hour	\$72.00	\$108.00	\$180.00	
20' Demo Container - Drop off & pick up. Demo material charged extra per cubic yard.	Each	\$175.00	--	--	
<b>LABOR</b>					
Laborer	Hour	\$72.00	\$108.00	\$180.00	
<b>MATERIALS</b>					
Patching Chip Sealed Roads	SF	\$60.00	--	--	
Patching Asphalt Roads	SF	\$60.00	--	--	
Sand	CY	\$18.00	--	--	10 CY

**HARBOR****MOORAGE**

Annual Moorage	\$ 31.52/ft/yr
Monthly Moorage	\$ 11.02/ft/mo
Daily Moorage	\$ .82/ft/day paid in advance
	\$ .97/ft/day if billed

\* All slips will be reserved based on over-all length of vessels, including those slips on "L" floats. Moorage rates on "L" floats will be calculated at 75% of the current annual moorage rate (only for those slips between approach ramps). Established 10/17/01 by Resolution 10-01-79.

Annual Seaplane Moorage	\$815.72/yr
Daily Seaplane Moorage	\$ 33.95/day
Eyak Lake Seaplane Moorage	
40' space	\$340.98/yr
60' space	\$538.52/yr

**GRID FEES (per tide)**

Under 30'	\$.47/ft/tide
30'-50'	\$.53/ft/tide
51'-70'	\$.72/ft/tide
Over 70'	\$1.37/ft/tide

**MISCELLANEOUS SERVICE FEES**

Launch Ramps	
Stall holders	- no charge
Non-stall holders	\$ 78.75/yr
Waitlist	\$ 79.41/5 yrs.
Vessel Towing	\$ 63.52/hr
Vessel Pumping	\$ 31.76/hr
Pump Rental	\$ 31.76/hr
Harbor Staff Labor	\$ 72.00/hr
	\$108.00/hr for O.T.
Impound Fees	\$ 72.00
Impound/Storage of Nets	\$288.75
Storage of Impounds	\$ .29/sq ft/day
Electricity(for elec. rental slips)	\$ 15.00/day
*a deposit of \$100.00 required for all electrical pigtails	
Bilge Water Collection	\$ 95.29/hr
Showers	\$ 5.00
Dock Use Fee	\$1.81/linear ft/day

**PORT****WHARFAGE**

Minimum	\$1.58/ton
Wharfage N.O.S. (not otherwise specified)	\$5.02/ton
Wharf Demurrage - first 5 days	\$1.58/ton
after 5 days	\$3.18/ton

**DOCKAGE**

Charge	\$1.45/ft/day
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**STORAGE**

Boat storage (up to 6 months)	\$2.50/ft/mo
Boat storage (over 6 months)	\$5.00/ft/mo
Gear storage	\$.29/sq ft/mo

Van storage	
40' van	\$ 79.41/mo or \$952.88/yr
20' van	\$ 47.65/mo or \$571.72/yr

## WATER

Charge	\$ .96/1000 gallons
Minimum	\$68.06 plus \$72.00 labor

## USED OIL RECEPTION

Under 100 gallons	- no charge
100 gallons or more suitable for burning	\$72.00/man-hour
100 gallons or more unsuitable for burning	\$47.65/gallon plus \$72.00/man-hour plus shipping & disposal

## FUELS

First 50 thousand barrels	\$ 0.17/barrel
Second 50 thousand barrels	\$ 0.15/barrel
Over 100 thousand barrels	\$ 0.14/barrel

## PORT STAFF LABOR

Charge	\$72.00 hr \$108.00/hr for O.T.
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## TRAVEL LIFT

RATES: All payment for vessel lifts must be in advance and for round trip

Up to 40'	\$11.00/ft
41' – 58'	\$12.00/ft
over	\$13.00/ft

## MISCELLANEOUS FEES

Inspection Haul:	60% of round trip
Minimum Fee:	\$300.00
Electrical Use:	\$10.00/day up to 42' \$25.00/day 43' and over

## Storage Rates:

<u>14 Days or less</u>	<u>Over 14 Days</u>	<u>Over 12 Months</u>
Up to 40' \$20.00/day	\$2.50/ft/month	\$5.00/ft/month
41'-58' \$30.00/day		
59' and over \$50.00/day		

**Washdown:** Washdown pads are free.

**No-Show Fee:** Once a lift is scheduled and the boat owner fails to show or cancel the lift at least one hour before the scheduled lift time, the minimum lift fee will be charged.

## DESCRIPTIONS

<b>Per Lift:</b>	All rates are per lift or one way.
<b>Inspection Haul:</b>	Hauled out and left in slings over dock for a period of 2 hours and returned to the water. \$75.00 per 15 minutes after allotted time. Limited to approval and availability.
<b>Minimum Fee:</b>	This is the lowest fee for Travelift use. There is a one hour minimum for such things as re-blocking or relocating of vessels.

**PLANNING DEPARTMENT****Zoning Code Fees**

Appeals	\$150.00
Permits	
Conditional Use	\$200.00
Encroachment	\$200.00
Exception	\$200.00
Rezone	\$250.00
Sign	\$ 25.00
Building Permits	
Single-Family	\$ 50.00
Multi-Family	\$100.00
Commercial	\$150.00
Industrial	\$200.00
Subdivision	
Preliminary Plat	\$150.00 plus \$20.00 per lot
Final Plat	½ of Preliminary
Plat Amendment	\$75.00 plus \$15.00 per lot
Variance	\$200.00
Vacation R.O.W.	\$250.00
Lease/Purchase Agreements	
Lease and/or Purchase Agreements	\$150.00
Land Lease and/or Purchase Request	\$25.00/hour
Copy fee	
Copies	\$.25/page
Small Color Maps	\$10.00 (11 X 17)
Medium Color Maps	\$20.00 (18 X 24)
Large Color Maps	\$30.00 (24 X 36)
XXL Large Color Maps	\$40.00 (33 X 44)

**SPECIAL SERVICES**

Employee Strait Time	\$72.00/hour
Employee Overtime	\$108.00/hour

**GENERAL SERVICES**

Long-Term Parking Rates	
With Harbor Slip for boat to 40 feet	1 free/yr.
With Harbor Slip for boat over 40 feet	2 free/yr.
Additional Long-Term Permits or w/o Harbor Slip	
Vehicles up to 21 feet length of vehicle	\$20/mo
Each foot beyond 21 feet length	\$1/foot/mo
Seasonal Boat Trailer Parking Spaces (May 1 – October 15)	
With Harbor Slip Rental	\$120.00
Without Harbor Slip Rental	\$350.00
Business License	\$35.00
Additional Business License	\$25.00
Special Event License	\$25.00
Copies	\$ .25 / page



Copies of audiocassette tapes or CD's	\$5.00/CD of City meetings
City Code Books	\$425.00 plus cost per updates
City Property Tax Books- hardcopy	\$120.00
Electronic copy	\$ 15.00
Budget Documents	\$ 20.00
Non-Sufficient-Funds Checks	\$ 45.00
Election Board Compensation (as per CMC 2.32.020)	
Election Chairperson	\$ 12.50/hr
Election Board/Clerks	\$ 12.00/hr

**BE IT FURTHER RESOLVED** that these fees, rates and charges shall remain in effect until changed by further action of the City Council.

First Reading: November 28, 2011

Public Hearing & Second Reading: December 7, 2011

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2011**

\_\_\_\_\_  
Jim Kallander, Mayor

ATTEST:

\_\_\_\_\_  
Susan Bourgeois, City Clerk

**CITY OF CORDOVA, ALASKA  
SUBSTITUTE ORDINANCE 1083**

**AN ORDINANCE OF THE CITY OF CORDOVA, ALASKA,  
ESTABLISHING SEWER RATES**

**WHEREAS**, the City Council of the City of Cordova has established the necessary revenue amount for the sewer enterprise fund budget in 2012; and

**WHEREAS**, current rates are insufficient to match expenditure levels; and

**WHEREAS**, the sewer enterprise fund is experiencing significant increases in energy costs; and

**WHEREAS**, it is preferred that depreciation of the sewer department infrastructure be a part of the revenue scheme and saved for capital expenditures for the sewer department enterprise fund; and

**WHEREAS**, the City Council has met and agreed to collect enough revenue to cover operational expense as well as \$50,000 of funded depreciation in the sewer department enterprise fund.

**BE IT ORDAINED** that the City Council of the City of Cordova, Alaska, hereby sets the following rates for sewer sales and service and repeals and amends code section 14.16 as follows:

**14.16 SEWERS**

**14.16.260 Rates Designated**

B. The monthly flat rate for one equivalent unit of sewer service is forty-six dollars and ninety-three cents (\$46.93).

**BE IT FURTHER ORDAINED** if one or more referendum petitions with signatures are properly filed within one (1) month after the passage and publication of this ordinance, the ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient or, if any such petition is found legal and sufficient, until the ordinance is approved in an election by a majority of the qualified voters, voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect thirty (30) days after its passage and publication.

This Ordinance shall be effective thirty 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 ordered published in a newspaper of general circulation, within ten days of its passage.

First reading: November 28, 2011

Second Reading and Public Hearing: December 7, 2011

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2011**

\_\_\_\_\_  
Jim Kallander, Mayor

ATTEST:

\_\_\_\_\_  
Susan Bourgeois, City Clerk

**CITY OF CORDOVA, ALASKA  
RESOLUTION 12-11-43**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,  
ADOPTING AN OPERATING BUDGET FOR FISCAL YEAR 2012,  
AND APPROPRIATING FUNDS IN THE AMOUNT OF \$24,692,663.**

		PLUS INTERFUND	LESS INTERFUND	TO or (FROM)	
FUND	REVENUES	TRANSFERS IN	TRANSFERS OUT	RESERVE	APPROPRIATION
General Fund	\$9,722,327	\$852,084	\$749,946	\$0	\$9,824,465
Permanent Fund	\$366,023	\$744,836	\$945,677	\$165,182	\$0
Ambulance Replacement Fund	\$7,050	\$0	\$0	\$7,050	\$0
Vehicle Removal Fund	\$0	\$33,000	\$0	\$33,000	\$0
Governmental Capital Projects	\$170,750	\$545,676	\$0	\$11,618	\$704,808
School Capital Project	\$823,948	\$0	\$0	\$0	\$823,948
Cordova Center Capital Project	\$7,805,530	\$0	\$0	\$0	\$7,805,530
Fund 911	\$50,000	\$0	\$0	\$50,000	\$0
Governmental Funds Total	\$18,945,628	\$2,175,596	\$1,695,623	\$266,850	\$19,158,751
Harbor & Port Enterprise Fund	\$1,010,956	\$0	\$240,256	(\$0)	\$770,700
Harbor & Port Capital Projects	\$1,750,000	\$10,000	\$0	(\$30,000)	\$1,790,000
Harbor Fund Dep'n Reserve	\$0	\$70,000	\$0	\$70,000	\$0
Sewer Enterprise Fund	\$627,210	\$0	\$144,081	\$0	\$483,129
Sewer Capital Projects	\$113,500	\$0	\$0	(\$150,500)	\$264,000
Sewer Fund Dep'n Reserve	\$0	\$50,000	\$0	\$50,000	\$0
Water Enterprise Fund	\$665,993	\$9,600	\$205,299	\$0	\$470,294
Water Capital Projects	\$101,500	\$100,000	\$0	(\$50,500)	\$252,000
Water Fund Dep'n Reserve	\$0	\$4,236	\$0	\$4,236	\$0
Refuse Enterprise Fund	\$852,300	\$0	\$230,173	\$0	\$622,127
Refuse Capital Projects	\$592,000	\$50,000	\$0	(\$190,000)	\$832,000
Refuse Fund Dep'n Reserve	\$0	\$0	\$0	\$0	\$0
Refuse Fund - Landfill	\$0	\$50,000	\$0	\$50,000	\$0
Odiak Camper Park Fund	\$53,662	\$0	\$4,000	\$0	\$49,662
Enterprise Funds Total	\$5,767,121	\$343,836	\$823,809	(\$246,764)	\$5,533,912
TOTALS APPROPRIATION	\$24,712,749	\$2,519,432	\$2,519,432	\$20,086	\$24,692,663

**WHEREAS**, the City Manager submitted his proposed FY12 Operating Budget; and,

**WHEREAS**, the City Council has conducted work sessions reviewing the proposed 2012 budget, and submitted its recommendations, and held a public hearing on December 7, 2011 on the proposed 2012 operating budget; and

**WHEREAS**, in the amount appropriated from the General Fund, **\$1,790,940** is included for the Cordova Public Schools, and **\$812,230** for Cordova Community Medical Center

**NOW, THEREFORE BE IT RESOLVED THAT** the City Council of the City of Cordova, Alaska, hereby adopts the City Operating Budgets and appropriates such funds for FY12, for the period of January 1, 2012 to December 31, 2012, in the amount of **\$24,692,663**.

**BE IT FURTHER RESOLVED** that all unencumbered balances remaining in each fund as of January 1, 2013 shall be transferred to the unappropriated fund balance of the respective fund from which appropriated.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2011.**

\_\_\_\_\_  
James Kallander, Mayor

ATTEST:

\_\_\_\_\_  
Susan Bourgeois, City Clerk



City of Cordova  
602 Railroad Ave.  
P.O. Box 1210  
Cordova, Alaska 99574  
Phone: (907) 424-6200  
Fax: (907) 424-6000  
Email: [citymanager@cityofcordova.net](mailto:citymanager@cityofcordova.net)  
Web: [www.cityofcordova.net](http://www.cityofcordova.net)

# CITY OF CORDOVA

## *Office of City Manager*

November 30, 2011

Memo to City Council  
Re: Borrowing Ordinance

Due to the holdup of the EVOS grant funds it may become necessary for the City to enter into some form of short term financing for the Cordova Center until the EVOS money becomes available. The attached Ordinance will allow that to happen.

Thank you,

Mark Lynch  
City Manager

**CITY OF CORDOVA, ALASKA  
ORDINANCE 1091**

**AN ORDINANCE OF THE CITY OF CORDOVA, ALASKA, AUTHORIZING A  
BORROWING IN ANTICIPATION OF THE RECEIPT OF REVENUES OF THE CITY  
IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,793,918.60 TO  
FINANCE PART OF THE COST OF THE CORDOVA CENTER PROJECT; AND  
PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Cordova (the "City") has determined that it is necessary and desirable that the Cordova Center Project (the "Project") be acquired and constructed; and

**WHEREAS**, the City will fund a portion of the cost of the Project through a grant from the *Exxon Valdez* Oil Spill Trustee Council in the amount of \$7,000,000; and

**WHEREAS**, the City has appropriated the sum of \$7,000,000 from grant funds to be received from the *Exxon Valdez* Oil Spill Trustee Council to pay costs of the Project; and

**WHEREAS**, under Article VI, Section 6-2 of the City Charter, the City has the power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the council by ordinance, and without submitting the question to the voters; and

**WHEREAS**, in accordance with Article VI, Section 6-2 of the City Charter, the principal amount of the loan, combined with the outstanding principal amount of all other revenue anticipation indebtedness of the City, does not exceed \$2,793,918.60, which is one percent of the assessed value of all real and personal property in the City; and

**WHEREAS**, it is necessary and in the best interest of the City that City borrow the sum of \$2,793,918.60 in anticipation of the collection of revenues to meet the appropriation from grant funds to be received from the *Exxon Valdez* Oil Spill Trustee Council to pay costs of the Project.

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

Section 1. the City Council of the City of Cordova, Alaska, hereby authorizes the borrowing by the City of the sum of not to exceed \$2,793,918.60 in anticipation of the collection of revenues to meet the appropriation from grant funds to be received from the *Exxon Valdez* Oil Spill Trustee Council to pay costs of the Project. The loan shall mature no later than the end of the fiscal year following the fiscal year in which the term of the loan commences.

Section 2. Subject to the limitations provided in Section 1, the City Manager is hereby authorized to negotiate the terms of the loan, including without limitation the principal amount, interest rate, principal and interest payment dates, and redemption terms for the loan, and to execute all necessary documents for the loan; provided that the true interest cost of the loan, expressed as an annual rate, does not exceed 10.0 percent (per Charter 6-4). In determining the

terms for the loan, the City Manager shall take into account those factors which, in his judgment, will result in the lowest true interest cost on the loan to its maturity, including without limitation current financial market conditions and current interest rates for obligations comparable in tenor and quality to the loan.

Section 3. 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 in a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: December 7, 2011

2nd reading and public hearing: December 21, 2011

**PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF DECEMBER, 2011.**

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Jim Kallander, Mayor

ATTEST:

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Susan Bourgeois, City Clerk

## **MEMORANDUM**

**TO: CITY OF CORDOVA CITY COUNCIL  
MAYOR  
CITY MANAGER**

**FROM: HOLLY C. WELLS, BIRCH HORTON BITTNER & CHEROT**

**RE: RESOLUTION NO. 12-11-46 AUTHORIZING SETTLEMENT  
AGREEMENT BETWEEN THE CITY OF CORDOVA, ALASKA AND  
TERRY LONBORG**

**CLIENT: CITY OF CORDOVA, ALASKA**

**FILE NO.: 401,777.186**

**DATE: DECEMBER 1, 2011**

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Resolution No. 12-11-46 authorizes a settlement agreement between Terry Lonborg, the owner of the derelict vessel, "the Spartan", and the City of Cordova, Alaska. The City removed the Spartan from the City Harbor after providing numerous warnings to Mr. Lonborg that his vessel was in need of maintenance and after the vessel sprung a leak, posing a clear and present danger to the health, safety, and welfare of the City and its inhabitants and visitors. As a result, the City incurred costs for removing and storing the vessel in excess of \$42,228.89. The City filed suit in Alaska District Court to recover these fees but on the eve of trial Mr. Lonborg filed for Chapter 13 bankruptcy, which automatically stays all collection proceedings against the filing individual.

As a result of the bankruptcy filing, the City began negotiating with Mr. Lonborg to come to a settlement that would allow the City to recover at least some of the fees it lost due to the derelict nature of the Spartan. Under the proposed settlement agreement, Mr. Lonborg agrees to make payments of \$508.00 every month until he has paid the total amount owed the City plus six months of storage fees and 3.75% interest. In exchange, the City will take responsibility for the removal and disposal of the vessel and shall take ownership of the vessel in nine months if the City has not yet disposed of the vessel.



**CITY OF CORDOVA, ALASKA  
RESOLUTION 12-11-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A  
SETTLEMENT AGREEMENT BETWEEN THE CITY OF CORDOVA AND TERRY  
LONBORG REGARDING CITY OF CORDOVA V. TERRY LONBORG, CASE NO.  
3AN-10-08191 CI**

**WHEREAS**, The City of Cordova, Alaska (“City”) brought suit against Terry Lonborg for the removal of his derelict vessel from the City Harbor and reimbursement for the fees associated with the removal and storage of that vessel; and

**WHEREAS**, Mr. Lonborg filed for Chapter 13 bankruptcy on September 16, 2011, shortly before the scheduled trial; and

**WHEREAS**, the City’s case against Mr. Lonborg has been necessarily stayed as a result of that bankruptcy and the City’s ability to pursue a judgment against Mr. Lonborg has been severely impaired,

**NOW, THEREFORE, BE IT RESOLVED** that:

Section 1. The City Manager is authorized and directed to execute and enter into the settlement agreement signed by Mr. Lonborg on November 30, 2011 and attached to this Resolution as Exhibit A in accordance with the terms of that settlement agreement. The form and content of the settlement agreement now before this meeting hereby is in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver the Agreement and its attachments, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said agreement and related documents now before this meeting, and from and after the execution and delivery of said agreement and any related documents, the City Manager hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the Agreement and any related documents as executed.

Section 2: This resolution shall become effective upon passage and approval.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2011.**

ATTEST:

---

James Kallander, Mayor

---

Susan Bourgeois, City Clerk

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

THIS SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS ("Agreement") is entered into by and between THE CITY OF CORDOVA (the "City") and TERRY LONBORG ("Mr. Lonborg") together with all of their predecessors, successors, affiliates, assigns, agents, partners, attorneys, heirs, executors, representatives, and any other person or entity who has derived or could potentially derive rights through them (collectively the "parties") on \_\_\_\_\_, 2011 ("Effective Date"). Unless otherwise specified below, this Agreement constitutes full and final satisfaction of all claims and/or counterclaims between the parties.

**RECITALS**

1. Mr. Lonborg is the owner of the vessel *M/V Spartan*, No. 27101. Beginning August 1, 2006, Mr. Lonborg moored the *Spartan* at the City of Cordova Small Boat Harbor. Mr. Lonborg entered into an agreement with the City to pay for all moorage and Harbor expenses in exchange for the right to moor the *Spartan* in the Harbor. Mr. Lonborg also agreed to pay fees and charges associated with the removal of the *Spartan* from the Harbor in the event of an emergency or the need to do so in order to protect the Harbor or other vessels in the Harbor.

2. Following this agreement, the *Spartan* sat in the Harbor inactive and unused for several years, receiving no maintenance or repair from its owner or anyone else.

3. In 2010, the City determined that the *Spartan* was at risk of sinking, an event which would pose a clear and present danger to the public health, safety, and welfare of the City, and potentially cause harm to the Harbor or other vessels in the

Harbor. The City informed Mr. Lonborg that the *Spartan* was at risk of sinking. Despite this warning, Mr. Lonborg did not take any action to repair the vessel or otherwise abate its condition.

4. On March 31, 2010, the *Spartan* began to sink. The City hired Alpine Diesel, a local business, to tow, dock, and repair the vessel. The City notified Mr. Lonborg of the situation, but he made no effort to repair or remove the *Spartan*.

5. The City sent a Notice of Abatement to Mr. Lonborg on April 7, 2010, informing him that it had determined the *Spartan* was a nuisance. The City then hired Alpine Diesel to remove the *Spartan* from the Harbor, place it in storage, and clean or repair the vessel as necessary.

6. The City incurred \$36,010.00 in recovery, repair, and abatement costs for services provided to it by Alpine Diesel. The City also incurred direct costs of \$3,204.25 for its own labor. The City also incurred costs of \$6,897.85 for storing the *Spartan*.

7. Because the City furnished repairs or necessities to the *Spartan*, it has a maritime lien on the vessel pursuant to 46 U.S.C. § 31342(a).

8. The City filed suit against Mr. Lonborg to collect its costs in the District Court for the Third Judicial District in Anchorage, Case No. 3AN-10-008191 CI (the "Litigation"). This Agreement is intended to fully resolve all claims that were, should, or could have been asserted by any party in the Litigation.

#### AGREEMENT

The parties agree as follows:

9. Mr. Lonborg shall pay the City for the cost of recovering, repairing, storing, and otherwise abating the *Spartan*, in the amount of \$46,112.10, plus pre-settlement

interest at the rate of 3.75% per annum from April 27, 2010 through November 1, 2011 (\$2,619.86), for a total of \$48,731.96.

10. Mr. Lonborg shall also pay the City the future cost of storing the *Spartan* for six months, in the amount of \$2,009.76.

11. In total, Mr. Lonborg shall pay the City the principal amount of FIFTY THOUSAND SEVEN HUNDRED AND FORTY-ONE DOLLARS AND SEVENTY-TWO CENTS (\$50,741.72). This principal amount shall be subject to an annual interest rate of 3.75%, from November 1, 2011, until paid in full.

12. Mr. Lonborg shall pay the above amount in 120 monthly payments of \$508.00. Beginning on December 1, 2011, payment shall be due to the City from Mr. Lonborg no later than the first of each month, with payment to be made by means of check or money order made payable and mailed to the City.

13. Mr. Lonborg shall retain ownership of the *Spartan* until its date of destruction and during that time shall be responsible for any liability incurred by the Vessel. However, Mr. Lonborg shall sign the Consent to Disposal attached hereto, granting the City the authority to destroy the Vessel at no cost to Mr. Lonborg. The Consent to Disposal is effective the date of its signing, and this Agreement is not effective until the Consent to Disposal has been signed.

14. Pursuant to the terms of the Consent to Disposal, Mr. Lonborg shall indemnify and hold the City harmless until September 1, 2012, for any loss or injury which may occur due to circumstances created by the Vessel. The City shall make all reasonable efforts to take dispose of or otherwise abate the *Spartan* completely and in a

timely fashion. All fixtures, equipment, or personal property aboard the *Spartan* shall be subject to destruction and/or disposal by the City.

15. Mr. Lonborg shall also sign the attached Confession of Judgment, entering judgment in the amount of \$50,741.72.

16. Mr. Lonborg must dispose of or otherwise remove all fuel aboard the *Spartan*, or previously removed from the *Spartan* but still on City property, within thirty (30) days of signing this Agreement. In the event that Mr. Lonborg has not removed the fuel after 30 days Mr. Lonborg relinquishes any rights he has to the fuel, and the City shall have the right to use, sell, or dispose of the fuel in any manner it sees fit.

17. In the event that a scrap company or other entity requires that the City hold title to the *Spartan* prior to the destruction and/or disposal of the vessel, Mr. Lonborg shall transfer ownership of the vessel to the City within seven (7) days of the City's request that he do so.

18. The parties hereby release any and all claims, counterclaims or third-party claims for any kind of loss or damages whatsoever, including, but not limited to, those claims or allegations pled, alleged or set forth or which could have or should have been pled, alleged or set forth in City of Cordova v. Terry Lonborg, Case No. 3AN-10-008191 CI, filed in the District Court for the State of Alaska, Third Judicial District, whether any such claims, counterclaims, or third-party claims are now existing, conditional or unconditional, liquidated or unliquidated, contingent or matured, known or unknown, suspected or unsuspected, disclosed or undisclosed. Each party shall bear their own attorney's fees and costs.

19. The parties do not release the right to any future action to enforce the terms of this Agreement, including, but not limited to, the requirements of Mr. Lonborg's monthly payment plan, and/or Mr. Lonborg's agreement to indemnify the City for loss or injury caused by the vessel.

#### REPRESENTATIONS

20. Each party hereto warrants and represents that the persons who execute this Agreement have full authority to do so.

21. The parties acknowledge that this Agreement is given for the purpose of terminating further controversy and litigation between the parties to this Agreement, and that none of the parties released admits any liability of any sort arising out of the claims that were, should or could have been stated against them, whether in the Litigation or otherwise.

22. The parties further warrant that they will neither individually nor in concert with others maintain or cause to be maintained any further demands, actions, claims, lawsuits, arbitrations, or other similar proceedings in any capacity whatsoever against any of the parties to this Agreement or against any other person or entity as a result of or pertaining to the acts or claims that were, should, or could have been stated or referred to in the pleadings in the Litigation or otherwise, saving any action to enforce this Agreement, as agreed to in ¶19 above.

23. The parties hereby represent and warrant that each understands that any and all parties, including, but not limited to, attorneys or other persons retained by a party for purposes of this Litigation will be paid and satisfied by the party against whom the person may have a claim.

24. The parties hereby acknowledge, represent, and warrant that they have not assigned and will not assign all or any part of any claims released herein to any other party.

25. The parties each warrant that they are familiar with and that their attorneys have explained the meaning of the decisions of the Alaska Supreme Court as they apply to this Agreement, including, but not limited to, *Alaska Airlines, Inc. v. Sweat*, 568 P.2d 916 (Alaska 1977), *Witt v. Watkins*, 579 P.2d 1065 (Alaska 1978), and *Young v. State of Alaska*, 455 P.2d 889 (Alaska 1969), and that they nevertheless intend this Agreement to discharge the parties released, from any liability for damages or claims caused, enhanced, aggravated, or contributed to with respect to the facts and claims that were, should, or could have been set forth in the Litigation or otherwise, whether such damages are subsequently discovered or are different in degree or kind than is now alleged, known, anticipated, or expected, saving an action to enforce this Agreement, as agreed to in ¶19 above.

26. In executing this Agreement, the parties do not rely upon any statement or representation made by any person, firm, or corporation hereby released, or by any agent or any other person representing them, concerning the nature, extent, or duration of any damages or losses resulting from the Litigation, or the legal liability thereof.

27. This Agreement may be executed in duplicate originals by each of the parties and, when executed by all of the parties, shall be effective as fully as if one original release had been signed by all of the parties.



28. This Agreement constitutes the entire agreement between the parties and supersedes all oral discussions, understandings, negotiations, and communications, and all prior correspondence, drafts, and courses of dealing.

29. The parties acknowledge that they have negotiated the terms of this Agreement, and that the rule that a document shall be construed most strictly against its drafter shall not apply.

30. The parties agree that the rule that any ambiguity in an agreement is construed against the drafter is hereby waived as to this Agreement.

31. All disputes arising under this Agreement shall be governed by the laws of the State of Alaska, and any litigation arising from such a dispute shall be instituted at the Alaska Superior Court for the Third Judicial District at Anchorage. Any dispute arising under the City's maritime lien on the *Spartan* shall be instituted in the federal district court for the District of Alaska.

32. THE PARTIES HEREBY DECLARE THAT THE TERMS OF THIS AGREEMENT HAVE BEEN CAREFULLY READ AND ARE FULLY UNDERSTOOD AND VOLUNTARILY ACCEPTED FOR THE PURPOSE OF MAKING A FULL AND FINAL COMPROMISE, ADJUSTMENT, AND SETTLEMENT OF ALL CLAIMS AGAINST ANY OTHER PARTY TO THIS RELEASE, DISPUTED OR OTHERWISE, ARISING OUT OF OR BASED UPON OR IN ANY WAY WHATSOEVER RELATED TO THE LITIGATION DESCRIBED ABOVE. THIS AGREEMENT CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES HERETO, AND THE TERMS OF THIS AGREEMENT ARE CONTRACTUAL AND NOT MERELY A RECITAL. THE SOLE CONSIDERATION IS THAT WHICH IS DESCRIBED ABOVE.

THE CITY OF CORDOVA

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ALASKA )

) ss.

THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the CITY OF CORDOVA, to me known to be the person described in and who executed the above and foregoing Settlement Agreement and Mutual Release of Claims on behalf of the City, and acknowledged that \_\_\_\_\_ signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year first above written.

Notary Public for Alaska

My commission expires: \_\_\_\_\_

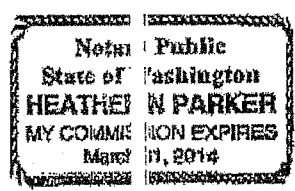
Nov 30 2011  
Date

Terry Lonborg  
TERRY LONBORG

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Thurston )

THIS IS TO CERTIFY that on the 30 day of November, 2011, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn as such, personally appeared Terry Lonborg, to me known to be the person described in and who executed the above and foregoing Settlement Agreement and Mutual Release of Claims and acknowledged that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year first above written.



[Signature]  
Notary Public for Washington  
My commission expires: March 31 2014

CONSENT TO DISPOSAL

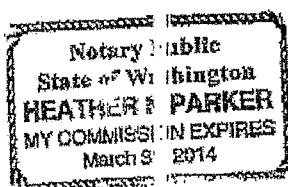
I hereby give the City of Cordova (the "City") permission to dispose of the M/V *Spartan*, Official No. 27101 (the "Vessel") in whatever way the City deems fit, including selling it for scrap or for other purposes, giving it to a party for dismantling, or otherwise destroying it. I am also abandoning all personal property or other items aboard the Vessel which are not a part of the Vessel. I will dispose of or otherwise remove from City Property all fuel aboard the Vessel within thirty (30) days of the effective date of the Settlement Agreement and Mutual Release of Claims between the parties. I will not hold the City of Cordova liable for any loss or injury which I may incur related to my prior or current ownership interest in the Vessel. I furthermore agree to indemnify and hold the City harmless until September 1, 2012, for any loss or injury which may occur due to circumstances created by the Vessel.

Nov 30 2011  
Date

Terry L. Long  
Terry Longborg

STATE OF WASHINGTON     )  
  ) ss.  
Thurston COUNTY     )

SUBSCRIBED AND SWORN to before me this 30 day of November, 2011, by Terry Longborg.



[Signature]  
Notary Public in and for Washington State  
My commission expires: March 31 2014

IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

CITY OF CORDOVA,

Plaintiff,

v.

TERRY L. LONBORG,

Defendant.

Case No. 3AN-10-08191 CI

CONFESSION OF JUDGMENT AFTER ACTION  
AND  
COVENANT NOT TO EXECUTE  
[Civil Rule 57(b)]

Defendant Terry Lonborg hereby confesses, assents and acknowledges judgment in favor of plaintiff City of Cordova as follows:

1. Mr. Lonborg shall pay the City of Cordova (the "City") a sum of FIFTY THOUSAND SEVEN HUNDRED AND FORTY-ONE DOLLARS AND SEVENTY TWO CENTS (\$50,741.72), pursuant to the terms of a Settlement Agreement and Mutual Release of Claims (the "Settlement Agreement") of this same date. Pursuant to the Agreement, Mr. Lonborg shall pay the above amount, with annual interest of 3.75%, in 120 monthly payments of \$508.00. Beginning December 1, 2011, payment shall be due to the City from Mr. Lonborg no later than the first of each month, with payment to be made by means of draft or check mailed to the City. In the event of default by Mr. Lonborg at any time, the full amount still owing the City shall be due within thirty (30) days of the default.

CONFESSION OF JUDGMENT AFTER ACTION/COVENANT NOT TO EXECUTE  
City of Cordova v. Lonborg

PAGE 1 OF 4

Exhibit A Page 14 of 14

HIRCH, HORTON, BITNER AND CHEROIT

ATTORNEYS AT LAW

1127 WEST SEVENTH AVENUE

ANCHORAGE, ALASKA 99501-3390

TELEPHONE (907) 278-1860 • FACSIMILE (907) 278-3680

2. The City will take no further steps to execute on the Settlement Agreement; or this Confession of Judgment if Mr. Lonborg timely makes all future payments until such time as the amount owed is paid in full.

3. Mr. Lonborg hereby confesses judgment in the City's favor and further consents to entry of an order granting judgment in favor of the City in the amount Mr. Lonborg has confessed pursuant to this Confession of Judgment.

4. No further action shall be necessary to enforce this Confession of Judgment on the terms stated in the Settlement Agreement.

5. Mr. Lonborg hereby acknowledges said obligation to be just, due and owing and that said obligation is subject to enforcement and collection by the City. Mr. Lonborg hereby further acknowledges that he is not entitled to any credits or offsets against the amount for which judgment is hereby confessed, and hereby assents to the entry of judgment upon this confession and to execution thereon, except that the parties acknowledge and agree that the City shall be bound by the "Covenant Not to Execute" set forth in Paragraph 6 of this Confession of Judgment.

6. The City agrees not to file this Confession of Judgment unless and until Mr. Lonborg fails to fulfill his obligations under paragraph 1 above and/or fails to fulfill his obligations as described in the parties' Settlement Agreement.

7. This document may be executed in any number of counterparts, each of which shall be deemed an original and together shall constitute a single document.

DATED this 30 day of Nov, 2011.

Terry Lonborg  
Terry Lonborg

VERIFICATION OF CONFESSION OF JUDGMENT

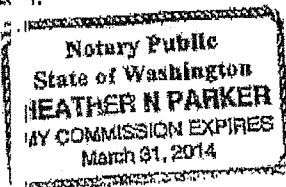
STATE OF WASHINGTON )  
COUNTY OF Thurston ) ss.

I, Terry Lonborg, as an individual, upon oath, depose and state: I am the defendant in the foregoing matter; I know the contents of this Confession of Judgment and believe the same to be true and just; there are no offsets or credits due me; and I authorize judgment to be taken against me in the amount and as set forth above.

Terry Lonborg  
Terry Lonborg

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 30 day of Nov, 2011, by Terry Lonborg, an individual, in Washington.



Heather N Parker  
Notary Public for Washington  
My commission expires: March 31, 2014

BIRCH, HORTON, BYTNER AND CHEROT  
ATTORNEYS AT LAW  
1121 WEST SEVENTH AVENUE  
ANCHORAGE, ALASKA 99501-3389  
TELEPHONE (907) 276-1560 • FACSIMILE (907) 276-3880

STATE OF ALASKA

55

### ASSENT TO CONFESSION OF JUDGMENT

## AND TO

### COVENANT NOT TO EXECUTE

I, \_\_\_\_\_ of the CITY OF CORDOVA, hereby consent to the foregoing Confession of Judgment executed by Terry Longorg, including the Covenant Not to Execute set forth in Paragraph 6 of this document.

## THE CITY OF CORDOVA

By:

इ

## ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, the \_\_\_\_\_ of the CITY OF CORDOVA, in \_\_\_\_\_, Alaska.

Notary Public for Alaska

My commission expires:

CONFESSIO N OF JUDGMENT AFTER ACTION/COVENANT NOT TO EXECUTE  
City of Carlsbad v. Lonborg  
F:\401777\182.02\15675.DOC

PAGE 4 OF 4  
Case No. 3AN-10-08191 (C)



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## A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

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DATE: November 23, 2011

TO: Mayor and City Council

SUBJECT: Parks & Recreation Commission; Planning & Zoning Commission;  
Library Board Appointments

---

There are multiple vacancies on three different City Boards & Commissions and the City Clerk's Office has advertised for letters of interest for about one month.

The Parks & Recreation Commission has one seat available as of December 1, 2011 (this seat will expire at the end of November 2014) – two interested citizens have written letters – Mayor Kallander has chosen to appoint Dan Reum.

The Planning & Zoning Commission has three seats available as of December 1, 2011 (one expires at the end of November 2013 and the other two expire at the end of November 2014) – 6 interested citizens have written letters – Mayor Kallander has chosen to appoint Tom Bailer to the seat that expires November 2013 and to reappoint Tom McGann and appoint Scott Pegau to the seats that expire November 2014.

The Library Board has three seats available as of December 1, 2011 (one expires at the end of November 2012 and the other two expire at the end of November 2014) – 5 interested citizens have written letters – Mayor Kallander has chosen to appoint Shannon Mallory to the seat that expires November 2012 and to reappoint Krysta Williams and Kay Groff to the seats that expire November 2014.

RECOMMENDED MOTION: Move to concur with Mayor Kallander's appointments as outlined in this memo.

REQUIRED ACTION: Majority voice vote.

NOEL PALLAS  
10/14/2011  
10/14/2011  
10/14/2011

Noel Pallas  
Box 1522  
Cordova, Ak.

Oct.14,2011

Mayor Kallander,

I believe that Parks and Rec. is integral to quality of life here in Cordova and I would like to volunteer for another 3 year term on the Commission.

Thank You

Noel Pallas

## Susan Bourgeois

---

**From:** [REDACTED]  
**Sent:** Sunday, November 13, 2011 3:58 PM  
**To:** Susan Bourgeois  
**Subject:** parks and recreation

Hi, Susan

I would like to formerly put my name in to be considered for the parks and recreation council member. I am a full-time resident of Cordova and have a vast amount of experience with park and recreation development.

My last town of Whitehall Montana I was involved in the building of 5 baseball fields which included all facets and budgets. While I was at the school as principal and athletic director we rebuilt the football field, installed two outside basketball courts, three tennis courts and playground for the kids.

I am acquainted with fundraising and some grant writing. I can send a more complete resume' if necessary. I believe Cordova has a good program going and I would like to see it continue this tradition.

Thank you for considering me.

Dan Reum

[REDACTED]  
907-439-5446

Hole in the Wall Carpentry  
Tom McGann  
One Cannery Row  
P.O. Box 1624  
Cordova, AK 99574  
ph. 907 424 3826 FAX 907 424 7751

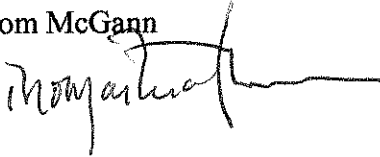
Susan Bourgeois  
City Clerk  
City of Cordova  
P.O. Box 1210  
Cordova, AK 99574

10 October 2011

Good Morning Susan,

This letter is to express my interest in serving another term on the Planning Commission.  
Thank you for your consideration.

Tom McGann

A handwritten signature in black ink, appearing to read "Tom McGann", with a long horizontal flourish extending to the right.

Dear City Clerk,

I would like to apply to be a board member of the Planning and Zoning Board for the City of Cordova. I am very interested in land use planning, and have previous board experience on the Ag and Forestry Board for the Mat Su Borough, and the Copper River Watershed Project. I do not have any conflicts of interest, and feel that I would be an asset to the Planning and Zoning Board.

Thank you very much.

Ellen Americus  
Oct 16, 2011

907-253-3276  
PO Box 1608  
Cordova, AK 99574

RECEIVED

OCT 20 2011

City of Cordova

Susan Bourgeois

October 19, 2011

City Clerk  
City of Cordova  
1210 Railroad Avenue  
Cordova, Alaska 99574

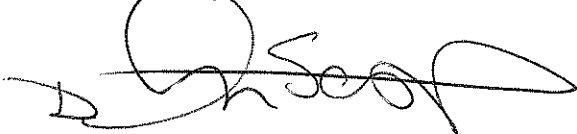
Mrs. Bourgeois;

Please accept this as an official Letter of Interest for a vacant seat on the Planning Commission.

I am interested in being a member of the Planning Commission and ask that you consider me for one of the current open seats. I am no stranger to the area having moved to Cordova sixteen years ago. As an interested member of our community, I would like to volunteer my time, skills, and talents to assist in planning the future of our town.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Scott", with a large circular flourish at the beginning.

Daniel L. Scott  
P.O. Box 380  
Cordova, AK. 99574

907-424-3251  
[cordovaexcavation@yahoo.com](mailto:cordovaexcavation@yahoo.com)

October 31, 2011

Dear Mayor Kallander,

I am writing to express my interest in serving on the Planning and Zoning Commission for another term. As a Commissioner for the last two years, I have learned much about the governance of our community from the perspective of codes and zoning laws. I have also enjoyed being a part of important decision-making for the community of Cordova.

While I do not bring extraordinary experience to the table, I do bring a different demographic and perspective that I feel is important in representing the long-term interests to this community.

I have struggled with whether or not I have enough time for this commitment considering that I have two businesses that occupy significant time during the year, commercial fishing being one of them. I only want to serve for the highest and greatest contribution to the Commission where needed.

In sum, I would be proud to serve again. I know my base of understanding and making long-term decisions for this community will continue to deepen and evolve.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Padawer', with a stylized, flowing script.

Lauren J. Padawer

PO Box 394  
Cordova, AK 99574  
907.424.4695

November 1, 2011


Dear Mr. Mayor,

I would like to be considered for service on the Planning and Zoning Commission. I have now lived in Cordova almost five years. I have children in the elementary and high schools and my wife has made it clear that we will remain in Cordova until they are out of school. It is clear that I will be here for a while and would like to help serve the community that I am part of. I believe that I have skills to bring to the Planning and Zoning Commission that make it an appropriate way for me to serve the community.

I grew up in a small town in Alaska (Nome), which grew in a haphazardly manner. This lack of planning made for a relatively inefficient community with many important centers strewn randomly throughout the town. I believe that a better community could have been achieved with some forethought about how to build the community. I see Cordova as a much more efficient (and enjoyable) community, but it too needs to keep an eye out for future growth if it is to retain its level of functionality.

As the Research Program Manager for the Oil Spill Recovery Institute it is my job to look to the long-term needs of the spill response community and find the short-term projects that allow us to achieve those long-term needs. Many times this requires several small projects that are connected in the appropriate manner to reach that goal. I believe that it is this ability to set long-term goals and see how short-term decisions allow us to achieve those goals that makes me suited for serving on the Planning and Zoning Commission.

I await your decision.



W. Scott Pegau  
Box 2126  
Cordova, AK  
907-424-7785

RECEIVED  
NOV 01 2011  
City of Cordova

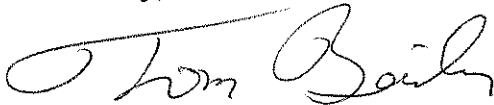


November 29, 2011

To Whom It May Concern:

I am currently on the Planning and Zoning Committee and my term is due to expire. Please consider this to be my letter of interest to run for the 2-year seat on this committee.

Sincerely,

A handwritten signature in cursive script that reads "Tom Bailer". The signature is written in dark ink and is positioned above the printed name.

Tom Bailer

RECEIVED  
NOV 30 2011  
City of Cordova

## Susan Bourgeois

---

**From:** Wendy Armstrong [REDACTED]  
**Sent:** Monday, October 24, 2011 12:41 PM  
**To:** Susan Bourgeois  
**Subject:** Letter of Intent for Library Board

Dear Mayor Kallander;

I would like to formally submit my letter of interest for an appointment to sit on the Library Board. I am currently the main Librarian at the Mt. Eccles Elementary School and would like the opportunity to tie the public library and the elementary library together. I also, as a business owner, and Board Of Director for the Chamber of Commerce, have a vested interest in the success of the new Cordova Center facility and would like to see the Library's main interest upheld.

My son and I are weekly patrons of the Public Library and I feel that it is a very important facility and service to Cordova.

Thank you for your time and consideration.

Wendy Armstrong Ranney  
907-424-3578  
PO Box 21  
Cordova, AK 99574

[REDACTED]

## Susan Bourgeois

---

**From:** Verna Reed [REDACTED]  
**Sent:** Sunday, October 30, 2011 7:16 PM  
**To:** Susan Bourgeois  
**Subject:** Library Board

Susan,

Please consider me for the library board to be appointed by the city council. Also please let me know if there is anything else I need to do to be considered. Thank you.

Verna

Verna Reedy  
P. O. Box 1003  
Cordova, AK 99574  
Work Phone: 424-3265  
Home Phone: 424-3060

## Susan Bourgeois

---

**From:** [REDACTED]  
**Sent:** Thursday, November 10, 2011 2:20 PM  
**To:** Susan Bourgeois  
**Subject:** Library Board

I am writing to express my interest in serving on the City of Cordova Library Board. Please contact me if you have further question. You can call me at the bank 424-3258 or my home phone 424-3244.

Thank you,

Shannon Mallory

Store Manager  
Cordova Store

Wells Fargo Bank, N.A. | 515 Main Street | Cordova, AK. 99574 | MAC K3221-011 | Tel: 907/424-3258 | Fax: 907/424-5758

[REDACTED]

*This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.*

## Susan Bourgeois

---

**From:** Williams, Krysta D (DFG) [REDACTED]  
**Sent:** Tuesday, November 15, 2011 4:14 PM  
**To:** Susan Bourgeois  
**Subject:** Library Board

Dear Ms. Bourgeois,

I have enjoyed serving on the library board these past years and am interested in continuing for another term,

*Krysta Williams*

Fisheries Biologist I  
Cordova Otolith Lab  
Alaska Department of Fish & Game

PO Box 669  
401 Railroad Avenue  
Cordova, AK 99574  
907-424-3212 phone  
907-424-3235 fax

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

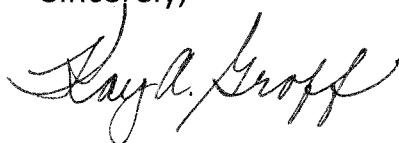
Kay A. Groff  
P.O. Box 911  
Cordova, Alaska 99574  
November 19, 2011

Susan Bourgeois  
City Clerk  
City of Cordova  
P.O. Box 1210  
Cordova, Alaska 99574

To Whom It May Concern,

My term on the Library Board terminates this month. I would like to continue to serve in this capacity. My background in education which includes twenty-two years of teaching primary grades at Mt. Eccles Elementary School as well as serving as a current director, trainer and Faculty Senate member for the Slingerland Institute for Literacy in Bellevue, Washington provides me with a knowledge base for service on the Library Board. I am enthusiastic about the Cordova Library's new home in the Cordova Center and wish to work and serve as part of this transition.

Sincerely,

A handwritten signature in cursive script that reads "Kay A. Groff". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kay A. Groff



City of Cordova  
602 Railroad Ave.  
P.O. Box 1210  
Cordova, Alaska 99574  
Phone: (907) 424-6200  
Fax: (907) 424-6000  
Email: [citymanager@cityofcordova.net](mailto:citymanager@cityofcordova.net)  
Web: [www.cityofcordova.net](http://www.cityofcordova.net)

# CITY OF CORDOVA

## *Office of City Manager*

November 30, 2011

Memo to City Council  
Re: Arvidson Utility Dispute

I am enclosing a letter sent to me dated November 3, 2011 from Joe Arvidson and the related attachments, and my response to Mr. Arvidson sent November 15, 2011. Also included is response between the Clerk's office and Mr. Arvidson.

In Mr. Arvidson's current letter to Council dated November 28, 2011 wherein he appeals my denial of his dispute I see he asks for two remedies. One is a refund of the bill he paid, and the second is a change in current City Code. However, in Mr. Arvidson's earlier letter from November 18, 2011 he also stated that he expects the City to install a new water main and water shutoff valve on Third Street.

As I pointed out to Mr. Arvidson in my response, our City Code is entirely lawful under the Alaska State Constitution concerning Home Rules cities. Additionally, I would point out that Cordova is not the only municipality in Alaska with utility code that places responsibility on the property owner for their service line to the main. If Council chooses to look at changing our code I would recommend that the matter be referred to Staff and/or Planning & Zoning for further study.

Concerning Mr. Arvidson's request to be refunded the charge for repairing his service line, I recommend that the charge not be refunded. Other property owners have been paying similar charges under our code, and it would be unfair to those who have paid their charges to allow a customer under the same code to not pay their repair and shift those charges to the other users of the utility. Mr. Arvidson refers to "the City" as the entity that should pay for the repair to his service line, but in reality it will be the other customers of the water utility who will share in paying his bill. It is important to remember that Mr. Arvidson's repair was made under our existing code, and our current code clearly says the cost of repair is to be paid by the property owner. In my opinion the "fair" way to handle this is to enforce our code as it now exists, and then look at potentially changing code in the future if Council decides the current code does not fit the needs of our residents.

Thank you,

Mark Lynch  
City Manager

November 28, 2011

Susan Bourgeois  
City Clerk  
City of Cordova  
P.O. Box 1210  
Cordova, Alaska 99574

RE: Water pipe repair bill and request to be put on City Council Agenda for next council meeting.


Dear Susan:

The City Manager denied my request for a refund from a bill I received and paid under protest from the city for a water pipe repair in the amount of \$2,223.13. *(See Attached)* Therefore, I am once again requesting to be put on the city council agenda for the next meeting. I have two requests for the council members:

1. I would like a full refund of the \$2,223.13 I paid for the repairs.
2. I would like the city to change the section of code that controls this issue. Curbside responsibility is reasonable; the current section is outrageous and discriminatory.

I hope to have council vote on issue number 1 at the meeting.

Thank you,



Joe Arvidson  
P.O. Box 1696  
Cordova, AK 99574

Attachments: Letter of Denial from City Manager Mark Lynch





## CITY OF CORDOVA

### Office of City Manager

City of Cordova  
602 Railroad Ave.  
P.O. Box 1210  
Cordova, Alaska 99574  
Phone: (907) 424-6200  
Fax: (907) 424-6000  
Email: [citymanager@cityofcordova.net](mailto:citymanager@cityofcordova.net)  
Web: [www.cityofcordova.net](http://www.cityofcordova.net)

November 15, 2011

Joe Arvidson  
P.O. Box 1696  
Cordova, AK 99574

Mr. Arvidson,

I received your letter dated November 3, 2011 concerning your appeal of special utility charges as allowed by City Code 14.04.100(B). I have reviewed your case and I am sending this letter as a response to your appeal within the 10 working day limit established in that same section of Code.

I see from the documents that you enclosed that you have seen the section of Code that requires you to submit any dispute concerning utility billing directly to the City Manager not later than the third billing period after the billing period you are disputing, and explain the reasons why you feel the billing is in error. I do not see where you contest the amount of the billing, but you appear to contest the fairness of the bill. As I am sure you are aware, I do not make code, nor does it matter if I agree with Code. My job is to enforce the Code that Council enacts and the rates they set. I have no authority to change Code. I appreciate that you have sent copies of Codes from other Alaskan cities, but they have no bearing on my decision or my duty to enforce Cordova Code as it now exists.

Under our Code a dispute clearly must be filed directly with the City Manager in order to start the process described in CMC 14.04.100, in which we are now involved. I am sure you realize the importance of adhering carefully to our laws and the process set forth therein. These laws are not new, and all residents of our community have been abiding by them for years. Since I have been in Cordova as City Manager I have made it a top priority to treat all residents equally and fairly. Fairness to all our residents dictates that I enforce our City Code and our utility repair fees as established annually by Council on our fee schedule, since not doing so would place an unfair burden on utility customers as a whole.

CMC 14.04.070(F) is very clear concerning the responsibility of the customer to maintain and repair water and sewer line connections:

*The customer is responsible for repairing and maintaining each connection by which the customer receives city water or sewer service. If the customer does not perform any necessary repair or maintenance of a connection, the city, upon twenty-four hours' written notice, or immediately if the public health requires it, may commence such repairs and maintenance and charge the costs thereof to the customer.*

Cordova is a Home Rule municipality, and under Article X, Section 11 of the Alaska Constitution "may exercise all legislative powers not prohibited by law or by charter." I am aware of no provisions of State law or the City's Charter that prohibits the City's adoption of the rule in CMC 14.04.070(F) making the customer responsible for repairs of the entire water connection between the water main and the customer's premises.

After reviewing your dispute it seems clear that Cordova's Code was properly followed and the billing was correctly calculated. Therefore, your request for a refund is respectfully denied.

Thank you,

Mark Lynch  
City Manager

#### **14.04.100 - Billing errors and disputes.**

A. The city will correct any utility billing error which it discovers or of which it is given notice not later than the end of the third billing period after the billing period in which the error occurred. The city shall refund any resulting overpayment to the customer, and bill the customer for any resulting underpayment.

B. A customer may contest the amount of any utility service charge not later than the end of the third billing period after the billing period for which the contested amount was charged, by written notice to the city manager identifying the bill on which the contested amount appeared, stating the amount that is contested, and stating the reasons why the customer believes the contested amount to be in error. The city manager shall respond to a timely notice contesting a utility charge within ten working days after receiving the notice. A customer that is dissatisfied with the city manager's response may submit the matter to the city council at its next regular meeting occurring at least ten working days after the date of the city manager's response. The decision of the city council on a disputed utility charge shall be final.

**CITY OF CORDOVA**

602 Railroad Ave

PO Box 1210

Cordova AK 99574

Phone: 907-424-6200 Fax:

**INVOICE**

Date	Number	Page
09/08/2011	477	1

**Bill To:** Arvidson, Joe and Margaret  
P.O.Box 1696  
Cordova AK 99574

**Customer No.** 1299**Contact:****Terms:** Open Terms

Quantity	Description	Unit Price	Net Amount
1	Water leak repair due to electrolosis	2,097.29	2,097.29
1	SALES TAX	125.84	125.84
		<b>Amount</b>	2,223.13
		<b>Freight</b>	
		<b>Balance Due</b>	<u>2,223.13</u>



# Service Work Order

Public Works Department

City of Cordova  
602 Railroad Avenue  
Cordova AK 99574  
Ph: 907-424-6200

[www.cityofcordova.net](http://www.cityofcordova.net)

Division: Water Work Order No: 072811JMA  
Billing Address: P.O. Box 1696 Date Requested: 7/28/2011  
Address of Work: 710 Third St. Date Completed: 7/28/2011  
Customer Name: Joe & Margaret Arvidson Account #: 129301  
Requested By: Malvin Fajardo

**NOTE: Clearly explain to customer that they will be responsible for payment of charges.**

## DESCRIPTION OF WORK:

Water leak repair due to electrolosis (corrosion). Note labor for Malvin & Joel not charged.

Worker Name	Regular Hours	Overtime Hours	Hourly Rate	Total
Brian Arnold	4.00	0.00	\$ 67.00	\$ 268.00
Kris Conway	4.00	0.00	\$ 67.00	\$ 268.00
	0.00	0.00	\$ -	\$ -
Malvin Fajardo	2.00	0.00	\$ -	\$ -
Joel Felix	2.00	0.00	\$ -	\$ -
	0.00	0.00	\$ -	\$ -
Equipment	Hours		Hourly Rate	
Plate compactor	1.00		\$ 65.00	\$ 65.00
1.5" pump	1.00		\$ 75.00	\$ 75.00
	0.00		\$ -	\$ -
	0.00		\$ -	\$ -
Materials / Services	Number Each		Cost Each	
1" copper / foot	3.00		\$ 6.05	\$ 18.15
1" compression fitting	2.00		\$ 35.33	\$ 70.66
	0.00		\$ -	\$ -
Eagle Contracting (see attached for detalis)	1.00		\$ 1,332.48	\$ 1,332.48
	0.00		\$ -	\$ -
Sub Total				\$ 2,097.29
6% Sales Tax				\$ 125.84
Please pay this amount: <b>GRAND TOTAL</b>				<b>\$ 2,223.13</b>

Customer

Approval: \_\_\_\_\_

(signature)

Date: \_\_\_\_\_

## CITY USE ONLY

Review Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

*Malvin Fajardo*

Billing Date: 8/25/2011

AR# 1299



Eagle Contracting Corporation  
P.O. Box 1128  
Cordova, AK 99574  
(907)424-7702

# Invoice

DATE INVOICE #  
8/3/2011 8132

## BILL TO

City Of Cordova  
PO Box 1210  
Cordova AK 99574

QTY	DESCRIPTION	P.O. NO.	TERMS	PROJECT	RATE	AMOUNT
			Net 15	Water Dept. Repair on 3rd // ...		
2	Peterbilt Black 86 Dump Truck w/LB-1 MOBE E-5 to from site 7/28/11				140.00	280.00
3.5	Hitachi Excavator EX 75 Dig Broken Waterline 7/28/11				125.00	437.50
1	Volvo L120 Loader Deliver Fill 7/28/11				125.00	125.00
	subtotal					842.50
	Fuel surcharge 20%				168.50	168.50
12	Screened Aggregate from Eagle Yard				26.79	321.48

RECEIVED

Arvidson water leak  
@ 3rd st.  
AUG 05 2011  
City of Cordova

504-402-54020

\$1,332.48 per  
8/10/11

Interest of 1.5% per month will be charged on all past due invoices  
k.a.b.

Total	\$1,332.48
Payments/Credits	\$0.00
Balance Due	\$1,332.48

CARL J ARVIDSON  
MARGARET R ARVIDSON  
PO BOX 1696  
CORDOVA, AK 99574-1696  
PH 907-424-5466

WELLS FARGO BANK, N.A.  
www.wellsfargo.com  
89-5/1252

3741

10/18/2011

PAY TO THE  
ORDER OF

City Of Cordova

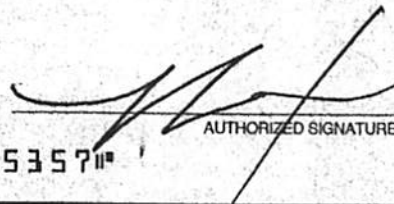
\$\*\*2,223.13

Two Thousand Two Hundred Twenty-Three and 13/100 \*\*\*\*\* DOLLARS

City of Cordova  
P.O. Box 1210  
Cordova, Alaska 99574

MEMO

PAID UNDER PROTEST-EXPECT REIMBURSED

  
AUTHORIZED SIGNATURE

⑈000000374⑈ ⑆125200057⑆ 6375025357⑈

Details on Back

Security Features Included

CITY OF CORDOVA  
UTILITY SERVICES OFFICE  
P.O. BOX 1730 CORDOVA, AK 99574  
(907) 424-6212

## SHUT-OFF NOTICE

DATE 10/14/11 MTR. NO.  
ACCT. NO. 1229  
NAME Joe & Margaret Arvidson  
SERVICE ADDRESS  
710 Third Street

Payment on this account must be  
received on or before October 21st  
at 11:00 a.m. If full payment is  
not received your services will be  
discontinued.

WATER SERVICE WILL BE SHUT OFF DUE  
TO DELINQUENT UTILITY ACCOUNT.

PETERSBURG CITY CODE  
CHAPTER 14.04 WATER

14.04.010 - Delivery of supply.

The city will exercise reasonable diligence and care to deliver a continuous and sufficient supply of municipal water to all users at a proper pressure and to avoid any shortage or interruption in delivery. The city will exercise reasonable diligence to supply safe and potable water at all times.

(Ord. 874 § 3 (part), 2005)

**14.04.020 - Ownership of system and equipment—Service and maintenance.**

- A. All water mains, valves, fittings, hydrants, meters and other equipment and appurtenances, except individual customer service lines that bring the municipal water supply from the property line to a structure, shall be the property of the city. The city will not pay rent or any other charges for meters or other water facilities, including housings and connections, located on private or public property.
- B. The city shall maintain the water system up to individual property lines and the maintenance shall be performed by authorized employees or agents of the city.
- C. The location of meters and service lines shall be at the discretion and approval of the public works director.
- D. Individual property owners shall own, install and maintain service lines from property lines to structures. Leaking service lines, frozen lines and all other water supply problems located between the property line and the structure are the sole responsibility of the customer and/or property owner.
- E. Customers and/or property owners are responsible for properly locating service lines and establishing right-of-way boundaries, property lines, obtaining easements and state right-of-way permits, if necessary, for the installation of water mains and service lines.

(Ord. 874 § 3 (part), 2005)

## SOLDOTNA, AK CITY CODE

## CHAPTER 13.08 WATER SYSTEM

## 13.08.010 - Definitions.

The following definitions apply to this chapter:

- A. "Fire-protection service line" means the complete service line, six inches or greater, connecting the main with the building for the purpose of fire protection only.
- B. "Tap" means the cutting or drilling of an opening in the main and attaching a saddle and/or corporation stop.
- ☒ C. "Water connection" means the entire portion of the property owner's water service line connecting the water main with the curb stop, which is located on the lot line of abutting property.
- D. "Water hookup" means the process of installing the complete water service line from the main to the building.
- E. "Water main" means that part of the city water distribution system intended to serve more than one water connection within the public right-of-way or easement.
- F. "Water service line" means the entire property owner's water service line connecting the water main with the plumbing system to the building being served.
- ☒ G. "Water supply line" means that portion of the property owner's water service line connecting the curb stop with the plumbing system to the building being served.

(Ord. 266 § 1 (part), 1982)

## 13.08.020 - Installation of water connection and water supply line—Permit required—Fee.

- A. All water connections shall be installed and mains tapped by a contractor licensed by the state. As a prerequisite to commencing any work on the utility, the contractor shall furnish:
  - 1. Contractor's license (state of Alaska);
  - 2. Proof of workmen's compensation insurance, if required by law;
  - 3. A bond in the amount of five thousand dollars;
  - 4. Other proof of capability to perform such work as required by the public works director.
- B. The party or parties installing the water supply line need not meet the requirements of a bonded contractor as outlined above, but they shall make the city aware of their capabilities to perform such work. Those installing this portion of the water service line will, however, be required to meet the same material and workmanship qualifications required of the bonded contractor.
- C. No person, firm or corporation shall be allowed to install a water connection or tap into the main without first obtaining a written permit from the city. A connection fee for such permit will be based on the diameter of the line and shall be as prescribed by the city council. A connection fee for the water connection that lies between the main and the curb stop must be paid at the time of installation of the water connection or when a building permit is issued. Additional inspection fees are spelled out under inspection, Section 13.08.060 of this chapter. This permit shall be approved by the public works director or his designee before issuance to the contractor. Application shall be made in person at the city hall.

(Ord. 365 § 1, 1985; Ord. 266 § 1 (part), 1982)

## 13.08.070 - Maintenance.

- A. Customers will be responsible for the repair of the complete water service line as a result of freezing, maintenance, and repairs.
- ☒ B. The city will be responsible for the repair of damages resulting from freezing for water mains only.
- ☒ C. The city will be responsible for the repair of damages to the water connection excluding damages resulting from freezing.
- ☒ D. Customers will be responsible for the repair of damages to the water supply line.
- E. Maintenance responsibility by the bonded contractor is outlined in Section 13.08.050 of this chapter.

(Ord. 266 § 1 (part), 1982)

(Ord. No. 2011-016. § 2. 5-25-2011)

From Curb to house.

From water main to curb stop is abutting property.



SEWARD, AK CITY CODE  
CHAPTER 14.10 WATER

**14.10.010. - Nature of services offered.**

The city shall provide water service within the city limits.

(Ord. 504, 1982)

**14.10.015. - Ownership.**

- (a) The city owns and maintains the water service connection from the main, including the service line, thaw wire and the key box. The city has the exclusive right to control the flow of water by operation of the key box.
- (b) The line between the key box and the premises shall be installed and kept in repair by the customer who shall be responsible for all breaks in said line and for any damages resulting incidentally therefrom (see section 12.05.025 as to adoption of Uniform Plumbing Code).

(Ord. 504, 1982)

**14.10.020. - Key box, thaw wire and shut-off valve.**

- (a) The customer is responsible to know the location of his key box and thaw wire, and will be liable for any costs incurred in locating or repairing them when damage is caused by the negligence of the customer or those acting on his behalf. Such negligence shall include the customer's failure to apprise persons whom the customer knows or should know might damage the key box and thaw wire if not told of their location.
- (b) All persons receiving service from the city shall provide a separate shut-off valve inside the building and located on the service line entering the building ahead of any branch lines and readily accessible in an emergency.
- (c) Key boxes and thaw wires shall be located once without charge for each location of service. A charge may be levied for subsequent locations of service as provided by resolution.

(Ord. 504, 1982)

**14.10.025. - Installation of water connections.**

- (a) Water connection from the main to the key box shall be installed by the city upon application for such service, submission of a building permit and payment of established fees for such connection.
- (b) Plans for all new water and sewer lines and connections must be approved by the city, and the completed lines must be inspected by the city prior to burial.
- (c) An approved application and any applicable service charges shall be required to make any alterations in any conduit, pipe, or other fitting or to turn water service off or on at the key box. The customer is responsible for any damage resulting therefrom.
- (d) Water connections larger than two inches may be installed by special agreement at actual cost to the customer. No water connection shall be longer than 80 feet. Water connections shall be installed on city property or easement.

(Ord. 504, § 1.)

CORDOVA CODE  
TITLE 14 PUBLIC SERVICES  
CHAPTER 14.04 UTILITIES

**14.04.070 - Water and sewer connections.**

- A. No person may excavate, alter, disturb, connect to, or disconnect from, any city water or sewer main except as permitted under this section.
- B. No person may connect any facility to the city water or sewer system without first obtaining a permit therefore and paying the applicable connection fee under this title. The owner of the facility or the owner's agent shall apply for the permit on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. There shall be two classes of sewer connection permits:
  - 1. For residential and commercial service; and
  - 2. For service to establishments producing industrial wastes.
- C. No person may change any facility that is connected to the city water or sewer system in a manner that increases substantially the facility's demand for water or sewer utility service without first paying the applicable expansion fee under this title.
- D. The city shall construct at the customer's expense any stub-in to a city water or sewer main that is required to provide service to the customer. The city will commence construction only after receiving from the customer the connection fee required under this title and a deposit equal to the city's estimate of the construction cost. The city will determine the actual cost of construction after the construction is completed. If the amount of the customer's deposit exceeds the actual cost, the city shall refund the excess to the customer. If the actual cost exceeds the amount of the customer's deposit, the customer shall pay the excess to the city before the customer will be permitted to connect to the main.
- E. The customer shall construct any required connection at the customer's expense, in conformity with the city's standard specifications, or the owner may request that the city install the connection at the customer's expense. If the customer will construct the connection, the customer may commence construction only after paying to the city the connection fee required under subsection (B) of this section, the cost of any necessary stub-in to the water or sewer main as provided in subsection (D) of this section, and the fee prescribed by the city for inspecting the connection construction. If the city will construct the connection, the city will commence construction only after receiving from the customer the fees and costs described in the preceding sentence, plus a deposit equal to the city's estimate of the construction cost. The city will determine the actual cost of construction after the construction is completed. If the amount of the customer's deposit exceeds the actual cost, the city shall refund the excess to the customer. If the actual cost exceeds the amount of the customer's deposit, the customer shall pay the excess to the city before the city will commence utility service.
- F. The customer is responsible for repairing and maintaining each connection by which the customer receives city water or sewer service. If the customer does not perform any necessary repair or maintenance of a connection, the city, upon twenty-four hours' written notice, or immediately if the public health requires it, may commence such repairs and maintenance and charge the costs thereof to the customer.
- G. If the city finds that a facility has been connected to the city water or sewer system without payment of the applicable connection or expansion fee, the city at any time may determine and assess the applicable connection or expansion fee that is in effect at the time of the assessment, plus interest from the date of the connection or expansion until payment at a rate of ten percent per annum or the highest legal interest rate, whichever is less.

(Ord. No. 1042, § 2. 5-20-2009)

**14.04.100 - Billing errors and disputes.**

- A. The city will correct any utility billing error which it discovers or of which it is given notice not later than the end of the third billing period after the billing period in which the error occurred. The city shall refund any resulting overpayment to the customer, and bill the customer for any resulting underpayment.
- B. A customer may contest the amount of any utility service charge not later than the end of the third billing period after the billing period for which the contested amount was charged, by written notice to the city manager identifying the bill on which the contested amount appeared, stating the amount that is contested, and stating the reasons why the customer believes the contested amount to be in error. The city manager shall respond to a timely notice contesting a utility charge within ten working days after receiving the notice. A customer that is dissatisfied with the city manager's response may submit the matter to the city council at its next regular meeting occurring at least ten working days after the date of the city manager's response. The decision of the city council on a disputed utility charge shall be final.

(Ord. No. 1042, § 2. 5-20-2009)

CORDOVA CODE  
TITLE 14 PUBLIC SERVICES  
~~CHAPTER~~ 14.08 WATER SERVICE

14.08.070 - Water connection required.

The owner of any structure used for human occupancy that is located on a lot adjacent to a street, alley or right-of-way where a city water main is located not more than one hundred fifty feet from the nearest point at which the lot adjoins the street, alley or right-of-way must cause the structure to be connected to the water main at the owner's expense within ninety days after official notice to do so.

(Ord. No. 1042, § 3, 5-20-2009)

October 18, 2011

Susan Bourgeois  
City Clerk  
City of Cordova  
P.O. Box 1210  
Cordova, Alaska 99574

RE: Water pipe repair bill and request to be put on City Council Docket for next council meeting.

Dear Susan:

I received a bill in the amount of \$2,223.13, from the City Public Works Department, charging me for the City repairing a broken water pipe way up the street from my house. The broken pipe was located on Third Street between Lake Avenue and the grade school. I do not believe that I should be responsible for paying for this water line repair. I have paid the bill under protest because the City threatened to turn off the water to my home if I did not, but I expect the city to reimburse me in full for this payment in a very timely fashion.

I am being discriminated against because I live in an area of town that the City has not installed water turn on/off valves abutting my property. I expect the city to install one of these valves on, or near, my property line in the near future just like the City has done for many of the other homes in Cordova. I also expect the City to provide a main water line down Third Street that I can tap into. The City recently chip sealed Third Street just before the leak occurred and had a lot of heavy machinery running up and down the street over the summer while remodeling the grade school. This wear and tear by heavily loaded dump trucks and the chip seal pounding probably damaged or in the very least increased the speed of deterioration of the water line. This is just one more reason the City should pay to fix the water line.

Please provide this letter to all the members of the City Council and please put this on the agenda for the next meeting. I am currently in Southeast crabbing but will be home soon and look forward to discussing this issue, getting my payment refunded and getting a water valve and new water main line put in front of my home.

Thank you,

Joe Arvidson  
P.O. Box 1696  
Cordova, AK 99574

## **PENDING AGENDA**

Capital Priorities List Meeting – **December 2011, March 2012, June 2012, September 2012, December 2012** (should we do this December 21, 2011)

### **Committees:**

Cordova Center Committee: Tim Joyce, Sylvia Lange, VACANCY, Darrel Olsen, Larue Barnes, VACANCY, Valerie Covell, David Roemhildt, Dan Logan, Nancy Bird, and Cathy Sherman

Fisheries Advisory Committee: David Reggiani, PWSAC; Ken Roemhildt, Seafood Sales; Jim Holley, AML; Torie Baker, Marine Advisory Program Coordinator; John Bocci; and Jeremy Botz, ADF&G

Cordova Trails Committee: Elizabeth Senear, VACANCY, Jim Kallander, Toni Godes, and David Zastrow

Public Services Building Design Committee: David Reggiani - Chairman, Chief Bob (Griffiths), Martin Moe, Jim Kacsh, Dick Groff, Mike Hicks, Tom Bailer

# December 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Location Legend CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib				1  —Clerk Vac—	2  —Clerk Vac— —BoF (Vdz)—	3  —BoF (Vdz)—
4  —BoF (Vdz)—	5  —BoF (Vdz)—	6  —BoF (Vdz)—	7  7:00 pub hrg LMR 7:30 reg mtg LMR —BoF (Vdz)—	8  City Employee Christmas Party	9  City Employee Christmas Party	10  City Employee Christmas Party
11  —BoF (Vdz)—	12  —BoF (Vdz)—	13 5:30 Prks & Rec LMR P&Z Commission Mtg 7pm CH	14 Hrbr Cms 7pm CH HSB 7pm LMR Sch Bd 7pm HSL	15  —BoF (Vdz)—	16  —BoF (Vdz)—	17  —BoF (Vdz)—
18  —BoF (Vdz)—	19  —BoF (Vdz)—	20  —BoF (Vdz)—	21 7:15 pub hrg LMR 7:30 reg mtg LMR	22  —BoF (Vdz)—	23  —BoF (Vdz)—	24  —BoF (Vdz)—
25  —BoF (Vdz)—	26 Christmas holiday— City Hall Offices Closed	27  —BoF (Vdz)—	28  —BoF (Vdz)—	29  —BoF (Vdz)—	30  —BoF (Vdz)—	31  —BoF (Vdz)—

# January 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 New Years holiday— City Hall Offices Closed	3	4 7:15 pub hrg (maybe) LMR 7:30 reg mtg LMR	5	6	7
8	9 MLK Jr. holiday— City Hall Offices Closed	10 <b>Decl of Candidacy opens for Mar elec</b> 5:30 Prks & Rec P&Z Commission Mtg 7pm CH	11 Hrbr Cms 7pm CH HSB 7pm LMR Sch Bd 7pm HSL	12	13	14
15	16	17	18 7:15 pub hrg (maybe) LMR 7:30 reg mtg LMR	19	20	21
22	23	24	25	26	27	28
29	30	31				Location Legend CH—City Hall Confer- ence Room LMR—Library Meeting Room HSL—High Sch Lib

# February 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Location Legend CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib			1 Clerk vaca——  7:15 pub hrg (maybe) LMR 7:30 reg mtg LMR	2 —————	3 —————	4
5 <b>SUPERBOWL SUNDAY</b>	6 Clerk vaca——	7 ————— <b>Decl of Candidacy closes for Mar elec</b>	8 —————  Hrbr Cms 7pm CH HSB 7pm LMR Sch Bd 7pm HSL	9 —————	10 —————	11
12	13 Clerk vaca——	14 ————— 5:30 Prks & Rec LMR P&Z Commission Mtg 7pm CH	15 —————  7:15 pub hrg (maybe) LMR 7:30 reg mtg LMR	16 —————	17	18
19	20 Presidents' Day—City Hall Offices Closed	21 Absentee voting in person at CH—thru 3/5/12	22	23	24	25
26	27	28	29			Location Legend CH—City Hall Conference Room LMR—Library Meeting Room HSL—High Sch Lib